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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROB PORTMAN, a Senator from the State of Ohio.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God Almighty, may our lawmakers take refuge in the shelter of Your wisdom and providence. Remind them that You are the potter and they are the clay. As they trust You to make the vessel You desire, fill their hearts with willingness to know and do Your will.

Lord, give them the wisdom to trust You to open doors that no one can shut, and close doors that no one can open. Do for them more than they can ask or imagine. In all they do, may they live for Your glory.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 2018.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROB PORTMAN, a Senator from the State of Ohio, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. PORTMAN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 195, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 195, a bill to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 1917 (to the House amendment to the Senate amendment to the bill), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Appropriations, with instructions, McConnell amendment No. 1918, to change the enactment date.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, in 2 hours every Senator can vote to end

this government shutdown. At 12 noon we will vote to end the Democratic leader's filibuster and advance instead a bipartisan bill that would put this mess behind us.

The bill before us does three things that every Democrat and Republican should be able to support. First, it ends the shutdown and restores full funding for the Federal Government through February 8. Second, it extends health insurance for 9 million vulnerable children. Third, it will enable Congress to resume serious bipartisan talks on the important issues facing our Nation.

I respect the passion that many of our friends in this Chamber, both Democrat and Republican alike, bring to the major issues before the Senate—all of these issues. Each of us brings our own views and personal perspectives to discussions of immigration policy, healthcare reform, or details of government spending.

But we should not let the political feuds or policy disagreements obscure the simple fact that every Member of this body cares deeply about the challenges facing our country. All of us want to make life better for the American people.

Bearing this in mind, I hope and intend that we can reach bipartisan solutions on issues such as military spending, immigration and border security, and disaster relief before the February 8 deadline.

But yesterday evening, I restated my position that these negotiations can't last forever. Should these issues not be resolved by the time the funding bill before us expires on February 8, so long as the government remains open, it would be my intention to take up legislation here in the Senate that would address DACA, border security, and related issues, as well as disaster relief, defense funding, healthcare, and other important matters.

Let me be clear. This immigration debate will have a level playing field at the outset and an amendment process

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that is fair to all sides, and it would be my strong preference for the Senate to consider a proposal that could actually be signed into law. A bipartisan, bicameral group is already negotiating, and I look forward to completion of its work.

But it is abundantly clear that the Senate cannot make progress on any of these crucial matters until the government is reopened. We need to move forward. The very first step is ending the shutdown. It is evident that this government shutdown is doing nothing—absolutely nothing—to generate bipartisan progress on the issues the American people care about. Every day we spend arguing about keeping the lights on is another day we cannot spend negotiating DACA, defense spending, or any of our other shared priorities.

Let's join together and put the filibuster behind us and get back to work for the American people.

RECESS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate recess until 11:30 this morning for conference meetings.

There being no objection, the Senate, at 10:33 a.m., recessed until 11:30 a.m. and reassembled when called to order by the Presiding Officer (Mr. JOHNSON).

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Iowa.

Mrs. ERNST. Mr. President, I rise today to urge Senate Democratic leadership to end their reckless government shutdown.

It is no secret that over the years I have made clear that I don't like funding our Federal Government from one shortsighted, bandaid bill to another. We must establish a path forward to responsibly fund our government for the long term. It is the responsible and right thing to do for our military, for future generations, for our veterans, and for the American people.

But rather than finding a long-term funding solution to ensure stability in our military, the Senate Democratic leadership has decided to shut down the government. What does that mean for our military? Well, for starters, critical defense projects have come to a halt. We could also see delays in maintenance of our critical aircraft, ships, and weapons systems at a time when our adversaries are becoming more aggressive and more advanced. Our servicemembers, who put their lives on the line every day for our country, don't know when they will receive a paycheck.

I have an adviser right now who is deployed to the Middle East. I received an email from him this morning. He said: It is really hard for all of us here knowing that our government is shut down. But every day it is the same for us here in Afghanistan. We will do what we need to do.

God bless him for that.

Iowa National Guardsmen are deployed overseas right now. One of my former units, the 248th Aviation Support Battalion, is spread out through the Middle East, doing their mission while we struggle to find a way forward for them here in Washington, DC.

Military schools have been canceled. I spoke to an Active-Duty Army officer this morning. She was scheduled for her precommand course this weekend, and her orders were canceled. She told me: I will not be able to go to that precommand course before I deploy. She will head overseas not having had a vital course to instruct her on leadership in the military. The likelihood of her picking up that course again in the future is near zero—near zero.

Additionally, having served as a battalion commander in the Iowa Army National Guard during our last government shutdown, I can tell you that these shutdowns have a significant impact on our National Guardsmen. A shutdown prohibits our citizen soldiers from participating in drill and training exercises essential to our military readiness.

Our public affairs officer sent out this notice this morning from the Iowa National Guard. The headline:

IOWA NATIONAL GUARD FEELS EFFECTS OF FEDERAL GOVERNMENT SHUTDOWN

More than 1,000 full-time federal technicians furloughed

That is in Iowa alone. "Approximately 400 personnel sent home from weekend training." That is just Iowa.

And 110,000 National Guardsmen were affected after this last weekend because of the shutdown. Should these men and women be called to defend our Nation in the face of danger, it is critical that they are properly prepared, and a government shutdown does not allow this. During the time that the government shutdown goes on, we are not able to maintain our equipment; that hurts our readiness. Our personnel can't do their wellness and medical checks; that hurts our readiness. Our military members can't get to their schools for advancement in their careers; that hurts our readiness. And once those orders to schools have been canceled, you can't just pick up on Tuesday or Wednesday or Thursday and say: OK, I am going to school now. There are only so many slots allocated, and if you miss that training period, you may be waiting months, perhaps even a year, in the National Guard to pick up those schools.

During a shutdown, our folks are furloughed. Depending on how long the government is shut down, our citizen soldiers might not receive enough training days to be adequately prepared for duty. This could also mean that their time serving throughout the year might not be included in their total years of service, potentially further jeopardizing their benefits and pay.

What a lot of folks here who haven't served in the military—the Reserves,

Guard, or Active Duty—don't understand is that in the Reserves and Guard you have to meet so many points in a year for that to be considered a good retirement year. If you fall a few days short of that, the entire year does not count toward your retirement. The entire year does not count toward your retirement.

Despite their rhetoric otherwise, Senate Democrats are turning their backs on our men and women in uniform by putting our military's resources and readiness in jeopardy. It is inexcusable.

Additionally, the legislation the Senate voted on Friday night would have reauthorized the Children's Health Insurance Program for 6 years—6 years—providing approximately 80,000 Iowa children with access to important healthcare services, especially in the rural and underserved areas.

Unfortunately, Senate Democratic leadership is playing political games and has opposed our efforts to ensure this critical funding is in place for children in Iowa and across the country. Instead, the Senate Democratic leadership's shutdown hurts Iowa's low-income children, puts rural and underserved areas at a major disadvantage, and disrupts States' abilities to ensure sound financial planning for their healthcare programs.

Folks, the reality is, this shutdown happened because Democratic leadership didn't get everything they wanted in this funding bill. They didn't get everything they wanted. As a result, they decided to hold hostage our military, our military's readiness, our children's healthcare, and our government.

You see, the Senate Democrats who chose to play politics also set arbitrary—arbitrary—deadlines regarding Deferred Action for Childhood Arrivals, also known as DACA. I, too, want to ensure that Congress finds a solution for DACA recipients. We have many, many recipients in Iowa. Many of my colleagues want to see resolution on this as well.

America is a nation of immigrants, and our diversity truly is our strength. It is incredibly important that we find a fix for DACA recipients, as they are so important to the fabric of our communities and to our future.

Many young, undocumented children were brought here truly through no fault of their own. Congress has been and must continue to work together to identify and pursue a measured approach that addresses DACA recipients' unique situation and also respects the importance of our immigration laws, keeps our borders secure, and discourages future illegal immigration.

There is still time to achieve a solution. There is still time. But holding the government hostage and stalling important discussions on DACA really is nonsensical.

Some of my Democratic colleagues are starting to show a willingness to work through these issues and reopen the government, and I am asking them

to vote yes for funding our government so that we can move ahead. But the decision to remain shut down lies solely with the Democratic leadership here in the Senate.

So today, I am calling on Senate Democratic leaders to put their reckless games aside and start working with us on a path forward to fund the government, ensure that low-income children have access to healthcare, provide the resources our military needs, and find a solution for our DACA recipients.

I am asking my Senate colleagues—those whom I have spoken with on both sides of the aisle—to join us in a “yes” vote today at noon or shortly thereafter so that we can find solutions.

I yield the floor.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Thank you, Mr. President.

Today, we enter the third day of the Trump shutdown, the first ever real shutdown to occur when one party controls the entire legislative process. The Republican Party controls the House, the Senate, the Presidency, and yet they were unable to keep the government open for the American people.

Leader McCONNELL knows it takes 60 votes to win passage of a spending bill, and yet he moved forward with a last-minute extension that he knew lacked the votes. Both Democrats and Republicans voted against that bill.

The reason the Republican majority had such difficulty finding consensus is they could never get a firm grip on what the President of their party wanted to do. These days you never know whom to deal with when it comes to the Republicans. The Republican leaders told me to work out a deal with the White House. The White House said work it out with Republican leaders on the Hill. Separately, President Trump turned away from not one but two bipartisan compromises—each would have averted this shutdown, each would have led to a deal on the budget, healthcare, disaster aid, and things like opioids, veterans, pensions, and on immigration.

My recent offer to the President was a generous one. I put his signature campaign issue on the table in exchange for DACA and still he turned away. President Trump’s unwillingness to compromise caused the Trump shutdown and brought us to this moment. The facts are well known.

Now I wish to update the Senate on where things stand after this weekend. Since our meeting in the Oval Office on Friday, the President and I have not

spoken, and the White House refused to engage in negotiations over the weekend. The great deal-making President sat on the sidelines. Despite and because of this frustration, I have been having conversations with the Republican leader over the weekend about a path forward. After several discussions, offers, and counteroffers, the Republican leader and I have come to an arrangement.

We will vote today to reopen the government, to continue negotiating a global agreement, with the commitment that if an agreement isn’t reached by February 8, the Senate will immediately proceed to consideration of legislation dealing with DACA. The process will be neutral and fair to all sides. We expect that a bipartisan bill on DACA will receive fair consideration and an up-or-down vote on the floor.

Now, it is a shame the American people and the Senate have had to endure such hand-wringing, finger-pointing stridency to secure a guarantee that we will finally move to address this urgent issue. It is something the majority could have avoided entirely, a concern the President could have obviated if he were only willing to take yes for an answer.

While this procedure will not satisfy everyone on both sides, it is a way forward. I am confident we can get the 60 votes in the Senate for a DACA bill, and now there is a real pathway to get a bill on the floor and through the Senate. It is a good solution, and I will vote for it.

I am incredibly grateful to the bipartisan group that has come together in recent days to renew the immigration debate with a sense of urgency. I believe this group has the potential to return the Senate to the kind of place it should be on the issue of immigration, a place for bipartisanship, a place for action, a place for achievement. The bipartisan group, in a very fine way, filled the glaring absence of the President in these talks.

I expect the majority leader to fulfill his commitment to the Senate, to me and to the bipartisan group and abide by this agreement. If he does not, of course—and I expect he will—he will have breached the trust of not only the Democratic Senators but Members of his own party as well.

Through these complicated and lengthy negotiations, Democrats have always sought to be reasonable, to act in good faith, and get something real done. Despite all of our entreaties, the President was obstinate. Despite bipartisan support for DACA, the Republican Party dithered.

The Senate has muddled along for too long, content to delay action on our most pressing challenges until the very last moment. That ends today. The Republican majority now has 17 days to prevent the Dreamers from being deported. We have a way to address the fate of the Dreamers starting right now, instead of waiting until

March, with the minority and the moderate middle empowered to bring a bill to the floor instead of being held by the most strident anti-immigration voices in the Republican caucus.

We, on our side of the aisle, will continue to fight as strongly as we can for the Dreamers in the weeks ahead. I say to all Americans: Urge your Senators to vote yes on the bipartisan compromise when it comes forward. Write, tweet, email, phone, visit, do everything you can so we can finally pass this bill.

In a few hours, the government will reopen. We have a lot to do. The issue of the Dreamers demands resolution, a budget must be written, healthcare has to be addressed, relief provided to disaster-stricken parts of our country, pensions, opioids, veterans, and childcare—all have to be taken care of. The Trump shutdown will soon end, but the work must go on, and it will.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I thank the Democratic leader for his comments and his indication that he intends to support the measure before us.

I think if we have learned anything during this process, it is that a strategy to shut down the government over the issue of illegal immigration is something the American people didn’t understand and would not have understood in the future. So I am glad we have gotten past that, and we have a chance now to get back to work.

Therefore, Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur with a further amendment in the House amendment to the Senate amendment to H.R. 195.

Mitch McConnell, Joni Ernst, Shelley Moore Capito, Deb Fischer, David Perdue, John Kennedy, John Hoeven, John Thune, John Barrasso, Roy Blunt, Lisa Murkowski, Susan M. Collins, Bill Cassidy, Richard C. Shelby, Pat Roberts, James E. Risch, Johnny Isakson.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 195, with a further amendment, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. SCHUMER. Mr. President, before we call the roll, I ask unanimous consent that the Democratic whip be allowed to address the Chamber for 3 minutes, with the gracious approval of the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, thank you very much, and I thank the majority leader for this opportunity.

Let me thank my friend, my colleague, and our leader on the Democratic side for his passionate personal commitment to this issue involving the Dreamers and DACA. He has been by my side, and I have been inspired by his leadership from the start.

Let me thank my colleagues. So many of you cast a vote that was very hard and very difficult because you believed, as I did, that the issue of immigration and the issue of the Dreamers is the civil rights issue of our time. You stuck your necks out and said: I am willing to go on record, even though it is hard to explain back home, and I will never forget that.

The question now is how we move forward. What I have seen on the floor of the Senate in the last few days is something we have not seen for years—constructive, bipartisan conversations and dialogue on the floor, not just about this issue, which is obviously front and center, but about the future of this institution and what the Senate will be from this point forward. That, to me, has been encouraging because it says to me we do have an opportunity to work together.

My special thanks to Senator SUSAN COLLINS, my friend, and Senator LISA MURKOWSKI for joining with JEFF FLAKE and joining with LINDSEY GRAHAM and joining with CORY GARDNER and others who have been working on this issue for so long to try to make a positive impact on this debate so we can move forward.

I cannot tell my colleagues how many have come up to me from the other side of the aisle who said: We are with you on this issue. We want to help get this done. Each of them has a little different take on what that means, but I do believe them, and I do believe we have this opportunity to move this together.

Now comes the real test as to whether we can get this done—whether we can be the Senate again, whether we can return to regular order on the floor and constructively have a debate. For some of you, it will be the first time you have ever seen it, but believe me, it is worth the price of admission, all it took for you to come to the U.S. Senate. So now we have to stand together.

My last word is this: We have gathered the largest bipartisan group of Senators to ever commit to moving forward on the Dream Act and immigration. We have a process.

I thank Senator MCCONNELL for explicitly saying today it will be a level

playing field. It will be open to both sides. We will move to the issue, as you characterized it this morning, of DACA and immigration. Thank you for doing that. I believe that then sets the stage for us to work together.

For the first time in 5 years, we will have debate on the floor of the Senate on the Dream Act and immigration. To all the Dreamers who are watching today, don't give up. I know that your lives are hanging in the balance on what we do here on Capitol Hill and with the White House. Three weeks from now, I hope to be joining you and celebrating the passage, with you and your families and your communities, of a measure which will strengthen America and give you an opportunity to be part of our future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 81, nays 18, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—81

Alexander	Ernst	Nelson
Baldwin	Fischer	Perdue
Barrasso	Flake	Peters
Bennet	Gardner	Portman
Blunt	Graham	Reed
Boozman	Grassley	Risch
Brown	Hassan	Roberts
Burr	Hatch	Rounds
Cantwell	Heinrich	Rubio
Capito	Heitkamp	Sasse
Cardin	Heller	Schatz
Carper	Hoeven	Schumer
Casey	Inhofe	Scott
Cassidy	Isakson	Shaheen
Cochran	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Thune
Cotton	Klobuchar	Tillis
Crapo	Lankford	Toomey
Cruz	Manchin	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Duckworth	Moran	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murray	Young

NAYS—18

Blumenthal	Hirono	Murphy
Booker	Leahy	Paul
Cortez Masto	Lee	Sanders
Feinstein	Markey	Tester
Gillibrand	Menendez	Warren
Harris	Merkley	Wyden

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 18.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to refer falls.

The Senator from Maryland.

Mr. CARDIN. Mr. President, let me tell you how pleased I am for the people in Maryland that we are now in the process of ending this government shutdown.

A government shutdown does not benefit anyone. It certainly doesn't benefit the Federal workers who live in Maryland and the Federal workers around the Nation. There is the uncertainty that a shutdown brings. Those who are exempted are asked to work without knowing when they will get a paycheck. Those who are on furlough don't know whether they will ever get a paycheck or not. It is not in the interest of our Federal workforce. It is certainly not in the interest of Federal contractors, who depend upon contracts that have been put on suspension. It is not in the interest of the public, who depends upon governmental services. It ends up costing taxpayers more money.

I am pleased to see that we are on a path to end this shutdown and to get the government back up and with a path forward. I also am pleased that we have at least accelerated the deadline for getting a budget done by 2 weeks.

Many of us have expressed major concern about continuing to operate under a continuing resolution. That makes no sense. We heard from the Department of Defense that they cannot keep our country safe on continuing resolutions. We know that agencies, when they are trying to plan their mission, cannot operate on continuing resolutions.

For the public, continuing resolutions state that we are going to operate on last year's budget. It doesn't reflect this year's priorities, and that is what we should be doing every year.

So in this case, the Republicans control the House, the Senate, and the White House. We would think that a budget could have been done by October 1 of last year, which is when the fiscal year began. We are now approaching 4 months under the fiscal year 2018 budget, and we still don't have a budget.

One of the parts I am pleased about is that, as we move forward, we have had really positive discussions that by February 8 it is realistic to expect that we are going to be able to enact budget numbers so that the Appropriations Committee can recommend to the full Chamber, and we can pass, appropriations bills or a CROmnibus or an omnibus that will allow our agencies to have the remainder of this year's appropriations.

I certainly hope it will include fiscal year 2019—that would certainly be the best—and that it will be balanced between the needs of the Department of Defense and the nondefense agencies.

We have critical functions that require to have a full year of appropriations, which include our national defense, the Department of Defense, the State Department, the Department of Health and Human Services, the work that is done in the National Institutes of Health, food safety and the Food and Drug Administration, and the ability of the Social Security Administration to deliver checks to our seniors and to take care of our healthcare needs. All

that requires that we have the predictability of a budget.

I wasn't pleased we had a shutdown, but I am pleased that during this debate, we had great discussions among Democrats and Republicans that we are committed to bringing out a budget by February 8 so that we can give that type of predictability to the people of this country. That was one of the principal frustrations, that many of us didn't want to go for another continuing resolution without knowing how we were going to deal with the budget.

There are some special needs that we have paid particular attention to that we really also need to get done by no later than February 8.

One of those is the opioid funding. It is in our national interest to recognize that we have a national crisis. Every community in the country is suffering from the opioid crisis, and we need to make sure we have the wherewithal for the Federal Government to be a strong partner in dealing with this crisis.

Many of my colleagues have talked about disaster relief. We certainly need to help the communities of Texas, Florida, Puerto Rico, and deal with the wildfires in the West. We know we have to get that done now. We can't wait another month. Let's make sure that by no later than February 8, we have also dealt with those issues.

In the legislation we are considering now, I am pleased that we will deal with the Children's Health Insurance Program. I wish it were permanent. Rather than putting another deadline on the program, we should try to make it permanent. It has been a bipartisan success in all of our States, and the Children's Health Insurance Program needs further attention for permanency.

However, the legislation we are in the process of passing does not deal with community health centers. We know that most of our children and their parents who are using the CHIP program are going to be using health centers. We need to extend the program for our health centers.

There are a lot of extenders out there on which we need to act. Just to mention one, the one that I have been interested in and have authored legislation on deals with the therapy cap. A therapy cap means that those who have the most serious need for therapy services—those suffering from strokes and those types of injuries—are not able to get the full services or are at least threatened to not get the services because of a therapy cap. We have extended it ever since we put it into law. The cap should never have been put into law. We also need to pay attention to it in this budget debate. That also needs to be dealt with by February 8.

My colleagues brought up the serious pension issues that affect the workers of this country. That needs to be addressed.

There is reason to say that I am pleased that the government is back

up—or will be back up shortly—but we really need to negotiate and not operate under continuing resolutions.

I think that because of the amount of spotlight that has been put on these issues, we have a much better chance to get these budget issues resolved through an appropriations or a CR omnibus or an omnibus rather than a continuing resolution.

Then there is the issue of the Dreamers that I have talked about numerous times on the floor of the Senate. The Dreamer issue is urgent. It is urgent. Many Dreamers' lives have already been affected, and their lives have been changed as a result of President Trump's announcement last September that he was putting a 6-month time limit on when the Dreamers would be subject to deportation. That deadline occurs in early March.

In the meantime, those who are up for renewal status—there has been uncertainty as to whether they will be able to continue to reside here in America, whether they will be able to continue to have a driver's license or to work. They feel like they have—and they do have—a sign on their backs saying that they expire on a particular date. That anxiety needs to end. It should never have been started under President Trump's edict in September, but we need to respond to that in an urgent way.

I was very pleased that we have a commitment from the majority leader that by no later than February 8, if we have not passed the bipartisan DACA protection, Dreamer protection bill, we will have that bill on the floor of the Senate in a manner in which the Senate can speak on the issue.

I am very confident that because of the compromise that has been negotiated with Senator GRAHAM and Senator DURBIN, we will be able to pass that bill that will protect the Dreamers. What it does is it allows them to maintain their Dreamer status, and it puts them on a pathway so they can have permanent citizenship here in the United States, and they will know their future is here in America. After all, it is the only country most of them know. That is certainly a very encouraging sign.

I was also very pleased to hear in the negotiations that took place that this legislation would also provide the protection for those who are here in temporary protected status. In some of the cases, President Trump has extended dates and said: This is the last extension. That could expire within the next 18 months. In some cases, he has deferred making that decision for some countries.

What we know about those in temporary protected status is that they are very similar to the Dreamers. Many know no country but the United States as their home, and it is important that we protect their status here in the United States and provide them a pathway for permanency and citizenship here in the United States. They

are part of America, and they are part of our economy.

In the meantime, I would hope that there would be consensus here and support from the White House that the enforcement procedures that are being used against the immigrant community be mindful of the efforts being made here to provide them a permanent status and that the priorities on enforcement that we have heard mentioned many times—which, quite frankly, are very confusing to the immigrant community—that those priorities would not be aimed at those who are going to be protected under the legislation we will be considering in the next few weeks.

We all are pleased that we are now able to move forward to keep the government open, that we have a commitment to deal with the budget of our country by February 8 and the Dreamer issue by that date. We have made real progress.

As Senator DURBIN observed—and I must tell you, I think each of us did also—during this very difficult time, the conversations we have had among our colleagues on both sides of the aisle have been very encouraging. I think the Members of this body want to return to the great traditions of the Senate where we listen to each other, where we work together, where we compromise, and where we are able to come to successful completion of our work. Virtually no work has been done, but too much is on the table right now that needs to get finished. Let's take advantage of these next few weeks to show the American people that indeed we will work together in the best interest of our country, putting partisan politics aside, dealing with our budget issues, dealing with our immigration issues, dealing with our healthcare issues, and dealing with our pension issues.

We can do the people's work. Let's get that done, and let's start right now getting that work completed.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DAINES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SECTION 148

Mr. BURR. Mr. President, the U.S. Senate has just done the right thing. In a matter of hours, hopefully, the decision to fund the government and to put people back to work will find its way to the House of Representatives. I am sure that it will find a quick agreement there, and tomorrow everyone will be back in place, and both the House and the Senate can work aggressively between now and February 8 to make sure that this doesn't happen again and that we bring permanency and certainty to the funding.

The vice chairman of the Intelligence Committee and I were notified when the House CR appeared that there was language in it that was different than in the past. The language in section 148 of the CR is of concern to the Intelligence Committee. Let me just read the language:

Sec. 148. Funds appropriated by the Department of Defense Missile Defeat and Defense Enhancements Appropriation Act, 2018 (division B of Public Law 115-96) may be obligated and expended notwithstanding section 504(a)(1) of the National Security Act of 1947.

This language is troublesome for the committee because it would authorize the intelligence community to spend funds “notwithstanding” the law that requires prior authorization by the Senate Intelligence Committee or by the House Intelligence Committee.

The vice chairman and I were on the floor, I think, last week, and we had a 65-to-34 vote to reauthorize the most significant intelligence tool to keep America safe. In that debate, both Senator WARNER and I said to our opposition that we would do everything within the committee’s power to make sure we did aggressive, real-time oversight over the entire intelligence community.

Sometimes that means that when we see there might be something we are uncomfortable with, we alter the ability to access funds. In congressional terms, we call it fencing off money. But we utilize the tools as an authorizer to affect what, in fact, individuals within the intelligence community can choose to do.

When you take away section 504 authorities that the committees have, for the next 3 weeks we will have an inability to exercise, in our estimation, the tools that we might need to keep our commitment to 34 individuals who still voted against us but, more importantly, to the American people, for whom we would do everything to make sure our intelligence communities act in a way that those educated and elected in this body see fit. As a result, this language can erode the powers of the authorizing committee. Effectively, the intelligence community could expend funds as it sees fit without an authorization bill in place and with no statutory direction indicating that an authorization bill for 2018 is forthcoming.

Let me just say to my colleagues, a situation like this is untenable. We have worked with our colleagues in HPSCI to develop language to change this. I might say, we have had a couple of opportunities to do it, and we should have done it literally when we changed the date of the CR. When we changed the date from the original date, which I think was the 16th, to the 8th of February, we should have inserted this new language. But because there is a fight between appropriators and the Intelligence Committee in the House, we weren’t able to do that.

I have a feeling that Senator WARNER and I are going to find there is now a

fight between the Intelligence Committee and the appropriators in the U.S. Senate because, I fear, someone might object to the unanimous consent request I will ask after Senator WARNER speaks.

Let me read what the committee has come up with. This is bicameral. The House Select Committee on Intelligence is in agreement. In section 148, it would say:

Funds appropriated by the Department of Defense Missile Defeat and Defense Enhancements Appropriations Act, 2018 (division B of Public Law 115-96), for intelligence or intelligence related activities are deemed to be specifically authorized by Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2018 until the enactment of the Intelligence Authorization Act for fiscal year 2018.

The vice chairman is a lawyer; I am not. I really rely upon the legal counsel that we have within the committee to interpret U.S. law. It really doesn’t take a law degree to understand that there is a huge difference between ignoring section 504, “notwithstanding,” and applying section 504, which our change makes.

This isn’t really a misinterpretation. This is a question of whether you want to take section 504 of the National Security Act of 1947 (50 U.S.C. 414) and continue to let it apply or whether you are going to provide the intelligence community a waiver that exempts them from having to adhere to a part of U.S. Code.

The reason I wanted the opportunity to speak before we ask unanimous consent is, I want my colleagues to understand that we take our oversight role extremely seriously. We want to have every tool in our basket that we can to give the American people the assurance that we know exactly what is going on and that we are at least in agreement that they proceed forward, not that they have free rein only because they have been appropriated a pot of money because an executive request was made. It would be no different under the Obama administration or under the Trump administration. I would encourage my colleagues not to object to it when I ask for the unanimous consent because that is what we are here for.

With that, I yield to the vice chairman.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to echo a number of the comments my friend, the chairman, the Senator from North Carolina made. Ten days ago, we asked for reauthorization of section 702, and I came to this floor and advocated that this was a critically important tool. Part of the reforms of that legislation would even give us more insight into how that tool was used. We said, at that point, not only to those Members who didn’t agree with us on that but to all of the Members—for that matter, the American people—that the Intelligence Committee would continue its vigorous oversight of that program and other programs.

Being on the Intelligence Committee, at least until recently, has not been necessarily all that high attention and profile. We spend hundreds and hundreds of hours every month in a SCIF. One of the things I find so rewarding about the Intelligence Committee’s work is that on issue after issue, you couldn’t tell who is a Democrat and Republican. We all take extraordinarily serious our oversight responsibilities.

If this exemption is granted, you could potentially have an administration—any administration—go off and take on covert activities, for example, with no ability for our committee, which spends the time and has the oversight, to say timeout or to say we actually disagree with that policy.

I have been very disturbed about the whole process that arose in the House, how it was attempted to get slipped in. I hope, as well as the chairman, that no Member would choose to object. If they do choose to object, I hope they will be able to explain to the American public why they would want to remove the Intelligence Committee’s ability to monitor, and then if we make a decision, withdraw funds if we don’t agree and have that ongoing tool that is one of the most key components of our oversight responsibility—why they would want to, in effect, give any administration, for that matter, a blank check.

Again, my hope is no one will object to this request; that we will continue the policies that existed for as long as I have been on the committee; and that those of us on that committee will continue to take the responsibility of oversight very seriously and will continue to do it in a bipartisan way.

With that, I yield back to the chairman.

Mr. BURR. Mr. President, I thank the vice chairman of the committee. There are over 30-plus professional staffers who staff both sides of the Intelligence Committee. On each side, there is a staffer designated for each of the intelligence agencies in this country. I would dare say today they know their particular portfolio of intelligence agencies as well as the employees who work inside that agency. They are experts. They are tasked with that degree of knowledge. Layered on top of that are 15 Members of the U.S. Senate whom the leadership on both sides have asked to spend countless hours behind closed doors—as the vice chairman said—typically in a bipartisan fashion to provide for every Member and for the American people our certification that we agree with what the intelligence community is doing; that it lives within the letter of the law; that there is some congressional oversight on a constant basis, in real-time, assuring Members and the American people of that accuracy. Why would you take away the tools we have to actually hold them accountable?

I know appropriators believe this hinders their ability to spend money when we are in a continuing resolution

period because of section 504. I am not sure I interpret it the same way they do. Just because an executive branch has asked for a pot of money, I have never considered that the committee couldn't go in, because of a vehement disagreement with the way some of it is being spent, and alter it. That altering means that on the part of 15 Members we have a hesitancy as to how it is being done. If you neuter the committee, you neuter our oversight.

Mr. President, at this time, I ask unanimous consent that the Burr amendment to amendment No. 1917, which is at the desk, be considered and agreed to.

The PRESIDING OFFICER. Is there objection?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the language in section 148 of the continuing resolution is included exactly as requested by the administration. It is consistent with language that has been adopted many times in past continuing resolutions.

The appropriation for missile defeat previously approved by Congress is very explicit. Section 2002 of that appropriation provides that the funds "shall be allocated to programs, projects, and activities in accordance with the detailed congressional budget justifications submitted by the Department of Defense to accompany the Fiscal Year 2018 Budget Amendments requested by the President on November 6, 2017." It further provides that "changes to the allocation of such funds shall be subject to the reprogramming requirements set forth in the annual appropriations Act." Section 2002 explicitly protects the oversight prerogatives of the Senate Select Committee on Intelligence and its role in approving deviations from the Administration's request.

I will continue to work with the Senator from North Carolina on his concerns but must object to his request.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BURR. Mr. President, it is my hope that we will come to our senses at some point in this process and that this waiver to U.S. Code will, in fact, not be in place, but I will assure, on behalf of the vice chairman and myself to all our Members, we will, to the best of our ability, given the limitation that is placed on us, hold the intelligence community accountable for everything they do and that we will be much more active in the future relative to the appropriations that find their way there if, in fact, they are not going to provide us the tools to manage, in a constructive way, those things the agencies choose to carry out.

If I didn't have the number of individuals in Members and in staff who are experts, I probably wouldn't be as confident, but these folks take it extremely seriously because we know what is at stake—the trust we have

with our Members and the trust we have with the American people.

With that, Mr. President, I yield back but with great disappointment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. YOUNG). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. BROWN. Mr. President, the news is good today. It looks as though we are close to a resolution, and what makes that resolution attractive to me is not just that we are going to see the government run, which is the job of this Congress—this is the first time, as we know, that Congress, the House, the Senate, the White House, and the Supreme Court were controlled by one party—it is the first time that that has been the case in a government shutdown, so we know where responsibility lies. But that is the past. I want to look at the future. The future is, this should make it easier because of the discussions so many of us had over the weekend with Senators in our own party and the other party. Regardless of the party of any of us, I think we are reaching a place where we can get serious about negotiations on a whole lot of issues. Once this is behind us, after this vote later today, once the House passes the continuing resolution and once the President signs it, I am hopeful that we can get serious about a whole host of other issues.

In Ohio in the last 2 weeks, two hospitals have closed down—one for-profit in Massillon, a small, industrial city not far from Canton, OH, and a not-for-profit hospital in Dayton, OH. Both announced the closure of those hospitals, and we know what that means to people in the neighborhoods, people in the region. It means slower response time, lost jobs—the loss of all the things that a good hospital means in a community.

Part of the reason for those hospital closings, frankly, is that we haven't done our jobs here—the attacks on the Affordable Care Act, the unrelenting attacks from the President and from the majority party here. I stood with my Governor, a Republican Governor—I am a Democrat—Governor Kasich and I—against these Medicaid cuts, against the attacks on the Affordable Care Act, against the shrinking of the sign-up period, the undercutting of the marketing campaigns, and all the things that have caused more volatility and instability in the healthcare market.

I am hopeful that after this bill is signed by the President later today and the government reopens, we can then get serious about what we do about not

just CHIP—I thank people of both parties here for finally—although it took 4 months—giving CHIP not just new life but 6 years of life. I am thrilled about that. But to make CHIP work, we need community health centers because in a working family, each making \$10 an hour—if they don't have enough money to buy insurance or if they don't have a job, perhaps, that has insurance, they rely on CHIP. Well, if their child gets sick and wants to go to a health center, if the community health centers are closed or underfunded or underoperating, there is no place to go. So you don't need just CHIP; you need the community health centers too.

We need to pay attention to rural hospitals. A lot of my State is rural. I have been, for instance, to the Bryan Hospital. Phil Ennen is the president of that hospital and does a very good job with a difficult task, because in small towns—it is a county in the northwest corner of the State. The county borders Indiana to the west and Michigan to the north. Small towns like that have more challenges running their hospitals, and I am hopeful we can focus on that.

We can focus on 340B, which is a Medicaid prescription drug cost provision. I am hopeful that we can focus on the disproportionate share of payments. I am hopeful that we can focus on some of the Medicare extenders so that we can, in fact, bring some stability to this healthcare system.

These two hospitals in Dayton and Massillon that have announced their closure—we are working to try to keep both open. It is a real challenge. I hope the closure of those hospitals isn't just the harbinger of more to come because of the volatility created in the healthcare market by this administration and this Congress's attack on the healthcare market and the healthcare laws over the last year, but that is why we need serious, long-term negotiations here.

The other issue that is so important is pensions. In the Presiding Officer's home State of Indiana, in my State of Ohio, in Pennsylvania, North Dakota, Missouri, Michigan, Wisconsin, and Minnesota, there are literally hundreds of thousands of teamsters, coal miners, ironworkers, carpenters, and confectionary workers who, even though they paid into a pension for 30 years, even though they gave up dollars today at the bargaining table so they could put dollars aside for the future, often matched by their employer—because of Wall Street greed and Wall Street malfeasance and misfeasance, in part, these pensions are going to face huge cuts.

Senator YOUNG, Senator DONNELLY, Senator PORTMAN, Senator JOHNSON, and a number of us are working out some—I hope working toward some agreement on pensions so we can make sure that if you didn't work 40 years you wouldn't see a 40-percent cut in your pension. I start with the Butch Lewis Act legislation that I have introduced with a number of cosponsors. We

want to work with both parties to make sure this works. I am hopeful this deal today helps to clear a path so that the two Senators from Indiana and I and Senator PORTMAN and others can work together to make this happen. It is so important. In my State alone, it is 50,000 teamsters. It is another 5,000, more or less, coal miners. It is another 7,000, 8,000, or 10,000 other workers.

The last thing I want to say, again, is that every one of these cases is a union plan. These union members gave up wages today. They understood: I don't take as much pay today, but that money will be set aside so I have healthcare and my pension is there when I retire in 30 years.

They did it right. They played by the rules. Their government needs to back them up. That is the importance of this pension bill. That is why I appreciate the work of the Presiding Officer and others in coming to some agreement and making this work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I know the paperwork is being finalized, but I for one—and I guess I am not the only one; I am sure there is broad appreciation for the fact that our Democratic colleagues who voted to close the government have now changed their minds and now will vote on final passage, having just voted on cloture, to reopen the Federal Government. This was a strategy that lacked an endgame and was never going to work.

The safety, health, and livelihoods of Americans across the country didn't deserve to be held hostage, and the American people have had enough of these kinds of games. I think, basically, the verdict of the American people is "A pox on both your houses."

I don't think anybody comes out of this looking very good. But surely, this calculated stunt that put funding for our government, military, and the Children's Health Insurance Program at risk, all because our colleagues wanted to accelerate consideration of the DACA issue—the Deferred Action for Childhood Arrivals—was a mistake by any measure.

They, of course, had planned this strategy for months. Many of them had signaled their intention to vote against any spending bills unless the DACA issue was resolved, despite the fact that a majority of Americans in recent polls said that avoiding a shutdown was more important to them than other priorities.

If we just think about it, trying to deal with the concerns—and they are legitimate; I am sympathetic with them—of the 690,000 DACA recipients

versus 320 million Americans who were hurt by this shutdown, it just seems disproportionate and unnecessary.

For most of the last 3 days, negotiations led to nowhere. The majority leader in particular took the conciliatory gesture of—instead of pursuing the 4-week extension—saying: OK. We will do it for 3 weeks. That is ultimately what our colleagues across the aisle voted on, but what did they have to show for that? To my mind, they got nothing to show for that.

Sure, they got a commitment from Senator MCCONNELL, the majority leader, to take up the issue of immigration in February. He was going to do that anyway. We know the Deferred Action for Childhood Arrivals Program expires on March 5. So logic would tell us that, yes, we are going to have to take it up in February. But it just seemed so unnecessary and so harmful to try to shut down the government to force something that was going to happen anyway. So I said: That doesn't make much sense to me.

I am glad our colleagues decided to take this step to reopen the government while we resume our work to find a solution on this immigration issue. But we have a lot of other important issues.

First of all, the Children's Health Insurance Program will be reauthorized as part of this vote here shortly. But we have other issues.

We have to agree on spending caps for this fiscal year so that the Appropriations Committees can figure out, How much money can we commit to our national security? We have short-changed our national security in recent years because of the Budget Control Act and sequestration, which creates automatic spending caps, absent some agreed-upon grand bargain. This has been a perennial problem, not just for Congress and the country, but it has particularly fallen hard on our military at a time when James Clapper, the former Director of National Intelligence, said that in his 50 years in the intelligence community, he had never seen a more diverse array of threats confronting our country and confronting the world. We can tick down the list, from North Korea, to Iran, to Russia to China. There is a threat of home-grown terrorism here in the United States because of domestically inspired Islamic extremists. The world is a dangerous place, and it is made safer only when America is strong and America leads, and we can't do that while underfunding our national security apparatus, our intelligence agencies, and the Department of Defense. So we need to take care of that.

We also need to deal with disaster relief. I come from a State that was hammered by Hurricane Harvey, the most significant rain event in many, many—perhaps even 1,000—years. More than 50 inches of rain inundated the city of Houston and that environment. Many people are still hurting. Many people are still not back in their homes. Their

businesses were blown away. And while the House of Representatives has voted on an \$81 billion disaster relief package, because of the holdup here—again, because our Democratic colleagues in the Senate think this DACA issue is more important than those victims of natural disasters, not to mention the wildfires out west—that has been put on ice as well.

There are a lot of important things that we need to get done, and I hope we will take advantage of the next few weeks here to get them done as we continue our discussions about DACA and what to do to provide some assistance to these 690,000 young people who were brought here as minor children by their parents and are in somewhat of a box.

Earlier today, I went to the White House with several of my colleagues to meet with President Trump to discuss the four areas he has laid out to address the March 5 deadline relating to DACA. We are working through those four issues as I speak, trying to find a permanent solution for the DACA recipients and making sure that border security and interior enforcement is beefed up so that we don't have a repetition of this situation in the future.

We also are looking to limit chain migration and perhaps even to use some of the additional visas left over to accelerate the movement of people who have been playing by the rules and have been waiting in line, some for 10 or 20 years, just to rejoin their families here in the United States.

Finally, the President instructed us to deal with the diversity lottery visa program. There are about 50,000 visas that are literally provided based on a lottery, not because the immigrant has any special skills or qualities that would help enhance our country and help them contribute to our country but merely because they happened to win the lottery. I think it makes sense to reform that and perhaps use some of those additional visas, again, to deal with the backlog of people who have been waiting in line, patiently trying to immigrate to the country in a legal fashion—we ought to reward them, not continue to punish them—but also, to try to do what we might to maybe reassign some of those visas to merit-based immigration, people who have graduated with skills that we need here in the United States, including the STEM fields—science, technology, engineering, math. I think that makes a lot of sense.

Obviously, I am not going to decide this by myself. We are going to have to build a coalition of Democrats and Republicans, and I think we can. I think we can demonstrate our natural American compassion when it comes to immigrants. As I have said before, we are a country that has been built by immigrants. But the part we seem to always forget in this conversation on immigration is that we are also a nation of laws. That is what people have lost confidence in—that the Federal Government is committed to securing the

border and enforcing our laws. If we do that, I think the American people will continue to welcome people through a legal immigration system who want to come here to America for a better life, to contribute, and to pursue their dream.

Our meeting at the White House was a productive conversation. It was just one of many. I know Senator SCHUMER visited with the President, I believe last Friday, on the immigration question. Our colleagues, Senator DURBIN and Senator GRAHAM, have been working with Senator FLAKE, Senator MENENDEZ—I think Senator GARDNER is part of that, as well, and I am probably leaving somebody out. But they have a bipartisan proposal that they took to the White House. Unfortunately, the President said that it wasn't a proposal he could support, so back we go to the drawing boards. Nobody pretends that this solution is easy, but it is one that we need to address.

I believe the President remains engaged and committed to finding a solution for these young adults who were brought here, as I said, through no fault of their own.

I especially remain committed to the 124,000 DACA recipients in my home State of Texas. It is no surprise that Texas has a large immigrant population because of our proximity to the border. But we are not alone, and many of these 690,000 DACA recipients are spread throughout every State in the country.

I have a personal interest in making sure we come up with a bipartisan solution for these young adults who face such uncertainty, but it is important that any solution we agree on contains two things. First is a DACA solution for these young adults, many of whom are huge contributors to our communities; indeed, these are our neighbors, and they work alongside us in our community. They deserve a thoughtful and compassionate solution that I hope we deliver.

I understand the plight they find themselves in. I have had a chance, like all of the Members of the Senate and the House, to meet many of these young people, and many of them are extraordinarily impressive. They have excelled in school. They have a lot of promise. But, unfortunately, they carry this burden of a status that does not permit them to stay in the country absent legislative action. So it is a precarious position, I am sure, to live every day not quite sure of what the future will mean.

But any solution we come up with over the next several weeks must also protect the 320 million Americans who already live in the country, in addition to these DACA recipients. What I mean by that is I think there needs to be some natural symmetry here. To the extent that we provide compassionate relief to these young people, I think we need to correspondingly assure the American people that we are actually

serious about border security and enforcing our laws.

My State has had to bear the burden of a lot of the cost of border security, including placing law enforcement personnel along the border, because the Federal Government has simply failed to do its job over these many years. I know leaders in my State will be glad to see the Federal Government finally step up and accept their responsibility.

I know the President has talked frequently about a wall. Some people talk about tactical infrastructure. As a matter of fact, the President referred to the 2006 Secure Fence Act and said: Well, basically, we are talking about the same thing. The Border Patrol usually refers to this as tactical infrastructure.

My tutor on matters affecting border security is the current sector chief of the Rio Grande Valley sector, Manny Padilla, who has had a lot of experience in Arizona, Texas, and California. He says that each and every place along the border, each of which is unique in its own way, requires a combination of three things. He said it requires infrastructure—call it defense, call it a wall, call it a barrier; whatever you call it, that's one piece of it. But the second is technological; it is technology. It is an aerostat balloon in the sky, it is ground sensors, it is radar, it is a UAV—an unmanned aerial vehicle—but it basically is tied up in a system that is complemented by boots on the ground, by the Border Patrol, which is an essential component. So when Manny Padilla says that border security at each place along the border involves infrastructure, technology, and people, what he is saying is that we should leave to the experts how to deploy each of these items where it makes the most sense.

In Big Bend, out in West Texas, I have flown over the cliffs there that are 3,200 feet tall, that look down into the Rio Grande River. You don't need to build a fence there. You don't need to build a wall there. But if you go to San Diego, CA, or to some of the corridors or to the hard-to-control places on the Texas-Mexico border, maybe what you would prefer to do is to have a technological solution. Or in an urban area, where it is easy to dart across the border into the United States and melt into the urban landscape, maybe it makes sense to have fencing and tactical infrastructures and walls, where appropriate.

Being able to put in place the right mix of infrastructure, personnel, and technology will enable us to begin to regain the public's confidence on this issue because if we address the plight of these young adults but do not address the cause of the problem, which is illegal immigration—which is how they got here, being brought here by their parents—we will be back here arguing the same issue a decade from now.

I stand ready to work, and I am glad our Democratic colleagues have joined

us today in reopening the government so we can work on finding a solution to our border security and immigration challenges. We are all working, and have been for months, on a path forward on DACA, and we will continue to do so now that the government has reopened. We can roll up our sleeves, work with the White House, work with our colleagues in the House and the Senate, and come up with solutions to the four items the President has identified for us.

I welcome ideas from our colleagues on both sides of the aisle, in both Chambers, and certainly from the President himself. Work on this issue will require an effort by all of us. Now it is up to the House to do its job, after we pass this continuing resolution for 3 weeks, and move us past the shutdown. Let's reopen the government and all get back to work.

I yield the floor.

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.

PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 195

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 33.

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

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 33) providing for a correction in the enrollment of H.R. 195.

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to and 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 (S. Con. Res. 33) was agreed to.

(The concurrent resolution is printed in today's RECORD under "Submitted Resolutions.")

FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017—Continued

VOTE ON MOTION TO CONCUR WITH AMENDMENT
NO. 1917

Mr. McCONNELL. Madam President, I know of no further debate on the motion to concur with amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the motion to concur in the House

amendment to the Senate amendment to H.R. 195, with further amendment.

Mr. McCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from AZ (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—81

Alexander	Ernst	Nelson
Baldwin	Fischer	Perdue
Barrasso	Flake	Peters
Bennet	Gardner	Portman
Blunt	Graham	Reed
Boozman	Grassley	Risch
Brown	Hassan	Roberts
Burr	Hatch	Rounds
Cantwell	Heinrich	Rubio
Capito	Heitkamp	Sasse
Cardin	Heller	Schatz
Carper	Hoeven	Schumer
Casey	Inhofe	Scott
Cassidy	Isakson	Shaheen
Cochran	Johnson	Shelby
Collins	Jones	Smith
Coons	Kaine	Stabenow
Corker	Kennedy	Sullivan
Cornyn	King	Thune
Cotton	Klobuchar	Tillis
Crapo	Lankford	Toomey
Cruz	Manchin	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Duckworth	Moran	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murray	Young

NAYS—18

Blumenthal	Hirono	Murphy
Booker	Leahy	Paul
Cortez Masto	Lee	Sanders
Feinstein	Markey	Tester
Gillibrand	Menendez	Warren
Harris	Merkley	Wyden

NOT VOTING—1

McCain

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Madam President, after 3 days of an unnecessary lapse in funding, a bipartisan majority has brought the Democratic leader's extraordinary filibuster to an end and passed a bipartisan bill to reopen the Federal Government.

As I have said repeatedly over the past week, shutting down the government is an irresponsible way to do business. It does not reflect the seriousness with which I know my colleagues on both sides would like to approach the people's business here in the Senate.

All our important work for the American people had to be put on hold while this manufactured crisis was dealt with. We made no substantive progress—not one inch—on the serious bipartisan negotiations that it will take to solve issues such as immigration, border security, healthcare, defense spending, and many other mat-

ters. I am glad we can finally get back to work here.

Amid the political gamesmanship, the past 3 days have highlighted the commitment of many of my colleagues to honest and bipartisan work. I would like to particularly thank Senator GRAHAM, Senator COLLINS, Senator FLAKE, and several of our Democratic colleagues who worked tirelessly to bring this impasse to a conclusion.

Soon, Federal operations will be getting back to normal for the American people. We all know what comes next—challenging negotiations on a host of serious issues. The weeks ahead will require the best from all of us.

I hope we can remember some lessons from this regrettable incident. Brinksmanship and hostage-taking do not work. They make bipartisan progress harder, not easier, to achieve.

Senators must focus on the common good of the American people, not the warped priorities—the warped priorities—of extreme voices, no matter how loudly they shout at us to do otherwise.

With the pointless, damaging, partisan theatrics of this government shutdown behind us, serious and bipartisan negotiations can resume. We have been talking for months about how to address military spending, disaster relief, healthcare, immigration, and border security, and the rest of Congress's unfinished business. Now those talks can get going again. Whether they bear fruit is up to all of us.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 594, Jerome Powell.

The PRESIDING OFFICER (Mr. MORAN). The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System for a term of four years.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer,

John Barrasso, Richard Burr, Ben Sasse, Richard C. Shelby, Cory Gardner, Mike Crapo, James E. Risch, Shelley Moore Capito, John Hoeven, Dan Sullivan, Rob Portman, John Thune.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 597, Alex Azar.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Alex Michael Azar II, of Indiana, to be Secretary of Health and Human Services.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer, John Barrasso, Richard Burr, Ben Sasse, Richard C. Shelby, Cory Gardner, Mike Crapo, James E. Risch, Shelley Moore Capito, John Hoeven, Dan Sullivan, Rob Portman, John Thune.

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 620, Sam Brownback.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Samuel Dale Brownback, of

Kansas, to be Ambassador at Large for International Religious Freedom.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Samuel Dale Brownback, of Kansas, to be Ambassador at Large for International Religious Freedom.

Mitch McConnell, John Boozman, Jerry Moran, Marco Rubio, Deb Fischer, John Barrasso, Richard Burr, Ben Sasse, Richard C. Shelby, Cory Gardner, Mike Crapo, James E. Risch, Shelley Moore Capito, John Hoeven, Dan Sullivan, Rob Portman, John Thune.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. MORAN). Without objection, it is so ordered.

FISA AMENDMENTS
REAUTHORIZATION ACT

Mr. VAN HOLLEN. Mr. President, providing for the security of the American people is one of our greatest responsibilities. I salute the officers and analysts in our intelligence community, who are integral in combating our adversaries and protecting our citizenry. The section 702 Program, authorized by the Foreign Intelligence Surveillance Act, FISA, is an essential tool in our fight against international terrorism.

An equally great responsibility, however, is safeguarding the individual liberties enshrined in our Constitution, and it is this debate—the debate on the balance between national security and privacy protections—that is so fundamental to our Nation's history and our democracy.

The proponents of FISA 702 reform raised a series of concerns about how the program could compromise the private communications of law-abiding American citizens and proposed amendments to address those concerns. I believe the Senate should have had an op-

portunity to debate, consider and vote on those proposals before reauthorizing section 702 for 6 more years.

Unfortunately, the Senate Republican leadership shuttered this critical debate by preventing amendments from consideration. For this reason, I voted against the FISA Amendments Reauthorization Act of 2017.

TRIBUTE TO EMILY PATROLIA

Mr. THUNE. Mr. President, today I recognize Ms. Emily Patroliia, a Knauss Sea Grant fellow on the U.S. Senate Committee on Commerce, Science, and Transportation, for all of the hard work she has done for me, my staff, and other members of the committee over the past year. Ms. Patroliia has used her scientific expertise to inform public policy. I would like to extend my sincere thanks and appreciation to Ms. Patroliia for all of the fine work she has done.

Ms. Patroliia has had a significant impact during her time as a fellow. She has worked on several pieces of legislation that have passed the Senate and several others being considered by the Committee on Commerce, Science, and Transportation. Her contributions have helped ensure the proper management of our natural resources and the continued protection and prosperity of our Nation. I would like to extend my sincere thanks and appreciation to Ms. Patroliia and wish her success in the years to come.

ADDITIONAL STATEMENTS

REMEMBERING SHAWN BRIMLEY

• Mr. MURPHY. Mr. President, I wish to pay tribute to my friend, Shawn Brimley. Earlier this month, Shawn was stolen from this world at the tender age of 40, after being diagnosed with colon cancer in early December. What Shawn Brimley accomplished in 40 years was simply breathtaking, and the story of the life he lived, brimming with passion for his family, his friends, his vocation, and his country, is one that this U.S. Senate should hear.

Shawn was eulogized correctly as one of the leading American national security intellectuals, but he didn't start off as an American. He was born outside of Toronto, Canada, and served for 5 years in the Canadian Army before attending Queen's University in Ontario. After college, he traveled to Tokyo to teach English, and there met the love of his life, Marjorie Clark. They relocated to Washington, where Shawn quickly became one of the founding members of the Center for New American Security, CNAS, a defense and foreign policy think tank that gave rise to many of the top security staffers of the Obama administration.

At CNAS, and then during two stints in the Obama administration, first as a special adviser at the Pentagon and

then as director of strategic planning at the National Security Council, Shawn helped develop the Pentagon's "third-offset strategy," which foresaw a future military conflict with Russia or China that would heavily depend on technology and robotics. Shawn's out-of-the-box focus on the future of military conflicts pushed our national security leadership to innovate and adapt. America is safer for his contributions. Shawn's enthusiasm for this work was driven by a sense that America could be a true force for good and order in the world. His boss at the White House, Derek Chollet, said: "Maybe because he was an immigrant, he really believed in the power of American leadership and America's unique role in the world. There was that idealism about him."

Both in the Obama administration and at CNAS, Shawn was renowned for his mentorship of younger national security professionals. The day after his passing, staffers who had worked under Shawn remarked on social media how Shawn often went out of his way to befriend and guide newer entrants to the field. So many young national security professionals in Washington attended his funeral, a testament to the reach of his influence and generosity during his short 20 years in the field.

But as his wife remarked during her beautiful eulogy, Shawn knew that "work was work." Home, for Shawn, was his center of gravity. This is the setting in which I came to know Shawn over the past few years. Our home in Washington is just a few blocks from the Brimleys in northwest Washington. Our children are schoolmates, and I got to see up close over the past several years how utterly devoted Shawn was to his family and friends. My son regularly reports that his oldest daughter is the nicest, most generous student in his class. His sons are spirited, precocious, and kind-hearted. They were, and are, their father's children.

His generosity extended to his friends. Every weekend, I return to Connecticut, and one night, when I was away, the basement of our Washington house flooded. My wife sent out a text to our neighbors asking for advice, and literally, within minutes, Shawn was knocking on our door. Having dealt with a similar problem at their house, Shawn, constantly the oversharer, was eager to dispense all the knowledge he had gained regarding flood remediation. After an exhaustive consultation, he went home and looked up every part and device he recommended my wife buy and sent her a comprehensive email with the links to the websites where she could get the best deal. I imagine most of Shawn's other friends have similar stories. To his coworkers, his family, and his friends, Shawn was a superhero.

In preparing for his 40th birthday, Shawn decided to get in shape. He became a fanatical crossfit enthusiast and, upon his diagnosis, was in arguably the best condition of his life. It is

part of the reason why his death is so unfathomable. A young man who had done everything right—built an amazing family, gave so much to his country, kept himself physically strong—was stolen from us, in an instant. It gives us all cause to take stock of our own lives, knowing that our time on this Earth can be so cruelly fleeting.

What I know about Shawn Brimley is that he lived 80 years of life in half the time. He didn't want to leave this Earth, but as he told his friends in an email sent just days before he passed, he wouldn't have changed a single thing about his life if he could. That is a standard by which we would all be wise to measure ourselves.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4102. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Pummelos Grown in Florida and Imported Grapefruit; Change in Size Requirements for Grapefruit" (Docket No. AMS-SC-17-0063; SC17-905-1 IR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4103. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas; Establishment of Reporting Requirements and New Information Collection" (Docket No. AMS-SC-17-0032, SC17-986-2 FR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4104. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Increased Assessment Rate" (Docket

No. AMS-SC-17-0036; SC17-982-1 FR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4105. A communication from the Acting Administrator of the Specialty Crops Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (Docket No. AMS-SC-17-0035; SC17-984-1 FIR) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4106. A communication from the Senior Official performing the duties of the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Fiscal Year 2018 Operational Energy Budget Certification Report"; to the Committees on Armed Services; and Appropriations.

EC-4107. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "End Use Certificates (EUCs)" (RIN0790-AJ05; DOD-2017-OS-0004) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Armed Services.

EC-4108. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN3064-AE58) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4109. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure (2018 Adjustment to Civil Money Penalties)" (RIN3064-AE71) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4110. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Agency Reorganization" (RIN3133-AE81) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4111. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (New York; Montgomery County, City of Amsterdam)" ((44 CFR Part 64) (Docket No. FEMA-2017-0002)) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4112. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (Louisiana: Beauregard Parish, Unincorporated Areas)" ((44 CFR Part 64) (Docket No. FEMA-2017-0002)) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-4113. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department of Commerce's "2018 Report on Foreign Policy-Based Export Controls"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4114. A communication from the Chief of the Regulations and Standards Branch,

Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Lease Civil Penalty Inflation Adjustment" (RIN1014-AA36) received in the Office of the President of the Senate on January 18, 2018; to the Committee on Energy and Natural Resources.

EC-4115. A communication from the Secretary of the Interior, transmitting, pursuant to law, an annual report related to the Colorado River System Reservoirs for 2018; to the Committee on Energy and Natural Resources.

EC-4116. A communication from the Regulatory Affairs Specialist, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil Spill Financial Responsibility Adjustment of the Limit of Liability for Offshore Facilities" (RIN1010-AD98) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Environment and Public Works.

EC-4117. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, Department of Homeland Security, received in the Office of the President of the Senate on January 17, 2018; to the Committee on Finance.

EC-4118. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, U.S. Customs and Border Protection, Department of Homeland Security, received in the Office of the President of the Senate on January 18, 2018; to the Committee on Finance.

EC-4119. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, six (6) reports relative to vacancies in the Department of Health and Human Services, received in the Office of the President of the Senate on January 18, 2018; to the Committee on Finance.

EC-4120. A communication from the Assistant Secretary of State, Bureau of Legislative Affairs, transmitting, pursuant to law, a report relative to the interdiction of aircraft engaged in illicit drug trafficking; to the Committee on Foreign Relations.

EC-4121. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2016"; to the Committee on Health, Education, Labor, and Pensions.

EC-4122. A communication from the Deputy Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "18-Month Extension of Transition Period and Delay of Applicability Dates; Best Interest Contract Exemption (PTE 2016-01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016-02); Prohibited Transaction Exemption 84-24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters (PTE 84-24); Correction" (ZRIN1210-ZA27) received in the Office of the President of the Senate on January 17, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4123. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, two (2) reports relative to a vacancy in the Department of Health and Human Services, received in the Office of the President of the Senate on January 18, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4124. A communication from the Deputy Assistant General Counsel for the Division of Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR) and Independent Living Programs, Outdated, Superseded Regulations" (RIN1820-AB76) received in the Office of the President of the Senate on January 19, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4125. A communication from the Chief Financial Officer, National Labor Relations Board, transmitting, pursuant to law, a report entitled "Performance and Accountability Report for Fiscal Year 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-4126. A communication from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy for the position of Administrator, Federal Aviation Administration, Department of Transportation, received in the Office of the President of the Senate on January 19, 2018; to the Committee on Commerce, Science, and Transportation.

EC-4127. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Policy for the Protection of Human Subjects: Delay of the Revisions to the Federal Policy for the Protection of Human Subjects" (40 CFR Part 26) received in the Office of the President of the Senate on January 19, 2018; to the Committee on Environment and Public Works.

EC-4128. A communication from the Regulations Coordinator, Office of the Assistant Secretary for Health, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Policy for the Protection of Human Subjects: Delay of the Revisions to the Federal Policy for the Protection of Human Subjects" (RIN0937-AA06) received in the Office of the President of the Senate on January 22, 2018; to the Committee on Health, Education, Labor, and Pensions.

EC-4129. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Removal of Eligible and Ineligible Individuals from Existing Enrollments" (RIN3206-AN09) received in the Office of the President of the Senate on January 22, 2018; to the Committee on Homeland Security and Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-161. A resolution adopted by the City Council of the City of Richmond, California memorializing its support for net neutrality and open Internet access for all; to the Committee on Commerce, Science, and Transportation.

POM-162. A resolution adopted by the City Council of the City of Pascagoula, Mis-

issippi, urging the United States Congress to keep its commitment under the Gulf of Mexico Energy Security Act to share OCS revenues with Gulf producing states and their coastal political subdivisions and to ensure that Jackson County can continue to provide the nation with critical energy supplies and maintain and improve the infrastructure that is necessary to do so; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:
S. Con. Res. 33. A concurrent resolution providing for a correction in the enrollment of H.R. 195; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2121
At the request of Mr. HELLER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 2121, a bill to amend title XVIII of the Social Security Act to require reporting of certain data by providers and suppliers of air ambulance services for purposes of reforming reimbursements for such services under the Medicare program, and for other purposes.

S. 2324
At the request of Mr. HELLER, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 2324, a bill to amend the Investment Company Act of 1940 to change certain requirements relating to the capital structure of business development companies, to direct the Securities and Exchange Commission to revise certain rules relating to business development companies, and for other purposes.

S. RES. 368
At the request of Mr. CORKER, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. Res. 368, a resolution supporting the right of all Iranian citizens to have their voices heard.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 33—PROVIDING FOR A CORRECTION IN THE ENROLLMENT OF H.R. 195

Mr. COCHRAN submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 33
Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill H.R. 195, the Clerk of the House of Representatives shall make the following corrections:

- (1) Insert before section 1 the following:

"DIVISION A—FEDERAL REGISTER PRINTING SAVINGS ACT OF 2017"
- (2) In section 1, strike "Act" and insert "division".

(3) Insert before section 2002 the following: "SEC. 154 (a) Employees furloughed as a result of any lapse in appropriations which begins on or about January 20, 2018, shall be compensated at their standard rate of compensation, for the period of such lapse in appropriations, as soon as practicable after such lapse in appropriations ends.

- "(b) For purposes of this section, 'employee' means:
 - "(1) a Federal employee;
 - "(2) an employee of the District of Columbia Courts;
 - "(3) an employee of the Public Defender Service for the District of Columbia; or
 - "(4) a District of Columbia Government employee.

"(c) All obligations incurred in anticipation of the appropriations made and authority granted by this division for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government functions, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this division.

"SEC. 155. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

"(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

"(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

"(b) For purposes of this section, the term 'State' and the term 'grantee' shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, 'to continue carrying out a Federal program' means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

"(c) The authority under this section applies with respect to any period in fiscal year 2018 (not limited to periods beginning or ending after the date of the enactment of this division) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts."

(4) Insert after section 2002 the following: "SEC. 2003. For the purposes of division D of Public Law 115-56, the time covered by such division shall be considered to include the period which began on or about January 20, 2018, during which there occurred a lapse in appropriations."

(5) Amend the title so as to read: "Making further continuing appropriations for the fiscal year ending September 30, 2018, and for other purposes".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1919. Mr. BURR (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1917 proposed by Mr. MCCONNELL to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1919. Mr. BURR (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 1917 proposed by Mr. MCCONNELL to the bill H.R. 195, to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

In section 2001, in the matter being added to the Continuing Appropriations Act, 2018, in section 148, strike "may be obligated and expended notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1))" and insert the following: "for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2018 until the date of the enactment of the Intelligence Authorization Act for fiscal year 2018".

ORDERS FOR TUESDAY, JANUARY 23, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Tuesday, January 23; 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 Powell nomination; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

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 unanimous consent that it stand adjourned under the previous order, following the remarks of Senator DAINES.

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

The Senator from Montana.

PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

Mr. DAINES. Mr. President, before I got involved in politics, I spent 28 years in the private sector—small businesses, medium-sized businesses, a Fortune 25 company. The Fortune 25 company was Proctor & Gamble. I spent 14 years with that company, and one of our assignments took us to mainland China.

I remember when we were offered the assignment and we took the job. At that time, we had a little boy, David, our first child. He was about 18 months old. Our second child, Annie, was just born, a new baby, several weeks old. We moved to Guangzhou. That was in January of 1992.

We were part of leading the team that pioneered the operations for Proctor & Gamble back in the early days of the expansion of the company. Today, that geography, in fact, I think is P&G's second largest geography as it relates to sales in the world.

I remember we spent some time with other American families from around the world. There were American families. There were families from virtually every continent. These expats living over there would spend time going to orphanages.

We would go to these orphanages, usually on a Saturday, and we would hold these babies. Sometimes they had disabilities. Some of these babies never received human touch except for when these families—oftentimes American families—would go and hold them. On a positive note, it built in a conscience at that orphanage. They knew the Americans were coming on Saturday. Things got cleaned up, the babies were getting a little better fed, and that was a good thing, but we were fighting on behalf of those who had life and weren't being treated very well.

I want to tell a couple of stories about things that happened while we were over there in China. I was running a large organization. I had many Chinese employees who were working for me. I remember one day one of my key managers came and he said: STEVE, I need to go to the police station this afternoon.

I said: Oh, my word. Is there something wrong? Do you need some help?

He said: No, not really. My wife is pregnant, and we did not have permission from the authorities to get pregnant.

I said: Well, what does that mean?

He said: Well, that might mean they would terminate the pregnancy, require it.

At that moment, I looked at that employee—one of my key managers—and I said: I will do all I need to do, all I can, to ensure that we protect that baby, assuming you want to keep that baby.

And he said: My wife and I do want to keep that baby.

I said: What does help look like? How can I help you?

He said: Well, can I get a case of shampoo?

Now, we were making some well-known brands, including Head & Shoulders shampoo, Vidal Sassoon, Pantene. We were making Crest toothpaste then and Tide. We had these world-class brands.

So I gave him a case of shampoo, and he went downtown to see the authorities. That case of shampoo saved the life of that baby, and they now have a beautiful grown daughter.

Another day I was at work and my phone rang. My wife Cindy called me.

She said: STEVE, you will not believe it, but we just had twin baby girls dropped off on our doorstep in our apartment in Guangzhou.

I said: Twin baby girls? Really?

At that point, we had three children. We went over to China with two. We had two more, in fact, while we were living over there. At that time, we had three.

She said: They are just infants.

The story behind that is, there was a mother who lived in the countryside who had one baby, a little girl, and she got pregnant with twins. Because of the one-child policy, she was in trouble, and she fled to the countryside. In fact, she was hiding in a remote location, and her mother would come out to feed the mother and the babies to keep them alive.

To make a long story short, we battled for a couple of years because there was no paper trail for these two beautiful Chinese babies. There was an American family who worked for Proctor & Gamble—one of my associates who wanted to adopt those babies.

I can tell you, there was another happy ending this time to that story. They are now two beautiful young women who are living in the United States as U.S. citizens.

These stories demonstrate the importance of saving one life at a time.

I share these stories because today is the 45th anniversary of the Supreme Court's decision on Roe v. Wade. I know there is a lot going on at the moment. The Senate just voted to reopen the government. The House will follow shortly. The President will sign that bill. Common sense has prevailed. We have the government open again. In fact, we are reauthorizing the Children's Health Insurance Program for 6 years.

Today, in the midst of all of these important issues we are dealing with, we cannot—we must not—forget that each year in the United States, over 600,000 babies lose their fight for life due to abortion. No case of shampoo is able to save them. They never got the chance to be adopted. That is over 600,000 babies a year; 60 million since the Supreme Court's decision on Roe v. Wade in 1973, 45 years ago today.

I told a little bit about David when I started my remarks, our oldest son of our four children. David was born in the United States before we moved to China. I think, as a parent—and if you

are a parent, you remember that with new babies, when you take them to get their shots, it is much harder on mom and dad than it is on the baby. The baby is screaming and crying from the pain they are feeling, and you as a parent want to take away that pain. It is part of the natural response of any mom or dad.

Tragically, in this Nation, there are over 13,000 babies aborted that are over 20 weeks old. You see, at 20 weeks, that baby can yawn. It can make faces. It can stretch. The science tells us babies at 20 weeks of age can feel pain. So think about the pain a parent feels when a newborn receives a vaccination, and imagine the pain a baby at 20 weeks and beyond feels if it is being aborted. In fact, when they do in utero surgery at 20 weeks and beyond, they administer anesthesia to that baby.

We must continue to fight to protect life at all stages. Certainly, where we can take steps—bipartisan steps—to protect life, we should. I think we might be able to agree that banning elective abortions for babies who are 20 weeks or older—that is 5 months, well past the halfway stage of gestation—we should do that.

At the center of this debate is a tiny child, and that baby can't speak for itself yet. Those babies we fought for in China—whether it was that baby who was saved by a case of shampoo or those twin baby girls who were dropped off on our doorstep—couldn't speak and fight for their lives. The babies in the womb, their cries aren't audible. We at least could hear the cries of the twin baby girls. That is why we must act on their behalf.

Studies have shown that the vast majority of Americans are in favor of prohibiting late-term abortions, of stopping elective abortions after 20 weeks. In fact, if you poll millennials, that number is even higher. Why is that? I am not sure I have the precise answer, but one possibility is technology. If you have a smartphone, take it out. I can't do that because we are prohibited on the floor of the Senate, so I can't demonstrate it here, but if you have a

smartphone or your computer or your iPad, go to Google and just type in "20 weeks." That is all. You don't have to type in "baby." Just type in "20 weeks" and look at what pops up. What you will see are images of what a baby looks like at 20 weeks. I think technology is now convincing millennials that what goes on in the womb at 20 weeks is a life; it is not just a piece of flesh. That is why we need to pass the Pain-Capable Unborn Child Protection Act.

By the way, just last week the Department of Health and Human Services announced a new Conscience and Religious Freedom Division within its Office of Civil Rights. The administration is committed—and I am grateful they are committed—to enforcing existing conscience laws. I don't believe anyone should be forced to participate in an activity like abortion that violates their conscience.

I am grateful for this administration's commitment to protecting life and the rights of conscience, and I stand ready to work with them and anyone here on either side of the aisle to advance the cause for life.

I have always believed that people will believe those things they discover for themselves. As a parent, you know that you can teach your children, and you can say things to your children, but ultimately it is a process of their discovering something for themselves before they really will believe something. I think that is what is going on right now with millennials and the issue of late-term abortions and the issues of life, because technology is showing all of us—with the incredible clarity of ultrasounds and getting visibility of what is going on inside and that amazing miracle of life—that, indeed, it is a life.

Since the Supreme Court's decision in *Roe v. Wade*, 60 million babies have lost their lives to abortion. We can honor their memories by acting to end this atrocity.

I very much look forward to seeing the Pain-Capable Unborn Child Protection Act come to the floor of the Sen-

ate. We may have disagreements about when life begins, but let's all agree that we should stop late-term abortions. At 20 weeks is when that little baby can feel pain. I think that is a reasonable place to draw the line to get bipartisan support going forward. Only seven countries in the world allow late-term abortions—seven countries. The United States is on the same list as North Korea.

I urge my colleagues on both sides of the aisle to support this most important legislation.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate, at 5:20 p.m., adjourned until Tuesday, January 23, 2018, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

JOHN H. GIBSON II, OF TEXAS, TO BE CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE. (NEW POSITION)

FEDERAL DEPOSIT INSURANCE CORPORATION

JELENA MCWILLIAMS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE THOMAS HOENIG, TERM EXPIRING.

DEPARTMENT OF STATE

TREVOR D. TRAINA, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on January 22, 2018 withdrawing from further Senate consideration the following nomination:

JELENA MCWILLIAMS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS, VICE JEREMIAH O'HEAR NORTON, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 8, 2018.