

healthcare. Unfortunately, what I have seen on the other side of the aisle and in this administration is that they are fighting to take it away. There is a clear distinction between the two, and I think the American public is tired of it.

We all should be working in a bipartisan way to make sure that everyone in this country has access to affordable healthcare. I will continue to vote for comprehensive and affordable healthcare in this country, and I will continue pushing to strengthen the Affordable Care Act and reduce prescription drug costs for Nevadans. I will keep fighting to ensure that Americans stay safe and healthy, and I will assure you that I will keep talking to my colleagues so that, hopefully, one day we will be fighting for the same thing, which is to ensure that everyone in this country, no matter your background or where you live, has access to affordable healthcare when you need it—when you need that coverage and you want to protect a loved one.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

PRESIDENTIAL PARDONS

Mr. REED. Mr. President, I rise today to express my concerns about the President's recent interference in war crimes cases involving members of the U.S. military and the President's inappropriate public statements regarding these cases.

The President has the power to pardon, but he has a responsibility to use that power wisely, not recklessly. The way he has gone about it in this instance does a real disservice to our troops and the entire American military justice system.

Good order and discipline are critical and time-honored traits of the U.S. military, not only to enable military readiness and effectiveness but also to ensure that military men and women remain firmly tethered to our Nation's moral and ethical principles in the most demanding wartime environments.

A few have argued that the President has the authority to pardon, but that is a false defense. The issue is that the President's intervention in these cases sends a damaging message to the world, our adversaries, and, most importantly, our men and women in uniform. The Commander in Chief's actions should make us safer and stronger in the world, but President Trump's actions do not.

The cases in which the President intervened fall far outside of the norm. The President's pardon authority has traditionally been reserved for non-violent infractions, including draft evasion and desertion. I am aware of no other instance in which a President has intervened to grant clemency for violent crimes committed while in uniform, especially for war crimes including murder.

Especially concerning is the President's decision to intervene in a case

prior to its even going to trial—an action that I believe is an insult to our entire system of military justice.

Just this morning, the President again intervened—via tweet—to stop a Navy administrative review process that could have resulted in the removal of a servicemember from the Navy SEALs, despite the fact that the servicemember was previously found guilty of posing for photos with a dead ISIS fighter. We must expect more from our military men and women, especially those in our Special Operations forces.

Regrettably, President Trump has repeatedly advocated for a return to torture, stating that we should “take out the families” of terrorists and expressing his view on standards of military conduct by saying: “You have to play the game the way they are playing the game.” The President's statements are reminiscent of former Vice President Cheney's embrace of the “dark side” of counterterrorism—the very kind of thinking that underpinned later abuses at Abu Ghraib and the CIA's use of torture as part of its so-called Detention and Interrogation Program.

President Trump tweeted in October that “we train our boys to be killing machines, then prosecute them when they kill!”

No, Mr. President, the U.S. military does not prosecute its own for carrying out lawful missions in service to our Nation. We do not train our troops to kill indiscriminately. We do not train them to attack noncombatants. We do not train them to violate the Geneva Convention and the rule of law because we want our troops to be protected by those same standards. To think or say otherwise is to go against discipline, the selfless service of so many, and the history of our military.

As former Chairman of the Joint Chiefs of Staff GEN Dempsey wrote in May:

Absent evidence of innocence or injustice the wholesale pardon of US servicemembers accused of war crimes signals our troops and allies that we don't take the Law of Armed Conflict seriously. Bad message. Bad precedent. Abdication of moral responsibility. Risk to us.

I couldn't agree more.

Some have claimed that the President's intervention in this case has somehow improved the morale of our military and given them more confidence on the battlefield. On the contrary, President Trump's disregard for our military justice system risks undermining the confidence of our servicemembers in the rule of law—especially those who are courageous enough to bring allegations of war crimes to light and testify against their teammates.

By substituting his judgment for that of commanders and military juries, the President may also inadvertently increase the risk to our U.S. personnel overseas. When we do not hold our military personnel to appropriate standards of conduct, it makes it more likely that they will face similar

abuses on the battlefield and less likely that we will be able to hold our enemies accountable.

There is no one with more credibility and no one with the service and sacrifice who can say it any better or more authentically than former Senator John McCain, who stated:

This is a moral debate. It is about who we are. I don't mourn the loss of any terrorist's life. What I do mourn is what we lose when by official policy or official neglect we confuse or encourage those who fight this war for us to forget that best sense of ourselves. Through the violence, chaos, and heartache of war, through deprivation and cruelty and loss, we are always Americans, and different, stronger, and better than those who would destroy us.

Those are the words of John McCain.

I believe the President's actions minimize the honorable service of all U.S. servicemembers who have served with discipline and distinction since 9/11 and have answered our Nation's call throughout the history of this country.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mrs. FISCHER. Mr. President, I ask unanimous consent that the Senate proceed to legislative session and 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.

HONDURAS

Mr. LEAHY. Mr. President, I have spoken previously about the alarming rates of corruption, violent crime, and impunity in Honduras. While Honduras is by no means unique in this regard, it is a serious concern given the challenges it poses not only for the people of Honduras but also for the United States.

Every week, my office receives word of another assassination in Honduras of a social leader, environmental activist, indigenous rights activist, journalist, or trade unionist. Rarely does a week go by that we do not hear about threats against these individuals. Rarely does a week go by that we do not receive reports of arbitrary and prolonged imprisonment of critics of government policies or practices. While the murder of Berta Cáceres on March 3, 2016, captured the world's attention, that outrageous crime was but one of many targeted killings of Hondurans

who have dared to protest against corruption, infrastructure development that threatens their land, water, farms and communities, excessive force by the military and police, and the lack of access to justice.

These types of crimes are nothing new in Honduras; in fact, they are shockingly common. But they have noticeably increased in frequency since the conviction in a New York Federal court on October 18 of Tony Hernandez, a notorious drug kingpin and the brother of President Juan Orlando Hernandez who was named as an unindicted coconspirator. It begs credulity that President Hernandez was completely unaware of the actions of his brother or of the reported use of profits from drug trafficking to finance his political campaign. Honduras, which was already among the most corrupt and dangerous countries in the world for those who have dared to challenge the dominance of a tiny elite who continue to wield unbridled control over the political and economic levers of the country, has become even more corrupt and dangerous.

Ever since President Hernandez successfully orchestrated his reelection to an unprecedented second term, the country has become increasingly polarized. Social and political dissent, when the government's consistent response is to use force—including lethal force—and to misuse the judicial process to silence its critics, fuels instability and violence which are among the key drivers of migration. This is what we are seeing in Honduras, and the United States shares some of the blame as our Embassy and the Department of Defense continue to publicly portray their engagement with the Hernandez Government as business as usual.

There is only one person who has the authority and responsibility to lead Honduras down a better path, a path toward real stability and a culture of lawfulness, and that is President Hernandez. The election of his successor is only 2 years away. In the time remaining, President Hernandez could use what credibility he has left and take decisive action to begin a process of reconciliation aimed at uniting the Honduran people in pursuit of the common goals of economic opportunity, personal security, and justice. Doing so would require a fundamental change of attitude and approach, including installing people in key positions of government who have unimpeachable integrity and who represent a wide spectrum of Honduran society.

Absent such enlightened leadership, Honduras will likely remain a fractured society, plagued by instability, rampant poverty, violence, and impunity. Honduras's democratic institutions will continue to be corrupted and eroded, and Hondurans will continue to seek a better, safer life outside their country.

#### ISRAELI SETTLEMENTS

Mr. LEAHY. Mr. President, I vividly recall the feeling of optimism that people in this country and around the world felt on that day in Washington in 1993 when Israeli Prime Minister Rabin and PLO Chairman Arafat signed the Oslo Accords. For those too young to remember, the Oslo process began as secret negotiations in Oslo, resulting in the recognition by the PLO of the State of Israel and the recognition by Israel of the PLO as the representative of the Palestinian people for the purpose of direct negotiations between the two parties. The Oslo Accords marked the formal start of that process, which aimed at achieving a peace treaty based on UN Security Council Resolutions 242 and 338 and at fulfilling the "right of the Palestinian people to self-determination."

The negotiations were to focus on resolving the key issues in dispute: Israeli settlements, the status of Jerusalem, Israel's military presence in and control over remaining territories after Israel's recognition of Palestinian autonomy, and the return of Palestinian refugees. It was hoped and believed that the signing of the Oslo Accords was the beginning of the end of the Israeli-Palestinian conflict and of a process that would culminate in a two-state solution with secure borders for both Israel and a new Palestinian state.

Since then, virtually nothing has occurred as envisioned. Prime Minister Rabin, a visionary leader whom I knew and greatly respected, was assassinated by a Jewish extremist. Over the years, time after time, the hopes and aspirations of Israelis and Palestinians have been dashed. Israelis have suffered countless deadly attacks by Hamas and by other Palestinian extremists. The Palestinians have suffered countless humiliations and assassinations. But despite the many setbacks, missed opportunities, and failures of leadership on both sides, I have never felt that the Oslo process was a lost cause—until today. Today, I feel a greater sense of sorrow and discouragement about that once hopeful vision than I ever have before.

On Monday, Secretary of State Pompeo announced that the administration no longer considers Israeli settlements to be contrary to international law, thereby reversing a long-standing U.S. position that Israeli settlements in the West Bank are illegal. That position was based on adherence to international law and UN Security Council resolutions and was embraced by both Democratic and Republican administrations. Upon learning of this change of position, I could not help but feel that it signified the demise of the Oslo Accords. After so many similar reversals of U.S. positions by this White House on key issues that both sides had pledged would be resolved only through negotiations, it seems beyond dispute that President Trump never believed in a two-state solution.

In fact, this White House has been consistently disingenuous about its intentions in the Middle East, all the time talking about wanting a political settlement but acting in ways that put it increasingly out of reach. It was just a matter of time before they abandoned any pretext of supporting the principle that territorial disputes should be resolved through dialogue. Every step of the way, administration officials have insisted on the myth that they are improving the prospects for peace, but 3 years later, Israelis and Palestinians are farther from that goal than at any time since 1993. The White House, with the support and encouragement of the U.S. Ambassador and the Secretary of State, has done whatever it could to ensure that the West Bank, home to nearly 3 million Palestinians, is occupied permanently or annexed by Israel.

Without a change of leadership with the necessary vision and political courage in the United States and in Israel, the Palestinians will remain as second-class citizens, subjected to a lifetime of indignities and entitled to only limited rights. I cannot help but wonder what my friend Prime Minister Rabin would be thinking today and how he would react to this announcement. I suspect he would be as disappointed as I am that his courageous act more than a quarter century ago, and the opportunity that act offered for lasting peace for both Israelis and Palestinians, has been so selfishly and recklessly squandered.

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

#### VOTE EXPLANATION

• Ms. HARRIS. Mr. President, I was absent but had I been present, I would have voted no on rollcall vote No. 360, the confirmation of Executive Calendar No. 488, Barbara Lagoa, of Florida, to be United States Circuit Judge for the Eleventh Circuit. •

#### ARMS SALES NOTIFICATION

Mr. RISCH. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.