

Fargo and the exposure of up to half of the national population's personal information due to inadequate cyber security by Equifax—it is simply wrong to give immunity to bad corporate actors against lawsuits by the very customers they harmed.

I urge my colleagues to think about the millions of Americans who still don't know all the facts about whether they are victims of one of these or other major banking scandals. They deserve the chance to gather the facts and hold the responsible parties accountable. This anticonsumer resolution strips away those victims' constitutional first line of defense against lending fraud and permits corporations more opportunities to take advantage of consumers.

We have known for years that forced arbitration clauses harm the financial security of those who are most vulnerable to lending scams. Companies slip these clauses into the fine print of contracts for everything from loan applications to purchases on a smartphone. Let's be clear. Even if every American had the time to read and understand the fine print of every contract they sign, most of these contracts by major financial institutions are one-sided, and the consumer has no power to bargain the terms in the fine print.

With these in place, consumers who learn their bank or lender has overcharged or defrauded them also learn quickly that they have signed away their right to take the corporation to court. Instead, they must choose between dropping their claim or going it alone in an arbitration process that is clearly and notoriously stacked in favor of the corporation.

Forced arbitration makes it easier for predatory lenders to avoid the consequences for taking advantage of consumers. This reality is even more outrageous when we consider the fact that predatory lenders view servicemembers, military families, and veterans as prime targets for financial scams. The CFPB has noted that servicemembers are attractive targets because, among other things, they are required to maintain good finances, their pay is consistent, they often relocate, and many are just starting to make significant financial decisions. The Department of Defense is also well aware that military bases draw predatory lenders selling bad or illegal loans, which is one reason why the Department of Defense recently issued new rules banning forced arbitration for many loans covered by the Military Lending Act. But these rules still don't cover the full range of financial products that may be used to take advantage of military consumers and their families. That is why I have worked for years with Senator LINDSEY GRAHAM on legislation to ban forced arbitration clauses that waive or limit rights under the Servicemembers Civil Relief Act. The CFPB rule bans many of these and other forced arbitration clauses that disproportionately harm servicemembers and their families.

While the CFPB has provided data to support the arbitration rule's positive effects for servicemembers, we should also listen to the servicemember community. Their strong support for this rule speaks volumes. The CFPB rule's supporters include the Military Coalition, which consists of 32 military advocacy groups, including the Veterans of Foreign Wars, and associations representing the interests of members of the Navy, Army, Air Force, and Marine Corps. Moreover, in August, the National Convention of the American Legion adopted a resolution opposing legislation to repeal the CFPB forced arbitration rule because, among other reasons, it "is extremely unfair to bar servicemembers, veterans, and other consumers from joining together to enforce statutory and constitutional protections in court." Simply put, servicemembers and veterans don't want this CRA, and they are watching this vote closely.

Mr. President, forced arbitration is the prime example of a rigged system whereby powerful corporations and interests play by different sets of rules than average Americans. When a normal person defrauds another person, that person is entitled to seek a resolution in court. It is wrong for us to allow major corporations to create their own justice system that serves their own interests at the expense of American consumers, families, servicemembers, and veterans.

I urge my colleagues to oppose this resolution and to permit the CFPB arbitration rule to go into effect.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. HOEVEN).

#### BANKRUPTCY JUDGESHIP ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, we currently have a \$20 trillion debt.

Now, we might ask ourselves, whose fault is it, Republicans or Democrats? The easy answer is both. Both parties are equally responsible, equally culpable, and equally guilty of ignoring the debt, ignoring the spending problem, and really I think allowing our country to rot from the inside out.

This year, the deficit will be \$700 billion, for just 1 year for our country,

\$700 billion. We borrow about \$1 million a minute. Under George W. Bush, the debt went from \$5 trillion to \$10 trillion. Under President Obama, it went from \$10 trillion to \$20 trillion. It is doubling under Republicans and Democrats.

Right now, we are in the midst of another spending frenzy. People will say: Well, we are spending the money for something good. We are going to help those in Puerto Rico, in Texas, and in Florida. My point is, if we are going to spend money to help someone in need, maybe we should take it from another area of spending that is less in need. I think that just simply borrowing it—even for something you can argue is compassionate—is really foolhardy and may make us weaker as a nation.

Admiral Mullen put it this way. He said: The No. 1 threat to our national security is our debt. In fact, most people who follow world politics—while we do have problems around the world—don't really see us being invaded anytime soon by an army or an armada, but people do see the burden of debt.

So what we have before us is a bill, \$36 billion, much of it going to Puerto Rico, Texas, and Florida. My request is very simple: We should pay for it.

About 1 month ago, we had \$15 billion for the same purposes. We are set, in all likelihood, to have over \$100 billion spent on these hurricanes. I simply ask that we take it from some spending item that seems to be less pressing. We could go through a list of hundreds and hundreds of items.

One thing I think we could start with is why don't we quit sending money to countries that burn our flag? If you are a country saying: "Death to America," burning the American flag, maybe we shouldn't give you any money. We give money to Pakistan, we trade and sell arms with most of the Middle East, which does not like us, and we do this with borrowed money. We don't even have the money we are sending, but we can make the burden a little less if we say: Let's not give any money to countries that hate us, to any country burning our flag.

In Pakistan, there is a Christian woman by the name of Asia Bibi. She has been on death row for 5 years for being a Christian. She went to the well to draw water, and the women of the village began chanting, "Death. Death to the Christian." As she was being beaten and pummeled on the ground and thought she was going to die, the police finally showed up. She thought they were there to rescue her. They were there to imprison her. They took her off to prison. That was 5 years ago. It is not easy being Christian in the Middle East.

In Pakistan, there was a doctor who helped us get bin Laden. His name is Afridi. He also has been in jail now for about 5, 6 years. He helped get us information that helped us to target bin Laden and finally get this great enemy of our country. The Pakistanis put him in jail for helping us.

The Pakistanis help us one day and stab us in the back the next day. When the Taliban was defeated under President Obama, when he put 100,000 troops in there, they scurried off into Pakistan, they had a sanctuary, and then they came back. I think we ought to think twice about sending money to countries that burn our flag, sending money to countries that persecute Christians, sending money to countries that, frankly, don't even like us.

We spend about \$30 billion helping other countries. If you were going to help your neighbor, if your neighbor was without food, would you first feed your children, and if you have a little money left over, help the children next door? That is what most people would do. If you are going to give money to your church or synagogue, would you go to the bank and borrow the money to give to somebody? Would that be compassionate or foolhardy? Is it compassionate to borrow money to give it to someone else?

People here will say they have great compassion, and they want to help the people of Puerto Rico and the people of Texas and the people of Florida, but notice they have great compassion with someone else's money. Ask them if they are giving any money to Puerto Rico. Ask them if they are giving money to Texas. Ask them what they are doing to help their fellow man. You will find often it is easy to be compassionate with somebody else's money, but it is not only that. It is not only compassion with someone else's money, it is compassion with money that doesn't even exist, money that is borrowed. Of the \$20 trillion we owe, China holds \$1 trillion of that.

All this might be said, and you might say: We just have to help people. You are worrying too much. Do you have to talk about details? Really, all the money is being well spent. If you look back at money that has been spent before on disasters, guess what—people replace everything, including things that weren't broken.

I remember, in Katrina, a family who was holed up in a beachside resort for weeks with taxpayer money. They could have put them up across the street for about \$60 or \$50 a night. They were staying in a \$400-a-night beachside resort with government money, with FEMA money.

I think we have to look at how well government spends money. Do you want an example of how well government spends money? Last year, we had some great science. There was a lot of great taxpayer-funded science going on. They wanted to study whether Neil Armstrong, when he set foot on the Moon, said: "One small step for mankind" or whether he said: "One small step for a man." So it was either "One small step for man" or "One small step for a man." They wanted to know if the article "a" was in there. So they took money that was actually intended for a good purpose—to study autism—and they studied Neil Armstrong's

statement when he landed on the Moon, \$700,000.

In the NIH last year, they spent \$2 million studying whether, if someone in front of you in the buffet line sneezes on the food, are you more or less likely to eat the food that has been sneezed on? I think we could have polled the audience on that one.

They spent \$300,000 studying whether Japanese quail are more sexually promiscuous on cocaine. I think we could probably just assume yes.

This kind of stuff goes on year after year. You think: Oh, those are aberrations. That is new.

William Proxmire was a Senator—a conservative Democrat back in the day—and he used to do something called the Golden Fleece Award. He would put out these awards. They sound exactly the same as the stuff we are finding now.

We spent money studying the gambling habits of Ugandans. We have studied how to prepare the Philippines for climate change. You name it, we are studying it around the world, with money we don't have.

If you want to make the argument: We are running a surplus, we are a great country, we are going to help all the other countries of the world—I would actually listen to you if we were running a surplus, but we are not. We are running a \$700 billion deficit. We borrow \$1 million a minute.

We have a lot of rich people here. We ought to ask these rich Senators: What have you given to Puerto Rico? What are you giving to Texas? Instead, they are giving your money. They are really not even giving your money. They are giving money they borrowed.

So what am I asking? Not that we not do this. What I am asking is: Why don't we take it from something we shouldn't be doing or why don't we try to conserve? So if you decided you want to help the people next door, you might say: I am not going to the movie theater. I am not going to go to the Broadway play. I am not going to the NFL game. I am going to save money by cutting back on my expenses so I can help the people next door who are struggling, the father and mother out of work, and they need my help—but you wouldn't go to the bank and ask for a loan to help people. That is not the way it works, unless you are a government. Then common sense goes out the window, and you just spend money right and left because you are compassionate, you have a big heart, because you have the ability of the Federal Reserve just to print out more money.

There are ultimately ramifications to profligate spending. We are approaching that day. Some say you get there when your debt is at 100 percent of your GDP. We have now surpassed that. We have about a \$17 trillion, \$18 trillion economy, and we have a \$20 trillion debt. Is it getting any better? Have we planned on fixing it at all? No, there is no fixing. Is one party better than the other? No, they are equally

bad. They are terrible. One side is at least honest. They don't care about the debt. The other side is just hypocrites because they say: We are going to win the election by saying we are conservative, we care about the debt, but they don't. The debt gets worse under both parties. Voters need to scratch their head and say: Maybe they are both equally bad with regard to the debt.

Most of the debt is driven by this. It is driven by mandatory spending. What is mandatory spending? These are the entitlements, Medicare, Medicaid, food stamps, Social Security. This is driving the debt. It is on autopilot. So when we talk about a budget, nobody is talking about doing anything about the spending on autopilot. Why? It is risky to talk about reforming entitlements because everybody is getting one. If we don't, though, we are consigned to more and more debt, and ultimately I think we are consigned to resign to a time in which the currency may well be destroyed and the country could be eaten from the inside out through this massive debt.

Last week, we voted on a budget. From appearances, you would say: Well, the Republicans put forth a conservative budget. It had \$6 trillion worth of entitlement savings. In the first year, it had \$96 billion worth of entitlement savings.

But ask one Republican, ask any Republican in Congress "Where is your \$96 billion worth of entitlement spending coming from?" and most of them wouldn't even know it was in the budget. It is in the budget to make it look good and look as if it balances over 10 years. Yet there is no plan to do anything to entitlement spending. There is no plan to do any entitlement savings. There is no bill in committee and no bill to come forward.

I introduced an amendment to the budget. I said: Well, if you are going to cut or save or somehow transform the entitlements into responsible spending, where we spend what comes in and we don't borrow, why don't we put rules or reconciliation instructions into the budget to tell people that, yes, we are honest, we are sincere, and we are actually going to cut spending? Do you know how many people voted for it? There are 52 Republicans; we had 5. They say they are for spending cuts, but they are not really because nobody will vote to give the instructions to actually do the spending cuts.

The budget we typically vote on is called discretionary spending. This is the military and nonmilitary. If you were to eliminate all of that, you still wouldn't balance the budget. That is one-third of the budget. You can't even balance the budget by eliminating one-third of it. You have to tackle the entitlements. Yet nobody has the where-withal, the guts, or the intestinal fortitude to actually do it.

We did have a big fix once upon a time on Social Security. In 1983, President Reagan and Tip O'Neill—Republican and Democrat—came together to

say that we were out of money, and we gradually raised the age of Social Security to 67. Is anybody happy to do that? Is anybody jumping up and down, saying: Oh, I want to wait longer to get Social Security. No, nobody is, but if we don't do it, there will be no Social Security because we are destroying the system.

Social Security pays out more than it brings in. Once upon a time, it was the other way around. We used to have about 16 workers for every retiree. Now we have a little bit less than three workers for every retiree. Families got smaller.

People ask me: Why are Social Security and Medicare running a deficit? Whose fault is it—Republicans or Democrats? Really, it is a little bit of both, but it is also the fault of your grandparents for having too many kids. A whole bunch of baby boomers were born, and they are all retiring, but the baby boomers had fewer kids, and the baby boomers' kids had even fewer kids, so it is a demographic shift.

If we put our heads in the sand and do nothing, the debt will continue to accumulate. We are accumulating debt by the billions of dollars every year. This year, it is \$700 billion, and it is estimated that it will be close to or may exceed \$1 trillion next year. During President Obama's tenure, we had deficits of over \$1 trillion in several years. Over an 8-year period, we actually increased the debt over \$1 trillion a year. There was about a \$10 trillion increase in the debt in the 8 years of President Obama.

If we look at whose fault it is, Republicans or Democrats, it is both. But I will tell you the way it works around here. People say that it is noble, that you are enlightened if you compromise. So here is the compromise you get. You heard that four of our brave young men died in Niger the other day. Most of the people here didn't even know we were there, to the tune of 1,000 soldiers. Once they heard about it—the hawks—they said: Oh, we need more. They didn't know 1,000 were there, but they said that we need more there, that we need more people in Niger.

No one has bothered to have a debate over what the war in Niger is about, whether we should be there, and whether we should send our brave, young men and women there. Our Founding Fathers said that was the first principle—the first principle of going to war. The initiation of war, the declaration of war, is to be done by Congress. They specifically took that power away from the President. It is not just about funding, although that is another way we control war, but the primary way we control whether we enter into war is the declaration of war. It is under article I, section 8. This is where the congressional powers are laid out. People say: Oh, that is an anachronism; we don't obey that anymore. They certainly don't. But it was never removed from the Constitution; they just quit and began ignoring this.

How important was this to our Founding Fathers? Madison wrote this. Madison said that the executive is the branch of government most prone to war; therefore, the Constitution, with studied care, granted the power of war to the legislature. It wasn't just Madison who said this; it was Jefferson, Washington, Adams. The whole panoply of Founding Fathers said that war was to be initiated by Congress.

We have had no vote, no debate, and most of the Members didn't know we were in this part of Africa. Yet here we are. But the knee-jerk reaction by those on the right typically, but some on the left, is that we need more, that we wouldn't have lost those 4 lives had we had 10,000 troops in a country in which none of us knew we were going to be at war. None of us fully debated who the parties are to the war. Yet we are going to be at war there now. So the knee-jerk reaction is that we are to expand our role in this war in Africa.

I had my staff ask a question: How many troops do we have in Africa? Nobody here knows. We looked it up, and we found out it is 6,000. We have 6,000 troops in Africa. We knew we were at war in Iraq, Syria, Afghanistan, and Libya, but we didn't really know we had 6,000 troops in Africa. That would include Libya. Six thousand troops are in Africa.

The point is, when you get back to the debate we are talking about—the budget—there are a great deal of expenditures to have troops in a hundred-some-odd countries. So we literally have troops in over 100 countries. We currently have 6,000 troops in Africa. It is expensive. How do you convince the other side of the aisle to pay for it?

Typically, the Republican side of the aisle says: "Katy, bar the door." We will spend whatever it takes, and then some, on the military.

The Democrats say: Well, what about welfare? We need more welfare.

Then they tell you that to compromise is noble, to be enlightened, to be pragmatic, that to compromise is what we should shoot for, that we should work with the other side. So that is what happens.

There has been a bipartisan consensus for maybe 50, 60, 70 years now, and that is to fund everything. If the right wants warfare, the left says we must get more welfare. If the left wants welfare, the right says we have to have more money for warfare. So it is guns and butter. It began in an aggressive way during the Vietnam war, but it has proceeded apace. We continue to spend money as if there is no tomorrow, but both parties are guilty. It is the right and the left. It is compromise that is killing this country. It is the compromise to spend money on everything, for everyone, whether you are from the right or the left.

But there could be another form of compromise. We could say that we wish to compromise in the reverse direction. We wish to say that, look, maybe for the Republicans, national defense is

more important than welfare, and maybe for the Democrats, welfare is more important than warfare, but maybe the compromise could be, you know what, we don't have enough money for either one. Maybe the compromise could be that we will spend a little bit less on each.

You know what. We did that recently. When I first came up here, I was elected in this tea party tidal wave that was concerned about debt. Something called a sequester was passed. Guess who hated it. All the big-spending Republicans and all the big-spending Democrats. They couldn't pass out their goodies and favors enough because there was some restraint.

You say: Well, I heard the sequester was terrible. I saw people at school and I saw people in my town saying that the sequester wasn't giving them enough money.

The sequester was actually a slowdown in the rate of growth of spending. This is why you have to understand newspeak. We talk about newspeak and how people change the meaning of words to make them meaningless or even to make them mean the opposite. You hear all the time—when we were having the debate on repealing ObamaCare, we were talking about capping the rate of growth of Medicaid. You heard all the squawking on the left saying we were going to cut Medicaid. No. We were going to cut the rate of growth of Medicaid.

So we had a sequester, and it was evenly divided between military and nonmilitary, between Republican interests and Democratic interests. It did not cut; it slowed down the rate of growth of spending over 10 years. It was actually working to a certain degree. We got it because people who were concerned about the debt fought and fought and said: We need to be concerned about the debt. We are hollowing out the country from the inside out.

Who destroyed the sequester? Really, the voices were louder on the Republican side than the Democratic side, but both parties were complicit. The sequester has essentially been gutted and destroyed, and the spending caps have become somewhat meaningless.

We have before us today \$36 billion. It will exceed the spending caps. We have a sequester in place, but there are all these exemptions, so it is exempt. Anytime you say it is an emergency, it is an exemption. Within the \$36 billion, though, there is \$16 billion because we run a terrible government-run flood program that is \$16 billion in the hole. So we are going to bail it out by letting it wipe out all of its debt. That sounds like long-term mismanagement in a badly run program rather than an emergency. Yet it is going to be stuck in an emergency bill so it can exceed the caps.

What am I asking for today? I am asking that we obey our own rules. We set these rules. We set these spending caps. We set the sequester. Let's obey

them. The other side will say: Oh, we are obeying the rules; we are just not counting this money. That is the problem. We have this dishonest accounting where people say: Oh yeah, we are obeying the rules. But we are not.

There are a couple of ways you could pay for this. The first way, I tried a couple of weeks ago. We had a \$15 billion bill, and I said: Why don't we pay for it with the foreign aid, the welfare we give to other countries? Why don't we say: You know what, it is time we looked at America first. It is time that we took care of our own. It is time that we spend money taking care of those in Texas, Florida, and Puerto Rico, but let's spend money that we were going to send in the form of welfare to other countries. Maybe we should take care of our own.

Instead, though, the Senate voted otherwise. I forced the issue. They weren't too happy with the amendment. I only got the vote because I was persistent and I threatened to delay things, and I was able to get a vote. Do you know how many Senators voted for this? No Democrats. No Democrats wanted to offset any spending, and 10 Republicans did. I think the vote was 87 to 10. Eighty-seven Senators voted to keep spending money without any offsets, to basically just borrow the money.

Now we are having the same debate again. I have an amendment to offset the \$36 billion. In all likelihood, I am not going to get an amendment vote because they don't have time. It would take 15 minutes, and God forbid we spend 15 minutes talking about how we are being eaten alive by a \$20 trillion debt. God forbid we talk about how a \$20 trillion debt is an anchor around the neck of the country. God forbid. God forbid we offer an amendment and at least take 15 minutes to have an offset, to say we should pay for this money we are going to send to Puerto Rico, Texas, and Florida, pay for it by taking it from some other element in the budget.

Last time, I offered foreign welfare. This time, what I put on the table is something that is very similar to a bill that has been put forward and offered for several years called the Penny Plan. The Penny Plan is this. There is a great illustration of this—if you want to look at this on YouTube—of a guy with a bunch of pennies stacked and showing sort of in a visual way what it would be like to cut one penny out of every dollar. That is what we are talking about. A 1-percent cut across the board would pay for this \$36 billion bill. It is actually a little bit less than 1 percent. One percent of a \$4 trillion budget would be \$40 billion. We need \$36 billion, so it is less than 1 percent. Just cut the budget less than 1 percent.

Do you think there might be 1 percent waste in every department, including even departments of government you might like? Do you think any American families ever had to deal with a 1-percent cut? Government is so

wasteful at every level that we could probably cut several percentage points of every division and department of government, and you wouldn't know it was gone. I mean, the waste is astounding. When we looked at where money is spent, we looked at some of the money that was being shipped overseas not too long ago, and one of the programs that we found was a televised cricket league for Afghanistan. All right, self-esteem is really important, and you are going to pay for it. So we are going to pay for television so that the Afghans can feel better about themselves by watching cricket on TV.

The first problem is that we don't have the money. We have to borrow it. The second problem is that they don't have televisions in Afghanistan. Well, some do, but the 1 in 1,000 people who have a television, I guess, are going to feel better about the Americans paying so that they can watch cricket on TV. It is one thing after another. We paid \$1 million for a variety program to put little songs and skits on their televisions. Once again, most of them do not have a TV to watch.

In the war effort in Afghanistan, we spent trillions and trillions of dollars on the war effort. We have defeated the Taliban many times, and I am sure that we could defeat them again, but that just means that they will go across the border, hide in caves, and go back when we are tired.

We spent \$45 million on a gas station in Afghanistan. This is an interesting gas station. It serves up natural gas. You might say that is great because we are lessening the carbon footprint in Afghanistan, except that it is completely absurd. They do not have any cars that run on natural gas in Afghanistan.

So they built a \$45 million plant. The original estimate was that it was going to cost about \$500,000. It was like 46 times the cost of overruns, and it ended up costing \$45 million. It serves up natural gas, but nobody has a car that runs on natural gas.

We said whoops, and we immediately bought them 24 cars that run on natural gas so they could go to the \$45 million gas station to get their natural gas. But that was not enough. We had natural gas cars for them, but they had no money with which to buy the natural gas. So we bought them all credit cards. We bought them natural-gas-burning cars, we gave them a natural-gas gas station, and we bought them credit cards to reduce the carbon footprint of those who are living in Afghanistan. This is absurd.

When we look at the budget and when we look at accounting, a lot of the money that has been spent overseas in the Iraq war, the Afghanistan war, the Syria war, the Niger war, the Libya war, the Somalia war, and the Chad war is not really budgeted. A lot of this money is actually done as an off-budget thing. It is called the overseas contingency operations. It is really a way of cheating, a way of being

dishonest in your accounting. It is a way of evading spending caps, but it has also gone a long way toward making it easier to keep spending money without restraint. We tried to put restraints on military and nonmilitary, and they were exceeded by this slush fund. They call it OCO funding, or overseas contingency operations. When we had the budget vote recently, I put forward an amendment and simply said that we should not spend above our caps. If we put these caps in place, this is what we should spend. I think that we got maybe 15 or 20 votes on that, but this is the problem.

Ultimately, we have to decide as a country this: Are we going to obey the Constitution? Are we going to go to war only when we declare war, when Congress does its job and declares war, or are we going to go to war anytime, anywhere? That is sort of what we do now. We go to war anytime, anywhere on the face of the planet, and it is not for free.

Not only is it expensive in dollars, but it is expensive in the lives of the young men and women who are sent to these wars. Yet no one has ever voted on them. We lost a soldier in Yemen 3 or 4 months ago. For his family, it was devastating, but America pays little attention because America is, basically, not fighting the war. A very small percentage of America—brave young men and women who are often from rural parts of our country—is fighting our wars, but the mass of America is not fighting. You could say that they are volunteers—that is great, and I think that is the best kind of army to have—but I hate it that we do not show the responsibility and care of actually doing our job and of taking the time to debate it.

Should we be at war in Yemen or not? Should we be at war in Niger? Should we be at war in Libya? Should we be at war in Chad? Should we be at war in Somalia, in Djibouti, in Pakistan, in Afghanistan? We have troops in probably 20 or 30 nations in which there is conflict going on, and we are actively involved in the midst of conflict in at least 6 or 7. It is very expensive in human lives and dollars.

We need to ask ourselves this: Will we do this forever?

The Sunnis have been fighting the Shia for about 1,000 years.

People say: Well, we are going after ISIS in Africa.

ISIS is basically a name for radical jihadist Islam, and it is all over the planet. Are we going to go everywhere and kill every one of them? Is there a possibility that, when we kill 1 that 10 more will pop up? Is the Whac-A-Mole strategy for killing every terrorist on the planet or every radical on the planet the way that we are going to win?

We went into Yemen on a manned raid in January or February of this year, and we lost one brave Navy SEAL. They say that we got information, but they will not exactly tell me what information they got. They claim

that it was this great information that is going to make the war on terror so much easier. I have my doubts. In the raid, though, which was a manned raid in the middle of Yemen, women and children died. I do not blame our soldiers. I have members of my family who are Active Duty. They do what they are told. They take orders. It is tough being put in a situation like that. You are dropped in the middle of nowhere in a village. Maybe the women and children are shooting at you as well. You have to defend yourself and complete your mission.

Yet I wonder whether or not the policymakers should be more involved with making the decision as to whether we should be in Yemen and whether or not the people who live in the surrounding area to that village will, for 100 years or more, recite through oral tradition the day that the Americans came, and whether or not we will have actually killed more terrorists than will have been created by the oral tradition of when the Americans came.

We are also aiding and abetting Saudi Arabia in this horrific war in Yemen. There are 17 million people who live on the edge of starvation in Yemen, and the war is exacerbating that. Yemen is a very poor country to begin with. They import about 80 percent of their food. Currently, the Saudis have a blockade. So no food is getting in. They say that it is to prevent arms, and I am sure it is, but one of the consequences is no food. There are a half million people with cholera right now. It is sort of a bad form of dysentery, and in poor countries, you die from cholera. There are a half million people with cholera. It goes along with no food and no clean water.

The Saudis are blockading Yemen, and the Saudis are bombing Yemen. We are selling the Saudis the weapons. We are refueling the planes and helping the Saudis pick the targets. One of the Saudi targets about 1 year ago was a funeral procession. This was a funeral procession of a Houthi leader or rebel. There were 500 people—civilians—who were wounded in that procession, and there were 150 who were killed by a Saudi bomb on civilians.

Do you think they are going to soon forget that? Do you think that by killing 150 people in a funeral procession and wounding 500, you killed more terrorists that day than you created?

I would say that that day will live on in oral history for 1,000 years. The day the Saudis came with American bombs and bombed an unarmed funeral procession will live on for 1,000 years, and hundreds—if not thousands—of people will be motivated to become suicide bombers because of the day that the Saudis bombed a funeral procession.

It is incredibly expensive in lives—their lives, our lives. When you look at the cause of famine around the globe and when you look at it extensively and study the causes of famine, it is war probably 6 or 7 times out of 10. War is a terrible thing, and we must ac-

knowledge that and try to think of ways that we can make war the last resort instead of the first resort.

I mean, for goodness sake, the people on television this Sunday did not know how many troops were in Niger. Yet their immediate response was that we should have had more—that we need more troops over there in Africa—in a place that most Americans have not heard of and have no idea who is fighting whom or whether or not it is an achievable goal. They say that 1,000 was not enough, that if we had had 10,000 in air support and all of this, we would have prevented these deaths. That is one lesson you could learn. The other lesson you could learn is that maybe we should not have been there at all.

You see, people have to stand up for themselves. There is this idea of sort of self-rule and independence, but if people are coddled and not sort of forced into the position of defending themselves, they will not.

We have been in Afghanistan for 16 years. In the 16 years we have been there, what have we found? We have found that about 60,000 to 80,000 Afghans have come over here. We have to help these translators. Well, they speak English, and they are pro-West. So they need to stay in Afghanistan and create a country. The best people left.

It is the same in Iraq. We won the war in Iraq, and all of the good people came over here. I have nothing personally against those who came other than that I am disappointed that there were not enough people who were heroic enough to stay in their country to help build a new country.

Who fights over there? Some of the Afghans fight. Some people join their army to shoot us. We have this green on green, where their soldiers are shooting our soldiers because they come in and intentionally are there to kill our soldiers. Yet the question is, How come, after 15, 16 years, the Afghans cannot fight to preserve their nation?

Now everybody says: Oh, if America comes home, the Taliban will take over. The Taliban is not quite ISIS. It is also not quite the same international sort of jihadist. They did harbor bin Laden once upon a time. Most of those people are dead if not all of them.

If you look at how terrorism ended when the IRA ended in England and in Ireland, it ended up being a negotiation. So many say that they will never negotiate with the enemy. If you never negotiate with the Taliban—they are, unfortunately, pretty popular in Afghanistan, and they are going to be there forever—can we kill them all? No. It is just like the radicals throughout these Islamic countries. I think there are too many to kill. The question is, Do you create more than you kill?

If you put this in context and say that we have to be able to defend our-

selves and that our country needs to be strong to defend itself, I could not agree more, but do you know what? We become weaker every day as we run up this debt. We are \$20 trillion in debt—\$700 billion this year. We borrow \$1 million a minute. Realize that predicament, and then realize that the powers that be do not want to allow amendments to offset spending.

I am proposing, if we spend money on Puerto Rico and Texas and Florida, that we offset it by taking it from something that is less of a priority, from something else in the budget. If we were to cut 1 percent of the rest of the budget, we would have more than enough to pay for this. Would anybody notice 1 percent? Sure. One would have to push things around a little bit, but they would all survive.

We have looked at spending, and to show you how bad spending in the Federal Government is, it gets faster each month as you get toward the end of the year. When there is only 1 month left, these bureaucrats say: Oh, my goodness, we might not be able to spend the money fast enough. So spending in the last month of the year is, actually, five times faster than in any other month of the year. In fact, in the last month of the fiscal year, not only is it five times faster, but each progressive day it gets faster. The last month of the fiscal year is September. On September 1, they spend the money like this. On September 2, it is like this. On September 3, it like this. On September 4, it is like this. It goes up every day because they are trying to shovel the money out as fast as they can. If they do not spend it all, they are afraid they will not get it next year. The common parlance is “use it or lose it.”

When you get all the way to the last day of the fiscal year, spending actually increases and goes with the rising and setting Sun. So it is 8 o'clock, earlier here than it is in California. As the Sun rises, we begin spending money in the East. We are shoveling it out as fast as we can. As the Sun progresses towards sunset, the spending shifts to the west coast. They are shoveling it out at 5 o'clock Pacific time in their trying to get rid of the money.

If you look at when most conferences are, when most government employees go to a conference in Las Vegas, it is in the last months of the year. They found that they have some money. What is a million bucks? You don't mind spending a million bucks, right? You want these government employees to have a good time. So there was a group—I think it was the General Services Administration—a couple of years ago, and you saw those pictures of the head of the GSA and his wife in a big Las Vegas hot tub, drinking champagne. I think that was a million-dollar event—it was either at that conference or at another one—in which they decided that it would be good and instructive for their employees if they actually had a Star Trek reenactment. So they hired Star Trek reenactors.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

PROTECTING OUR DEMOCRACY

Mr. FLAKE. Mr. President, I rise today to address a matter that has been very much on my mind. At a moment when it seems that our democracy is more defined by our discord and our dysfunction than by our own values and principles, let me begin by noting a somewhat obvious point that these offices that we hold are not ours indefinitely. We are not here simply to mark time. Sustained incumbency is certainly not the point of seeking office, and there are times when we must risk our careers in favor of our principles. Now is such a time.

It must also be said that I rise today with no small measure of regret—regret because of the state of our disunion, regret because of the disrepair and destructiveness of our politics, regret because of the indecency of our discourse, regret because of the coarseness of our leadership, regret for the compromise of our moral authority, and by “our,” I mean all of our complicity in this alarming and dangerous state of affairs.

It is time for our complicity and our accommodation of the unacceptable to end. In this century, a new phrase has entered the language to describe the accommodation of a new and undesirable order, that phrase being the “new normal.” But we must never adjust to the present coarseness of our national dialogue with the tone set at the top. We must never regard as normal the regular and casual undermining of our democratic norms and ideals. We must never meekly accept the daily sun-dering of our country, the personal attacks, the threats against principles, freedoms, and institutions, the flagrant disregard for truth and decency, the reckless provocations, most often for the pettiest and most personal reasons, reasons having nothing whatsoever to do with the fortunes of the people whom we have been elected to serve. None of these appalling features of our current politics should ever be regarded as normal. We must never allow ourselves to lapse into thinking that is just the way things are now. If we simply become inured to this condition, thinking that it is just politics as usual, then Heaven help us.

Without fear of the consequences and without consideration of the rules of what is politically safe or palatable, we must stop pretending that the degradation of our politics and the conduct of some in our executive branch are normal. They are not normal. Reckless, outrageous, and undignified behavior has become excused and countenanced as “telling it like it is” when it is actually just reckless, outrageous, and undignified.

When such behavior emanates from the top of our government, it is something else. It is dangerous to a democracy. Such behavior does not project

strength, because our strength comes from our values. It instead projects a corruption of the spirit and weakness.

It is often said that children are watching. Well, they are. And what are we going to do about that? When the next generation asks us “Why didn’t you do something? Why didn’t you speak up?” what are we going to say? Mr. President, I rise today to say “enough.”

We must dedicate ourselves to making sure that the anomalous never becomes the normal. With respect and humility, I must say that we have fooled ourselves for long enough that a pivot to governing is right around the corner, a return to civility and stability right behind it. We know better than that. By now, we all know better than that.

Here, today, I stand to say that we would better serve the country and better fulfill the obligations under the Constitution by adhering to our article I “old normal”—Mr. Madison’s doctrine of the separation of powers. This genius innovation, which affirms Madison’s status as a true visionary and for which Madison argued in Federalist 51, held that the equal branches of our government would balance and counteract each other when necessary. “Ambition counteracts ambition,” he wrote. But what happens if ambition fails to counteract ambition? What happens if stability fails to assert itself in the face of chaos and instability or if decency fails to call out indecency?

Were the shoe on the other foot, would we Republicans meekly accept such behavior on display from dominant Democrats? Of course we wouldn’t, and we would be wrong if we did.

When we remain silent and fail to act when we know that silence and inaction are the wrong things to do because of political considerations, because we might make enemies, because we might alienate the base, because we might provoke a primary challenge, because ad infinitum, ad nauseam, when we succumb to those considerations in spite of what should be greater considerations and imperatives in defense of our institutions and our liberty, we dishonor our principles and forsake our obligations. Those things are far more important than politics.

I am aware that more politically savvy people than I will caution against such talk. I am aware that there is a segment of my party that believes anything short of complete and unquestioning loyalty to a President who belongs to my party is unacceptable and suspect. If I have been critical, it is not because I relish criticizing the behavior of the President of the United States. If I have been critical, it is because I believe it is my obligation to do so as a matter of duty of conscience.

The notion that one should stay silent as the norms and values that keep America strong are undermined and as the alliances and agreements that en-

sure the stability of the entire world are routinely threatened by the level of thought that goes into 140 characters, the notion that we should say or do nothing in the face of such mercurial behavior is ahistoric and, I believe, profoundly misguided.

A Republican President named Roosevelt had this to say about the President and a citizen’s relationship to the office:

The President is merely the most important among a large number of public servants. He should be supported or opposed exactly to the degree which is warranted by his good conduct or bad conduct, his efficiency or inefficiency in rendering loyal, able, and disinterested service to the Nation as a whole.

Therefore, it is absolutely necessary that there should be full liberty to tell the truth about his acts, and this means that it is exactly as necessary to blame him when he does wrong as to praise him when he does right. Any other attitude in an American citizen is both base and servile.

President Roosevelt continued:

To announce that there must be no criticism of the President, or that we are to stand by a President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.

Acting on conscience and principle is the manner in which we express our moral selves, and, as such, loyalty to conscience and principle should supersede loyalty to any man or party.

We can all be forgiven for failing in that measure from time to time. I certainly put myself at the top of the list of those who fall short in this regard. I am holier than none.

But too often, we rush not to salvage principle but to forgive and excuse our failures so that we might accommodate them and go right on failing until the accommodation itself becomes our principle.

In that way and over time, we can justify almost any behavior and sacrifice any principle. I am afraid this is where we now find ourselves.

When a leader correctly identifies real hurt and insecurity in our country, and instead of addressing it goes to look for someone to blame, there is perhaps nothing more devastating to a pluralistic society. Leadership knows that most often a good place to start in assigning blame is to look somewhat closer to home. Leadership knows where the buck stops, humility helps, and character counts.

Leadership does not knowingly encourage or feed ugly or debased appetites in us. Leadership lives by the American creed, “E Pluribus Unum”—“From many, one.” American leadership looks to the world, and just as Lincoln did, sees the family of man. Humanity is not a zero-sum game. When we have been at our most prosperous, we have been at our most principled, and when we do well, the rest of the world does well.

These articles of civic faith have been critical to the American identity for as long as we have been alive. They are our birthright and our obligation.

We must guard them jealously and pass them on for as long as the calendar has days. To betray them or to be unserious in their defense is a betrayal of the fundamental obligations of American leadership, and to behave as if they don't matter is simply not who we are.

Now the efficacy of American leadership around the globe has come into question. When the United States emerged from World War II, we contributed about half of the world's economic activity. It would have been easy to secure our dominance, keeping those countries that had been defeated or greatly weakened during the war in their place. We didn't do that. It would have been easy to focus inward. We resisted those impulses. Instead, we financed reconstruction of shattered countries and created international organizations and institutions that have helped provide security and foster prosperity around the world for more than 70 years.

Now, it seems that we, the architects of this visionary, rules-based world order that has brought so much freedom and prosperity, are the ones most eager to abandon it. The implications of this abandonment are profound, and the beneficiaries of this rather radical departure in the American approach to the world are the ideological enemies of our values.

Despotism loves a vacuum, and our allies are now looking elsewhere for leadership. Why are they doing this? None of this is normal. What do we, as U.S. Senators, have to say about it? The principles that underlie our politics, the values of our founding, are too vital to our identity and to our survival to allow them to be compromised by the requirements of politics because politics can make us silent when we should speak, and silence can equal complicity.

I have children and grandchildren to answer to, and so I will not be complicit or silent. I have decided I will be better able to represent the people of Arizona and to better serve my country and my conscience by freeing myself of the political considerations that consume far too much bandwidth and would cause me to compromise far too many principles.

To that end, I am announcing today that my service in the Senate will conclude at the end of my term in early January 2019. It is clear, at this moment, that a traditional conservative who believes in limited government and free markets, who is devoted to free trade, who is pro-immigration has a narrower and narrower path to nomination in the Republican Party—the party that has so long defined itself by its belief in those things.

It is also clear to me, for the moment, that we have given up on the core principles in favor of a more viscerally satisfying anger and resentment. To be clear, the anger and resentment that the people feel at the royal mess we have created are justi-

fied, but anger and resentment are not a governing philosophy.

There is an undeniable potency to a populist appeal, but mischaracterizing or misunderstanding our problems and giving in to the impulse to scapegoat and belittle threatens to turn us into a fearful, backward-looking people. In the case of the Republican Party, those things also threaten to turn us into a fearful, backward-looking minority party.

We were not made great as a country by indulging in or even exalting our worst impulses, turning against ourselves, glorifying in the things that divide us, and calling fake things true and true things fake, and we did not become the beacon of freedom in the darkest corners of the world by flouting our institutions and failing to understand just how hard-won and vulnerable they are.

This spell will eventually break. That is my belief. We will return to ourselves once more, and I say, the sooner the better because to have a healthy government, we must also have healthy and functioning parties. We must respect each other again in an atmosphere of shared facts and shared values, comity, and good faith. We must argue our positions fervently and never be afraid to compromise. We must assume the best of our fellow man and always look for the good. Until that day comes, we must be unafraid to stand up and speak out as if our country depends on it because it does.

I plan to spend the remaining 14 months of my Senate term doing just that. The graveyard is full of indispensable men and women. None of us here is indispensable, nor were even the great figures of history who toiled at these very desks in this very Chamber to shape the country we have inherited. What is indispensable are the values they consecrated in Philadelphia and in this place—values which have endured and will endure for so long as men and women wish to remain free. What is indispensable is what we do here in defense of those values. A political career does not mean much if we are complicit in undermining these values.

I thank my colleagues for indulging me here today. I will close by borrowing the words of President Lincoln, who knew more about healthy enmity and preserving our founding values than any other American who has ever lived. His words from his first inaugural were a prayer in his time and are no less in ours:

We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break the bonds of our affection. The mystic chords of memory will swell when again touched, as surely as they will be, by the better angels of our nature.

Thank you, Mr. President.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

THANKING THE SENATOR FROM ARIZONA

Mr. MCCONNELL. Mr. President, colleagues, we regret to hear that our friend from Arizona will conclude his Senate service at the end of his 6-year term.

I would like to say, on behalf of myself and I think many of my colleagues, we just witnessed a speech from a very fine man—a man who clearly brings high principles to the office every day and does what he believes is in the best interest of Arizona and the country.

I am grateful the Senator from Arizona will be here for another year and a half. We have big things to try to accomplish for the American people. From my perspective, the Senator from Arizona has been a great team player, always trying to get a constructive outcome no matter what the issue before us.

So I thank the Senator from Arizona for his service, which will continue, thankfully, for another year and a half, and for the opportunity to listen to his remarks today.

The PRESIDING OFFICER. The senior Senator from Arizona.

Mr. MCCAIN. Mr. President, it is very hard for me to add to the eloquence of my dear friend from Arizona, but I do want to say it has been one of the great honors of my life to have the opportunity to serve with a man of integrity, of honor, decency, and commitment to not only Arizona but the United States of America.

I have seen JEFF FLAKE stand up for what he believes in, knowing full well that there would be a political price to pay. I have seen him stand up for his family. I have seen him stand up for his forbearers who were the early settlers of the State of Arizona. In fact, there is a place called Snowflake, AZ, and obviously the "Flake" part comes from his direct predecessor.

It is the Flake family and families like them who came and worked and slaved and raised families and made Arizona what it is, and it has never had a more deserving son than JEFF FLAKE and his beautiful wife Cheryl and children.

So I would just like to say, JEFF, I have known you now for a number of years. I know you have served Arizona and the country, and there is one thing I am absolutely sure of, and that is you will continue that service, which is part of your family. It is part of your view of America. It is part of your willingness and desire to serve Arizona. One of the great privileges of my life has been to have the opportunity to know you and serve with you.

As we look, all of us, at some point at our time that we have spent here—whether it be short or whether it be long—we look back and we think about what we could have done, what we should have done, what we might have done, the mistakes we made, and the things we are proud of. Well, when the Flake service to this country in this Senate is reviewed, it will be one of honor, of brilliance and patriotism and love of country.

I thank you. God bless you and your family.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time now be considered expired, all pending motions and amendments be withdrawn, except for the motion to concur, and that Senator PAUL be recognized to speak for up to 5 minutes and then make a budget point of order; that myself or my designee be recognized to make a motion to waive; that following disposition of the motion to waive, the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 2266; and that if the motion is agreed to, the motion to reconsider be considered made and laid upon the table.

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

Under the previous order, all postcloture time has expired.

Under the previous order, the motion to concur with amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, there have been many who have said, including Admiral Mullen, among others, that the greatest threat to our national security is our debt. We have a \$20 trillion debt. This year, the debt for 1 year will be about \$700 billion. We borrow \$1 million a minute. What we have before us is a bill that will exceed our spending caps.

We will be told that this is an emergency and we must do it. Yet I think the true compassion comes from helping those but also making sure we don't add to our debt. I think the truly compassionate person helps their neighbor by giving part of their surplus to their neighbor but not going to the bank and borrowing money to give it to their neighbor.

We are \$700 billion short in the budget, and we are simply going to print more money and send it to Puerto Rico, Texas, and Florida. What I ask is, if you are going to help people, why don't we set our priorities? Why don't we take money from other areas of the budget where it is not needed?

What I propose is that we cut 1 percent or a little bit less than that across the board. I think there is not a department of government that couldn't deal with 1 percent less, and we would take that money and we could spend it on the emergencies in Puerto Rico and Texas.

I think if we think somehow that it is compassionate to go ahead and just borrow more money and continue doing this, I think we are fooling ourselves. I think our country becomes weaker each day we add to the debt, and I think it is time we become honest with ourselves.

If you look at whose fault this is, there is enough blame to go around,

frankly. The debt doubled under George W. Bush from \$5 trillion to \$10 trillion. The debt then doubled again from \$10 trillion to \$20 trillion under President Obama.

We are on course to add, some estimate, another \$10 to \$15 trillion over the next 8 years. This is a real problem for our country. So I think, as we look toward helping those who suffer from the hurricanes, we should look toward taking it away from less pressing priorities.

There is also \$16 billion in here for the flood program that continues to pay people to build in flood zones. We do it year after year after year. We continue to rebuild in flood zones, and then the taxpayers are left on the hook. So we are wiping out \$16 billion in debt for the flood program, and we are also then spending money we don't have.

At this point, what I would like to do is raise a point of order that has to do with us exceeding the spending caps. I think, if we are going to be honest with ourselves—we are in the midst of talking about a large tax cut, which I favor, but how can we be the party or the people who cut taxes at the same time we continue to borrow more? So what I am asking, through this budget point of order, is that we actually adhere to our rule to not exceed our spending caps and try to slow down the accumulation of debt.

With that, I raise the section 314(e) point of order, pursuant to the Congressional Budget Act of 1974, against sections 304, 306, 308, and 309 of the Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2017.

The PRESIDING OFFICER (Mr. PORTMAN). The Senator from Kansas.

Mr. ROBERTS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purpose of H.R. 2266, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—80

Alexander	Capito	Cruz
Baldwin	Cardin	Daines
Bennet	Carper	Donnelly
Blumenthal	Casey	Duckworth
Blunt	Cassidy	Durbin
Booker	Cochran	Ernst
Boozman	Collins	Feinstein
Brown	Coons	Fischer
Burr	Cornyn	Franken
Cantwell	Cortez Masto	Gardner

Gillibrand	Manchin	Schatz
Graham	Markey	Schumer
Grassley	McCain	Scott
Harris	McCaskill	Shaheen
Hassan	McConnell	Stabenow
Hatch	Merkley	Sullivan
Heinrich	Murkowski	Tester
Heitkamp	Murphy	Tillis
Heller	Murray	Udall
Hirono	Nelson	Van Hollen
Hoeven	Peters	Warner
Isakson	Portman	Warren
Kaine	Reed	Whitehouse
Kennedy	Roberts	Wicker
King	Rounds	Wyden
Klobuchar	Rubio	Young
Leahy	Sanders	

NAYS—19

Barrasso	Johnson	Sasse
Corker	Lankford	Shelby
Cotton	Lee	Strange
Crapo	Moran	Thune
Enzi	Paul	Toomey
Flake	Perdue	
Inhofe	Risch	

NOT VOTING—1

Menendez

The PRESIDING OFFICER (Mr. STRANGE). On this vote, the yeas are 80, the nays are 19.

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

The point of order falls.

MOTION TO CONCUR

The question is on agreeing to the motion to concur.

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

The PRESIDING OFFICER (Mr. JOHNSON). Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—82

Alexander	Franken	Murray
Baldwin	Gardner	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Harris	Roberts
Boozman	Hassan	Rounds
Brown	Hatch	Rubio
Burr	Heinrich	Sanders
Cantwell	Heitkamp	Schatz
Capito	Heller	Schumer
Cardin	Hirono	Scott
Carper	Hoeven	Shaheen
Casey	Isakson	Stabenow
Cassidy	Kaine	Sullivan
Cochran	Kennedy	Tester
Collins	King	Thune
Coons	Klobuchar	Tillis
Cornyn	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Cruz	Markey	Warner
Daines	McCain	Warren
Donnelly	McCaskill	Whitehouse
Duckworth	McConnell	Wicker
Durbin	Merkley	Wyden
Ernst	Moran	Young
Feinstein	Murkowski	
Fischer	Murphy	



## NAYS—17

Barrasso	Inhofe	Risch
Corker	Johnson	Sasse
Cotton	Lankford	Shelby
Crapo	Lee	Strange
Enzi	Paul	Toomey
Flake	Perdue	

## NOT VOTING—1

Menendez

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table with respect to the prior vote.

The Senator from Idaho.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION—MOTION TO PROCEED

Mr. CRAPO. Mr. President, I move to proceed to H.J. Res. 111.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 111, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements."

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

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 111) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements."

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

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

Mr. BROWN. Mr. President, what Congress is trying to do today, this evening, as long as it takes, as long as the arms are twisted, is frankly outrageous. Our job is to look out for the people whom we serve, not to look out for Wells Fargo, not to look out for Equifax, not to look out for Wall Street banks, not to look out for corporations who scam consumers.

Forced arbitration, pure and simple, takes power away from ordinary people. It gives it to the big banks, it gives it to Equifax, it gives it to Wells Fargo,

it gives it to Wall Street companies that already have an unfair advantage. We know the White House increasingly looks like a retreat for Wall Street executives. I would hope the Senate wouldn't follow suit.

Look at Equifax. In early September, we learned it compromised the personal data of more than 145 million Americans—5 million in my State, probably twice that in the Presiding Officer's State—names, dates of birth, addresses, Social Security numbers, driver's licenses, more than half the adult population of the United States of America.

So how did Equifax respond? By immediately trying to trick customers—their consumers, their customers—into signing away their rights to access the court system in exchange for credit monitoring.

So here is what Equifax did in simple terms. Equifax said: Oh, we will give you a free year of credit monitoring; sign right here. Oh, yeah, when you sign right here, the fine print says: but you can't ever sue us. You have to go through this forced arbitration, which of course almost nobody does, almost nobody understands, and almost no consumer ever wins. Only after Senators and consumer groups led a public outcry did they back down.

We sat in the Banking Committee and listened to the just-retired CEO of Equifax and then the next week listened to the trade association where the CEO of the trade association, who wasn't paid the tens of millions of dollars, I assume, that the retired CEO of Equifax was—the recently retired because he didn't do his job, even though he was getting all kinds of compensation. There is more on that later.

They backed down from this idea of forced arbitration because the public said: You basically have to be kidding. You are going to defraud 145 million people, and then they are going to sign something and the fine print says: Sorry, nah, nah, nah, nah, nah, you can't sue us. So they backed down. Great.

Then he said he was going to give up his bonus. That was really generous when he made in 2016 and 2017—as Senator CRAPO and I in the Banking Committee talked about today—he made about \$140 million in those 2 years, which is not real difficult math. There were 145 million people scammed, and the CEO, not doing his job, made \$140 million, so that is about a dollar per "scamee." I know that is not a word, but it sort of fits.

You would think after public shaming, Equifax would have learned its lesson. So last week Equifax again was just abusing the public trust. You wonder why people are cynical or people are skeptical. People are so frustrated about Wall Street and about financial services in this country because you have these multigazillionaires—again, in 2 years, he made \$140 million. Well, you have these very wealthy executives who think they are doing us a favor be-

cause they are giving back their bonus. They already have \$100 million in their pocket, and that is just in the last 2 years. Who knows how far it goes back.

So they sent a representative to testify in front of the Banking Committee. Do you know what he said when we asked him—I asked him and others asked him—he still thinks it is appropriate for Equifax and the other credit bureaus to use forced arbitration clauses that prevent Americans they have hurt from having their day in court. He seemed to learn nothing from this. Even after the huge harm Equifax has caused 145 million Americans, 5 million Ohioans, they still defend their use of forced arbitration clauses.

Why do they like them so much? Why are they willing to stand strong and to hold on to their right to forced arbitration? Because they make so much money from forced arbitration because it keeps that power relationship. When Wall Street has all the power and 145 million consumers have almost no power—that is why they like forced arbitration and that is why they are turning the heat up on all of my colleagues here to stand strong for the banks, for Wall Street, for Equifax, for Wells Fargo, for forced arbitration. That is Equifax.

Let's take a look at Wells Fargo. In 2013, they used a forced arbitration clause to silence a customer who had accused the company of opening fake accounts in his name. OK. I will say that again. They used a forced arbitration clause to silence a customer who had accused the company of opening fake accounts in his name. Well, it turns out this customer was not just right, but we found out Wells Fargo opened 3.5 million of these fake accounts. Think about that. You have a relationship with a bank, and it happens to be Wells Fargo, which used to have a really good reputation as one of America's largest Wall Street banks—and neighborhood banks too. There are 6 million, if I am right, 6 million community banks, as they like to say. There are 6 million little branch offices in everybody's neighborhood.

So this bank took relationships they had with their customers, and they opened accounts pretty much for 3.5 million of their customers—accounts they never approved. Say you had a checking account with them. They went and opened another checking account in your name and didn't tell you. That is what they did.

So then they subjected their employees who opened those accounts to harsh sales goals. That is what they did—harsh sales goals. They threatened to fire anyone who didn't keep up. Here is the forced arbitration. Because Wells Fargo had the power of the forced arbitration clause, they were able to sweep this 2013 lawsuit under the rug, allowing the scandal to continue for years.

So go back to that. In 2013, if that customer didn't have that forced arbitration—which that customer didn't even know he or she signed. When they