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Senate

The Senate met at 11 a.m. and was called to order by the Honorable DAN SULLIVAN, a Senator from the State of Alaska.

PRAYER

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

Let us pray.

O God, who remains the same when all else fades, thank You for loving and using us for Your glory.

Guide our Senators in the footsteps of those who were willing to risk all for freedom, who transformed dark yesterdays into bright tomorrows.

Lord, uphold our Nation with Your wisdom and might, enabling it to continue to be a city of refuge for those whose hearts yearn for freedom. Keep us all from untimely and self-made cares, as we continue to look to You, the Author and Finisher of our faith.

We pray in Your great 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 2, 2017.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

Mr. SULLIVAN 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.

RECOGNITION OF THE MAJORITY LEADER

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

MEASURE PLACED ON THE CALENDAR—S. 274

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

A bill (S. 274) to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, I was surprised by a statement my friend the Democratic leader made right here yesterday. I am glad he came back to the floor to correct himself, though. I think we all appreciated the Democratic leader making clear that Republicans did not—let me repeat, did not—insist on 60-vote thresholds for either of President Obama's two first-term Supreme Court nominees. Did not. We thank the Democratic leader for clearing that up. His statement also reminds us that both of the Supreme Court Justices President Clinton nominated got straight up-or-down votes as well. There is no reason someone like Judge Gorsuch, who has received widespread acclaim from both sides of the aisle, should be treated differently now.

When he was nominated to his current seat on the court of appeals, Judge Gorsuch received the American Bar Association's highest possible rating—unanimously ''well qualified.'' At his confirmation hearing, no one had a single negative word to say about him—not a single negative word. At his confirmation vote, no one cast a negative vote against him—not then-Senator Obama, not then-Senators Clinton, Biden, or Kennedy, and not my good friend Senator SCHUMER, either. Judge Gorsuch was confirmed in exceptionally fast time for a court of appeals nominee—just 2 months. So you have to wonder, if this nominee was so noncontroversial in 2006 that a rollcall vote was not even required, what could possibly have changed since to justify threats of extraordinary treatment now? What has happened in the last 10 years? If the Democratic leader or anyone else in his conference did not raise a concern in committee or cast a single negative vote then, let alone even ask for a rollcall vote, what could possibly justify these so-called grave concerns—grave concerns—he claims to have now?

Professor Laurence Tribe, President Obama's law school mentor, called Judge Gorsuch a ''brilliant, terrific guy who would do the Court's work with distinction.'' This is Laurence Tribe, the President's constitutional law professor, one of the best-known liberal professors in the country.

Neal Katyal, President Obama's top Supreme Court lawyer, lauded Judge

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

Gorsuch as ''one of the most thoughtful and brilliant judges to have served our nation over the last century.'' Over the last century. That is President Obama's Supreme Court lawyer.

The left-leaning Denver Post recently highlighted Judge Gorsuch's reputation as a ''brilliant legal mind'' who applies the law ''fairly and consistently.''

I am happy to report that we have even been assured by liberal talk show host Rachel Maddow that Gorsuch is ''a relatively mainstream choice.'' Rachel Maddow.

Turns out, in the years since Judge Gorsuch's unopposed Senate confirmation, he has shown himself to be the very kind of judge everyone hoped he would be, one who demonstrates a ''sense of fairness and impartiality'' that Democratic then-Senator Salazar lauded him for in 2006, which Salazar called a ''keystone for being a judge.'' That was the Democratic Senator from Colorado when he was confirmed in 2006.

That was Judge Neil Gorsuch's reputation back then, and it is his richly deserved reputation still, as those in both parties who have known and worked with him continue to tell us. As one Democrat and Denver attorney put it, Judge Gorsuch is ''smart [and] he's independent.'' The things we have heard from so many about Judge Gorsuch—smart and independent, fair and impartial, thoughtful and brilliant—are just the qualities we should expect in our next Supreme Court Justice. They are the same qualities I am confident Judge Gorsuch will bring to the Court.

CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, this Republican-led Congress is committed to fulfilling our promises to the American people. That work continues now as we consider legislation to push back against the harmful regulations from the Obama administration. On its way out the door, the Obama administration forced nearly 40—40—major and very costly regulations on the American people. Fortunately, we now have the opportunity to work with a new President to begin bringing relief from those burdensome regulations.

Last night, the House sent us two resolutions under the Congressional Review Act—one of the best tools at our disposal to undo these heavy-handed regulations.

This afternoon, the Senate will have the opportunity to pass the first of these resolutions, a measure to overturn the stream buffer rule. The resolution before us now is identical to the one I introduced earlier this week, and it aims to put a stop to the former administration's blatant attack on coal miners. In my home State of Kentucky and others across the Nation, the stream buffer rule will cause major damage to communities and threaten coal jobs. One study actually estimated that this regulation would put as many as one-third of coal-related jobs at risk. That is why the Kentucky Coal Association called it ''a regulation in search of a problem.'' They joined with the United Mine Workers of American and the attorneys general of 14 States on both sides of the aisle urging Congress to act. We should heed their call now and begin bringing relief to coal country. Today's vote on this resolution represents a good step in that direction.

Once our work is complete on this legislation, we will turn to another House-passed resolution that will protect American companies from being at a disadvantage when doing business overseas. Although the Securities and Exchange Commission may have had good intentions, the resource extraction rule costs American public companies up to nearly $600 million annually and gives foreign-owned businesses in Russia and China an advantage over American workers. We all want to increase transparency, but we should not raise costs on American businesses, only to benefit their international competition. Let's send the SEC back to the drawing board to promote transparency without the high costs or negative impacts on American businesses.

These CRA resolutions keep the interests of American families and workers in mind. Today, we will continue to chip away at the regulation legacy of the Obama years, with more CRA resolutions in the coming days as well.

Let's pass these two resolutions without delay so we can send them to the President's desk and continue giving the power back to the people.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

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

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, I spoke at length about the Supreme Court nomination yesterday, but I just want to underscore a few points. We in the Senate have a constitutional duty to examine the record of Judge Gorsuch robustly, exhaustively, and comprehensively, and then advise and consent, as we see fit. We have a responsibility to reject if we do not.

We Democrats will insist on a rigorous but fair process. Part of that process entails 60 votes for confirmation. Any one Democrat can require it. Many already have. It was a bar met by each of Obama's nominations; each received 60 votes. Most importantly, it is the right thing to do. And I would note that a 60-vote threshold was reached by each of them either in cloture or in the actual vote.

On a subject as important as a Supreme Court nomination, bipartisan support is essential and should be a prerequisite. That is what a 60-vote threshold does; 60 votes produces a mainstream candidate. And the need for a mainstream consensus candidate is greater now than ever before because we are in major new territory in two ways.

First, because the Supreme Court, under Chief Justice Roberts, has shown increasing drift to become a more and more pro-business Court—siding more and more with corporations, employers, and special interests over working and average Americans—we need a mainstream nominee to help reverse that trend, not accelerate it. I will remind my colleagues, that is how President Trump campaigned, but his nominee seems not to be in that direction at all—not for the average working person but, rather, for special business interests.

Second, given that this administration—at least at its outset—seems to have less respect for the rule of law than any in recent memory and is testing the very fabric of our Constitution within the first 20 days, there is a special burden on this nominee to be an independent jurist, someone who approaches the Court without ideological blinders, who has a history of operating outside and above politics, and who has the strength of will to stand up to a President who has already shown a willingness to bend the Constitution.

Requiring 60 votes has always been the right thing to do on Supreme Court nominations, especially in these polarized times. But now in this new era of the Court, in this new administration, there is an even heavier weight on this tradition. And if the nominee cannot gain the 60 votes, cannot garner bipartisan support of some significance, then the answer is not to change the rules; the answer is to change the nominee and find someone who can gain those 60 votes.

Changing the rules for something as important as the Supreme Court gets rid of the tradition, eliminates the tradition of mainstream nominees who have bipartisan support. It would be so, so wrong to do. I know many of my colleagues on the other side are hesitant to do it, and I hope they will remain strong in that regard.

NOMINATIONS OF BETSY DEVOS AND ANDREW PUZDER

Mr. SCHUMER. Now, on another matter, the pending nominations of the President's Cabinet, again, we are in

unchartered waters with this administration. They have not proposed a normal Cabinet. This is not even close to a normal Cabinet.

I have never seen a Cabinet this full of bankers and billionaires, folks with massive conflicts of interest and such little experience or expertise in the areas they will oversee. Many of the nominees have philosophies that cut against the very nature of the Department to which they were nominated.

Let me give you two examples this morning: Betsy DeVos, the nominee for the Department of Education, and Andrew Puzder, nominee for the Labor Department.

First, Betsy DeVos. When you judge her in three areas—conflicts of interest, basic competence, and ideology, views on education policy—it is clear that Betsy DeVos is unfit for the job of Education Secretary.

In all three areas, ideology, competence, and conflicts of interest, she rates among the lowest of any Cabinet nominee I have ever seen. At her hearing, she didn't seem to know basic facts about Federal education law that guarantee education to students with disabilities. She didn't seem to know the basic facts of a long simmering debate in education policy measuring growth proficiency. And in her ethics agreement, which was delivered to the committee after her first hearing, it was revealed that she would keep interests in several companies that benefit from millions of dollars in contracts from the Department of Education, which she would oversee.

There was a rush to push her through—one round of questions, 5 minutes each. Why? Why did someone generally as fair as the chairman of that committee do that? My guess, an educated guess: He knew how incompetent this nominee was, how poorly she fared under normal questions, and the idea was to rush her through.

Well, that is not what we should be doing on something as important as this. And if the nominee can't withstand a certain amount of scrutiny, they shouldn't be the nominee.

The glaring concerns have led two of my Republican colleagues, the Senators from Maine and Alaska, to pledge a vote against her confirmation, leaving her nomination deadlocked at 50 to 50. I believe both of them cited the fact that in their State, charter schools are not the big issue; it is public schools. How are we going to treat public schools? Particularly in rural areas, as I am sure my friend the Presiding Officer knows, there is not a choice of schools outside the major metropolitan areas, the major cities. If you don't have a good public school, you have nothing. So particularly people from the rural States should be worried, in my judgment, about our nominee's commitment to public education.

For the first time ever, we have the chance that the Vice President and a pending Cabinet nominee, the nominee for Attorney General, Senator SESSIONS, are casting the deciding votes on a controversial Cabinet position for Betsy DeVos. Mr. President, this has never happened before.

The White House will, in effect, get two deciding votes in the Senate on a nominee to the President's Cabinet: the Vice President and the nominee for Attorney General, our friend Senator SESSIONS.

It highlights the stunning depth of concern this nominee has engendered in Republicans and Democrats alike. It is clear now that Senators of both parties agree she is not qualified to be Secretary of Education. And I would hope that my colleagues on the other side of the aisle—this is such an important position; the nominee is so laddered on issue after issue after issue that we could get someone better. I don't think it will be that hard. It will be President Trump's nominee. It will not be us deciding, but it will be someone who has basic competence, fewer conflicts of interest, and, above all, a commitment to public education.

So I urge my Republican colleagues, friends, to stand up and reject Betsy DeVos, as the Cleveland Plain Dealer urged in an editorial this morning.

This is not a normal nominee, once again. In my view, when I dipped into her record and how she performed in her brief hearing, she has not earned and should not receive the Senate's approval.

Second, the nominee for the Department of Labor, Andrew Puzder. The hearing for his nomination has now been delayed four times because he still hasn't submitted key paperwork laying out his disclosures and detailing a plan for divesting, if necessary, to avoid conflicts of interest. But that might be the least of the Senate's concerns.

This is a nominee who is being sued by dozens of former employees due to workplace violations. This is a nominee who has repeatedly attacked the minimum wage, opposed the overtime rule, and advocated for more automation and fewer jobs. He talked about—I think in very positive terms—robots and how they may run the fast food industry. This is a nominee for Secretary of Labor who not only wants workers to earn less, he wants fewer workers.

For several of these Cabinet positions, it seems the President has searched for candidates whose philosophies are diametrically opposed to the very purposes of their Departments. For Education, pick someone with no experience in public schools and has spent her career advocating against them. For Labor, pick someone who has spent his career trying to keep the wages of his employees low and advocated against policies that benefit workers.

Again, I repeat: This is not your typical Cabinet. This is highly, highly unusual.

So when my Republican colleagues come to the floor every day to complain about delays and holdups, I would remind them that this is very serious. These Cabinet officials will have immense power in our government and wield enormous influence over the lives of average Americans: their wages and the education of their children, for instance.

To spend a few more days on the process is well worth it. And if they prove unfit for the austere and powerful roles they are about to take up, then it is our responsibility, as Senators who advise and consent, to reject their nomination.

UKRAINE

Mr. SCHUMER. One final point: I want to take a moment to mention Ukraine.

Yesterday Rex Tillerson was sworn in as Secretary of State. In addition to dealing with the fallout from the President's first engagements with Australia and Mexico, I want to call the Secretary's attention to the situation in Ukraine.

Since President Trump's call with Mr. Putin last weekend, there has been a significant increase in violence. I hope Secretary Tillerson will ensure that there is a strong statement from the Trump administration condemning these escalatory actions by the Russians.

I also hope my Republican counterparts will start doing what they did last year every time this happened: Come to the floor and demand that the Senate act on tough sanctions against Russia. As I have said before, Russia remains a strategic threat to our Nation, and countering them needs to remain a deeply bipartisan effort.

Mr. President, I yield the floor.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 38, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 6 hours of debate, equally divided in the usual form.

The Democratic whip.

NOMINATION OF NEIL GORSUCH

Mr. DURBIN. Mr. President, I listened carefully this morning to the statement made by the Republican majority leader, and I was a little bit curious as to what he was trying to say because he talked about a judicial nominee who rated unanimously ''well qualified'' by the American Bar Association, who received kudos from Republicans and Democrats alike, including Members of the Senate, who went

through the Senate without a hitch, and then he couldn't understand why there would be more questions asked now for another appointment.

I was puzzled. I thought he was talking about Merrick Garland. We remember him, don't we? Merrick Garland was, of course, President Obama's nominee to fill the vacancy on the Supreme Court.

Senator MCCONNELL this morning said repeatedly: So what has changed since the first time Judge Gorsuch came before the Senate? Senator MCCONNELL, what has changed is you, what you did when Merrick Garland's name was sent up. For the first time ever in the history of the U.S. Senate, Senator MCCONNELL denied a hearing and a vote to a Presidential nominee to the Supreme Court. It never happened before, not once in history. And if you think, well, maybe the Democrats didn't have a chance to show the same steel will, the same political determination, in the last year of his Presidency, Ronald Reagan nominated Anthony Kennedy to fill a vacancy on the Supreme Court. He sent the nomination down to the Senate. I believe Senator Biden was the chairman of the Judiciary Committee at the time. There was a Democratic majority. In the last year of Reagan's Presidency, a so-called lameduck year by Senator MCCONNELL's description, the Democratic majority in the Senate gave President Reagan the respect of honoring his constitutional responsibility to fill the vacancy and sent Anthony Kennedy to serve on the Supreme Court. So Senator MCCONNELL has asked what has changed. He has changed. He has changed the Senate.

And here is the good news for him. We are not going to forswear our own demands that a Presidential nominee for the Supreme Court is deserving of a hearing and a vote. I said that over and over again when Merrick Garland was being stonewalled by Senator MCCONNELL and the Republicans in the Senate. I will say it again. I do believe the President's nominee has a right to a hearing and a vote. That nominee also has a responsibility to show us that he is not only qualified to serve on an important appellate court but to serve with a lifetime appointment to the highest Court in the land.

On Tuesday night, President Trump announced he would nominate the Tenth Circuit Court Judge Neil Gorsuch to the Supreme Court. It is important to put that nomination in context. This is not a run-of-the-mill nomination. It is an extraordinary time in America's history. President Trump's announcement was actually supposed to happen today. Why was it sped up? Why did they hurry it up? Well, because of the avalanche of criticism being heaped on the Trump administration for their Executive orders on refugees and immigration. They had to change the subject. After dozens of legal immigrants were detained at airports over the weekend solely because of their country of origin, including children, seniors, interpreters who helped our troops, Federal courts stepped in to block the President's Executive order.

We have done some research, and we are going to do some more. We think this is the first time in the history of the United States that a new President within the first 10 days had an Executive order stopped in the Federal courts. It shows how controversial that order was, that the Federal courts would step in with this brand new President and say: Stop. This has to be weighed as to whether it is legal or constitutional.

Then on Monday there was the unprecedented firing of an Attorney General who refused to defend President Trump's unlawful Executive order in court. President Trump moved up his Supreme Court announcement to try to change the headlines. In doing so, he made it even more clear how critical it is that we have an independent judicial system, not a rubberstamp for the President. It's especially vital at this moment in our history.

President Trump and his agenda are likely to come before the Supreme Court eventually. From his violations of the Constitution's emoluments clause to his unprecedented Executive actions, President Trump is likely to keep the High Court busy. We need Justices on the Supreme Court who are truly independent.

President Trump's announcement came 10 months and 15 days after a White House announcement about another Supreme Court nominee I mentioned earlier, Judge Merrick Garland, perhaps the most well-qualified, mainstream, independent nominee to come before the Senate. Merrick Garland is a son of Illinois, a good man, and an outstanding judge. Judge Gorsuch himself once described Judge Merrick Garland as ''among the finest lawyers of his generation.''

Merrick Garland was subjected to unprecedented obstruction by Senate Republicans and Senator MCCONNELL. Republican Senators simply ignored their constitutional responsibility to consider this nomination, for political reasons. It was worse than a filibuster.

Do you remember the time when Senator MCCONNELL and a number of others in the leadership said they would not even meet with the President's nominee—would not even give him the courtesy of a meeting? Merrick Garland was the first Supreme Court nominee in our Nation's history to be denied any consideration by the Senate—no hearing, no vote—nothing. It was shameful.

I took an oath of office to support and defend the Constitution—every Senator does—and to bear true faith and allegiance to it. I take it seriously. Even though my Republican colleagues chose to ignore their responsibilities when it came to filling that Supreme Court vacancy in an election year, I know we have a constitutional responsibility to give Judge Gorsuch a hearing and a vote. I will do my due diligence as a Senator and give his nomination fair consideration. That is what the advise and consent responsibility of article I, section 8 of the Constitution requires.

If my Republican colleagues complain about the process for Judge Gorsuch, just remember that no one ran a worse process on a Supreme Court nominee than my Republican colleagues themselves did for Merrick Garland. They really have no right to complain.

Now that President Trump has nominated Judge Gorsuch, Senators will embark on a thorough review of his record. He was confirmed to the Tenth Circuit in 2006, but the level of scrutiny is far higher for Supreme Court nominees and lifetime appointments to the High Court. He now has a lengthy judicial record which we will review carefully.

There are parts of his record that already raise questions and concerns. In recent years, we have watched the Supreme Court transform into a corporate Court, where all too often cases seem to break for the big corporations, regularly against the little guy. We need a Supreme Court that gives the American people a fair shot against corporate elites, corporate special interests. Judge Gorsuch's record as a judge and advocate raises concerns as to whether he would hasten that trend toward a corporate court.

I note that yesterday, Reuters published an article entitled ''As Private Lawyer, Trump High Court Pick Was Friend to Business.'' The article said that while Judge Gorsuch was in private practice, he ''often fought on behalf of business interests, including efforts to curb securities class action lawsuits, experience that could mould his thinking if he is confirmed as a [Supreme Court] justice.''

During his time on the bench, Judge Gorsuch appears to have a consistent pattern of favoring companies over workers in cases involving employment discrimination, worker safety, and other matters. That is why we need to carefully review his record.

Judge Gorsuch must also answer important questions about his views on issues of fundamental importance to American people, such as our right to privacy. Is there anything more important? Almost on a daily basis we are being asked if we are ready to give up a little more of our privacy. We know that corporate interests and business interests are collecting data on us. We can find it every time we log on to the Internet and there is this cascade of ads on the side of the page asking us if we want to buy something that we just happened to buy a couple months ago. We know as well that information is being catalogued carefully and being used by business interests to promote their products and to categorize us as Americans. We also believe—I think there are even some Republicans who

believe—that individuals have a right to privacy when it comes to the overreach of the Federal Government and when it comes to critical decisions so important to our personal lives. At that last heartbreaking moment when a family member has to decide about the medical care for someone who is nearing death, is that going to be subject to a court order or is that going to be a decision made privately by a family? At that moment when a family faces the pregnancy of a teenage girl in the household, is that a family decision or is that a decision where government has the last word? The Supreme Court decides this, and we need to ask Judge Gorsuch what he thinks and understand clearly what he says.

We also believe that when it comes to our security—not just our privacy but our security—the Supreme Court time and again will have the last word. When it comes to the issue of safety, health, and environmental protection, where will this new Supreme Court nominee be? Is he going to bend toward the corporate interests and look the other way as we face climate change, the pollution of streams, the contamination of our drinking water, and dangers to our public health? If he is going to rule consistently for the corporate interest no matter what, he certainly doesn't, as far as I am concerned, represent the values we need on the Supreme Court. He needs to answer questions as well on immigration, privacy, campaign finance, and voting rights.

Like Justice Scalia, Judge Gorsuch professes to be an originalist. Let me address that for a moment. I have been with the Judiciary Committee for quite a few years. Time and again, whether it is the nominee for Attorney General or nominees for the High Court, here is the cliche we are given: We are just going to apply the rule of law, whatever the law says. That is what we do. We are originalists. I call that the robotic view of justice; that if you just plug in the facts, a computer can tell you the answer because a computer compares it to the law. Yet we know better. We know judges make decisions based on a variety of concerns, and they weigh some facts more carefully and give some facts more strength than others. This rule of law by robotic justice is a fiction. We know that each nominee, whether from a Democrat or Republican, brings views to the Court that will decide how many cases will lean.

Judge Gorsuch has to answer the questions forthrightly. There is a cottage industry of teaching nominees to give thoughtful nonanswers to important questions. That will not cut it for me or many of my colleagues. The American people want honest, candid candidates for the bench.

We know Judge Gorsuch is the handpicked nominee by President Trump and has been lauded by rightwing organizations all over the United States. They hope he will be a dependable vote in their favor, but he has to demonstrate—to me and to many other Senators—that he will be prepared to disappoint the rightwing if the Constitution and law require it.

Since the confirmation of Justice Clarence Thomas in 1991, Supreme Court Justices have had to show they can pass the threshold of 60 votes to get confirmed. I expect nothing less from this nominee. Justice Elena Kagan, nominated by President Obama, received 63 votes; Justice Sonya Sotomayor, nominated by President Obama, received 68 votes; Justice Sam Alito had a cloture vote where he received 72 votes and subsequently received 58 votes for his actual confirmation; Justice Roberts, 78 votes; Justice Breyer, 87; Justice Ginsburg, 96.

Judge Gorsuch has a burden to bear. He has to demonstrate that he is a nominee who will uphold and defend the Constitution for the benefit of all of us, not just for the advantage of a privileged few.

I take my constitutional responsibility very seriously when it comes to the Supreme Court. As a member of the Judiciary Committee, I am reviewing the record and preparing questions to ask the nominee. It is going to take some time. It usually does, several months. But my Republican colleagues have kept this seat vacant since February of last year, so they don't have any basis for arguing and complaining that we just have to move on this really fast.

I am sorry we are not considering the nomination of Merrick Garland, an eminently qualified mainstream judge who deserved better treatment than he received from Senate Republicans and Senator MCCONNELL. No one deserved the treatment Merrick Garland received.

With my oath to support and defend the Constitution in mind, I will consider Judge Gorsuch's nomination pursuant to the Senate's role of advise and consent. I will strive to be thorough, fair, and focused on the important principles I have discussed today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Alaska.

Ms. MURKOWSKI. Thank you, Mr. President.

I come to the floor this morning to speak on the resolution of disapproval that is before us, but I want to make just a few comments following my colleague, the minority whip.

I am pleased to hear him say that he does look forward to the opportunity for a hearing on Judge Gorsuch and the opportunity for a vote. I think we recognize that we have in front of us an individual who has truly a stellar legal reputation, who has committed himself to the law in a remarkable way. When he was before this Senate for confirmation leading up to the Tenth Circuit, he enjoyed very strong support. I would like to think that on yet further review of this very strong individual, our colleagues will do the due diligence that is necessary as we perform our constitutional role of advise and consent.

There is so much that I will respond to at a later time when I go into more detail about my support for Judge Gorsuch and why I think he is exactly the type of individual we want to see named to the Supreme Court, but the comment has been made, not only by my colleague from Illinois but from others, that somehow or other Judge Gorsuch is for Big Business and not the little guy. It seems that the criticism is based on this viewpoint that courts should not defer to Federal agency interpretations of their own rules, and certainly Big Business is a frequent challenger of government overreach. But, as the Presiding Officer and I both know, so are ordinary Americans—people like John Sturgeon, an Alaskan who took on the Federal Government, took on the agencies, and took on the Park Service because he was told he could not use a hovercraft in an area where he had operated one for decades. John Sturgeon, with the help of a few friends, who did everything from garage sales to fund his litigation, and with just the generosity out of their own pockets, took all the way to the Supreme Court the question of whether or not the Park Service's regulation had exceeded their legal authority.

I happen to believe very strongly that Judge Gorsuch is clearly on the right track here when he questions the deference that courts give to our government agencies. I think most Alaskans would probably agree with us on this point—that when we are talking about the scales of justice, they should not be tipped in favor of our Federal agencies.

Again, I am pleased to hear that the minority whip agrees that a filibuster is not appropriate, is not the way to proceed with this fine nominee. I look forward to learning more about Judge Gorsuch but also to be able to share more of my observations at a later point in time.

Mr. President, I wish to join my colleagues in support of H.J. Res. 38 to disapprove and nullify the Department of Interior's so-called stream protection rule. I wish to begin my comments by thanking Majority Leader MCCONNELL and Senator CAPITO of West Virginia for sponsoring the Senate version of this resolution. I also wish to note that I am proud to be listed with the Presiding Officer as a cosponsor on this bipartisan measure with 28 colleagues in support.

Now, by name alone, the stream protection rule may sound pretty innocent, pretty well intentioned, but as we have heard and as we will hear throughout this debate, the reality is really different. This regulation will have severe economic impacts. It will cost us jobs. It will cost us revenues as well as affordable energy all across our country.

By way of background, the rule revises longstanding regulations for coal

mining under the Surface Mining Control and Reclamation Act, something around here we simply call SMCRA. Now this rule was finalized in December of 2016, and it took effect 2 weeks ago, making more than 400 changes to existing regulations.

Now, 400 is just a number that shows the scope of the changes that the Obama administration has made, but it hardly does justice to the sweeping substance of the changes or the deliberately opaque process that the Obama administration followed to make them.

SMCRA is supposed to be an example of cooperative federalism, and many States have approved programs that allow them to regulate coal mining within their own borders. But beyond that, the law explicitly directs the Federal Government to work with States to engage with them whenever any changes are made. So it requires a high level of cooperation and collaboration.

Contrary to the collaborative mood intended by SMCRA, the Obama administration chose to draft the stream protection rule behind closed doors. It ignored the input and recommendations that were provided by States and other stakeholders. It subverted the law, basically, to meet its own policy objectives, which was to keep the coal in the ground. Ultimately, that is what they wanted to do, and it finalized a rule that will shut down coal mining in several regions in our country, including possibly in Alaska, if it is allowed to stand.

Now, the Obama administration claimed that this rule would cost only $81 million a year and that it did not qualify as what is considered ''economically significant'' as a rule, as a result of that. We will likely hear that number touted by some of the opponents of this resolution and probably some who will claim that we are exaggerating the impact. But I don't think we should forget how the Obama administration determined that the rule was insignificant in the first place.

In January of 2011, the Associated Press obtained documents showing that this rule was projected to eliminate 7,000 direct jobs across the country. So instead of going back and fixing the rule to avoid these potential job losses, what happened? The Department of Interior fired the independent contractor that had made the projection. So, effectively, we have a situation where the Department essentially cooks the books instead of fixing the rule. It then took steps to rebrand the rule, changing the name from the ''stream buffer zone rule'' to the ''stream protection rule'' making the rule sound rather innocuous.

So what the American people should know is that there is a real discrepancy between the economic impacts the Obama administration estimated and what other sources project will happen if the rule is left in place. The projection is that up to 30 percent of the direct jobs in coal mining will be lost, and domestic coal production will fall 29 to 65 percent, with anywhere from $15 billion to $29 billion in lost annual coal resource value and $3.3 billion to $6.5 billion in lost State and Federal revenue.

So with estimates like this, it is no wonder that this rule has drawn such strong bipartisan opposition from Alaska all the way to Appalachia. If you are doubting the statistics—if you are saying, well, I am hearing certain things on one side and others on another—you need to talk to people out there. We did that. Instead of just taking what the Obama administration said, we went out and we asked people.

Last March, I held a field hearing of the Energy and Natural Resources Committee, and we held the field hearing up in Fairbanks, AK. Among our witnesses was a woman by the name of Lorali Simon. The occupant of the Chair knows her well. She works for Usibelli Coal Mine, an initially family-owned and operated coal mine—which has been very successful—and provides coal and power to the residents of the Interior, and has been for a long time. Ms. Simon spoke about how coal resources contribute significantly to our State by providing jobs and a reliable energy source.

She explained that coal is the cheapest source of energy in Interior Alaska for everything from the local community to our military bases there and how usability has helped to create business for others like our Alaska railroad. She also highlighted the broader picture about how coal strengthens our national and energy security. So those are all good things, in my book.

But Lorali also testified about the stream protection rule. She said that, if the rule was finalized as it was proposed—which it has been—it will likely kill all coal development in Alaska. She also noted that Congress passed SMCRA, but during the Obama administration, she said: ''We were seeing unelected federal employees violate legislative intent, which will kill America's coal industry.''

Now, Lorali Simon is not alone in her criticisms or her opposition to this rule. Our Governor in Alaska, an Independent by the name of Governor Bill Walker, recently noted that it was one of the worst of many different actions the Obama administration took to limit resource development in our State of Alaska.

The attorneys general of 14 different States wrote:

> The rule would have a disastrous effect on coal miners, their families, workers in affected industries, and their communities. It would also impose very significant costs on American consumers of electricity, while undermining our Nation's energy supply.

That is pretty tough—not only a disastrous effect on the coal miners but the cost on American consumers of electricity, undermining our Nation's energy supply.

The Interstate Mining Compact Commission described this rule as a ''burdensome and unlawful rule that usurps states' authority as primary regulators of coal mining as intended by Congress under SMCRA'' while also seeking to impose ''an unwarranted top-down, one-size-fits-all approach that does not take into account important regional and ecological differences.''

Then, finally, the U.S. Chamber of Commerce noted that the rule ''exceeds the Department's authority, will cause significant economic harm and job losses, and interferes with long-standing and successful state efforts to protect water quality.''

It is very clear to me that this rule simply cannot stand. We have an opportunity here to make sure that is the case. So if you are concerned about families paying more for their heating and their electricity bills, you should support this resolution. If you are worried about job losses due to access restrictions and rising energy costs, you should support this resolution. And, if you care about States' rights, which so many of us do, or overregulation by the Federal Government, which we clearly do, you should support this resolution.

I have noted to a couple of people today that this is a pretty good day to be debating a disapproval resolution under the Congressional Review Act. It is Groundhog Day, and it is exactly what the last 8 years have felt like for anyone who has paid attention to the regulations that were just churned out by the Obama administration. The SPR rule is a perfect place to start as we sort through the major burdens that the last administration imposed through its relentless regulatory actions.

So, again, I wish to thank Leader MCCONNELL and Senator CAPITO for sponsoring and leading this legislation, and know that I intend to vote for it. I urge my colleagues to do the same.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Madam President, I see my colleague from Texas. Did he want to make remarks in leader time?

Madam President, I come to the floor to talk about the action today in the Senate, which is to try to overrun the clean water rule as it relates to the mining industry.

The bottom line is, polluters should pay for the pollution, and that is what the rule says, and that is what is trying to be overrun today after a very short debate in the Senate.

Some of my colleagues on the other side of the aisle would like to say it is about the coal industry and a war on coal. If they are so concerned about the coal industry, I would suggest to them

and coal workers that they take up the pension bill they promised to take up in the last Congress and have failed to take up.

Last December, thousands of coal miners came to Washington, DC, and asked the Senate to live up to their promise that was made and put their health on the line and make sure that they had a pension program. More than 20,000 retired coal miners are at risk of losing their health care if we do nothing by April, and they have a very small pension—averaging about $530 a month—that is also at risk.

I know some of my colleagues would like to believe this is somehow entirely related to a war on coal, but that narrative ignores the facts. In 2008, right before the financial crisis, the United Mine Workers' pension plan was 93 percent funded—in 2008, 93 percent funded. Its actuaries projected it was on track to reach full funding in several years.

So this notion that somehow the discussion behind the scenes by the Interior Department or the EPA caused an implosion in the mining industry and thereby they didn't have resources is not the case. What is the case is that the financial crisis hit, and Wall Street speculators blew up our economy, costing it $14 trillion—according to the Dallas Fed—and many in this body bailed them out. But we did nothing to bail out the miner pension program. Those pensions were thrown into crisis. By 2009, the United Mine Workers' plan had dropped from the 93-percent funded level down to the low seventies—a 20-percent drop in a single year. So despite the fact that the plan was well managed, the investment returns continued to be problematic. Wall Street—not the Department of the Interior or EPA—is the reason mine workers have so much challenge today.

If they care so much about the mining industry and the workers, then bring that legislation forward on the floor of the Senate today instead of trying to overturn a rule that says polluters should pay.

These safe drinking water issues and fishing issues are so important to an outdoor economy that employs a million-plus workers and is a vital part of practically every State's economy. The notion that somehow this is a jobs issue—if they want to protect jobs in the outdoor industry, then please allow people to fish in rivers where they don't have to worry about selenium. This is a big issue, whether talking about Montana, Colorado, Washington, or the State of Alaska.

I will say that the Alaskan issues of salmon and habitat far outweigh the 113 jobs the Alaska coal industry produces. Both can be seen as valuable jobs, but if we want to know about an economic impact to the State, it is dwarfed by the issue of making sure salmon have clean rivers and streams to migrate through.

This legislation today is about trying to protect those waters. I would again say that the effects of mountaintop removal have been called out by the press for a long time. I wish to quote from a Washington Post editorial:

For decades, coal companies have been removing mountain peaks to haul away coal lying just underneath. More recently, scientists and regulators have been developing a clearer understanding of the environmental consequences. They aren't pretty.

In the 1990s, coal miners began using large equipment to strip away mountaintops in states such as West Virginia. The technique made it economical for them to extract more coal from troublesome seams in the rock, which might be too small for traditional mining or lodged in unstable formations. Environmentalists were appalled, but the practice spread and now accounts for more than 40 percent of West Virginia coal production.

Burning coal has a host of drawbacks: It produces both planet-warming carbon dioxide and deadly conventional air pollutants. Removing layers of mountaintop in the extraction process aggravates the damage. The displaced earth must go somewhere, typically into adjoining valleys, affecting streams that run through them. The dust that's blown into the air on mountaintop removal sites, meanwhile, is suspected to be unhealthy for mine workers and nearby communities.

Scientists have recently produced evidence backing up both concerns. Over the summer, a U.S. Geological Survey study compared streams near mountaintop removal operations to streams farther away. In what should be ''a global hotspot for fish biodiversity,'' according to Nathan Hitt, one of the authors, the researchers found decimated fish populations, with untold consequences for downstream river systems. The scientists noted changes in stream chemistry: Salts from the disturbed earth appear to have dissolved in the water, which may well have disturbed the food chain.

Last week, the Charleston Gazette reported on a new study finding that dust from mountaintop removal mining appears to contribute to greater risk of lung cancer. West Virginia University researchers took dust samples from several towns near the mountaintop removal sites and tested them on lung cells, which changed for the worse. The findings fit into a larger, hazardous picture: People living near these sites experience higher rates of cancer and birth defects.

Again, all this is from the Washington Post editorial.

With these sorts of problems in mind, the Environmental Protection Agency is taking a more skeptical look at mountaintop removal mining permits. The Clean Water Act gives the government wide authority over industrial operations that change rivers and streams.

The EPA has already used its efforts, in some cases where there was concern, to revoke a permit and has instructed its branches and offices to be more careful.

The coal industry and its allies—

And we have heard some of them here—

are howling. Skeptics of mountaintop removal, one industry pamphlet insisted, ''promote an anti-coal, anti-business agenda that uses environmental issues as a mere pawn to redistribute wealth, grab power, and put forth liberal, social ideology. The GOP-controlled House passed a bill that would strip the EPA of some of its permitting power. But just this month—

Because that was a couple years ago—

the Obama administration once again prevailed in court, beating back another industry challenge.

This editorial ends by saying:

The emerging scientific evidence should cut through the rhetoric. The EPA is right to move more firmly to protect health and the environment.

We are right to defend this rule and law and say that polluters should pay.

Madam President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Madam President, yesterday the Senate took up legislation to block the stream buffer rule, which is a job-killing regulation from the Obama administration—something the Obama administration will be long remembered for—a regulatory overreach that strangled the growth of our economy and the jobs that come along with it. This is a prime example of a misnomer, though. It is not really about protecting streams, as it claims, but about killing the coal industry and energy production in our country.

One of the things that have caused our economy to grow historically has been access to low-cost energy, but unfortunately this regulation has made that not possible in coal country, taking many jobs along with it and I think in part, at least, responsible for the vote President Trump got in many parts of the country that felt left behind by the economy and because of job-killing regulations like the stream buffer rule.

NOMINATION OF NEIL GORSUCH

Madam President, yesterday I had the chance to meet with Judge Gorsuch personally, the man President Trump nominated to serve on the U.S. Supreme Court.

It is plain to me now why President Trump selected him to be the nominee for the seat vacated by the death of Justice Scalia. Judge Gorsuch's experience, intellect, and background make him uniquely qualified and qualify him as a mainstream nominee. That seems to be the nomenclature that has been embraced by our colleagues across the aisle. They said they hope President Trump nominates a mainstream nominee. Well, he did. But I fully expect our colleagues across the aisle to try to paint him as some sort of extremist, which they can't do based upon his distinguished record on the Tenth Circuit Court of Appeals for the last 10 years as a Federal judge or his previous life. They are going to have to make things up in order to cause people to believe this nominee is not a mainstream nominee.

I look forward to working with my colleagues on the Judiciary Committee to do our job of advice and consent and to see the nomination come to the floor, where I hope he will be confirmed. I trust he will be confirmed one way or the other.

Unfortunately, Senate Democrats—particularly their leader, the Senator from New York—have already announced that they will fight tooth and

nail against any nominee put forward by President Trump. Predictably, the minority leader has made clear that he will try to filibuster the President's choice. It has been ironic to watch him come here and extol the virtues of the 60-vote cloture requirement for confirming a Supreme Court Justice when he and the rest of his colleagues invoked the so-called nuclear option to change the Senate rules by breaking those rules and reducing the cloture requirement for lower Federal court judges and Cabinet members to 51.

We see what happened as a result of that action. Now they find themselves on the receiving end of that 51-vote requirement caused by the nuclear option. So much for immediate gratification and not so much for taking the long view in terms of how the Senate ought to operate.

This sort of resistance mentality that has grown up among our colleagues on the other side of the aisle ignores the fact that we had an election on November 8. The American people made their choice, and it is plain that our Democratic colleagues are simply not happy about the choice they made and are going to undermine and resist this President no matter what, particularly when it comes to staffing his Cabinet with the people he has chosen to serve the Nation as part of his administration.

The American people also indicated they wanted us to move forward, away from the bickering, away from the gridlock, away from this mentality that we were here to serve someone else other than the American people. They want results, not politics as usual. I think that is the lesson we all should have learned from this last election. The sad reality is that it is increasingly clear to me that my Democratic colleagues didn't learn the right lesson last November and are trying to bring the Chamber to a standstill.

Thanks to the nuclear option that then-Majority Leader Senator Reid championed and which all of our Democratic friends voted for, they are not going to be able to stop President Trump's nominees to the Cabinet because all it requires is 51 votes. Yes, they can slow it down, but they can't stop it. My question is, What purpose is to be served from keeping the President fully staffed with the Cabinet that he has chosen, knowing that you are ultimately going to lose the fight?

Unfortunately, this is not about the Senate alone. This is about the American people. For 2 days in a row, Senate Democrats on the Finance Committee, which has been one of the most bipartisan committees in the U.S. Senate—our Democratic colleagues, each and every one of them, boycotted the meetings to consider President Trump's nominees.

I sit on the Finance Committee. As I said, it has historically been a bipartisan committee, but our Democratic colleagues chose to relinquish their responsibility and ignore their duties to their constituents. Unfortunately, this type of behavior has become par for the course throughout the first days of President Trump's administration. We have seen other examples of slow-walking nominations, invoking every procedural rule that there is to deny unanimous consent—the sort of normal courtesies that go along with working in the Senate on technical or procedural matters.

We have seen countless examples of their slowing down the nomination process intentionally, even for highly qualified candidates.

On the Judiciary Committee, on which I also sit, there is another example with respect to the nomination for Attorney General of Senator JEFF SESSIONS, a well-respected colleague in this Chamber. I am glad we were finally able to move his nomination out of the committee yesterday. But the truth is that even though many Democrats on the committee had worked side by side with Senator SESSIONS and had cosponsored legislation with him, they themselves said what a good man he was. They voted against him after slowing down this obvious choice to lead the Justice Department.

President Trump talks about draining the swamp in Washington, DC. The biggest swamp in Washington, DC, has been a Justice Department headed by Eric Holder and, sadly, by his successor Loretta Lynch. They have refused to enforce the rule of law and instead turned that into a political outpost for the Obama administration. Attorney General JEFF SESSIONS is going to change that. He is going to enforce the law, and he will respect the law no matter who wins and who loses because his duty is to the Constitution and laws of the United States and to enforce those laws as Attorney General and, yes, to defend those laws.

Some of our Senate colleagues were shocked when Deputy Attorney General Sally Yates—although the Office of Legal Counsel said that the Executive order issued by the President was legal and proper in its form—wrote a letter saying she was instructing the line lawyers in the Justice Department not to defend it in court. President Trump fired her, and he should have. That is political grandstanding by somebody who should know better, considering her distinguished career at the Department of Justice for the last 30 years.

I don't know who gave her the bad advice, but I am glad that President Trump decided to fire someone who basically defied their duties to the Department of Justice and to the U.S. Government and preferred to take the side of politics and misinformation.

We know that the Senate is continuing with other nominations as well. I see this morning that the Environment and Public Works Committee finally voted out the nomination of the attorney general of Oklahoma, Scott Pruitt, for Director of the Environmental Protection Agency. Unfortunately, our Democratic colleagues' bad habits on the Finance Committee have spilled over to the Environment and Public Works Committee, and they chose to boycott that hearing as well. Notwithstanding that boycott, the majority of the committee did vote out the nomination, and we will take that up soon.

This lack of cooperation is unprecedented. It really is unprecedented. At this point in 2009, President Obama had 11 of his Cabinet members confirmed by the Senate—11. Today we have only five confirmed, and many of those who have been confirmed were slow-walked by our Democratic colleagues for one lame excuse or another. This is not because President Trump's nominees aren't qualified; it is because our colleagues on the other side of the aisle are determined to undermine this new President and his administration, no matter what cost is paid by the country.

After the election, President Obama, to his credit, talked about the importance of a peaceful transition of power from one administration to the next. Some of our colleagues who are now obstructing this President's Cabinet members have also paid lipservice to a peaceful transition of power. What we are seeing is a hostile transition of power—mindless obstruction, foot dragging, and delay for delay's sake.

Let me remind them once again that the American people voted on November 8 and chose a President who has the authority to nominate the people he sees fit to serve on his Cabinet. We can't afford to let this administration operate with one hand tied behind its back for the foreseeable future. We need to do our job and provide the President and the country with the experts and advisers that the administration needs to keep our country safe and to keep government functioning for the people.

I hope soon—I am not optimistic, but I hope that soon our Senate Democrats will start working with us and not against us and, more importantly, against the interests of the American people who sent them here.

TRIBUTE TO LINDA BAZACO

Madam President, I want to spend a few minutes recognizing an extraordinary public servant on my staff who served in a unique capacity that many may not know exists.

One of the most important things we get to do as Members of Congress is to act as the intermediary or intercessor between our constituents and a Federal Government that sometimes is not responsive, particularly in dealing with Federal agencies. For instance, when somebody isn't receiving their proper check from the Social Security Administration or is having trouble getting an appointment at a Veterans Administration clinic or is in need of assistance with foreign adoptions, where do they turn? They turn to people like Linda Bazaco, who heads my casework program in Dallas, TX, and is going to be retiring soon.

I am proud to say that we do our very best to make sure that the 28 million people I have the privilege of representing get the very best help possible to help navigate the very real and very personal issues that involve the Federal bureaucracy. That way, my office—specifically my constituent services or what we call my casework team—can help ensure that no Texan who reaches out to us slips between the cracks.

In some circles, apparently, we have a reputation for bragging in Texas, but I have to say my staff are some of the absolutely best in the field when it comes to getting responses for Texans from Federal agencies. I like to say that if it can be done, it will be done. In that way, we play an important role in holding the bureaucracy accountable and reminding the Federal Government who their customer really is. It is the taxpayers to whom they ought to be responsive. They shouldn't need to call their Senator or their Congressman or Congresswoman in order to get responses from the Federal Government, but, in fact, sometimes they do, and sometimes—well, it is our privilege to help.

As I indicated, the person who has led this effort in my office for the last many years is Linda Bazaco, someone whom I came to know after she worked for my predecessor, Senator Phil Gramm. Linda fervently believes in the concept of government accountability and has developed a way to get the answers that Texans need and deserve.

As I indicated, she started under my predecessor, Senator Phil Gramm, about 27 years ago. Today, Linda's system has become the gold standard for other elected officials to get results on behalf of their constituents and, in doing so, has impacted constituents' lives in profound ways: benefits, checks, expedited passports, medical care, or even the most basic—simply a return phone call from an agency. All the while, Linda has done this with enthusiasm and with an eye toward quality and getting results for the people of Texas.

Linda, along with the team she has built, has pushed the government to be more accountable and responsive to the tens of thousands of Texans who have reached out to my office and, in most cases, will never know she was their secret weapon.

Soon Linda will be taking on another challenge. After serving the 28 million people of Texas for nearly 27 years now, she will take up an even more important role; that is, a full-time grandmother extraordinaire. I couldn't be prouder of having someone of her caliber as a leader on my team, and I wish her and her husband Val and her three children and her five beautiful grandchildren the absolute best in the next chapter of their lives.

On behalf of all the generations of Texans you have helped over the decades, the staff members you have led along the way, and at least two U.S. Senators, Linda, thank you for your service.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. I know we are going back and forth. I wish to inquire if my colleague seeks to speak.

Go ahead because we are expecting someone on our side.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Madam President, I ask to speak as in morning business for up to 5 minutes.

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

NOMINATION OF NEIL GORSUCH

Mr. ROUNDS. Madam President, I rise today to discuss President Trump's Supreme Court nominee, Judge Neil M. Gorsuch.

As you know, the vacancy exists because last year Supreme Court Justice Antonin Scalia died suddenly at the age of 79, leaving an unexpected vacancy on our Nation's highest Court.

As I said at the time of his passing, replacing Justice Scalia, one of the Court's strongest defenders of our Constitution, would be extremely difficult. For nearly three decades, with his brilliant legal mind and animated character, Justice Scalia fiercely fought against judicial activism and legislating from the bench. To say our next Justice has big shoes to fill would be an incredible understatement. That is why the decision was made early on by Leader MCCONNELL and others to give the American people a voice in this process, by waiting to confirm the next Justice until the 45th President was in office and able to nominate someone him or herself. We held that belief, even when it looked like our party would not win the Presidency.

As we have been reminded before, elections have consequences. The American people chose to elect President Trump, who throughout his campaign said that he would nominate someone in the mold of the late Justice Scalia. With his pick of Judge Gorsuch, President Trump made an excellent choice in fulfilling that promise. We believe Judge Gorsuch espouses the same approach to constitutional interpretation as Justice Scalia and has a strong understanding of federalism upon which our country is built.

Because the current makeup of the Court is evenly split between conservative- and liberal-leaning Justices, this ninth spot is as important as it has ever been. The next Justice has the potential to hold incredible influence over the ideological direction of the Court for a generation to come. The Supreme Court is the final authority for interpreting Federal laws and the Constitution. It is one of the most important responsibilities found within our federalism.

Since our very first Supreme Court—Justice James Wilson took the oath of office in October of 1789—there have been just 112 Justices to serve on the Court. These lifetime appointments are established under article III in the Constitution and are the ultimate authority over all of the Federal courts and State court cases involving Federal law.

Since it was established, the decisions the Supreme Court has made have guided and altered the course of our Nation. The decisions it makes often have long-lasting ramifications, that in one vote can dramatically alter the course of our country. Based on what I know of Judge Gorsuch, I believe he has the aptitude for this lifetime appointment. He is greatly respected on both sides of the aisle. In fact, he was previously confirmed to the U.S. Court of Appeals for the Tenth Circuit unanimously, and not a single Republican or Democratic Member of the Senate dissented. As such, we expect the Senate will continue its tradition of approving highly competent, qualified individuals to the Supreme Court in an up-or-down vote, following a thorough vetting process.

I thank President Trump for nominating to the Supreme Court a judge who has lived up to the Scalia gold standard. I also thank the American people who voted in November in support of our efforts to retain Scalia's legacy on the Court when his replacement is confirmed.

Perhaps most importantly, I thank Judge Gorsuch for his lifelong commitment to defending our Constitution and applying the law as it was written. If confirmed, I am confident he will be an outstanding member of the U.S. Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I would like to continue the debate on the measure before the Senate, which is to basically overturn a provision that would require coal polluters to make sure they clean up the damage they do to the clean water streams of our Nation.

We are here today because the agency who is in charge of setting these rules has finalized a rule. They did so after more than 5 years of discussion. They set it because there was so much scientific information about the great degradation to our streams caused by mining, when rocks are blown up and selenium is introduced into the stream. I have pictures I showed last night of deformed fish, pictures of river streams that are polluted. I have pictures of obvious degradation of the environment around them.

The real issue is, the rule is now in place, and my colleagues want to exempt the coal industry from such regulation. Why would you want to exempt anybody from cleaning up their mess? Polluters should pay. I know my colleagues are starting to chorus on some refrain about the economy, which makes no sense. Natural gas has driven a very competitive market to consuming more natural gas than coal,

and Wall Street blew up the pension program of the miners, and now it is in jeopardy. If you want to help miners, then come address their health and safety and their pension program. If you want to make natural gas more expensive, maybe you could make coal competitive again, but I don't think that is what we really want in America.

My colleagues somehow ignore the fact that the people of the United States of America are going to demand clean water one way or another. You can protect the coal industry here with special interests and the amount of lobbying they do, or you can step up this process and have a regulation that works for the United States of America so the outdoor industry, sportsmen and fishermen—who have many more jobs—can continue to thrive. Why do I say that? Because my colleague from Texas brought up the EPA nominee, Mr. Pruitt, who is coming to us from Oklahoma. I found, with great pleasure, the same arguments that the other side of the aisle is trying to make, they tried to make in Oklahoma. ''Oh, my gosh. It is environmental regulation that is stopping us from producing a greater, more robust farming economy. We need to do something to stop those untoward regulations.''

What did they do? They had a big initiative for the ballot that basically said: Let's make it really hard for anybody to regulate in regard to farming, unless they show it is somehow in the greater State interest. Even in redstate Oklahoma, they got it. They knew it was a fast run on the Clean Water Act, and they defeated that basically 60 to 40.

If we want to have a debate by debate, State by State, a discussion about clean water because people here will not defend the right for people to have clean streams, then we will have that debate. My colleagues sometimes try to say: Well, this is what attorneys general are concerned about. Some of them don't like the rule. You have ample opportunity to change the rule. You could come here and propose legislation. You could ask your colleagues now to do something and move forward on an alternative, but that is not what is happening. This egregious approach is not only getting rid of a rule that currently protects us, for safe streams, but because it is a Congressional Review Act overriding that rule, it will prohibit us from taking up, in the same fashion, an approach to make sure this is regulated in the future. That is right. Turning down the rule this way will stop an agency from doing the job it is supposed to do. Why not just leave it to the States? That is like saying: I am going to leave clean air, clean water, or nuclear waste cleanup to whatever a State decides. That is not what Federal law is about.

Here is an editorial from Kentucky where a ''proposed $660,000 settlement of the Clean Water Act violations between the State's environmental agencies, and two of its largest companies, underwent a 30-day review.'' What was that about? That was about the State of Kentucky failing to implement the old law. This was in 2010. The State of Kentucky's Attorney General—they were such laggards at this—people sued the companies in the State because the State wasn't doing its job. Eventually, they uncovered, as the article says, ''massive failures by the industry to file accurate water discharge monitoring reports. They filed an intent to sue, which triggered the investigation by the State's energy and environmental cabinet.'' The notion that States are on the job and doing their job in Kentucky—they weren't.

A State case was provoked by other people who were monitoring for clean water. It is our prerogative to set a standard for miners to clean up their mess. That is what we are talking about. Now the other side of the aisle wants to overturn that, saying that polluters don't have to pay.

How did we get to this situation? As mentioned, the past administration worked hard at coming up with a stream protection rule. Why did they come up with a new stream protection rule? Because it had been 33 years since we had a stream protection rule. The old rule did not prohibit mining through streams. Guess what? Neither does the new rule. The new rule says you are not prohibited from mining through a stream, but by gosh you ought to be required to mitigate the mess you create in the water system by mining through that stream.

We are talking about mitigation requirements, and we are talking about measurements. Why do we need that? Because since 1983, when the previous rule was put in place—we now know that things like selenium cause very bad things to happen in water, with rocks and the discharge. We know selenium can cause the deformation of fish and that eating those fish can make you sick. That is why we want to have a rule to understand the impacts and to mitigate for them. I think about this particular picture, and the deformation in the fish tail and in the fish lip—the front end of the fish—are extreme examples of what selenium is doing in our water supply. Why would you not want—as someone blowing up a mountaintop and creating this kind of stream damage, why would you not want them to mitigate that? Why would you want to protect them? Because you think you are protecting some coal industry jobs that basically have fallen off because natural gas has become a cheaper product? Your economic strategy is a race to the bottom. You think if you have the lowest environmental standards in the United States of America, that is somehow going to generate jobs? I think it is just the opposite. I have so many people in Washington State who say: I can't attract employees unless we have a clean environment here because people want to live in a clean environment, they want to fish, they want to hunt, they want to recreate, and they want an opportunity to do so. As a company, I can attract the best and the brightest because they know they are going to live in that kind of environment.

The notion that this kind of ''let us make sure the coal industry doesn't have to play by the rules, they get an exemption from clean water'' is some sort of economic strategy for the future of coal country, it is absolutely not.

Saying that AGs are going to do the job, we have many examples of where they haven't. There are also examples from Ohio and Pennsylvania, where the degradation is so bad it is nearly impossible to clean up.

Let us talk a little bit about the comparison of jobs from outdoor industry and the coal industry. It is not to demean the jobs of the coal industry and the individuals who have worked their whole lives in that sector or to say that one job is better than the other. There are over 6 million jobs directly in the outdoor industry. They generate $80 billion in tax revenue, but if you come to Montana and there is a mine on top of a stream and people don't want to go there to fish and recreate anymore, then you have caused damage. What are we talking about by State? Let's look at it. Montana, there are 64,000 jobs related to outdoor recreation. Why? Because Montana is beautiful. It has so many streams. I mentioned last night that wonderful movie called ''A River Runs Through It.'' It doesn't say, ''A River Runs Through It and a Mountaintop Mine Sits on Top of It.'' That is not what that movie was about. It was about the beauty of the great outdoors. There are 122,000 recreation jobs in Utah. There are 125,000 in Colorado, 50,000 in Wyoming. There are 28,000 in North Dakota. Are people down here defending those jobs? I am defending them because a clean stream is a great source of recreation for people. I don't want to fish or hike in a stream with selenium that could poison me or poison other people. What is wrong with polluters paying? I say nothing.

The economic cost of this legislation is very minimal. The industry would be responsible for less than .01 percent of the economic cost; that is, the pollution that would be required to clean up from this type of effort would be minimal to the industry. So what are they complaining about? What are they complaining about? They don't want to measure selenium in the water. They don't want to be responsible for mitigating it.

The economic challenges that the industry faces from natural gas have nothing to do with this issue. This issue is about whether polluters should pay and whether we as a body are going to not only overturn this rule that is about clean water and safety for our communities by having streams protected. It is also about whether we are

going to preclude another administrative approach to fixing this issue.

The Congressional Review Act is a very large cannon blowing a hole in the clean water requirements for the coal industry. Once you turn this down, you cannot easily reinstate something new. So our colleagues on the other side of the aisle, if they truly wanted to do something about this, could come to the floor today and say: I propose something different. President Trump, if he wanted to propose something different that both guaranteed clean water and moved us forward, he could propose something. Instead, they simply want to repeal this.

So this chart shows just what I have been referring to; that coal basically now in 2016 is getting beat by natural gas. It is getting beat by natural gas because it has become a cheaper source. We are not going to get into the details of how that happened, but we are going to say here today that the notion that you want to let them off the hook from meeting environmental rules and regulations as a way to be competitive is a dangerous, dangerous precedent for the United States to be setting.

We will not win, and our economy will not win from that situation. What we have to do instead is make sure that we are taking care of our environment and being competitive in all sorts of industry issues. For example, this story was about, in West Virginia, how mountaintop mining caused a fish species to disappear. ''We are seeing significant reductions of the species of abundant fish downstream from mining operations.''

To me, that would be an anathema in the Pacific Northwest. Fishing is everything. If somehow we were involved in a mining process that was killing fish, that would be the worst thing that could happen to our economy. There is no reason for us not to set rules and regulations to make sure the mining industry cleans up their mess.

I hope our colleagues will understand how detrimental this rule is. Do not give the mining companies an exemption from cleaning up messes in their streams. Let's say that we are going to do the public interest and not special interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, today we are going to be voting on the first of what will be many resolutions of disapproval under the Congressional Review Act to roll back the avalanche of Federal regulations that the Obama administration placed on the U.S. economy and, most importantly, the working men and women of this great country.

Nowhere have these regulations been more of a burden than on the energy industry of America, which employs millions, millions of Americans—Democrats, Republicans, good, hard-working Americans, and thousands of hard-working Alaskans, my constituents. So I am particularly pleased that the first of these actions—and we are going to be using the Congressional Review Act a lot because the economy and families in America need relief—in the Senate is to nullify the so-called stream buffer rule of the Department of Interior.

My colleague and friend, the senior Senator from Alaska, Ms. MURKOWSKI, was down on the floor a little bit about ago. She described just how sweeping this rule was in scope and how despite the Federal law called SMACRA, which requires cooperative Federalism, working closely with the States, the Obama administration did not give the States any input—certainly not my State.

But what I wanted to talk about on this rule in particular and why it is so important to have not just Republicans but Democrats—and I am going to encourage my colleagues on the other side of the aisle to please support this resolution of disapproval—why it so important we vote for this resolution of disapproval today is because of the coal miners in America—the coal miners in America, who have been under incredible strain and their families.

The vote we take today is going to offer them the first signs of relief in years. Now, there were projections by the Department of Interior's own contractors—as my colleague, Senator MURKOWSKI, mentioned a little bit ago—that thousands of coal miners would lose their jobs because of this rule—thousands.

A study showed that estimates would be one-third of coal miners, coal-mining jobs in the country were at risk because of this rule. That is a big deal. That is a big deal. One-third. Studies are showing that by the Department of Interior's own contractor. But not to worry, the Obama administration issued the rule anyway. Again, as my colleague Senator MURKOWSKI mentioned, there were concerns—very legitimate concerns in my State—that this rule could literally kill every coal-mining job in Alaska, at the Usibelli coal mine in interior Alaska.

So what was the so-called stream buffer rule really about? What was it? Well, I think we all know. It was the last salvo in the Obama administration's arsenal in the war on coal miners, a war that has left thousands of hard-working Americans out of work, injured, in despair in its wake. That is what happened. Just look at what happened. Look at our own Federal Government going to war against hard-working Americans. That is what happened for 8 years—disgraceful in my view.

Now it is time to fight back. Now it is time to fight back. Now it is time for this body to show coal miners in America that we are actually on their side and not against them and not trying to ruin them and their families. I want to recount a recent colloquy by a bunch of my colleagues from the other side of the aisle from last December—right before recess.

Many of my colleagues—all of whom I respect highly—on the other side of the aisle, my Democratic colleagues, came down to the floor. They were saying how coal miners of America were under siege, how they needed help. They were talking about my good friend and colleague Senator MANCHIN's bill with regard to protecting coal miner pensions, which, by the way, I am a cosponsor of.

So I agree about protecting our coal miners, but I watched a lot of those remarks. My colleagues were down on the floor for several hours, but what I found very ironic was that I looked at a lot of these Senators and asked: Where were you during this 8-year war against coal miners? What were you doing? I hate to say it, but a lot of them were allies in the Obama administration's assault on hard-working families and coal miners.

I am not saying that about my good friend from West Virginia, JOE MANCHIN, but there were a lot who were. Heck, some were even leading the charge, but, nevertheless, several were down here on the floor right before the holidays lamenting about what has happened to the coal miners in America. So to my colleagues who were down here shedding tears for America's coal miners in December, I want to offer a challenge to you. Here is your chance. Here is your chance. This is a rule that our own Federal Government has said will put thousands of coal miners out of work. If you really care about the coal miners of America, whether in West Virginia or Alaska, come down on the Senate floor this afternoon when we have this vote and vote for this resolution of disapproval, if you want to help the coal miners, if you want to turn this around so there is no war against them, led by the Federal Government. Its own studies said: Yep. Sorry. You and your families are going to be out of work. If you really care like you were saying in December, then come down to the floor today and vote for this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I think my colleague from Massachusetts is here on the floor to speak. I will let him have some time.

I would say to my colleague from Alaska, the real bait-and-switch is the side of this aisle that allows the Finance Committee to pretend like it is going to do something on the pension program and votes a month before the election, and then after the election, fails to act on such an important issue. I hope people are not advocating pollution as an economic strategy because it will not work.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I thank the Senator from Washington State for her tremendous leadership on all of these environmental issues, which are now on the table in our

country for the first time in a generation.

TRIBUTE TO BILL BONNAVILLIAN

Before I turn to the resolution the Senate is debating, I want to take a minute to recognize the contributions of Bill Bonnavillian to advancing America's science and technology policy. Last month, Bill stepped down as the head of the Washington office of the Massachusetts Institute of Technology after 11 years.

Bill's leadership of the office continued MIT's historic role of providing a vision for advancing science policy and ensuring that knowledge generated at MIT was relevant and available for policymakers in Washington, DC. His leadership will be missed at the MIT Washington office, but I am glad to know he will be staying engaged with the MIT community. I hope he will continue to provide guidance to this body since now, more than ever, we need science to inform the decisions we are making on the Senate floor.

Today, Madam President, congressional Republicans are beginning the process of going one by one to overturn commonsense rules that have long been opposed by the oil and gas, coal, and other industries in the United States of America. The majority is trying to undo these rules by deploying a rarely used procedural tool known as the Congressional Review Act.

In fact, the majority is talking about using the Congressional Review Act, or CRA, so often that it could actually get hard to keep track of which industry is benefitting from week to week to week from the Republicans' use of the CRA. I brought down a helpful tool so the viewers at home can keep track of which industries are benefitting each week from Republicans using the CRA to roll back protections for public health, for clean air, for clean water, for clean soil, for the health of the families in our country.

So let's consult our wheel to see who is the big winner of the GOP giveaway this week.

Up first are the mining and the coal industries. They are the first big winners of the GOP Congressional Review Act wheel of giveaways. That is right. First up for repeal by the Republican Congress are public health protections against the toxic practice of mountaintop removal coal mining.

These protections were put in place by the Obama administration because a Bush-era rule was thrown out by the courts. These commonsense rules to monitor and ultimately restore streams impacted by coal mining are despised by the coal industry. Those that created the problem despise any rules that would require remedying the problem, as it affected public health—no surprise.

Mountaintop removal mining is one of the most environmentally destructive practices on Earth. Mountains are turned into barren plateaus. Streams in the bottoms of nearby valleys are filled with debris and buried. Heavy metals destroy water quality for nearby residents and ruin ecosystems.

The rule that the Republicans are attempting to repeal today protects the public health and drinking water of millions of American citizens in Appalachia and elsewhere across our country.

The rule requires that lead, arsenic, selenium, and other toxic pollutants are monitored. It requires that streams that are damaged or destroyed must be restored.

Now, the majority likes to say that there is a war on coal, but the only war that coal is losing is in the free market to natural gas, to wind, to solar. These are the sources of electricity that the utilities of our country, that the citizens of our country have been moving to over the last 10 to 15 years. There is a war going on in the marketplace.

Adam Smith is spinning in his grave as he listens to the Republicans trying to protect an industry from market forces. Adam Smith is actually spinning so fast in his grave that he could qualify as a new energy source for our country. That is how shocked he would be about this attempt to undermine the public health and safety in our country on behalf of an industry that is losing a battle in the marketplace.

It is the free market that ultimately is causing these changes, and the coal industry is saying: Please protect us from having to protect the public health and safety—clean air, clean water. Please protect us from having to protect families affected by our industries.

A few years ago, we generated roughly 50 percent of our electricity from coal. Now it is down to 30 percent of all electricity generated in our country from coal—50 percent to 30 percent of all electricity in a handful of years.

Coal has been replaced in the free market by natural gas, which has grown from a little over 20 percent of U.S. electricity generation a decade ago to 35 percent today. That is coal's big problem—natural gas, another fossil fuel, but one that emits one-half of the greenhouse gas pollutants as does coal.

Coal has also been replaced by clean energy, by wind, especially, which has grown by 5 to 6 percent of our generation, and by solar, which is now 1 percent of our generation.

In other words, if you go back to 2005 and you look at our country, natural gas was a relatively small percentage of electrical generation, and so were wind and solar. As we debate this issue here today, wind and solar are now up to 7 percent of all electricity generated in our country, up from 1 percent just a little bit more than 10 years ago. It is growing so fast as a preference for American industry, American utilities, and American homes, that it poses a marketplace threat.

So what we need to do now, finally, is to have the big debate out here as to what are the implications for public health and safety and what do we have to do in order to maintain the high standards that we have created for the protection of families over the last generation.

Last year, electricity generation from natural gas surpassed that from coal for the first time since 1949, when data collection began. Why? To quote the Department of Energy:

> The recent decline in the generation share of coal, and the rise in the share of natural gas, was a market-driven response to lower natural gas prices that have made natural gas generation more economically attractive.
>
> Between 2000 and 2008, coal was significantly less expensive than natural gas. However, beginning in 2009, large amounts of natural gas produced from shale formations changed the balance.

While the cost of coal has risen by 10 percent since 2008, the cost of natural gas has fallen by more than 60 percent. For a power producer considering new generation capacity, the lifetime cost of electricity from a new coal-fired powerplant is 67 percent higher than from a new natural gas powerplant and 17 percent than from a newly constructed wind farm, according to the National Academy of Sciences.

The reason no one is building coal-fired powerplants is very clear: It is the free market. Coal cannot compete in the free market. In 2016, we added more than 14,000 new megawatts of solar. We are going to add 7 to 8,000 new megawatts of wind. We are going to add nearly 9,000 new megawatts of natural gas, and we added virtually no new megawatts of coal-fired generation in our country. We are projected to add no new coal generation this year as well. It will be more natural gas, more wind, and more solar.

The marketplace is rejecting coal as a source of electricity. The marketplace is doing that. This isn't a conspiracy. It is competition in the free market.

Lest my colleagues think that this is just happening in the United States, it is not. More than half of all electrical generating capacity added in the world last year was renewable.

Let me say that again. More than half of all new electrical generating capacity added in the world last year was from renewable energy—wind and solar—across the planet.

China recently announced that it intends to invest $360 billion on renewable energy by 2020. They intend to create 13 million Chinese jobs in renewable energy in that time.

This isn't a conspiracy. It is competition, and the competition for those clean energy jobs is global.

When we started carrying iPhones, it wasn't a war on black rotary dial phones; it was a technological revolution. When we started using Macs and PCs, it wasn't a war on typewriters; it was a technological revolution. The horseless carriage wasn't a war on horses; it was a technological revolution that moved us to automobiles.

The move away from coal and oil toward clean energy and natural gas isn't

a war; it is a revolution—an American-made free market revolution.

We now have more than 400,000 Americans employed in the solar and wind industries. By 2020, there are projected to be 600,000 Americans working in these clean energy industries. It is not a war. It is a revolution.

Now, next there is going to be another industry to win in the CRA, the Congressional Review Act giveaway game. That is right. The next winner will be the oil and gas industries.

Republicans intend to move to overturn a bipartisan requirement under the Dodd-Frank bill that publicly traded oil, gas, and mining companies disclose to their investors when they make payments to foreign countries, but that requirement is vigorously opposed by ExxonMobil, the American Petroleum Institute, and the oil and gas industry.

Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act was a bipartisan provision authored by Senators CARDIN and LUGAR. It requires oil, gas, and mining companies to disclose payments to foreign governments, and that is now in jeopardy.

The Dodd-Frank disclosure rule goes to the core of the Securities and Exchange Commission's mission of investor protection. Secret payments can easily be expropriated by corrupt governments. They can also be a signal that a company is involved in risky business overseas—risks that investors need to know about when making investments.

By eliminating this disclosure requirement, using the Congressional Review Act, we are potentially allowing for oil companies to make secret, undisclosed payments to foreign governments. Those could include payments intended to gain an advantage over other companies or even bribes to foreign officials.

Eliminating this disclosure requirement could allow for oil companies to make secret payments to foreign nations that could have serious implications for these nations and for investors.

I urge my fellow Senators to reject these resolutions and keep in place the commonsense protections for public health, clean water, and financial disclosure.

Earlier today, the Republicans on the Environment and Public Works Committee reported out the nomination of Oklahoma Attorney General Pruitt.

Democrats on the committee have grave concerns about his ability to uphold the EPA's mission to ''protect human health and the environment.''

So what we are talking about here is the totality of a picture. The use of the CRA to—one by one by one—go after these environmental protections that have been put in place to increase the health of Americans, to reduce their exposure to arsenic, to lead, and to other dangerous chemicals. This first one that we are debating goes right to the heart of that issue. What the coal industry is doing is using the justification of their need to be competitive with the natural gas, wind, and solar industries, a battle they are losing in the financial marketplace, as a justification for undermining the public health of our country so they can be more competitive.

In other words, the price to be paid to make the coal industry more competitive with other industries to which they are losing market share in the electrical generation market is that the public health has to be compromised and we have to turn a blind eye to the impact on the children and the families in our country who are being exposed to these dangerous chemicals.

That is the price we have to pay as a nation? It is unacceptably high.

So Adam Smith looks on, and Adam Smith judges us here today.

This marketplace defeat of coal by natural gas, wind, and solar is one that is being used to hurt children and hurt families in our country. I do not think it is an acceptable position for our Nation to take. I urge a rejection of that motion.

I yield back to the leader of this effort on the Senate floor, the great Senator from Washington.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I appreciate the opportunity to get wedged in here. There are a number of very interesting things happening today. One is the CRA that I am very much concerned about. I know that my good friend from Massachusetts did not misrepresent something intentionally; however, this is a little bit more complicated than people think it is.

I spoke earlier this week on our need to roll back a lot of these regulations that were handed down during the Obama administration. They are all a part of that War on Fossil Fuels, and as you hear, that war is still going on with some of those individuals. However, President Obama is gone, and now we have to look at some of these overregulations.

For a number of years, I chaired the Environment and Public Works Committee. During that period of time, that particular committee had the jurisdiction over the EPA, which is where most of the bad regulations came from. When I say ''bad regulations,'' I am talking about the overregulations that make it very difficult for our companies to compete with foreign companies that don't have these types of regulations.

Let me share something that is not very well understood, and that is what a CRA really is. There are a lot of people of the liberal persuasion who would like very much to have everything they could regulated in Washington, DC. For example, one of the fights we had was the WOTUS fight. If you ask any of the farmers and ranchers in America—not just in my State of Oklahoma but Nebraska and many other States—what is the most serious problem they have, they would say it is the overregulation of the EPA. If you ask them, of all the regulations, which ones are the most difficult for the farmers out there trying to scratch a living, they will say it is the regulations on water.

Historically, the jurisdiction of water is a State jurisdiction. Now, a liberal always wants that jurisdiction to be with the Federal Government in Washington. That is their nature. I don't criticize them for that. They believe that. But if you ask the farmers in my State of Oklahoma, they will say they don't want that to happen. Historically, water has always been the State's jurisdiction, with the exception of navigable water. We understand that navigable water should have a Federal jurisdiction. In fact, I would have to say there was a real effort 6 years ago by a Senator who at that time was representing the State of Wisconsin and a House Member who was representing a district in Minnesota. Those two individuals introduced legislation to take the word ''navigable'' out of water regulations so the Federal Government would have jurisdiction over all of the water in the States as opposed to the State having that jurisdiction. Not only did we defeat the legislation, but both of those Members were defeated in the polls when they came up for reelection on that issue. The people are clearly on our side.

Where does a CRA come in? A CRA is something that has been used to shed light on what we are doing here. I am talking about with respect to our elected representatives. If there are regulations that are punitive to the businesses back home, when the Senator goes back to his or her State, they can say: Well, that wasn't I, that was an unelected bureaucrat who did that. I am opposed to it. They have a shield so people don't really know where they stand. A CRA takes away that shield because the CRA challenges a regulation, and it has to be voted on, forcing Members of the Senate and the House to be responsible for how they are really voting. It is a way of shedding light.

We have a lot of CRAs coming. One is going to be a CRA that I sponsored having to do with a regulation in the Dodd-Frank bill, in section 1504. As I mentioned, most of the overregulations come from the EPA, but this particular regulation didn't come from the EPA. It came from the Dodd-Frank banking legislation having to do with financial services. It is in a section that had nothing to do with financial services. Section 1504 requires all information to be made public that would come from a bid. In the United States of America, our oil and gas companies are in the private sector, but in China it is run by the government. If we are competing for an oil and gas issue that might be in Tanzania and we are competing with China, China would be competing as a government, and we would be doing it

in the private sector. Section 1504 requires the private sector to disclose all elements of their bid when they are competing for a contract with China. The reason for this initially was to preclude a country's leaders from attempting to steal money that was given to them for a certain oil project. With this disclosure, they would not be able to do it. Well, you don't have to have all the components of the bid. All you have to have is the top line, how much money was actually sent to, in this case, the country of Tanzania.

The courts came along in 2014 and said this regulation was wrong. There are a couple of problems. One problem is that there is no reason in the world that you should have a mandate to disclose all the details of a bid because that is giving away information to the competition, giving the other side an advantage. The other problem is the expense of it. We are talking about $600 million a year that would be borne by the private sector in America that China would not have to pay. So it only punishes those within the United States.

After the courts threw this out, the SEC should have reworked the rule. They were instructed to rework the rule so every detail of the bidding did not have to be disclosed, just the total amount. That solved the problem that was perceived to be out there because then it would be known that so much money, for instance, maybe a check for $50 million, would go out, and we wouldn't have to break down the details of it. The main thing is, we need to know, in good government—and that was the intention in the first place—how much money was going to a foreign government.

Some have argued that the CRA is motivated by companies who want to get around transparency. That is clearly not the case. The courts have said it is not the case. Oil and gas companies in particular are longstanding supporters of greater transparency initiatives such as the Extractive Industries Transparency Initiative, the EITI, that is a multilateral, multistakeholder global initiative composed of energy companies, civil society organizations, and host governments. The EITI rules would apply equally to all companies that would be operating in a country. That would level the playing field.

We have also heard from those on the left saying that voting to repeal the rule would be a vote in favor of corruption. Yet, importantly, the United States already has in place the Foreign Corrupt Practices Act, which prohibits the paying of bribes to foreign officials to assist in obtaining or trying to retain business. The Federal Government is able to bring civil enforcement actions against companies that violate this rule, and section 1504 of the Dodd-Frank Act did not change that. That was in place before and is still in place now. If we pass the CRA and eliminate section 1504 of the Dodd-Frank Act, it is not going to change things.

There are others in the humanitarian community who have expressed concern to me that the CRA will undermine efforts to fight corruption in other governments around the world. Let me assure you that I support your goal.

The courts were emphatic when they said this regulation should be repealed. In fact, it was taken down by the court way back in 2013. Well, it has come back up again. What we want to do is merely comply with what the courts told us to do in 2013, and that is to use the CRA to knock out this section 1504 and go back and rewrite it to take out merely the requirement for a breakdown of all the individual elements of a contract. That is something we intend to do.

I see my good friend from West Virginia, who I think would understand just as well as anyone that when I go back to my State of Oklahoma, they say to me: You have a President—this was back when President Obama was President—who has a War on Fossil Fuels. Fossil fuels are coal, oil, gas, and I would include nuclear. Coming from my State of Oklahoma, they ask: Explain how, if 89 percent of the power that is generated in America comes from fossil fuels and nuclear and they are successful in doing away with it, how do we run this machine called America? The answer is, we can't. We have to have it.

I think we all understand what we want to do is have this rule changed so we are not put at a competitive disadvantage so we are able to go ahead and compete with countries that have a government-run system. To be able to do that, we need to rewrite this particular act. Again, the courts have already agreed to that and that is what we are attempting to do.

For those concerned about the timing and speed of the CRA, I have good news. The actual rule is not set to go into effect until 2018 anyway. The more swiftly we can enact the CRA, the more time it will give us and the SEC to rework it. This is something that is perfectly acceptable.

Some of my critics say we can't come back with a rule that is substantially the same. This will not be substantially the same. Actually, this is what the court recommended in 2013.

In closing, I want to ask this question: If we put forth a rule that makes it harder for U.S. companies overseas, who will fill the void? The U.S. companies have the best environmental standards, the best labor practices, and the least corruption of many of the other countries. However, if this vacuum is there, the business will go to companies from China, India, and Mexico that don't care about pollution and don't care about labor standards. That is not what we want to have happen. What we need to do is foster a strong competitive environment, with reduced corruption overseas, for the benefit of those living under these governments.

So I invite my colleagues to join me in this effort to do away with this regulation through the CRA and to repeal section 1504 of Dodd-Frank and rewrite it so it accomplishes the goal of stopping corruption and at the same time is not going to put us at a competitive disadvantage.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise also to speak about the rule. I want everyone to know that the State of West Virginia has been a heavy-lifting State. We are a construction State. We mined the coal that made the steel that built the guns and factories that enabled our Nation to defend us and gave us the great country we have.

We have done everything. There is no one in West Virginia, Oklahoma, or any extraction State who wants dirty water or dirty air. Pitting people against each other is just wrong. The way this comes down is that this is a duplicative rule, this stream protection rule that was put in place.

My colleagues know that last year the Department of Interior Office of Surface Mining and Reclamation Enforcement basically decided to send the final stream protection rule to the White House without fulfilling their obligations or even a request by myself to contact and work with the local authorities and to work with the States that are involved. They did nothing. They would not reach out to us whatsoever. This was one of many of President Obama's administration's regulations that absolutely crippled West Virginia families and businesses with no plan to replace or create new jobs or help these communities.

Not only is this rule very alarming in its scope and potential impacts, the rulemaking was executed in a very flawed way. The rules by the Department of Interior and Office of Surface Mining and Reclamation must be based on comprehensive data that is available to stakeholders, particularly when those rules threaten to eliminate thousands of jobs. All we have asked was to come to the DEP, the West Virginia Department of Environmental Protection, and tell us what is not working, tell us what you want us to do differently, work with us and help us strengthen where there is a flaw.

Not once did we ever get that type of courtesy. States critical to the implementation of this rule were left out of the process in any meaningful way. The Office of Surface Mining failed to work with States throughout this process, despite the clear congressional intent. Furthermore, agencies should not be assuming duplicative rules that overlap regulations under other environmental laws such as the Clean Water Act.

This rule is excessive and duplicative. It has over 400 changes to the Surface Mining Control and Reclamation Act—which is what we refer to as SMCRA—that duplicate existing practices and protections that the EPA and the Army Corps already oversaw.

So, basically, we already have two agencies that have to do with any type of permitting that goes through the EPA, in conjunction and in alliance with the Army Corps. This overstepped and took all the powers away from them completely. Why would we want to duplicate? If we have an agency that is not doing its job, either change the personnel or get rid of the agency; don't just create another duplicative role and another agency to oversee it.

During my time in the Senate, I have been committed to policies that protect our coal-mining communities and economies, and that is why I introduced this resolution of disapproval to undo this harmful, duplicative regulation.

I am a firm believer in the balance between the economy and the environment. I believe that everything we do in life should have a balance, and we should try to find that balance. But when you are trying to basically use overreach, duplicative rules—a nuisance—which do nothing but create havoc and make it almost impossible to go forward, you can't hire enough lawyers and enough accountants to get through the paperwork the government can put on you.

But never once, from any of us—from West Virginia or any other State that does the heavy lifting—none of us think that we should discard the Clean Water Act or the Clean Air Act. Those are things that we will cherish and we will protect, and those came about by Republicans and Democrats working together—Republican administrations. We are all for that; we are just not for beating us over the head with a hammer when we can work to fix things if we think there is an error.

The consequences of this regulation will have far-reaching impacts on the future of coal mining and therefore all other things we can count on. I think, as the Senator from Oklahoma just said, in West Virginia, we have what we call ''all of the above'' energy. We want all of the above to be used, and use it in the cleanest fashion, and design and develop new technologies that we can use and depend on. We depend on coal, we depend on natural gas, and we depend on nuclear power for the majority of our energy.

The other thing I have said is that I believe we should be developing renewables also, and we are doing that. Wind, solar, biomass—we do everything. But if you believe that is going to run the country in the energy you use every day and take for granted, then tell me what 4 hours of the day you want your electricity to run. What 4 hours of the day do you want your refrigerator to stay cold? What 4 hours of the day do you want to heat your home? Tell me what 4 hours of the day you take for granted that anything and everything you want works 24 hours a day, because you will not have baseload. Those are the facts. If you don't like it, then let's continue to work to make it better, but don't just put your head in the sand and say: I am going to have whatever I have. This will work fine. And I have no fossil. I don't need fossil.

I am sorry, the world doesn't work that way. This country doesn't work that way. The grid system—your light switch—doesn't work that way.

So today once again I am standing on behalf of West Virginians and commonsense people all over this country, and we have a lot of them in West Virginia. I ask my colleagues to hear their voices and vote in support of this resolution that gets rid of these overreaching, duplicative rules that do nothing but create havoc on the economy and the well-being of the citizens of our great country.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I think all of us understand the gravity of moving forward on a CRA. It is not a usual procedure; it is limited in terms of filibuster rules, and it is extraordinary. In this case, unfortunately, it is necessary. Had the previous administration actually listened and worked constructively with Senator MANCHIN and me and my utilities and the coal industry in North Dakota, we would not be standing here now.

This was a rule that had a specific intent of addressing mining practices in Appalachia. Yet the former administration made the rule applicable to the entire country.

I don't know that any of those folks drafting the rule had ever been to North Dakota to see just how different our mining practices and geology are compared to Appalachia, so I invited former Assistant Secretary Schneider out last year to take a look for herself. When she came out, she heard directly from North Dakota utilities, regulators, and coal companies, and she saw how our operations differ and how my State is a national leader in reclamation. Based on the final rule, it is apparent that the rule was already made before her visit, and the input of the folks back home in my State, quite honestly, was not taken seriously.

North Dakota coal stakeholders estimate that the rule could cost coal producers in North Dakota alone approximately $50 million annually in additional compliance costs and take more than 600 million tons of otherwise mineable, affordable coal off the table.

I will tell you, when you look at the landscape of North Dakota and you are sitting there and you are explaining this and you are showing how one rule would require equipment to be moved, draglines to be moved, and how all of that makes absolutely no sense in terms of the resource and, in fact, in terms of the difficulty of actually doing reclamation that needs to be done in that situation; when you are standing out there and you actually look at it, the only conclusion you can come to when you see the net result of this rule is that it was intended to shut down coal mining. That is the only conclusion I could come up with. It wasn't about clean air and clean water; it wasn't about protecting this resource; it was about shutting down the coal mines.

So this impacts not only the ability of our utilities to access this affordable and abundant resource, it hits thriving rural communities throughout North Central North Dakota, communities like Hazen, Washburn, and Beulah that rely on coal for good-paying jobs, for funding our schools, for fire protection, for law enforcement and other community resources that allow our rural communities and healthy middle class to thrive in the State of North Dakota.

One-size-fits-all rules do not make any sense. And when you look at the application of this rule and once-size-fits-all, it clearly makes no sense. The beautiful mountains, forests, and streams that dominate the West Virginia landscape, as just described by my great friend Senator MANCHIN, are nothing like the rolling prairies, the buttes, and the prairie potholes of North Dakota. How anyone can look at these two States and think that a rule which is promulgated which will be universally applied can logically be applied to those two different landscapes—the logic of that completely escapes me.

A rule that requires enhancements to the land, including trees and permanent fencing to keep livestock away from streams—well, in North Dakota, we are pragmatists. Not only do we return the land to the same or better condition, we usually convert that land from farm or ranchland to this beautiful landscape we see here.

I want everyone to understand what reclamation looks like. I want you all to understand that this used to be a strip mine. This used to be a big hole in the ground producing coal. And over generations, and restoring this to the topography—the biggest challenge we have in North Dakota is convincing the original landowner, who would love it to be straight so it is easier to farm, that we have to put it back the way it was.

My colleagues can look at this landscape, and they cannot tell me that the company that did this and the State that set the standards and the commitment that was made to reclamation was not honored; that it is not working in North Dakota and that we need a one-size-fits-all stream regulation to fix a problem that doesn't exist—a problem that is going to cost us $50 million and hundreds of jobs in my State. This is exactly why the people of this country get frustrated, and the people of this country do not understand why Washington, DC, thinks they know it all.

As a matter of fact, our reclamation programs are highly regarded, and we are, in fact, recognized for doing the best reclamation in the country. I would point to the 2016 Abandoned Mine Land Reclamation Small Project

Award that went to our mine reclamation project in Bowman, ND.

Our coal industry and our utilities are always willing to work with the Federal Government on regulations that focus on actual results, on improving environmental safety and standards. They are willing to do that again. They have never had an issue with updating this regulation. All that was asked was that the former administration listen to them, actually believe their eyes when they see the work we are doing and understand the impact of that rule.

It was done in haste, it was done hurriedly, and it was done so they could check a mark and say: See, we really are leaving it in the ground.

If you want to be leave-it-in-the-ground, then have the courage to come here and say that this country, in the next 20 years, will not extract one fossil fuel from the ground.

I have great respect for Senator MARKEY. He was just here talking about how we have made progress because of the conversion from coal mining to natural gas. It is a little disingenuous, I would say, because the whole while, we are talking about how this conversion would not have been made possible if it weren't for industry practices of utilizing fracking to extract natural gas.

This is a structured movement using bogus regulations to promote a national policy without having the courage to just advance that national policy forward, which is to leave it in the ground.

We heard from Senator MANCHIN. I want everyone who says: We are going to pursue a leave-it-in-the-ground national policy—I want them all to think about what that does to women and children who live on fixed incomes. I want you to think about what that means for reliable, redundant, and affordable power generation in our country. We are going to let the market decide.

We have moved toward wind energy, which, ironically, the big movement of wind energy was facilitated by a compromise we reached over a year ago that dealt with allowing for the export of crude oil out of this country—the lower 48—in exchange for more permanency and for production tax credits and investment tax credits. We can, in fact, achieve a public policy result if we work together and if we don't have hidden agendas like ''leave it in the ground.''

This rule was wrong, it was structured wrong, and it attacks an industry that does this. I will tell my colleagues, I have been out there. I have worked in this industry and I have been a regulator of this industry. This is not unique. This is what reclamation looks like in North Dakota. And to suggest that we have not been good stewards, to suggest that somehow we are contaminating this beautiful resource by what we are doing, is wrong on so many levels. It is costly to our consumers. It costs us jobs, and it is wrong on so many levels.

With that, I would say, please—this is a process that should only be used very rarely but I think is being used appropriately in this situation with the stream rule. So I stand with my friend JOE MANCHIN in helping sponsor this CRA. We will continue to fight for our industry, fight for our good-paying jobs, and fight for commonsense regulation that actually achieves the purpose of protecting this beautiful resource we have in North Dakota.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I am deeply concerned about efforts underway to use the Congressional Review Act to eliminate protections that have saved lives and cleaned up our environment. I certainly respect the views of my friend and colleague from North Dakota, but there are other perspectives to consider. And while today it is a stream buffer rule, tomorrow it will be some other rule intended to protect the health of our communities and our citizens.

The Congressional Review Act is a rarely used tool that can erase rules that have taken years and much public input to develop. Passing a CRA resolution, as we are being asked to do in this instance, also prevents us from implementing similar protections in the future. The reason is that by passing this kind of resolution, it prevents us from implementing any kind of other rule that is similar in nature.

Regardless of whether you voted for Donald Trump or Hillary Clinton, nobody wants to live in a dirty environment where we don't have clean water, clean rivers, clean streams, or clean air. Once again, we are being told to choose between a clean environment and creating jobs.

In Hawaii, we have one of the lowest unemployment rates in the country and some of the most robust protections for our environment. Today's debate over the stream buffer rule and future debates under the Congressional Review Act are not about States' rights. Today's debate is not about regulation for the sake of regulation. It is not about a war on coal; it is about preventing fossil fuel companies from creating unhealthy communities by polluting the water we drink and the air we breathe.

The Department of the Interior has been working on this rule for 7 years—7 years. It replaces an outdated regulation that was written during the Reagan administration in 1983.

Science has come a long way in 34 years. In that time, we have learned a lot about the detrimental impacts of coal mining on clean water and public health. Clean water is essential, and politically expedient decisions we make now will have lasting impacts for years to come, as families in Flint, MI, know all too well.

The stream buffer rule that we are being asked to undo requires coal companies to monitor water for contaminants. Communities have a right to know what is in their drinking water. They have a right to know that their water is clean. They have a right to know what kind of contaminants are in their water. I don't think this is an unreasonable expectation. Why are we making this debate a fight between supporting jobs for coal miners and clean water?

Divide and conquer is a time-tested tactic that ends up hurting vulnerable populations and communities. Let's not fall prey to such divisive tactics. This is why I am perplexed as to why we are voting to undo the progress we have made. I will be voting against the CRA and any other CRAs that harm our environment and public health and force us to make a false choice.

Again, while I respect the views of my colleagues who have a different perspective on what we are being asked to do today, I urge my colleagues to join me in defeating this resolution.

Mr. President, I yield the floor.

Mr. CARDIN. Mr. President, I wish to oppose the resolution of disapproval on the stream protection rule. Each Congress has an opportunity to promote having cleaner air and cleaner water. Our job description shouldn't include hollowing out the protections for clean air and clean water which previous Congresses have provided.

Clean air and clean water are vital not just to human health and the environment, but to our economy as well. The number of premature deaths due to poor water quality affects our economy. The number of school or work days missed due to health problems affects our economy. The ability of industries to have access to clean water affects our economy.

Like many of my colleagues, I am proud to represent part of Appalachia, in the western part of Maryland. I have enjoyed skiing, hiking, and simply enjoying one of the most beautiful places in our country. Recreational activities along the Appalachian Mountains depend upon clean air and clean water. And recreation is a huge part of expanding economic opportunities in Appalachia.

Over the years, I have met with many people directly affected by the mining practice known as mountaintop removal, and I have worked very hard to address their concerns in a bipartisan manner. For instance, in the 111th Congress, I introduced S. 696, the Appalachia Restoration Act, with the senior Senator from Tennessee, Mr. ALEXANDER, to help protect streams and rivers.

The stream protection rule updates 33-year-old regulations to implement the Surface Mining Control and Reclamation Act. The update establishes clear requirements for responsible surface coal mining that will protect 6,000

miles of streams and 52,000 acres of forests over the next two decades, preserving community health and economic opportunities, while meeting the Nation's energy needs.

The stream protection rule includes reasonable and straightforward reforms to revise three-decades-old coal mining regulations to avoid or minimize harmful impacts on surface water, groundwater, fish, wildlife, and other natural resources. There are a number of very positive, reasonable, and economically feasible changes in the proposed stream protection rule that make it an improvement over the existing regulations.

The rule incorporates the best available science, technology, and modern mining practices to safeguard communities from the long-term effects of pollution and environmental degradation that endanger public health and undermine future economic opportunities for affected communities.

The final Rule gives regulators more tools to measure whether a mine is designed to prevent damage to streams outside the permit area.

The rule would require companies to avoid mining practices that permanently pollute streams, destroy drinking water sources, increase flood risk, and threaten forests.

It would also require companies to restore streams and return mined areas to the uses they were capable of supporting prior to mining activities and replant these areas with native trees and vegetation, unless that would conflict with the implemented land use.

To help mining companies meet these objectives, the rule requires testing and monitoring the condition of streams that might be affected by mining before, during, and after their operations to provide baseline data that ensures operators can detect and correct problems and restore mined areas to their previous condition.

Using the Congressional Review Act, CRA, to attack a rule that protects people and communities from harmful impacts of irresponsible coal mining operations, such as buried streams, floods, and subsidence, will benefit coal companies that cut corners at the expense of the people who live in Appalachia. And if the resolution is passed, agencies will be prohibited from promulgating any other ''similar'' rule, unless Congress passes enabling legislation.

Opponents of the rule call it a ''job killer.'' That is myth. The regulatory impact analysis, RIA, for the rule estimates that, overall, employment will increase by an average of 156 full-time jobs. According to the RIA, the rule will create more than twice as many jobs as it will eliminate by requiring operators to perform more duties for reclamation, including stream monitoring. Likewise, the impact on an average household's monthly electricity bill is slight: just 20 cents per month.

Coal miners and their families need jobs, and they need clean water. The two aren't mutually exclusive. What they don't need is this attempt to gut a reasonable rule designed to protect them from an environmental disaster, which is much more likely to occur if the Senate passes this resolution of disapproval.

Mr. SANDERS. Mr. President, I oppose the Republicans' current efforts to gut environmental protections that put industry profits before public health. In repealing the EPA stream protection rule, Republicans are again choosing to put the health and well-being of average Americans in jeopardy in favor of the interests of the Big Coal industry.

This bill seeks to unravel clean drinking water protections implemented by the Obama administration. The last time I checked, no one voted to pollute the environment in the last election. The majority of Americans do not agree that we should be dismantling protections that ensure clean air and clean water.

The stream protection rule shields communities from toxic pollution from coal mining, updating regulations that are more than 30 years old. These protections bolster those in the Clean Water Act and establish a long-overdue monitoring requirement for water pollutants—including lead, arsenic, and selenium—known to cause birth defects and other severe human health impacts. The rule was updated to better protect public health and the environment from the adverse effects of surface and underground coal mining.

This rule would protect or restore about 6,000 miles of streams and 52,000 acres of forest over two decades. It would prevent water pollution by authorizing approval of mountaintop removal mining operations only when natural waterways will not be destroyed, requiring protection or restoration of streams and related resources, such as threatened or endangered species. It gives communities in coal country much needed information about toxic water pollution caused by nearby mining operations. Long-term, the rule would ensure that premining land use capabilities are restored and guarantee treatment of unanticipated water pollution discharges.

Mountaintop mining destroys communities. Let's be clear. This rule helps protect communities from the pollution caused by mountaintop removal coal mining. In Appalachia, mountaintop removal coal mining has been responsible for the destruction of 2,000 miles of streams and 2.5 million acres of the region's ancient forests. States have issued advisories that people should not eat the fish in mined areas because of chemical contamination. In dozens of peer-reviewed studies, mountaintop removal mining has been linked to cancer, birth defects, and other serious health problems among residents living near these sites. According to Kentuckians for the Commonwealth, the public health costs of pollution from coal operations in Appalachia are $75 billion every year.

According to a 2011 study in the Journal of Community Health, in counties where mountaintop removal occurs, cancer rates are almost twice than those nearby where there is none. As many as 60,000 additional cases of cancer are linked to the practice within those 1.2 million Americans who live in these areas.

In addition, a 2011 study in the scientific peer-reviewed journal Environmental Research found that, even after accounting for socioeconomic risks, birth defects were significantly higher in mountaintop mining areas compared to non-mining areas.

Likewise, a 2011 study in the Journal of Rural Health found that areas in Appalachia with mountaintop removal have significantly higher death rates from heart disease than other areas with similar socioeconomic conditions. Researchers in the same Rural Health study estimated that more than 700 additional deaths occur annually.

Yet the rule is dogged by many myths and falsehoods spurred by the fossil fuels lobby. Almost a quarter of a billion dollars have been spent by opponents of the rule—the coal mining industry, electric utilities, National Association of Manufacturers, railroads, and the U.S. Chamber of Commerce—on political lobbying and campaign donations. They—and Republicans—claim that implementing this rule will kill coal production—not true. Coal production is impacted by many factors, including low natural gas prices. The CEO of the coal company Murray Energy even said, ''I've asked President-elect Trump to temper his comments about . . . bringing coal back. It will not happen.''

In comparison, this rule could actually create jobs. Many of the jobs created by the rule will be construction-type jobs easily conducted by former coal miners.

Another myth is that the rule is a huge economic burden on industry—not true. The economic impacts of implementing this rule are small relative to the size of the coal industry. Industry compliance costs are estimated to average only 0.3 percent or less of the coal industry's $31.2 billion 2015 estimated annual revenues. Conversely, the costs of repealing the rule are borne by Appalachian families and small businesses. Families in these communities will be the ones to endure significant health impacts. Businesses like restaurants, farms, and the outdoor recreation industry rely on clean water and are jeopardized by coal contamination in their community's streams.

I urge my colleagues to vote no on this effort to kill the important protections provided by the stream protection rule. We must reject efforts to put the interests of the Big Coal industry above the health and well-being of the American people.

Mr. VAN HOLLEN. Mr. President, with the resolution on the floor today, our Republican colleagues are beginning their effort to roll back critical

health, safety, and environmental safeguards that the Obama administration put in place.

The tool that they are using, the Congressional Review Act, is a particularly blunt instrument. The Congressional Review Act allows the majority to rush a resolution of disapproval through the Senate with limited debate and only a limited opportunity for Americans to see what Congress is doing.

But a resolution of disapproval under the Congressional Review Act does not just send a rule back to the drawing board. Instead, the resolution repeals the rule and prohibits the Agency from ever proposing anything like it again. An analysis in the Washington Law Review reported that it is ''conceivable that any subsequent attempt to regulate in any way whatsoever in the same broad topical area would be barred.''

The rule before us today, the stream protection rule, deals with how waste from surface mining, also called ''mountaintop mining,'' is handled. The rule prevents this waste from being dumped near streams. The waste from these mining operations includes toxic pollutants like lead and arsenic. And these pollutants can cause serious health problems in surrounding communities. A 2008 study in the Journal of the North American Benthological Society found that 98 percent of streams downstream from mountaintop mining operations were damaged. This rule limits pollution near streams, requires monitoring of water quality, and creates standards to restore streams after a mining operation ends.

The Reagan administration first put forward stream protections in 1983, exercising authority under the Surface Mining Control and Reclamation Act of 1977. Today more than 30 years later, we better understand the effects of surface mining, and it makes sense to update our standards to protect public health. The Bush administration revisited the issue in 2008, but a Federal court vacated the Bush administration rule because they failed to fully consider effects on wildlife.

Under the Obama administration, in 2009, the Office of Surface Mining Reclamation and Enforcement, or OSMRE, began considering options to bring these stream protections up to date with the current scientific understanding. In the course of developing the updated rule, OSMRE shared information and solicited comment from State regulatory authorities and incorporated their feedback. The Office of Management and Budget's Office of Information and Regulatory Affairs continued the stakeholder engagement process. The Obama administration considered the issue deliberately, for 7 years, before publishing the final rule in December.

OSMRE acted appropriately with the Stream Protection Rule. But the question before us today is not whether the rule is perfect. Today we are considering whether the Agency should be permitted to update the old 1983 rule at all. I believe that it was right for the government to update this outdated regulation and use the best available science to protect drinking water and safeguard public health. Therefore, I urge my colleagues to join me to vote against this resolution to disapprove the rule.

Ms. HIRONO. I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold her suggestion?

Ms. HIRONO. Yes, I will.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF NEIL GORSUCH

Mrs. FISCHER. Mr. President, I rise to address the nomination of Judge Neil Gorsuch to serve on the Supreme Court of the United States.

I will address Mr. Gorsuch's qualifications and his extensive legal experience in a moment, but first, I invite my Senate colleagues to consider: What do we seek in a nominee to our Nation's highest court?

Maybe it is easier to say what we don't want. We do not want a lawmaker. Washington has plenty of those, 100 Senators and 435 Members of Congress. We do not want a crusader for a cause. Most of all, we do not want a trailblazer.

What we want is a follower of the Constitution. We want a Supreme Court Justice who will follow the laws, as written, and uphold the rule of law. This demands discipline; it requires the rarest of virtues: humility. There is no room for hubris on the Supreme Court.

We do not want a Justice who believes he knows better than our Founders. That is not his job. A Supreme Court Justice should neutrally apply the laws as written by Congress and as understood by the Framers of our Constitution. They must not impose their personal preferences upon the law or upon the American people. I want to say again that we want someone who will follow the law and uphold the rule of law.

We also seek a keen legal mind. A nominee must possess the sharpest intellect and only the most rigorous academic qualifications. This person may be one of nine human beings who will resolve questions affecting the freedoms and the rights of millions. Therefore, in addition to ironclad commitment to the rule of law and brilliant intellect, this person must be a known quantity. There must be a reliable record for us to carefully assess.

In exercising our constitutional power of advice and consent, we don't make guesses here in the U.S. Senate. We hold hearings; we ask probing questions. This is how we will determine if Mr. Gorsuch is the legal disciple, brilliant mind, and known quantity the American people need and the person the American people deserve. The evidence so far suggests that he is.

As a judge on the U.S. Court of Appeals for the Tenth Circuit, Mr. Gorsuch has served 10 years in extraordinary fashion. He was confirmed by a voice vote here in the U.S. Senate. His opinions reflect a history of upholding the rule of law. His conduct on the bench demonstrates an exemplary judicial temperament. He is enormously well qualified. His educational background is impressive: an undergraduate degree from Columbia, a law degree from Harvard, and a Ph.D. from Oxford University. Judge Gorsuch clerked for the Supreme Court. Further, he is well within the mainstream.

Among his many impressive academic distinctions, he is a Truman Scholar. This sizeable financial award is given by the Harry S. Truman Scholarship Foundation to young people pursuing a career in public service. I note that my colleague from Delaware, Senator COONS, is a Truman Scholar. Former Secretary of State Madeleine Albright serves as president of the Truman Foundation. Senator MCCASKILL of Missouri is a board member. All are highly respected Democrats. It should be telling that the organization, now headed by Secretary Albright and Senator MCCASKILL, helped Mr. Gorsuch fund his graduate studies.

Jeffrey Rosen of the nonpartisan National Constitution Center had this to say about the judge: ''He sometimes reaches results that favor liberals when he thinks the history or the text of the Constitution or the law require it, especially in areas like criminal law or the rights of religious minorities.''

Norm Eisen, Special Counsel for Ethics and Government Reform in the White House for President Barack Obama, attended law school with Mr. Gorsuch. He called him, simply, ''a great guy.''

There is much more that can and will be said about the nominee in the days to come. Much of it will contribute to a vigorous confirmation process. Sadly, I suspect much of it will not. Many, including some in this Chamber, have said they will oppose any nominee, no matter how qualified.

Americans deserve better than this bitter feud in the U.S. Senate. The Presidential campaign is over. As the Washington Post recently editorialized, ''A Supreme Court nomination isn't a forum to refight a presidential election.'' The newspaper's editors urged against ''a scorched-earth'' response.

Senate Republicans gave President Bill Clinton an up-or-down vote on his first two Supreme Court nominees. Senate Republicans gave President Obama an up-or-down vote on his two first Supreme Court nominees. This is a chance for my colleagues in the U.S. Senate to show how high-minded they can be. They can permit a similar up-or-down vote on this President's first Supreme Court nominee.

I invite them to engage with me in a respectful, civil dialogue as we carry out our duty of advice and consent. We need a vigorous confirmation process, and I will work for that vigorous, open, respectful, and transparent process. I

hope all of my colleagues on both sides of the aisle will join me in that.

Mr. President, I yield back the remaining proponent debate time.

The PRESIDING OFFICER. The proponent's time is yielded back.

The Senator from Delaware.

NOMINATION NEIL GORSUCH

Mr. CARPER. Mr. President, I would just remind my colleagues that a lot of folks in my State and people I talk to around the country believe it is outrageous that the last President nominated a candidate for the Supreme Court for almost a year—a full 10 months—before stepping down before his term ended, and that nominee never got a hearing.

We had a National Prayer Breakfast this morning, as our Presiding Officer knows. One of the occurring themes of the speakers at the Prayer Breakfast was the Golden Rule, the obligation to treat other people the way we want to be treated. I think that should apply to this nominee from this President. I also believe it should have applied to the last nominee from the last President. I think the way Merrick Garland was treated was outrageous, and he was roundly praised by Democrats and Republican, Members of this body, alike. The fact that he never got a vote I think is appalling. It runs against everything I was taught to believe.

Perhaps the Presiding Officer's parents raised him the same way. My parents raised us to believe that two wrongs don't make a right. Two wrongs don't make a right. Folks on our side believe—although deeply troubled by the way the last nominee for the last administration was treated—this nominee deserves a hearing. My hope is that he gets one and there is time set aside to prepare for that hearing. My hope is that he will take the time to come and meet with us, particularly those of us who have concerns about his nomination.

I think he should be subject to the same 60-vote margin the last several Supreme Court nominees were subjected to and passed; I think in one case it was 62 votes, and in another case, 63 votes.

I just want to let my friends on the other side—and they are my friends—know that we and, frankly, a lot of people in this country are still troubled, looking back. We are going to look forward with the Golden Rule in mind. My hope is that our colleagues will do the same in the future.

Mr. President, I rise on a subject that some of my colleagues have talked about here today. It is one that we have been discussing for almost the last 24 hours. It is a Congressional Review Act resolution to disapprove the stream protection rule.

People may wonder, What does this mean? There once was a Senator from Nevada named Harry Reid. He once wrote a law that said: If Congress doesn't like a particular rule that has been approved and has gone through the process—drafting, all the approval processes—published in the Federal Register, and something like 60 days on the legislative calendar have run, then that rule is official; it is in full effect. However, if a Member of this body or the House wants to use the Congressional Review Act authored by Senator Harry Reid, they can repeal a rule for which the 60-day legislative clock has not run since that rule or regulation was published in the Federal Register.

In this case, 60 legislative days have not passed since the stream protection rule was promulgated, printed in the Federal Register, and one or more of our colleagues has said: Let's use the CRA—Congressional Review Act—to see if we can block or repeal it.

I spoke on this yesterday, and I am happy to have a chance to talk a little bit about it again today.

A prevailing argument in favor of this resolution to kill the rule is the significant negative economic implications of managing mining operations and site reclamation in such a way that life and economy continue along with and after extraction ends.

Let's take a few minutes to reflect on the other side of the coin. I can assure you that hunters, fishermen, birdwatchers, and recreation enthusiasts of all ages, sorts, and varieties in my home State of Delaware—and I am sure in every State in our Nation—value an environment that supports the places they treasure and the species they seek. That is not the legacy of mining.

Because of historically weak reclamation and restoration requirements, Appalachia now has more than a million acres of economically unproductive grasslands that cannot support farming, ranching, or the hardwood forest products sectors. That is one of the reasons for and one of the many strengths of this rule: to focus on postmining economic uses of land, which could include ranching, forestry, tourism, birdwatching, hunting, fishing, and the list goes on.

In America today, there are 47 million men, women, and children who hunt and fish. We all represent them. According to a 2014 report from the National Wildlife Federation, these activities deliver an astonishing $200 billion to the country's economy, and they support one and a half million jobs.

I wish to also point out that mining impacts on headwaters are particularly important, as they represent the very foundation of our water system that supports all these activities and generates all of these benefits. Just to illustrate this point, Appalachia—a region in which I grew up—is the world's leading hotspot of aquatic biodiversity. I was born in Beckley, WV, and we lived there for 6 years or so after I was born and I came back a whole lot over the years to hunt and fish with my grandfather, but I had no idea there was this kind of biodiversity in that region.

There are more species of freshwater fish in one river system in Tennessee than in all of Europe. Think about that—more species of freshwater fish in one river system in Tennessee than all of Europe. Yet surface coal mining has destroyed more than 2,000 miles of streams in this region alone. Cutting the heart out of our ecosystems is no way to do business.

The question is, Would mining companies respect and consider these values and benefits as part of their operations and reclamation efforts without surface mining and clean water laws and the effective protections provided by the stream protection rule? I would say probably not. It is no surprise, then, that conservation and fishermen's organizations, such as Trout Unlimited, the American Fly Fishing Trade Association, the Izaak Walton League of America, and Theodore Roosevelt Conservation Partnership, so strongly support this rule and robust implementation of the Clean Water Act. In fact, 82 percent—over 8 out of 10—of America's hunters and anglers feel that we can protect water quality and also have a strong economy and good jobs at the same time. It is a false choice to say we can't have both at the same time.

The stream protection rule would protect and restore an estimated 6,000 miles of streams and 52,000 acres of forest over two decades—areas important for hunting, fishing, and outdoor recreation.

All these activities would provide local citizens and communities with economic opportunity to replace or build upon what often are one-industry regions. They, in turn, support local economies and create accessible work opportunities for residents, many of whom would otherwise struggle to make ends meet, care for their health, and support their families. In the end, this is a much more valuable and sustainable future for everybody concerned.

These truths hold in their unique ways in mining States across our country, whether they involve ensuring salmon runs in Alaska or ranching in Wyoming.

I will close by repeating a point I made previously in support of this stream protection rule. This past year, the Office of Surface Mining Reclamation and Enforcement and the Fish and Wildlife Service completed consultation under the Endangered Species Act, resulting in what is known as the 2016 Biological Opinion. This new Biological Opinion smooths the way for more efficient Endangered Species Act compliance and provides some important protections to industry and State regulators regarding possible impacts of mining operations on protected species.

I think it is important to note that if we kill this rule—and I hope we will not—that protection for industry and State regulators will go away, and those players will have to resort to a more cumbersome case-by-case review under the Endangered Species Act for all activities that might affect protected species. That would be a shame.

That would be a shame, especially for a struggling industry.

For this and for so many other reasons, this is a job-creating, economy-expanding rule. Why wouldn't we support it? Once again, I urge a ''no'' vote on this resolution.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, yesterday I had the chance to come to the floor and talk about the changes I have seen in the streams and rivers in my home State of Oregon as we worked to clean them up, restore them for wildlife, restore them for swimming, restore them for boating, and restore them for drinking water, and how terrific it was to see this occur.

We are now considering a parallel provision—a provision designed really to protect the streams near intense mining zones. I had a chance yesterday to go through the details of the regulation and how it made, for example, the coal slurry ponds more secure so they wouldn't rupture. As I pointed out, one ruptured and killed over 100 people and injured more than 1,000 people, not to mention the damage it did to the ecosystem for an extended length downstream. I talked about the toxic chemicals that are leaching out of improperly developed piles, as they are called. Today I want to share a few more of the stories of folks who live in the area and how important it is for them.

Sam Needham, who lives near Appalachia, VA, talks about the changes he has seen in rivers near his home since he moved there in 1978. Sam said that when they first moved there, ''Callahan Creek that runs near our house . . . was full of different kinds of fish. Now I don't see any fish in the water. I wish it could be like it was in the 70's and 80's, but with all the runoff from sediment ponds and mines, I don't think it will ever be like that again.'' Sam supports the stream protection rule. He said: ''I would like to see regulations to protect our waters and maybe one day be able to fish in Callahan Creek again.'' He is not asking for a tremendous amount.

Chad Cordell of Charleston, WV, said that he has ''been concerned about the impacts of mountaintop removal since learning the beautiful valleys and streams of my home state were being buried under hundreds of feet of rubble.'' He said he wants ''strong, science-based protections for the creeks, streams, and rivers that are the lifeblood of our state,'' and he noted that ''attacking the Stream Protection Rule isn't the way to build strong, healthy, resilient communities or a strong, stable economy.''

John Kinney of Birmingham, AL, said:

> I have lived most of my life in Jefferson County, Alabama, enjoying the outdoors, particularly canoeing and fishing on the Black Warrior and Cahaba River.
>
> While it seems that many folks in regulatory agencies don't consider Alabama to be part of Appalachia, and don't understand the extent of coal mining in our state, I have seen the devastating impact of coal mining in our state . . . first hand.

He goes on:

> I have seen lakes turned gray downstream of mines. I have seen streams turned bright orange downstream of coal preparation plants. I have seen sloughs that once formed deep channels (perfect spots for largemouth bass) filled in with sediment.

John wants to see Federal protections ''that help protect water quality for all uses downstream of coal mines and associated industries'' and wants to see the stream protection rule stay where it is.

Here is a final story. It is from Chuck Nelson, a fourth-generation coal miner from West Virginia who dug coal underground for 30 years. He became an advocate for environmental rules like the stream protection rule after a coal processing plant was built near his home. Thick, black coal dust was always coating his home inside and out. His wife developed very bad asthma problems, and his kids couldn't use the swimming pool because of a thick black skin always on the top of the water. He decided to make his voice heard, and he came to DC from West Virginia 25 times to talk to lawmakers and regulators. He was a regular citizen. He saw a problem impacting his wife, and he wanted us to work to fix it. He finally succeeded when the stream protection rule was finalized in December.

It amounts to this: The way that one conducts mountaintop coal mining has a huge impact, just as it does with other industries. Having basic rules about how that work is done ensures sustainability of the nearby streams. This was done with a tremendous amount of involvement of stakeholders, tremendous number of meetings, 6 years of coordination, trying to find a way that doesn't paralyze coal mining but does protect the streams. That is the balance which was being searched for, discovered, and implemented with this rule, and we should leave it in place. We shouldn't destroy these years of work to protect our beautiful streams with just a few hours of debate, with no public notice or awareness of what is going on. If we want to review this thoughtfully and seriously, let's have it done in committee, where the public can participate and Senators can take a deliberate stand and not destroy this work to protect these thousands of miles of streams in a blink of an eye.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, there is a provision in the law which allows the Congress to review regulations within 60 days after they are written and decide up or down. That is what we are doing here.

This is about the stream rule that has a direct impact on mining operations, particularly coal mining operations. This has been a battle that has been going on for decades—decades—trying to establish a fair environmental standard for those in mining operations. Efforts have been made, some with limited success. Courts have thrown out earlier versions. So the Obama administration decided they would tackle this. They spent 6 years rewriting 380 pages of rules. Over 150,000 public comments were solicited and received.

This is a pretty controversial matter, as you can tell. I have been amused by the critics of this rule who said: Well, Obama just did that as he was going out the door. No. They worked on it for years. There were, as I said, over 100,000 public comments. It is not easy. It is tricky and it is challenging, but they produced it. Now today the Republicans in the Senate and the House want us to wipe it away.

What difference would it make? If you don't live next to a coal mine, do you think, well, what difference does it make in my life?

I listened to JEFF MERKLEY, my friend from Oregon, talk about the streams and the rivers. Maybe I don't fish, and I don't care. I don't go out camping, either, and I haven't been hiking. Whether the fish are alive or dead or the streams are polluted or not, who cares? I guess some people feel that way. I don't, even though I don't use our natural resources as much as some. But there is a bigger issue here. This is not just about whether there will be fish alive in the stream or the lake.

Let me tell you what that issue is. The issue is the safety of our drinking water. Do you know what is going on when these mining operations dump all this debris into the streams? It rains. Water is flowing. The stream water goes downstream. Now follow the water from the dumping of the mining operations to the chemicals included in that dumping—arsenic, for example. As it goes downstream, it doesn't just kill the fish. In my State, 1 out of 10 people in Illinois depend on those internal river and stream sources for their drinking water. If you don't have honest, realistic, and safe standards when it comes to drinking water, you have decided to up the risk of the people who are drinking the water that comes out of the tap.

I think that is a problem. Have you had a conversation with your family at any point about what is going on? Why do we have so much cancer in this area? Why do we have so many problems in this area? Could it be the drinking water? We have asked that question ourselves in our own area of Central Illinois, and many other families have asked the same.

If we take the approach which we are being asked to today and wipe away the safety standards for the water that is ultimately flowing into the taps where we drink it, shame on us. Shame on us. Is it too much to ask the mining operations not to dump their trash into the streams? Is it too much to ask

them to restore vegetation after they have chopped off the top of a mountain in West Virginia? In Illinois, I can tell you the strip mining, which went on for years and decades left a lot of areas of beautiful farmland in Illinois forever blighted.

Whatever happened to the coal companies that stripped off that land, took the coal, and left the mess behind? Long gone. You couldn't find them if you wanted to.

What Senator CANTWELL has said, and we ought to remember, we believe polluters should pay. We believe that the ultimate responsibility, when it comes to keeping our environment clean, our drinking water safe, is on the polluter. The Republicans disagree.

They say: Well, it is just Obama's War on Coal.

All right. If you want to bring it down to that level, then it is Trump's War on Clean Drinking Water. That is what this vote is all about. That is what it is all about. Shame on us if we decide to eliminate this protection for families and run the very real risk that the pollution in those streams could cause public health issues, as well as the death of wildlife and fish downstream. That is why I think this vote is so important.

This is a first. You heard what Republicans have said is the reason American business is not growing—overregulation. You get this picture of some mettlesome, busybody bureaucrat dreaming up some other way to make life more difficult for people who own businesses. I will tell you there is some of that, and I am not going to defend it, but there is also a conscientious effort by people who are scientists to try to make sure that those of us who are not scientists live in a world that is safe, safe for the air we breathe, safe for the water we drink. If we start sweeping that away, rejecting the science that proves overwhelmingly that we are going through global warming and climate change, rejecting the science that says the runoff in these streams and rivers could ultimately hurt not only wildlife but ultimately hurt the American people and the water they drink, shame on us.

Well, we will get rid of regulations, coal mining operations will make more money, and maybe they will continue on—I am sure they will in some respect—but will we be better off as a nation?

This is day 14 of the Trump Presidency. It seems like a lot longer to some of us. Republicans in the Senate and the House have decided to strike a blow for eliminating science-based regulation to protect the public health. It is a shame, but it is going to happen. They have the votes on the Senate floor. They are in control and now the American families are going to ask us: Were you there? Were you standing up for us when the safety of our drinking water was at stake?

I will be voting no on this effort to repeal this legislation.

The PRESIDING OFFICER (Mr. CASSIDY). The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague from Illinois for being on the floor to speak. He is right. We are going to keep score. There are going to be attempts by the Trump administration and the other side of the aisle to level the score against clean water; that is to say, polluters don't have to pay. So if we pass this override of existing clean water rules—yes, this will be the start. Trump 1, clean water 0.

Unfortunately, it is probably not going to the end because what is happening now is, Republicans control everything in Congress. They want to use their ability to have very little debate and to then override rules that are on the books to protect streams in the United States of America.

I so appreciate my colleagues coming to the floor to explain this issue, as this is critical. It is critical because the impacts of mining destroy headwaters. Between 1992 and 2000, coal mines were authorized to destroy about 1,200 miles of headwater streams, and this resulted in the loss of 4 percent of our upper headwater streams in areas of Appalachia in a single decade.

The surface mining impact on water from fractured rocks above coal seams react chemically with the air and water and produce higher concentrations of minerals, irons and trace metals, and those headwaters in West Virginia typically measure with electricity conductivity on an order of magnitude of those downstream. What that is saying is, these chemicals react in the water to create problems. Understanding what has been going on with that level of conductivity is one of the big advances in science in the last 10 years. That is why we want to update the rule because we now know what goes on when selenium is in the water. The conductivity is highly correlated with the loss and the absence of various species that are very pollution sensitive.

This level of stream degradation comes from the various fractured rock. When sulfate is present, you get acid mine drainage. That acid mine drainage then mobilizes metals toxic to fish—such as iron and aluminum and zinc—and that is where we start to have problems. A 2008 study found that 93 percent of streams downstream of surface mining operations in Appalachia were impaired, and our colleagues don't want to make sure that the mining companies monitor that and do stream restoration?

Another study found that adverse impacts of Appalachian mines extended on an average of 6 miles downstream; that is, this acid mine drainage is flowing 6 miles downstream. Why not have the mines measure this at the top of the stream, understanding what the selenium impact is, and doing something to minimize the impact on our streams that we are going to have to live with forever.

What is wrong with selenium? It causes very serious reproductive problems, physical deformities, and at high concentration it is toxic to humans. Basically, it is the similar effect to arsenic poisoning.

These coal mines are transforming our landscape, lowering our ridges, and raising our valley floors. One study in 2013, in Central Appalachia, found that mining lowered these ridgetops by an average of 112 feet. What we are trying to say is, you are impacting wildlife downstream; that the deforestation of these sites allows the flow of these rivers to increase flooding. The effects are worsened because the compacted soil on these sites also causes a problem. It is not much better than just plain old asphalt; that is, it means that plants and forests cannot grow back, it means that it impairs these various species, and it causes problems.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Pittsburgh Post-Gazette.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pittsburgh Post-Gazette, Jan. 31, 2017]

A PLUME OF POLLUTION DISCOLORS PART OF MONONGAHELA RIVER

(By Don Hopey)

An iron-orange acid water discharge from a long-abandoned coal mine discolored the Monongahela River for a four-mile stretch along the Allegheny County-Washington County border over the weekend, raising public concern but causing no problems for public water suppliers downriver.

The discharge from the Boston Gas Mine, its volume boosted by recent rains, enters the river in the small Sunfish Run tributary at Sunnyside, in Forward, 34 river miles from Pittsburgh's Point. Beginning Saturday evening and continuing through Sunday, it was visible flowing downriver in a 75-foot wide plume that hugged the east bank until blending into the river near New Eagle.

''It was orange, and it had to be an enormous amount of water to color the Mon,'' said Janet Roslund, a resident of Monongahela, where she viewed the plume. ''Something about that is just not right.''

Neil Shader, a spokesman for the Pennsylvania Department of Environmental Protection, said the plume likely contained iron, aluminum and manganese, and the department is continuing to take water samples. ''At this time there is no concern for drinking water, and water systems have systems in place to remove the contaminants,'' he said.

The Ohio River Valley Water Sanitation commission notified all downriver water suppliers on the Allegheny and Ohio rivers, but the closest, Pennsylvania American Water, with intakes 10 miles down the Mon in Elrama and 18 miles downriver at Becks Run, reported no water quality problems.

''We've been monitoring the intakes for the past 40 hours and have found no impacts to the water supply,'' Gary Lobaugh, a water company spokesman said Monday. ''We've increased our sampling of source water to every hour but seen nothing impacting our water quality.''

According to Joe Donovan, a geologist at West Virginia University who studies abandoned mine discharges in the Mon Valley, the abandoned Boston Gas mine is a large

mining complex that has approximately eight outcrop discharges along the river between Donora and Monongahela. The one on Sunfish Run that created the orange plume in the river is the largest, he said.

''Nothing new here,'' he said. ''(The) flow may be up this time of year, especially right after a precip event.''

Ms. CANTWELL. The discharge from the long-abandoned Boston Gas Mine in Pennsylvania turned a 4-mile stretch of the Monongahela River orange. The Pennsylvania Department of Environmental Protection said the plume likely contained iron, aluminum, and manganese. A geologist at West Virginia University who studies abandoned mine discharges said the abandoned mine is a large mining complex that has approximately eight outcrop discharges and created this large plume.

Mr. President, I ask unanimous consent to have printed in the RECORD an AP story dated January 28, 2017.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press, Jan. 28, 2017]

UNDERGROUND FIRES, TOXINS IN UNFUNDED CLEANUP OF OLD MINES

(By Michael Virtanen)

PRESTON COUNTY, W.VA. (AP).—An underground coal mine fire burns beneath a sprawling hillside in West Virginia, the pale, acrid smoke rising from gashes in the scarred, muddy earth only a stone's throw from some houses.

The fire, which may have started with arson, lightning or a forest fire, smoldered for several years before bursting into flames last July in rural Preston County. The growing blaze moved the mine to the top of a list of thousands of problem decades-old coal sites in West Virginia awaiting cleanup and vying for limited federal funds.

State officials say $4.5 billion worth of work remains at more than 3,300 sites abandoned by coal companies before 1977, when Congress passed a law establishing a national fund for old cleanups. That program was part of an effort to heal the state from the ravages of an industry that once dominated its economy but has fallen on hard times.

''West Virginia is right at the top for needs,'' said Chuck Williams, head of Alabama's efforts and past president of the National Association of Abandoned Mine Lands Programs. He said Pennsylvania, Kentucky and West Virginia—all states with a mining history that extends back two centuries—account for the lion's share of unfinished work among the 28 states and Indian tribes in the program.

Despite being one of the most affected, federal officials have only one-third of West Virginia's proposed cleanup costs on their $7 billion national list of high-priority work. The sites include old mines that leak acidic water into streams and kill wildlife and dangerous holes that attract children. Tunnels and caverns beneath homes also need to be shored up and new water lines are needed where wells are polluted.

''Our program exists to abate health and safety hazards,'' said Rob Rice, chief of the West Virginia Office of Abandoned Mine Lands and Reclamation, which is handling the mine fire. ''We have so much need. It's frustrating for us.''

Environmental improvements are a secondary but major benefit, he said.

''This whole area has been extensively mined,'' said Jonathan Knight, riding recently through the exurbs east of Morgantown. A planner for the state office, he said housing developments have been built above old mines that many homeowners don't even know about.

The state will get $23.3 million from the federal reclamation fund this year, which is replenished by fees on mining companies. The mines pay 12 cents per ton of underground coal mined and 28 cents per ton from surface mining, but the funding has dropped the past three years with a downturn in coal production.

It will cost about $1 billion just to extinguish all of West Virginia's 43 fires in abandoned mines, according to the state office. They could have been caused by forest fires, arson, lightning strikes or even old underground explosions that never went completely out.

About $5 million will be spent to extinguish the Preston County fire, smoldering a stone's throw from houses in a mostly rural area near the hamlet of Newburg. In October, the office spent $209,400 to cut trees and plug holes feeding the fire with oxygen.

The state office, with about 50 staff, is paid from the federal Abandoned Mine Reclamation Fund along with the contractors it hires. Together they close mine portals, extinguish fires, support collapsing hillsides and sinking houses, and treat acidic water leaking out along with dissolved metals. The need for drainage work won't end for centuries. The grants also fund water lines to replace polluted wells.

''There's more water within mine pools in West Virginia than there is in the lakes of West Virginia,'' Rice said. ''More than 2,500 miles of streams are severely degraded because of mine drainage in West Virginia.''

The state program has brought several back to life with new treatment systems.

The federal program is scheduled by law to expire in 2021, leaving behind about $2.5 billion in a trust fund expected to pay for any ongoing work needed by 25 states and three Indian tribes to address problems from pre-1977 abandoned coal mines. West Virginia has set aside about $55 million of its grant money received already for continuing water treatment funded by the interest.

The federal program has collected more than $10.5 billion in fees from coal production and distributed more than $8 billion in grants to states and tribes, according to the federal Office of Surface Mining Reclamation and Enforcement. It will provide nearly $181 million in fiscal 2017.

''We continue to discover threats from left-behind mine pits, dangerous highwalls, acid mine drainage that pollutes our water supplies, and hazardous mine openings,'' federal director Joe Pizarchik said earlier this year. An Obama administration appointee, he resigned effective last week.

Pollution and lurking underground dangers from mining since 1977 fall into a different category because the federal government made them the responsibility of the companies. They were required to post bonds before opening mines, with the state taking over if they default.

Ms. CANTWELL. The article talked about Preston, WV, and a fire in an abandoned coal mine that smoldered for several years. This mine is one of ''thousands of problem decades-old coal sites in West Virginia awaiting cleanup.''

These abandoned sites include old mines that leak acidic water into streams and killing wildlife. Tunnels and caverns beneath homes threaten water sources where wells are polluted.

All of these are examples of the kind of damage that is being done by these mines.

Mr. President, I ask unanimous consent to have printed in the RECORD another article from the Columbus Dispatch.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Columbus Dispatch, July 20, 2014]

IN WEST VIRGINIA, MOUNTAINTOP MINING IS CAUSING FISH SPECIES TO DISAPPEAR

WASHINGTON.—In West Virginia's Appalachian Mountains, fish are vanishing. The number of species has fallen, the populations of those that remain are down, and some fish look a little skinny.

A new government study traces the decline in abundance to mountaintop removal, the controversial coal-mining practice of clear-cutting trees from mountains before blowing off their tops with explosives.

When the resulting rain of shattered rock hits the rivers and streams that snake along the base of the mountains, minerals released from within the stone change the water's chemistry, the study said, lowering its quality and causing tiny prey such as insects, worms and invertebrates to die.

''We're seeing significant reductions in the number of fish species and total abundance of fish downstream from mining operations,'' said Nathaniel Hitt, a research fish biologist for the U.S. Geological Survey's office in Kearneysville, W.Va., and one of the study's two authors.

Hitt and his co-author, Doug Chambers, a biologist and water-quality specialist in the Charleston, W.Va., office of the USGS, took a 1999 study of the Guyandotte River basin's fish populations by Penn State researchers to compare them over time.

For two years starting in 2010, they sampled the populations in waters downstream from an active mountaintop coal-mining operation. In one of the sample areas, the Mud River watershed, which contains the largest tributary of the Guyandotte River, at least ''100 point-source pollution-discharge permits associated with surface mining have been issued,'' the study said.

North America's central Appalachian Mountains, where the basin lies, are considered a global hot spot of freshwater-fish biodiversity, but few researchers have investigated the impact of mountain strip mining on stream fish, and the effects ''are poorly understood,'' the study said.

Hitt and Chambers found that the number of species was cut in half and the abundance of fish fell by a third. The silverjaw minnow, rosyface shiner, silver shiner, bluntnose minnow, spotted bass and largemouth bass, plus at least two other species detected before their study, were no longer there.

Another fish species—the small and worm-like least brook lamprey, never before detected—had moved in.

In areas of the river basin where there was no mountaintop mining, fish flourished. In addition to species that had been in those waters previously, seven new ones were found, including the spotfin shiner, the spottail shiner and the golden redhorse.

''I think if we only focus on the fact that it's fish . . . some people will say, 'So what?'??'' Chambers said. But fish and the invertebrates they eat are canaries in a coal mine for researchers, ''indicators of the water quality,'' he said.

The USGS looks ''at the nation's water resources . . . their significance to the nation, and tries to understand processes that are degrading water quality. Tainted water may not be suitable for additional uses.''

Research such as the USGS' study of mountaintop mining, published online this month by the Society for Freshwater

Science, is viewed with suspicion in coal country, where mining operations provide thousands of jobs.

''The people opposed to the coal industry are trying to pile on with more studies,'' said Bill Raney, president of the West Virginia Coal Association. ''It sounds like this is one of those studies that sets out to show there's harm done. It sounds like perhaps more of the same.''

Raney said he has not seen the USGS study and cannot strongly criticize its methods or conclusions, but people ''don't just wake up in the morning and decide they are going to do mountaintop mining,'' he said. ''It takes three to four years to get a permit. Every aspect of the operation is analyzed.''

Mountaintop removal as a way of extracting coal has been in practice since the 1960s, but its use has expanded in the past two decades, and it now takes place in the Appalachian regions of Ohio, Kentucky and Virginia in addition to West Virginia.

The coal that the process produces provides power to hundreds of thousands of homes, industry advocates say, and creates about 14,000 jobs that pay middle-income salaries in regions where work is hard to find.

''The average mining wage is more than $66,000 per year . . . 57 percent higher than the average for industrial jobs,'' according to the National Mining Association. ''Mountaintop mining accounts for approximately 45 percent of the entire state's coal production in West Virginia.''

Raney's association disputes allegations that mining destroys streams and mountains, saying that state permits and government regulations require the land to be restored after use.

But the Sierra Club Eastern Missouri Group called the practice ''quite possibly the worst environmental assault yet'' because of the amount of landscape it removes and the effects on people and animals.

Homeowners in one West Virginia community, Lindytown, were bought out by a company before the town essentially disappeared after mountaintop removal. Homes and a grave site were left behind. Cascading debris has buried streams, affecting a diversity of wildlife, a major concern raised by the U.S. Environmental Protection Agency.

Often, companies are granted exemptions that ease requirements to restore land. Conservationists call the practice a plunder, and protesters, including Quakers in Appalachia and demonstrators at the White House, have called on the government to end it and banks to stop funding it.

''Mountaintop-removal mining is one of the fastest-changing land-use forms in the region,'' Hitt said. ''One of the main questions for our research lab is how biological communities respond to land-use changes.''

In the case of the fish, they seemingly do not respond well, Chambers said. ''To sum up, 10 fish species were apparently extirpated from the mined sites,'' meaning they were wiped out, he said.

Fish with a more diverse diet appeared to fare well, but those that relied primarily on invertebrates, such as small aquatic insects, tended to fare poorly.

''It's telling us that the water quality is changing,'' Chambers said. Water in that area is not used for drinking, he said, but ''if you look at it from a regulatory perspective, you have to determine if the water is fishable, swimmable, drinkable—all of these are benchmarks.''

Ms. CANTWELL. The article states: ''The report found that the number of species was cut in half and the abundance of fish fell by a third, downstream from these mining operations.''

I wish to talk about a mine now owned by Murray Energy that in 2009 spewed pollution in Pennsylvania, killing 43,000 fish and 15,000 mussels. Seven years later, the fish and mussels are still missing and not returning. They have paid a fine, but we are still living with the damage.

As my colleagues can see, this issue is about overriding a rule that helps protect our streams and rivers and makes sure that the wildlife there has safe drinking water and to make sure that we enjoy these natural areas. As I have pointed out through this debate, there are many jobs in the outdoor industry, and that is why sportsmen such as Trout Unlimited and the wildlife federations that are coalitions of hunters and fishermen all support this rule and don't want it overturned.

I know that the coal industry has spent $160 million over the last dozen-plus years trying to defeat regulation of its industry. Actually, the 0.1 percent they would have to pay was a lot lower than what they were spending on their lobbying issues. Instead, they should help us all get to the bottom.

But why have we done this by trying to fight today? That is because the science has told us that since 1983, we have a lot more information about the toxic level in the streams because of these products. We simply want a rule that reflects that the mining industry must measure and mitigate that impact. What is wrong with allowing science to lead the way?

I know our colleagues like to say that States should be left to do this, but you do have to have a Federal standard. You do have to have a Federal standard that they adhered to. It would be as if today I said: Let's override what we have done in this Nation in setting a miles per gallon for automobiles and just leave it up to the States instead.

Well, we are saying we should have fuel efficiency but let's just leave it up to the States about how many miles per gallon we really should have in automobiles.

If we did that, how many regulations do you think we would have? Do you think we would have the same fuel efficiency we have today?

What is happening is these coal companies are going into States, going into their areas, and lobbying lawmakers there against regulation, and in a couple of cases I have discussed today they were successful in getting Kentucky to fall asleep at the switch so the citizens brought the lawsuits to clean up the mines. They were successful because they finally caught the attention of people who should have been doing their job.

This rule, as it has been put in place, does give States flexibility. Its key definition says States get discretion to establish an objective criteria for measuring standards and restoring the streams. It basically says the final rule has several options to demonstrate compliance on the area of fish-and-wildlife. States can use their judgment about the types, scope, and location of enhancements. It says on groundwater, States can choose their sampling, protocol, subsequent analysis, and baseline. On rain measurements, States can choose whether to require mines to prepare a hydrologic model about the mine, and States can choose to allow mining companies to change their drainage patterns as they look at rebuilding ephemeral streams.

There is a lot of flexibility for the States. A lot of them haven't been doing as good a job as we would like, but you have to have a Federal standard. Your Federal standard is decades old. Science is telling us we have a problem. Please, please, do not pass this override of an important clean water law. Instead, if we want to fix it, let's sit down and do that legislatively. Let's not allow the polluters to get away with having their way on so many streams across America.

Mr. President, my comments here reflect my understanding as ranking member of the Senate committee of jurisdiction over the Surface Mining Control and Reclamation Act, SMCRA.

I am strongly opposed to disapproving the Office of Surface Mining Reclamation and Enforcement's stream protection rule because I both support the substance of the rule and I believe the Congressional Review Act is an inappropriate and extreme legislative tool.

While my opposition to H.J. Res. 38 and its Senate companion, S.J. Res. 10, is clear, in the event that either resolution is enacted, I would look forward to a timely reissuance of a new rule. Notwithstanding the delay resulting from enactment of either disapproval resolution, the authority SMCRA grants to OSMRE through the Secretary of the Interior will persist—so will the clear obligations in the statute.

The provision in the Congressional Review Act that prohibits reissuance of a future rule ''in substantially the same form'' as the rule being disapproved, unless specifically authorized by another future law, does not diminish my confidence. Under the ample authority granted to the Secretary of the Interior under SMCRA, a large variety of forms of implementing its obligations under SMCRA remain available to the Agency.

The resolution represents a major setback for many communities affected by coal mining that had participated in an extensive 8-year rulemaking process. But it does not limit OSMRE's ability or obligation to implement SMCRA's statutory requirements fully, including but not limited to regulations that define material damage to the hydrologic balance outside the permit area; give effect to the SMCRA's prohibitions against material damage to the hydrologic balance outside the permit area; prohibit harmful mining activity within a certain perimeter, including the stream buffer zone as under the 1983 regulations; require permitting decisions to be based on full and complete information; ensure protections

for fish and wildlife; and guarantee that adequate financial assurances are put into place to provide for full and complete reclamation.

I expect any Secretary of the Interior to follow the law and fully implement the ongoing obligations under SMCRA.

I yield the floor.

Mr. President, 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.

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

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

Ms. CANTWELL. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. BURR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. 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. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—54

Alexander	Flake	Moran
Barrasso	Gardner	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Perdue
Burr	Hatch	Portman
Capito	Heitkamp	Risch
Cassidy	Heller	Roberts
Cochran	Hoeven	Rounds
Corker	Inhofe	Rubio
Cornyn	Isakson	Sasse
Cotton	Johnson	Scott
Crapo	Kennedy	Shelby
Cruz	Lankford	Sullivan
Daines	Lee	Thune
Donnelly	Manchin	Tillis
Enzi	McCain	Toomey
Ernst	McCaskill	Wicker
Fischer	McConnell	Young

NAYS—45

Baldwin	Franken	Nelson
Bennet	Gillibrand	Peters
Blumenthal	Harris	Reed
Booker	Hassan	Sanders
Brown	Heinrich	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Collins	Leahy	Udall
Coons	Markey	Van Hollen
Cortez Masto	Menendez	Warner
Duckworth	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden

NOT VOTING—1

Sessions

The joint resolution (H.J. Res. 38) was passed.

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 14, JEFF SESSIONS to be Attorney General.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER) is necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—53

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	

NAYS—45

Baldwin	Harris	Nelson
Bennet	Hassan	Peters
Blumenthal	Heinrich	Reed
Booker	Heitkamp	Sanders
Brown	Hirono	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Markey	Udall
Duckworth	McCaskill	Van Hollen
Durbin	Menendez	Warner
Feinstein	Merkley	Warren
Franken	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Carper Sessions

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JEFF SESSIONS, of Alabama, to be Attorney General.

The PRESIDING OFFICER. The majority leader.

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 JEFF SESSIONS, of Alabama, to be Attorney General.

Mitch McConnell, Johnny Isakson, Jeff Flake, Steve Daines, James Lankford, Dan Sullivan, Thom Tillis, Rob Portman, John Hoeven, Roger F. Wicker, John Thune, Deb Fischer, James M. Inhofe, Tim Scott, Lindsey Graham, Jerry Moran, Pat Roberts.

MOTION TO PROCEED TO LEGISLATIVE SESSION

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

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

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

The PRESIDING OFFICER. 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. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 45 Ex.]

YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heller	Roberts
Cassidy	Hoeven	Rounds
Cochran	Inhofe	Rubio
Collins	Isakson	Sasse
Corker	Johnson	Scott
Cornyn	Kennedy	Shelby
Cotton	King	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

NAYS—47

Baldwin	Carper	Feinstein
Bennet	Casey	Franken
Blumenthal	Coons	Gillibrand
Booker	Cortez Masto	Harris
Brown	Donnelly	Hassan
Cantwell	Duckworth	Heinrich
Cardin	Durbin	Heitkamp

Hirono	Murphy	Stabenow
Kaine	Murray	Tester
Klobuchar	Nelson	Udall
Leahy	Peters	Van Hollen
Manchin	Reed	Warner
Markey	Sanders	Warren
McCaskill	Schatz	Whitehouse
Menendez	Schumer	Wyden
Merkley	Shaheen	

NOT VOTING—2

Graham Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader is recognized.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 13, Thomas Price to be Secretary of Health and Human Services.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—1

Sessions

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Thomas Price, of Georgia, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. The majority leader.

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 assistant bill 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 Thomas Price, of Georgia, to be Secretary of Health and Human Services.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Jerry Moran, Pat Roberts, Roy Blunt, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to legislative session, 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—52

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Rubio
Cochran	Inhofe	Sasse
Collins	Isakson	Scott
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	King	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	Klobuchar	Stabenow
Casey	Leahy	Tester
Coons	Manchin	Udall
Cortez Masto	Markey	Van Hollen
Donnelly	McCaskill	Warner
Duckworth	Menendez	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

NOT VOTING—1

Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 12, Steven Mnuchin to be Secretary of the Treasury.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—51

Alexander	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Graham	Portman
Burr	Grassley	Risch
Capito	Hatch	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeven	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	McCain	Toomey
Enzi	McConnell	Wicker
Ernst	Moran	Young

NAYS—48

Baldwin	Durbin	Manchin
Bennet	Feinstein	Markey
Blumenthal	Franken	McCaskill
Booker	Gillibrand	Menendez
Brown	Harris	Merkley
Cantwell	Hassan	Murphy
Cardin	Heinrich	Murray
Carper	Heitkamp	Nelson
Casey	Hirono	Peters
Coons	Kaine	Reed
Cortez Masto	King	Sanders
Donnelly	Klobuchar	Schatz
Duckworth	Leahy	Schumer

Shaheen	Udall	Warren
Stabenow	Van Hollen	Whitehouse
Tester	Warner	Wyden

NOT VOTING—1

Sessions

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven T. Mnuchin, of California, to be Secretary of the Treasury.

The PRESIDING OFFICER. The majority leader.

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 Steven T. Mnuchin, of California, to be Secretary of the Treasury.

Mitch McConnell, Roger F. Wicker, John Boozman, Orrin G. Hatch, Roy Blunt, John Cornyn, Steve Daines, Tim Scott, John Hoeven, Michael B. Enzi, John Barrasso, John Thune, Mike Rounds, Mike Crapo, James M. Inhofe, Joni Ernst, Chuck Grassley.

MOTION TO PROCEED TO LEGISLATIVE SESSION

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

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

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

The PRESIDING OFFICER. 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.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Booker	Heinrich	Reed
Brown	Heitkamp	Sanders
Cantwell	Hirono	Schatz
Cardin	Kaine	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Stabenow
Coons	Leahy	Tester
Cortez Masto	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCaskill	Warner
Durbin	Menendez	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. BLUNT). The majority leader.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 41.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 41, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to ''Disclosure of Payments by Resource Extraction Issuers.''

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—52

Alexander	Flake	Perdue
Barrasso	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Rounds
Capito	Heller	Rubio
Cassidy	Hoeven	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Wicker
Enzi	Moran	Young
Ernst	Murkowski	
Fischer	Paul	

NAYS—48

Baldwin	Coons	Hassan
Bennet	Cortez Masto	Heinrich
Blumenthal	Donnelly	Heitkamp
Booker	Duckworth	Hirono
Brown	Durbin	Kaine
Cantwell	Feinstein	King
Cardin	Franken	Klobuchar
Carper	Gillibrand	Leahy
Casey	Harris	Manchin
Markey	Peters	Tester
McCaskill	Reed	Udall
Menendez	Sanders	Van Hollen
Merkley	Schatz	Warner
Murphy	Schumer	Warren
Murray	Shaheen	Whitehouse
Nelson	Stabenow	Wyden

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION

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

The legislative clerk read as follows:

A resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to ''Disclosure of Payments by Resource Extraction Issuers.''

The PRESIDING OFFICER. Pursuant to 5 U.S.C. 802(d)(2), there will now be up to 10 hours of debate, equally divided between the proponents and the opponents of the joint resolution.

The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to discuss the regulatory burden imposed by the SEC's extractive resource rulemaking and offer my support for the resolution to disapprove it.

I will take a few minutes to talk about the complicated history of this rule and then about the concerns with the way it was formulated.

The SEC originally adopted the rule in 2012 and was challenged in court by the Chamber of Commerce and the American Petroleum Institute. In 2013, the U.S. district court threw out the regulation, contending, among other things, that the SEC misread the requirements of the statute. The SEC did not appeal the decision, acknowledging that it needed to rewrite the rule.

The SEC's proposed timetable for a new rule was delayed several times, and in 2014, Oxfam America sued to compel the SEC to move forward on a new rulemaking. The court ordered the SEC to file an expedited schedule and, as a result, a new rule was proposed in 2015 and finalized last year.

As one can see, this rule and its various iterations have been fraught with controversy for many years. Advocates of the rule have said that it will combat corruption in resource-rich nations. The SEC's final rule raised doubts about this. The final rule stated several things, including: The direct causal relationship between increased transparency in the extractive industry and social benefits is ''inconclusive.'' In fact, it noted that ''research and data available at this time does not allow us to draw any firm conclusions.'' Unlike the potential benefits, though, the costs are reasonably certain.

The SEC estimated up to $700 million in initial costs and up to $590 million in ongoing annual costs. Put another way, each company would endure between $560,000 and $1.6 million in initial costs, and between $224,000 and $1.3 million in

additional costs each year. We cannot view these costs as affecting only the largest companies, but must consider the plight of the smaller ones.

Just under half of all companies covered by this rule are considered smaller companies, and they would be disproportionately impacted by millions of dollars in fixed costs—money that could be better spent on jobs and growth.

Finally, the President's statement of administration policy also endorses this resolution. Some of the reasons it highlights include:

In some cases, the rule would require companies to disclose information that the host nation of their project prohibits from disclosure or is commercially sensitive.

The rule would impose unreasonable compliance costs on American energy companies that are not justified by quantifiable benefits.

Moreover, American businesses could face a competitive disadvantage in cases where their foreign competitors are not subject to similar rules.

I have repeatedly stressed the need for the U.S. financial system and markets to remain the preferred destination for investors throughout the world, and this rule harms this status.

I urge my colleagues to support this resolution and to preserve the integrity of our securities laws and capital markets.

Mr. President, I ask unanimous consent to at this time enter into a colloquy with my colleague from Georgia, Senator ISAKSON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Mr. President and chairman of the Banking Committee, I appreciate the time and the recognition. As the chairman knows, I am a member of the Foreign Relations Committee and a former chairman of the African Subcommittee, and I have traveled to both of those continents for many years. I have seen resource-rich and poverty-poor countries where they have a natural resource investment and wealth, but they never reinvest in their people.

I think transparency is important in seeing to it that the resources they receive for selling those natural resources are made available to their people so that the resources go to the benefit of the people and not the government.

Are you also aware that I am not a big supporter of the Dodd-Frank disclosure bill, but I also have concerns that simply vacating the rule implementing the Lugar-Cardin amendment without providing for a replacement would create a setback for U.S. leadership in anti-corruption efforts around the world?

Because of what we have done in transparency and anti-corruption, countries like the United Kingdom, the EU, Norway, and Canada have followed our lead, and I do not want to lose that. Therefore, I wish to ask the chairman of the Banking Committee a couple of questions to ease my fears about this question.

First, I would like to direct a couple of questions to the chairman. It is my understanding that this joint resolution does not—underscore not—repeal section 1504 of Dodd-Frank law; is that correct?

Mr. CRAPO. Yes, that is correct. What this resolution does is to cause the current SEC rule to not take effect. As it was characterized yesterday on the House floor and will be characterized further today on the Senate floor, what the SEC will need to do is to go back to the drawing board and come up with a better rule that complies with the law of the land.

Mr. ISAKSON. I thank the chairman for that answer.

I would like his commitment to work with me and other members of the caucus who are concerned and who want to be assured that the SEC will move forward with the implementation of this replacement provision as soon as possible.

Mr. CRAPO. I thank my colleague. I will work to ensure that the SEC implements all of its congressional mandates.

Mr. ISAKSON. I thank the Chair.

Mr. CRAPO. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President—

Mr. INHOFE. Will the Senator from Ohio yield for a request?

I ask unanimous consent that at the conclusion of the remarks of the Senator from Ohio, I be recognized for up to 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Up to 5 minutes?

Mr. GRASSLEY. OK, as long as I get to speak after this issue is over.

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

Mr. BROWN. Mr. President, I rise in opposition to the resolution before us, which really ought to be titled the ''Kleptocrat Relief Act.''

My Republican colleagues today are trying to repeal a critical bipartisan rule initiated by Senator Lugar, a Republican from Indiana, and Senator CARDIN, a Democrat from Maryland. It is a critical bipartisan rule to prevent corruption.

This transparency rule is part of the Dodd-Frank Wall Street reform law. It is one of the best anti-corruption tools that President Trump now has to keep his promise to, in his words, ''drain the swamp'' in Washington and around the world.

But now, in just week 2 of his Presidency, Republicans are racing to use an obscure law called the Congressional Review Act to wipe it out. The CRA was not intended to hand a new President the power to roll back regulations that protect workers, protect the environment, protect investors, and protect consumers.

In this case, Republicans are using the CRA to target rules that have gone through extensive years-long administrative and public review, including on issues that agencies were specifically ordered by this Congress to study and address.

Republicans' unprecedented use of the CRA is not about Congress performing due diligence or agency oversight, it is a gross abuse of power to make their big corporate allies happy. I heard my friend from Idaho talk about the Chamber of Commerce and the American Petroleum Institute. That is just a start.

The rule they are trying to repeal protects U.S. citizens and investors from having millions of their dollars vanish into the pockets of corrupt foreign oligarchs. It does that by requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the royalties and the bonuses and the fees and the taxes and other payments they make to foreign governments.

This kind of transparency is essential to combating waste, fraud, corruption, and mismanagement, as Senator ISAKSON talked about the poverty he sees in these resource-rich countries.

Yet Rex Tillerson, whom this body just, I believe yesterday, confirmed with a pretty much partisan vote—Rex Tillerson and congressional Republicans want to strip it away. Rex Tillerson, in his years as CEO of ExxonMobil—and we will talk about that in a moment—strongly opposed this rule, almost by himself, with ExxonMobil as the head of that company.

At Mr. Tillerson's confirmation hearing, Senator KAINE from Virginia introduced into the record a 2008 report by Republican Senate Foreign Relations Committee staff. That report was the basis—Republican staff, I assume at the behest of Senator Lugar and others—that report was the basis for what eventually became section 1504 of Dodd-Frank, known as the bipartisan Cardin-Lugar amendment to fight corruption in mineral-rich developing countries. That report concluded that many resource-rich countries are poor because their vast mineral resources often breed corruption. That corruption lines the pockets of the kleptocrats—read ''thieves''—increases poverty, increases hunger, and increases instability.

As Senator Lugar said:

Paradoxically, history shows that rather than a blessing, energy reserves can be a bane for many poor countries, leading to fraud, corruption, wasteful spending, military adventurism and instability. Too often, oil money that should go to a nation's poor ends up in the pockets of the rich or is squandered on the trappings of power and massive showcase projects instead of being invested productively and equitably.

That is called the resource curse. It prevails all over the world today. For example, oil-rich Venezuela is running out of food and medicine. Resource-rich Nigeria is in an economic mess wracked by terrorism and poverty. Armed groups have fought for years

over mineral wealth in the Congo and elsewhere in Africa.

Resource-rich countries in Asia have similar problems. The natural resource sector in so many countries is famously corrupt—the world's single most corrupt industry, according to the Organisation for Economic Co-operation and Development. But oil companies can no longer hide behind the excuse of confidentiality. Increasingly, companies are expected to disclose what they pay in taxes and other payments to governments whose natural resources they extract. That is what this language from Senator Lugar, Senator CARDIN, and Senator LEAHY did. That is what the rule does. That is what we should do. This Congress wants to undo that. This is now required under the laws of the United States and 30 other countries, as well as international initiatives. In other words, what we did here was followed by 30 other countries, and a number of more responsible energy companies, I would say, passed this language and began to implement these laws.

The Extractive Industries Transparency Initiative is a global standard that aims to put information about government revenues from natural resource deals into the public domain in 51 countries, including ours. This includes telling us what taxes the companies pay, which is key to ensuring citizens know what benefits they get—from Venezuela or Nigeria or Congo—from their own natural resources.

Let me offer some concrete examples of the kind of corruption we are talking about. This just turns your stomach.

In Equatorial Guinea, according to anti-corruption groups, oil companies, including Exxon, have had a long history of problems on this front. The regime of President-for-life Obiang, who executed his brutal uncle to gain power almost 40 years ago, has been tarnished with allegations of corruption, cronyism, brutal political repression, routine human rights violations, and drug trafficking for years and years.

Years ago, the Senate Permanent Subcommittee on Investigations released a report and held a public hearing which revealed that a number of oil companies—again, ExxonMobil; they keep coming up in this—were making direct payments into an account in the name of the Republic of Equatorial Guinea located at Riggs Bank in Washington, DC. Virtually all of the money in the account, tens of millions of dollars, consisted of royalties and other payments from oil companies, primarily—surprise—ExxonMobil, to the country of Equatorial Guinea for the right to explore and produce oil in that country. But instead of paying the money to the government or the national treasury of Equatorial Guinea, the companies sent the money to the account at Riggs Bank. That account was controlled by President-for-life Obiang and two of his relatives. The account signatories were the President-for-life, his son, and his nephew. Imagine that. Instead of paying the national treasury, the oil companies made payments into this account in another country, controlled by a dictator and his relatives. I can't believe we in this body support that. How could the citizens of Equatorial Guinea know how much royalty money was coming in for their oil in their country and where it was going when it was in a secret account controlled by a dictator? The answer, obviously, is they couldn't.

The report from the PSI—the committee that investigated—documented that some of the funds from that account were used to make suspicious transactions. The United States then investigated the President-for-life's family finances. Prosecutors noted that President-for-life Obiang's son ''received an official government salary of less than $100,000 a year but used his position and influence as a government minister to amass more than $300 million worth of assets through corruption and money laundering.'' He paid himself $100,000 but found a way to amass $300 million more—all in violation of the laws of his country and our country both.

In 2014, the son settled a case brought by Federal prosecutors. He agreed to sell his $30 million mansion in Malibu, his Ferrari, and various items of Michael Jackson memorabilia he had collected.

The New York Times reported earlier this month that he is still working to delay his trial on corruption charges in France, where prosecutors say he amassed a personal fortune of $115 million, which he used to indulge his tastes.

When he served as Agriculture Minister of Equatorial Guinea, prosecutors say he used his influence over the timber industry—next to oil, the most important export industry in the country—to line his pockets.

Last November, prosecutors in Switzerland seized luxury cars belonging to him, and last month, at the request of the Swiss, the Dutch authorities seized his 250-foot, $100 million yacht named the ''Ebony Shine'' as it was about to sail to Equatorial Guinea. He said the yacht belonged to his country's government. All the while, his people are starving.

You can't make this stuff up. If the bill before us were adopted, the Obiang family would be celebrating. They would be celebrating in Washington, in California, and in Equatorial Guinea.

In Nigeria, again according to Global Witness, a major oil deal struck by—surprise—ExxonMobil with the Nigerian Government is being investigated by Nigeria's Economic and Financial Crimes Commission, a law enforcement agency that investigates high-level corruption. The probe centers on a protracted and controversial deal agreed to by ExxonMobil and the Nigerian Government in 2009 to renew three lucrative oil licenses, which at the time accounted for around a quarter of Nigeria's entire oil production.

ExxonMobil agreed to pay $600 million to renew the licenses and construct a powerplant at a cost of $900 million to the company, making a total contribution of $1.5 billion. Yet documents suggest that the Nigerian Government may have valued the licenses at $2.5 billion and that the Chinese oil company CNOOC offered to pay $3.7 billion for the same licenses—over six times the amount reportedly paid by ExxonMobil.

Other incredible and notorious examples abound. It would be reason enough for us to act to try to help the millions of people around the world who are victims of this corporate collusion, but in today's world, the resource curse doesn't just impact far-off countries; it affects Americans every day. It has empowered anti-American dictators in Iraq, Libya, and Syria, situations which cost American lives and American taxpayer dollars. It worsens global poverty, which can be a seedbed and a fertile growing ground for terrorism against us and our allies. It leads to the instability that threatens global oil supplies. It raises gas prices at home.

That is why we need this rule—all of the above—to protect American national security interests by combating the corruption and secrecy, with all these oil companies at the table with them. That has caused conflict, instability, and violent extremist movements in Africa and the Middle East. As ISIS has demonstrated, nonstate actors benefit from trading natural resources in order to finance their terrorist operations.

Despite all this, the Republican-led House of Representatives, as Senator CRAPO said, voted yesterday to repeal this bipartisan initiative—an initiative that holds Big Oil accountable and protects the American people. Today, the Senate Republican leadership is following suit. It is a little ironic in light of the fact that Candidate Trump, at almost every rally in my State, almost every rally in State after State after State where he was campaigning, talked about draining the swamp.

Since the rule's creation, ExxonMobil, led by Mr. Tillerson—now the Secretary of State—and Big Oil allies, such as the American Petroleum Institute, the U.S. Chamber of Commerce, and the Heritage Foundation, have fought to kill it.

Who else opposes this rule besides Senate Republicans, House Republicans, and President Trump? There are the autocrats in Russia. We know about the connections between Russia and the Secretary of State. We don't know quite enough about the connections between our President and President Putin because we can't get the President's tax returns. We know something is going on. Everybody knows it. Nobody knows quite what.

Who else opposes it? Autocrats in Iran, where Advisor Flynn made some interesting and provocative comments today, autocrats in Venezuela, autocrats in Africa with oil wells, gasfields,

or copper mines who want to keep their payments a secret. It is working for them. It is working for the autocrats. It is working for Exxon. Apparently it is working for Republicans in the House and Senate too. I am not sure exactly how, but I know it is working.

More than 30 countries—mostly the United States, Canada, and European nations—have adopted similar anti-corruption standards. Senator Lugar, Senator LEAHY, and Senator CARDIN's law passed as part of Dodd-Frank, and the SEC is adopting this rule. More than 30 other countries in the world followed our lead, and some of the more responsible oil companies were prepared to comply. So to be clear, with Europe and Canada in the same disclosure system, the playing field is now level. It is working.

Many companies already report such payments under European rules and are doing just fine, so this is hardly causing them undue burdens in the regulatory framework that my colleagues like to talk about. That is why many in industry support the rule, despite the actions of Exxon, the bad actor here, and the CEO of Exxon—now, amazingly, our Secretary of State.

BP and Shell—two major, large oil companies—have publicly endorsed payment reporting and lining up U.S. rules with those in other markets. Foreign and state-owned oil companies from China and Brazil, including CNOOC, PetroChina, Sinopec, and Brazil's Petrobras, are required to disclose under U.S. rules, leveling the playing field for U.S. companies. Gazprom, Rosneft, BP, and Shell already report under UK rules. The largest mining companies in the world, including Newmont Mining, BHP Billiton, and Rio Tinto, have supported similar reporting. Oil, gas, and mining workers unions, such as United Steelworkers, back the rule.

Notice who doesn't back the rule: Exxon, the American Petroleum Institute, and autocrats in Iran, Russia, and Venezuela.

Investors also support it—including investor groups with $10 trillion under management—so they can better understand and manage the reputational, expropriation, sanction, and other risks facing firms in which they invest. It is supported by the American Catholic bishops, the Presbyterian Church—all kinds of religious groups.

Who is against it? Republicans in the House, Republicans in the Senate, the President of the United States, ExxonMobil, the Secretary of State, who used to be CEO of ExxonMobil, and autocrats in Iran and Venezuela. We get the picture.

All these groups who care about justice, who care about fair play, who care about doing business with predictable and fair rules, like BP and Shell, all of them support it—Global Witness, the ONE Campaign, Oxfam, and Publish What You Pay.

We need to be clear on one other thing my friend from Idaho said: This rule won't cost a single American job. Everything oil companies can legally do today is still allowed under the anti-corruption rule. They only have to do one more thing: They have to report their numbers to the Securities and Exchange Commission. How can that cost millions of dollars?

The Cardin-Lugar rule makes Big Business and government more transparent, fights corruption, and does it all without hurting taxpayers. It is a creative approach to global problems that our leaders did embrace until we had a President who wants to ''drain the swamp,'' he says—should be embracing, not rejecting at the behest of just a few actors.

Again, who is lobbying to overturn this rule? It is autocrats around the world. It is Exxon. It is the American Petroleum Institute. It is a very small number of companies, when so many people are on the other side.

If we repeal this measure today, shareholders, investors, and poor communities around the world will continue to see their money and natural resources stolen by crooked oligarchs. We will be undoing the moral leadership. This is in so many ways a moral question that Senator CARDIN, Senator Lugar, and Senator LEAHY brought to us bipartisanly, with broad support by both parties. We will be turning a blind eye to corruption, we will be betraying our principles, and we will be undercutting our allies in Europe and Canada who followed our lead and crafted their own rules based on ours.

Under the terms of the Congressional Review Act, any future ''substantially similar'' rule will be forever prohibited from being written by the SEC. That makes no sense.

I hope this effort fails. I know my Republican colleagues understand this because enough of my colleagues recognize the merits of this anti-corruption measure and they refuse to kowtow to the dinosaur wing of Big Oil. It is not even all of Big Oil; it is the dinosaur wing of Big oil. It is the autocrats. It is the American Petroleum Institute. It is the Chamber of Commerce. It is ExxonMobil.

I thank Senator CARDIN and Senator LEAHY for their work, and I thank former Senator Lugar from Indiana for the important work he did on this measure.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know that President Obama is gone now, but his War on Fossil Fuels is alive and well. However, they are not winning that.

Back in Oklahoma, they ask me the question sometimes: If all of the liberals are concerned and if they are all opposed to fossil fuels—and to nuclear, I might add; coal, oil, gas, and nuclear—if coal, oil, gas, and nuclear are responsible for 89 percent of the power it takes to run this country, how do you run the country without those? Those are the kinds of questions we get.

I appreciate and—I know it is a very popular statement that was made by my friend from Ohio; unfortunately, it has nothing to do with the issues we are looking at right now.

Back during the time Dodd-Frank was considered, it was dealing with banks and financial institutions. It had nothing to do with energy. Yet section 1504 was put in there. Part of section 1504 required that information be provided during the course of a competitive situation for some kind of a project.

I will give you an example. We have a private sector in our oil and gas. For China, that is a government project. If we are competing with them—let's say for some cause that is in Tanzania or someplace—they said, so that there is a safeguard and there can't be corruption, so that if we should win—I say ''we,'' but I am talking about the private sector in the United States of America—then they have to report the information to the SEC, which in turn makes it published. Their intent was not to have to break down everything that was in that offer. It is the bottom line.

What is the total cost that goes to these countries? What are the total costs? That is all they care about because if that money went to Tanzania—and there are some corrupt officials there and they might steal some of the money, but to keep that from happening, we want to report what the cost was in the winning party. You don't have to have all that information.

In fact, in 2013, the court struck this down because they said that was not the intent. The intent was to have the total figure, so they said, even suggested—and our intent at that time was to vacate that, as the court did vacate that rule and send it back and have the SEC redo it in such a way that it would affect only the amount of money that would go that might cause some corruption at some time. That is what it was all about. Unfortunately, they put together another one that was very similar and required a lot of information that was not necessary.

I would like to correct something on the CRA that the Senator from Ohio said. The CRA is there because when an unelected bureaucrat comes out with some kind of an unreasonable rule that is very costly to the people of this country and it is done by someone who is not an elected official, the elected official says: Look at this. Wait a minute. This is something that people are complaining about when I go home.

They love that because they can say: This wasn't me. This wasn't me. This was an unelected bureaucrat that put these rules in.

What a CRA does is make us in the House and in the Senate more accountable because we have to then stand up and vote on something, saying that we endorse this rule or we don't endorse this rule. That is what it is all about.

Anyway, we have an opportunity here to go ahead, and I am certainly

hoping that we will do this and change this rule so that it would make as a requirement nothing but the amount of money that is paid by the winning party in a situation where they are competing with each other.

If that happens, then we will know how much money that was, and we will be able to go to the party and find out if they are stealing some of this money. Why is it necessary to have all of the components of competition when you have the private sector in the United States of America competing with countries like China where it is a government-owned institution?

That is all this is about. All we want to do is to be able say we want to report so that the public knows how much the total bid or, in this case, the total amount was, not all the components that went into the calculation of that. That is all it is about.

My time has expired.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The majority leader.

ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I wish to lay out the schedule for everyone. I know they are interested in knowing the way forward. I have discussed with the Democratic leader where we go from here.

The Senate is going to debate the pending joint resolution tonight for as long as there is interest in debate. Tomorrow the Senate will convene at 6:30 a.m. and immediately proceed to two rollcall votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

Restating that, debate tonight as long as our friends on the other side would like to debate, and tomorrow we will convene at 6:30 a.m. and immediately turn to two rollcall votes: passage of the joint resolution of disapproval and cloture on the nomination of Betsy DeVos.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, has the distinguished majority leader finished?

Mr. MCCONNELL. Yes.

Mr. LEAHY. Mr. President, Republicans in both Chambers have introduced a resolution to permit oil, gas, and mining companies to continue making secret payments—involving billions of dollars—to corrupt foreign governments in exchange for access to their countries' natural resources.

This resolution would overturn legislation on which I worked closely with former Republican Senator Richard Lugar and Senator CARDIN and was included as section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide greater transparency when such payments are made and help better inform investors and combat massive corruption in the process.

One would think that everyone here would support a commonsense rule that will protect investors and make it a lot harder to get away with the theft of billions of dollars in public funds in some of the poorest countries of the world. But apparently, that is not a concern, at least not to the sponsors of this resolution or those who intend to support its passage.

Some Republicans and their friends in the oil and gas industry say this rule creates unacceptable burdens. That is utterly without merit, as I will explain in a moment.

But even assuming there were a grain of truth to that, rather than proposing to amend the underlying legislation, which would require bipartisan support, this resolution is being advanced under the Congressional Review Act, to enable a simple majority vote to completely dismantle the rule with minimum debate.

Keep in mind that the rule is simply the product of the U.S. Securities and Exchange Commission, SEC, implementing bipartisan congressional intent and would not take effect until the end of 2018. Despite what some have claimed, the SEC has not twisted the statute in any way when they developed this rule. But if this rule is overturned, the SEC will be prevented from issuing any substantially similar rule, potentially in our lifetimes.

In other words, what we are doing here is, for all practical purposes, the death knell for global efforts—involving most of our closest allies—to combat massive corruption resulting from the extraction of natural resources and help investors assess risk in the often murky and unstable oil, gas, and mining sectors. This is an issue on which the United States, until now, has been a global leader.

I mention this because the sponsors of this resolution have said that they support the goals of this rule, and all they want to do after overturning it is make some minor adjustments to it. That is the epitome of disingenuous. The rule does not take effect until the end of 2018. If that was what they really wanted to do, they would propose an amendment, and we could discuss it. Their real purpose, even if they are reluctant to say so, is to prevent disclosure.

This rule has two primary purposes. First, it is to protect investors. Investors whose combined net worth exceeds $10 trillion, support this rule and its equivalency with the rules adopted by some 30 other governments. And second, to protect the public.

The practical effect of overturning this rule is that U.S. and foreign companies will be able to continue to make secret payments to corrupt foreign autocrats like Vladimir Putin and kleptocracies in Africa like the governments of Angola and Equatorial Guinea. By doing so, these companies will be aiding and abetting those kleptocrats when they pocket the proceeds for their personal use. We have seen this for years. The people of those countries barely survive on $1 or $2 per day, while their leaders drive Mercedes, fly private jets to vacation homes on the French Riviera or in Santa Monica, and pay off the armed forces to keep themselves in power.

And where does the money come from that pays for that grotesque flaunting of wealth? From the royalties paid by U.S. and other foreign companies.

Do we really want to be complicit in that kind of thievery and immorality by shielding it from public scrutiny? Do we really think that the American people want to be tarred with it indirectly through the shady activities of American companies? Do we really want to hide important information from investors who are trying to assess risk in the companies they invest in? Of course not.

Anyone who reads this rule and pays the slightest attention to the estimated $1 trillion lost to crime, corruption, and tax evasion in these countries and the millions of deaths attributed to corrupt practices where these extractive companies operate will recognize the fallacy of the baseless attacks by those who oppose it.

The sponsors of this resolution claim that this rule puts American businesses at a competitive disadvantage. What are they talking about? The rule applies to both U.S. and foreign companies and complements existing laws elsewhere in the world. In fact, Chinese state-owned companies, like PetroChina and Sinopect, are covered by the U.S. law. Great Britain, the EU, Canada, and Norway are just four examples of governments that have adopted similar rules, with Russian state-owned companies like Rosneft and Gazprom covered in the U.K.

I challenge the sponsors of this legislation to provide any objective facts to support the argument that U.S. companies are disadvantaged by this rule. That is a pernicious myth.

The sponsors have also repeated the self-serving claims of the petroleum industry that complying with this rule would unacceptably increase their cost of doing business. While that has become the predictable complaint of the business community whenever such a rule is promulgated, in this instance, they base it on an outdated and discredited analysis. The irony is that, even if one were to agree with their most farfetched, worst-case scenario, it pales compared to their immense profits.

If we overturn our rule, what prevents others from doing the same? And then we are right back where we started. Once again, we will have paved the way for secret payments and billions of dollars stolen from the public treasuries and squirreled away in Swiss bank accounts by the Robert Mugabes of the world.

There is another aspect to this that no one has talked about, and that is the connection between corruption and terrorism, particularly in Africa. Terrorist groups flourish where government corruption contributes to incompetent, corrupt military forces. Terrorists benefit when revenues from these

activities are kept in the dark, enabling them to radicalize and recruit an impoverished and resentful population. By overturning this rule, Senators should know that violent extremists, terrorists, and other criminal enterprises will be among the beneficiaries.

Corruption is among the most corrosive forces that breed instability and violence, and then countries like ours end up trying to feed and shelter the innocent people who bear the brunt of it.

It not only wreaks havoc on the people of those countries; it hurts American companies trying to do business there, and it hurts Americans who invest in these risky companies. If the norm is nondisclosure, then bribery becomes an unavoidable and accepted way of doing business.

That is what companies from countries like Russia and China that compete with American companies would prefer because corruption is what they are best at. But this rule requires those foreign companies and others to similarly disclose their profits. Are the sponsors of this resolution even aware of this? This rule will enhance U.S. competitiveness. This rule protects investors and the public.

When it was first passed, section 1504 put the United States at the forefront of transparency and government accountability efforts. And as I have already said, that leadership paid off. Other countries have followed our example. This resolution will jettison a decade of work here and abroad. There is no excuse for it. There is no need for it. If there are legitimate concerns about section 1504, then let's talk about ways to amend it and improve it.

But let's not, by overturning this rule, tell the world that we don't believe in transparency and good governance, that we will turn our backs on the theft and misuse of payments made by U.S. companies, that we do not care about the people of those countries who suffer the consequences, and that we do not care about American investors who deserve this critical information so they can have confidence in the companies they invest their hard-earned money in. This resolution is an affront to the values and to the citizens of our great and good Nation.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me thank Senator LEAHY for his comments. Ten years ago, I was privileged to be elected by the people of Maryland to represent them in the U.S. Senate. I came to the Senate with Senator BROWN at that time. It was our first year. Senator BROWN had the opportunity to serve on the Banking Committee. I had the opportunity to serve on the Senate Foreign Relations Committee. Today I hold the position on the Senate Foreign Relations Committee that Senator Lugar held when I first went on the committee; that is, the ranking member of the committee.

I remember one of the very first hearings we had in the Senate Foreign Relations Committee on resource, curse or blessing. It was a matter of concern to every single member of the Senate Foreign Relations Committee, Democrats and Republicans. We saw the faces of people from nations in Africa who had a resource wealth, but they had the resource curse. The people were living in horrible poverty. Yet the country had mineral wealth—gas and oil—that was being exploited but not for the benefit of the people. It was being used to obtain income for their leaders to funnel corrupt practices. Senator Lugar, in October of 2008, authored a committee report of the Senate Foreign Relations Committee entitled ''The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts To Fight The Resource Curse.''

We went through the regular legislative process as to how we could deal with the circumstance that we knew the United States must exercise leadership. As Senator BROWN has pointed out the whole history and the importance of it—and all of the details—I just want to fill in some of the details as to how this came about because we were looking for a way in which we could turn the wealth of a nation to its people and cut off the corruption that it funded. The corruption was not just the obscenity of wealth being used by their leaders—as Senator BROWN pointed out in Equatorial Guinea—it was also the fact that this wealth that was coming to these leaders was also being used for criminal activities, to finance illegal drug activities and to finance terrorism.

I take issue with my friend from Oklahoma and his comments. There has never been an effort in this legislation to affect the supply of any source of energy here or anywhere around the world. That is being done. The question is, Where does the money go that is being used to exploit these resources? Do they go to the people of the country where the resource is located or do they go for corruption? That is what we attempted to do—Senator Lugar and I and others. I thank Senators LEAHY and DURBIN, who was on the floor earlier and was one of our early leaders, Senators MENENDEZ and WICKER. We did this not only in the Senate Foreign Relations Committee at the time I was chairman of the Senate U.S. Helsinki Commission—the Helsinki Commission, and Senator WICKER was helping, we worked in that organization to see how we could deal with transparency and how the American leadership could help the international effort to end the resource curse. As a result, legislation was authored and introduced in order to try to deal with this issue. Senator Lugar and I authored a bill, a bill that said we want to know where the money is going so we can track the money. We wanted to be able, for the people of that nation, to say: We know money is coming in now. Our leaders show us where the money is going.

That legislation was introduced. It was debated. It became part of the Dodd-Frank law. Quite frankly, it was supported in a rather bipartisan way, and it became law. Ever since its enactment, it has been fought by the American Petroleum Institute. I am not sure why because today other countries have adopted similar standards. This information is readily available as far as the way it is compiled by companies. Many oil and mineral companies today are supplying this information with no complaints, no problems, but it was fought.

Tonight we are debating the use of the Congressional Review Act. It was pointed out earlier tonight that before today, it only had been used once since its 1996 enactment. The reason is because it is a sledgehammer approach to dealing with issues that should be dealt with by a scalpel, but here is the real abuse. We are using the Congressional Review Act—which is supposed to be used when an agency goes rogue, when they start to do things that were never intended by Congress, were never authorized by Congress. Section 1504 was passed by Congress, and it has taken the SEC almost a decade to get the rules out. And we are saying they abused their power? Maybe they abused their power by delay, but they certainly haven't abused their power with what they have come forward with. They are carrying out congressional mandate as they should. It was never the intent of the CRA to be used for this type of a process. So I just urge my colleagues to recognize that this is not the right way we should be proceeding.

In September 2009, with Senator Lugar's help, I introduced legislation. It was bipartisan. Senators MERKLEY, WICKER, SCHUMER, LEAHY, DURBIN, FEINSTEIN, MENENDEZ, and others joined in that effort. The SEC was directed to develop rules on oil, gas, and mining companies as to how the disclosures could be made on the U.S. stock exchange so they could disclose their rights and payments made to foreign governments. That is what we mandated. Why do we want to know that? Because these royalties and payments were basically bribes to government leaders because it never went to the people. It was in the U.S. interest, not only because of how those funds were used against our principles and not only did it finance illegal activities, but it could have been a source for stable governments, which was important for U.S. interests that we have stable governments. It helps us in our foreign policy and national security. It also gives us a stable source of oil, gas, and minerals. Investors have the right to know. They have the right to know in what countries their companies are investing their stockholder investments.

It was a reasonable request by Congress. One of my colleagues indicated that it was held to be inappropriate by our courts. That was on a process issue. It was not on a substantive issue. That

was corrected. A new rule has come out, and now we are using a CRA in order to block it. The rule, as it is currently worded, provides for a reasonable period for enforcement. So it is not even going into effect immediately because we are allowing the companies to have ample time in order to comply with the rule.

I just want to make this point. It creates a level playing field. It does not put American companies at a disadvantage. This is a level playing field. Thirty countries already require this. The EU requires this. Canada requires this. Do you want to know why they did it? Because the United States led. We passed the law. I met with the Europeans. I met with the Canadians. They said: This is a good bill. You are our leaders. You are doing it. We are going to do it also so they did it. It is in effect in these countries. Oil companies and mineral companies have complied with it. They are fine. Guess what. It wasn't difficult. Shell, BP, France's Total, Russian's Rosneft, Lukoil, Gazprom—their huge giant—all have reported. It has not caused any competitive problems. They are not losing any proprietary rights, as has been suggested. There has been no harm done.

When I listen to the cost-benefit analysis and listen to our distinguished chairman talk about the data is not really available, the reason the data is not available is because we don't have disclosure. If we get the information, then we will be able to tell exactly how we can deal with the problems in Ghana or Nigeria or in Equatorial Guinea or problems in so many countries where the people are hurting with some of the worst poverty rates in the world. We will be able to find that information out, but if we don't know what is being paid by U.S. companies, how do you do a cost-benefit analysis? I don't know how you could possibly do it.

I heard the numbers, the cost of compliance, and I would challenge that. I would challenge the cost of compliance numbers because this information is already available. Companies know where their money is going. It is a normal business issue. I heard it is going to cost hundreds of millions of dollars of contracts. I don't want to minimize the cost, but as a percentage of the business they are doing, it is minor. The benefit we get if the money can go to the people and deal with these horrible conditions that we see in these resource-wealthy countries, then it is certainly worth the effort. That is part of our effort in dealing with other countries, to try to lift up the standard of living in so many of these countries.

So when we look at, again, what is at stake—what is at stake? And that is to allow the wealth of a country to go to its people for its stability. I have heard my colleagues say: Well, we are not against this. The law is still there. All we are talking about is this regulation. Once we pass this CRA, we are going to go back to work with the SEC and bring in a new rule. Do you really believe that? Do you really believe that if we pass this CRA, that we are going to see a new rule come out of the SEC? It has taken us 9 years to get to where we are right now. Do you really believe that with the law saying that the SEC cannot bring out a rule that is substantially the same in form, unless authorized by a subsequent law of Congress—do you really believe that will not be challenged in the courts with lengthy litigation before we will ever see another rule take effect?

Let us be clear about this. I am going to continue to do everything I can to make sure that the people of these nations get the wealth of their country. I am going to do everything I can. I am going to work with all my colleagues on both sides of the aisle. I really do believe in the sincerity of my colleagues, that they believe in this transparency. It is going to be tested. I am going to come back and see where we can make sure that 1504 is enforced because if I heard my chairman—and I respect him greatly, we work on a lot of issues together—when the chairman says that he is going to make sure the SEC complies with all congressional mandates—this is a congressional mandate—and it is our responsibility to make sure the SEC complies with Section 1504. If our colleagues pass this CRA—and I hope you don't—it is our responsibility to make sure the SEC complies with 1504. I am going to be here urging in every way I can to make sure that happens.

Mr. President, I ask unanimous consent that the statement from Publish What You Pay, which talks about a lot of the different aspects and myths that have been said, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLISH WHAT YOU PAY UNITED STATES

MYTH BUSTING: THE TRUTH ABOUT THE CARDIN-LUGAR ANTI-CORRUPTION PROVISION

The Cardin-Lugar Provision requires US-listed oil, gas and mining companies to publicly disclose the project-level payments they made to the U.S. and foreign governments for the extraction of oil, gas and minerals.

The Cardin-Lugar provision is a landmark piece of bipartisan legislation. The final anticorruption rule implementing the Cardin-Lugar provision passed by the SEC in June 2016 significantly advances international efforts to curb corruption and has been applauded by investors, companies and governments around the world. However, a great deal of misinformation has been spread about the rule. Below you will find evidence correcting the most glaring inaccuracies put forward.

But before getting into the myths, here are some hard facts.

Research concludes that increased transparency resulting from the disclosures required by the Cardin-Lugar Rule could lower the cost of capital for covered companies by $6.3 billion to $12.6 billion.

The international norm of resource sector payment transparency, built on strong American leadership, is estimated to have increased predicted global GDP by $1.1 trillion.

Investors representing nearly $10 trillion in assets under management support of the Cardin-Lugar Rule.

Between 2011–2014 conflict linked to corruption in Libya led to five U.S.-listed companies missing out on an estimated $17.4 billion due to production disruptions.

Myth 1: Compliance costs for disclosure could reach as high as $591 million per year.

Facts: The only comprehensive cost analysis submitted to the SEC concluded that the total aggregate compliance cost to industry in the first year would amount to $181M and would not exceed $74 million per annum in subsequent years.

The $591 million number comes from an outdated SEC estimate from the 2012 version of the final rule. The reason the number is so high is because API claimed that there were countries that prohibited disclosure and if companies were forced to disclose they would have to hold a 'fire-sale' of all of their assets in that country—this number comes from the assumption that every company would lose their assets in these countries where disclosure was supposedly prohibited. It is (1) disingenuous to quote this cost estimate from the 2012 regulation, instead of quoting form the 2016 regulation, and (2) irrelevant because the SEC now allows for companies to apply for an exemption if they believe disclosure is prohibited in a country, therefore the above estimate is wildly inaccurate.

Myth 2: U.S. companies are at a competitive disadvantage because non-U.S. companies do not have to make the same disclosures, and the rule applies only to public companies.

Facts: The U.S. law covers all oil, gas and mining companies listed on U.S. stock exchanges not simply companies based in the United States. Thus, the rule covers all companies filing an annual report with the SEC both foreign and domestic. This includes foreign oil majors BP, Shell, and Total as well as leading state-owned oil companies from China and Brazil, such as PetroChina and Petrobras. But a significant number of foreign companies are already required to make the same type of disclosures under the rules in other jurisdictions.

Since the passage of Cardin-Lugar in 2010, important U.S. allies have followed our leadership in payment transparency and now 30 countries have adopted their own mandatory disclosure rules for companies listed on their stock exchanges. And while in many ways, the Canadian and EU requirements are more stringent (and also cover private companies), the laws in all jurisdictions have been deemed equivalent by the SEC. Companies are allowed to submit the same reports in all jurisdictions. These laws already cover the vast majority of companies that compete with American firms including Russia's state-owned companies, Gazprom and Rosneft which are required to report in the UK.

Myth 3: The SEC rule is burdensome.

Facts: The Cardin-Lugar Provision is a reporting requirement, which is not onerous and does not limit the operations of oil, gas, and mining companies; the rule simply requires companies to publicly report payments that companies would track in the normal course of doing business The rule is a straightforward requirement to make that data transparent and usable by investors and citizens. Leading global oil and mining majors such as Shell, BP and Total, along with Russian state-owned companies, are entering their second year of reporting under EU rules without any negative impact or reported issue. In fact, many major companies have publicly endorsed this type of reporting

and have called on the U.S. to ensure our rules are harmonized with those other markets.

Myth 4: The rule requires companies to disclose proprietary information that could help foreign competitors.

Facts: The SEC rule requires companies to disclose payment information; it does not mandate the disclosure of proprietary, confidential or commercially sensitive information by companies. Numerous companies are already reporting under the similar rules in other markets, such as Shell and BP, and none have reported any competitive harm from payment transparency. However, the SEC's rule nonetheless contains safeguards. To the extent a company legitimately believes that disclosure will risk exposing proprietary information, they can apply to the SEC for exemptive relief on a case-by-case basis.

Furthermore, a competitor cannot use payment data to ''reverse engineer'' a company's return on investment or the contract terms of a specific project. Complex factors such as access to technology and finance determine a company's success in winning bids with host governments—not transparency of payments. Extractive companies that are covered by payment disclosure requirements in other jurisdictions have continued to win bids.

Myth 5: This rule was not properly vetted by Congress.

Facts: The Cardin-Lugar Amendment enjoyed bipartisan support and was subject to extensive review in both the House and Senate, and it was unanimously supported in conference. It is based on underlying legislation with a long Congressional history that was the subject of multiple hearings in both the House and Senate. In fact, the first precursor was a Republican House resolution on oil and mining transparency from 2006. For this reason, propositions to repeal the rule signify an inappropriate use of the CRA. The intent of the CRA is to address midnight rules, not rules like 1504 that have undergone years of extensive regulatory development.

Myth 6: The SEC rule will cause companies to lose out on foreign contracts.

Facts: Opponents of the Cardin-Lugar anti-corruption provision have claimed that companies could be placing themselves at odds with legal or contractual prohibitions on reporting in countries like Angola, China, Qatar, and Cameroon and may subsequently lose out on business in those countries due to the transparency rule. In the six years since this law was passed, no company has produced evidence that any country prohibits this type of disclosure, and numerous submissions to the SEC have demonstrated no such prohibitions exist. The experience of companies already reporting under the parallel disclosure rules in other countries likewise confirms the absence of any prohibition on reporting; companies like BP and Shell have disclosed project-level payments made in Angola, China, and Qatar with no repercussions. Nor have these companies lost out on bids because of payment disclosure requirements. Nonetheless, the Cardin-Lugar provision contains safeguards to ensure that companies that face a legitimate problem can apply for an exemption from disclosure on a case by case basis.

Myth 7: The Cardin-Lugar provision has nothing to do with the SEC or investors.

Facts: It is important to note that the SEC extractives transparency rule is not a case of agency overreach. Congress specifically mandated the SEC issue this rule in Section 1504 of the 2010 Dodd-Frank Act, and by issuing the 2016 rule the SEC complied with the will of Congress. Both Senator Cardin and Senator Lugar, the original sponsors of the bill, along with Senators Leahy, Durbin, Brown, Warren, Baldwin, Markey, Coons, Shaheen, Whitehouse, Menendez and Merkley, expressed explicit support for the SEC's interpretation of Section 1504 during the rulemaking process.

The rule has significant benefits for investors. Throughout the rulemaking process, investors worth nearly $10 trillion of assets under management repeatedly emphasized their support for payment disclosures under the rule. The rule provides investors with critical information for assessing risk in the often murky and unstable oil, gas and mining sectors, with positive follow-on impacts for firms that benefit from increased investor confidence and certainty. The increased transparency resulting from this provision has been estimated to lower the cost of capital for covered U.S.-listed firms by $6.3 billion to $12.6 billion.

Myth 8: We don't need Cardin-Lugar because we have the Foreign Corrupt Practices Act.

Facts: While the Foreign Corrupt Practices Act (FCPA) remains an important statutory tool critical to fighting global corruption, its scope is confined to bribery. Bribery is only one tool used to facilitate corruption. All too often, it is the legal payments made to governments that are misused, or siphoned off to the bank accounts of a country's corrupt elites. However, the fact that companies are already subject to the FCPA does mean the burden of reporting payments to comply with the Cardin-Lugar rule is minimal; companies are already required to collect and track payment information as part of the books and records provision of the FCPA. In this way, the two laws work very well together in creating a strong regulatory foundation to prevent corruption.

Myth 9: This rule is the same as the one sent back to be revised by the courts in 2013 and did not incorporate the Court's or industry concerns.

Facts: The American Petroleum Institute filed suit to challenge the original rule issued by the SEC in 2012, despite its largest member companies claiming to support transparency. The earlier version of the rule was vacated by the court and sent back to the SEC in 2013 on narrow procedural grounds, not on the substance of the rule. Since then, the SEC has had another two years of public consultations and internal analysis, resulting in an even more robust record with substantial evidence supporting each aspect of the 2016 rule. That evidence also includes the experience of companies already reporting on their payments under similar rules in other jurisdictions. The SEC's final rule strikes an appropriate balance by requiring the level of transparency Congress intended, while also accommodating industry concerns by providing companies with the opportunity to apply for case-by-case exemptions when they face reporting challenges and a generous phase-in period. Reporting will only begin at the end of 2018.

Myth 10: Sections 1504 (extractives transparency) and 1502 (conflict minerals) are the same thing/substantially similar.

Facts: Section 1504 requires U.S.-listed oil and mining companies to annually disclose the company's major payments made to the U.S. and foreign governments. It is simply a financial disclosure of payments companies already track.

Section 1502 mandates that a certain set of companies using tin, tungsten, tantalum or gold in their products undertake supply chain due diligence and report annually to the SEC regarding the source of the minerals used in their products and whether the minerals are sourced in conflict areas in the Democratic Republic of Congo.

Myth 11: The Cardin-Lugar rule poses a security risk for American companies and their employees working abroad.

Facts: There is no evidence justifying the claims that the Cardin-Lugar rule would have any negative impacts on security. In fact, all available evidence points to the contrary. The United Steelworkers explicitly argue that the Cardin Lugar anti-corruption rule will enhance employee safety. Generally, 1504 helps protect U.S. national security interests by preventing the corruption, secrecy, and government abuse that has catalyzed conflict, instability, and violent extremist movements in Africa, the Middle East and beyond. As ISIS demonstrated, non-state actors can benefit from trading natural resources in order to finance their operations; project level reporting will make hiding imports from non-state actors more difficult, thereby limiting their ability finance themselves with natural resource revenues.

Myth 12: This law increases prices at the pump and takes capital away from other business opportunities.

Facts: All of the data suggests that transparency actually helps company balance sheets by lowering the cost of capital and increasing investor confidence. On the other hand, corruption costs oil and mining companies millions of dollars every year from instability and fragility in resource-rich countries, which contributes to increased operating risks, waste, inefficiency, and delays. For instance, between 2011 and 2014, the conflict in Libya fueled in part by citizens' frustration with corruption and poor governance caused five U.S.-listed oil companies to miss out on more than $17 billion in revenues due to production disruptions in the country.

Mr. CARDIN. Let me conclude, for years, Congress has been fighting to shine a light on the billions of dollars paid by extracted companies to foreign governments. By taking away one of the only tools we have to shine a light on extracted payments' associated corruption, we are sending a message to corrupt leaders around the world that the United States does not care about corruption; that we won't hold them accountable, and that they should continue with business as usual: Exploiting their own people, and perhaps even funding terrorist organizations with some of their secret proceeds. It is not in our national interest to stop an anticorruption rule that bolsters America's national security, advances our humanitarian and anticorruption goals, and demonstrates U.S. moral leadership.

I urge my colleagues to join me in voting against this resolution of disapproval.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

NOMINATION OF NEIL GORSUCH

Mr. GRASSLEY. Mr. President, I want to take a few minutes to comment on some of the initial reactions that I have heard from my Democratic colleagues on the President's nomination of Judge Gorsuch to be an Associate Justice of the Supreme Court.

First of all, even before we had the nominee, there were many of the Democratic Members vowing to filibuster the nominee, site unseen. That, of course, is very unfortunate, as well as being ridiculous—in other words, saying you are going to filibuster somebody before you even know who the nominee is. But of course, given

how the minority has treated the President's Cabinet nominees so far, it is not exactly surprising that they would say this before the President even nominated somebody for the Court.

Then, of course, this week the President announced his nominee. Judge Gorsuch, of course, was confirmed by the Senate in 2006 without a single ''no'' vote and is universally respected as one of the finest and most fair-minded judges in the country. In fact—get this—one of President Obama's Solicitors General called him ''one of the most thoughtful and brilliant judges to have served our Nation over the last century.''

Now, if an Obama Solicitor General says that and that is not mainstream enough, I don't know what is. After the President's announcement, something very interesting happened. Right out of the gate, there were a number of Senate Democrats calling for ''a hearing and a vote.'' Well, that certainly sounds very encouraging. The press picked up on these comments, and one newspaper even reported that after learning who the nominee was, there were already seven Senate Democrats opposed to filibustering this nominee.

At first glance, it appears those Democrats were trying to be consistent with their stance from last year that a nominee deserves a hearing and an up-or-down vote. But of course, now they conveniently seem to have dropped the up-or-down portion of that stand.

Now, isn't that a nice trick, a new trick. Take, for example, one of my colleagues, who last year said: ''The Constitution says the Senate shall advise and consent, and that means having an up-or-down vote.'' But oddly, just yesterday, that same colleague said: ''I support a 60-vote margin for all Supreme Court nominees.''

That is a very nice sleight of hand. But most of the Senators are not that gullible. The Washington Post Fact Checker certainly took notice of their wordsmithing. That has earned them two Pinocchios. When you look at the facts, a 60-vote threshold has never been a standard, as the minority leader said yesterday. Otherwise, we would not have two of the current justices sitting on the Supreme Court.

Of course, my colleagues tried unsuccessfully to filibuster Justice Alito. The Senate voted 72 to 25 to invoke cloture. He was then confirmed 58 to 42 on an up-or-down vote.

Justice Thomas, now on the Supreme Court for 25 years, was confirmed 52 to 48. There was no cloture vote on Justice Thomas's nomination. In fact, the Senate did not set any sort of a requirement that there be 60 votes for 7 of the 8 justices serving on the Court. So, if there has been any sort of requirement or practice in the Senate on Supreme Court nominees, it has, in fact, been that the nominee does not need 60 votes, although many of them received that kind of support.

We already know some Members have pledged to filibuster the nominee. This minority leader stated that part of the ''fair process'' is a 60-vote threshold. I suppose that if you are already committed to attempting a filibuster on a Supreme Court nominee before you even know who that person might be, then you might consider that part of a fair process.

Of course, we all know—all Republicans and Democrats know—that launching a filibuster against a Supreme Court nominee is not part of a fair process. It never has been. But I suppose we should cut our colleagues just a little bit of slack. They are having a hard time figuring out how to make good on their promise to attack the nominee no matter who it is, when they have now been presented with a nominee with impeccable credentials as well as broad bipartisan support.

This brings me to the second brief point that I want to make. Judge Gorsuch had barely finished speaking at the White House, and there were already attacks on the nominee by some on the left. Some of my colleagues on the other side of the aisle had already taken to the Senate floor to attack and mischaracterize Judge Gorsuch's record. Though we expected it, these scurrilous attacks are untoward and obviously misplaced. After all, those on the left trot out the same tired arguments against every Republican nominee.

Now, you know, going back a few years—maybe, too far for some of you younger Members—they attacked Justice Stevens because he ''revealed an extraordinary lack of sensitivity to problems that women face.''

They called Justice Kennedy a sexist who ''would be a disaster for women.'' They said there was ''ample reason to fear'' Justice Souter. Of course, you know what turned out. Justices Stevens and Souter turned out to be favorites of the left, and too often Justice Kennedy has ruled the liberal way.

This morning, the Washington Post editorial board noted that, while we argued last year—meaning the paper argued last year—that the President should not fill a Supreme Court vacancy that occurs during a Presidential election year, Senate Republicans—quoting the Post—''refrained from tarring Mr. Garland personally.''

Now, in contrast, the paper noted that this dissent is unwarranted this early by writing this: ''Trashing Mr. Gorsuch as an outlandish radical, despite his impeccable credentials, the wide respect he commands in his field, his long service as an appeals court judge and the unanimous voice vote he received the last time the Senate considered him for the Federal bench is, at the very least, premature.''

Our friends on the other side of the aisle would do well to take note of the Washington Post's observation. So I would like to make this point. If the process we have witnessed for the President's Cabinet nominees is any guide, I am quite confident that we will hear all manner of reasons and arguments about why we should delay a hearing on Judge Gorsuch.

But as my friend and former chairman of the Judiciary Committee, Senator LEAHY, often noted, Supreme Court nominees don't have the opportunity to respond to personal attacks outside of their confirmation hearing. So I am going to consult with the ranking member on timing for the hearing. But I can tell you what we are not going to do. We are not going to delay this hearing, especially in the face of all of these attacks on his record and character, which, both for the record and for his character, are unjustified.

So I will conclude with this. I had the good fortune of meeting one-on-one with Judge Gorsuch yesterday. He is as impressive a person in person as he is on paper. I expect that as my friends on the other side of the aisle meet Judge Gorsuch and actually review his record, they will find him to be an imminently qualified and universally respected judge, whose decisions faithfully applying the text of the law place him well within the judicial mainstream.

Now, maybe people that say they want a mainstream judge wanted an activist judge who will read the text the way the judge wants it read for their own personal views, as opposed to the intent by Congress. But Judge Gorsuch is doing what any judge should do reading the law. He said: If any judge likes every decision he makes, then he is not a very good judge.

Now, this is what we are going to do. We are going to do our due diligence, and we are going to send a questionnaire to Judge Gorsuch in the next day or so. I will expect he will answer that questionnaire promptly, and then we will do what I said before the election, before we knew who was going to be the next President.

In fact, we thought it was going to be Secretary Clinton. When I say we, the country as a whole had that in their mind. There was no doubt about it. So I said before the election, as the one responsible for not having a hearing on the previous nominee, that, whoever was elected President, this process was going to move forward.

So we will have that hearing where Members can ask this nominee any questions they deem appropriate. We will vote on him in committee, and the full Senate will vote on his nomination. But given his exemplary record and the facts as we know them, I expect this nominee to be confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I am going to try to be very brief.

I am rising to return to the topic of the effort of the CRA to roll back transparency in the oil and gas industry, and I will speak briefly. I know my colleague from Arizona is here and wants to speak too.

The issue has been described. It is an SEC rule requiring energy companies to disclose the payments they make to foreign governments for natural resources. The reason is that many countries with abundant natural resources are run by dictators, and there has been a long history of payments by oil companies—American and others—to those dictators that don't get to the people and actually further the corruption of the country.

Just one example: An IMF report stated that in just 1 year, 1998, the Government of Equatorial Guinea received $130 million in oil revenue, and $96 million of that went directly into the personal bank account of the dictator, Teodoro Obiang. Meanwhile, hunger in that country is rampant, and that is what led to this.

I am on the Foreign Relations Committee. In preparation for our hearing on the nomination of Rex Tillerson, the former CEO of ExxonMobil, for Secretary of State, I read a wonderful report that was done by Senator Lugar when he was the ranking member of the Senate Foreign Relations Committee.

October 2008: Report to members of the Foreign Relations Committee from the ranking member. The title was ''The Petroleum And Poverty Paradox: Assessing U.S. And International Community Efforts to Fight The Resource Curse.'' I read this. I read the book ''Private Empire,'' a recent history of ExxonMobil written by journalist Steve Coll, to prepare for my examination of Rex Tillerson for Secretary of State.

This particular report was the basis for the 2010 law that was described by Senator CARDIN, and it was sponsored in a bipartisan way. It didn't prohibit any company from doing anything. It only required companies that pay foreign governments to disclose those payments.

I voted yesterday against Rex Tillerson for Secretary of State because I believe a public official's duty—especially Secretary of State—has to be to the country. I was worried, based on three areas of his testimony, that Rex Tillerson could not set aside his loyalty to ExxonMobil.

He refused to answer questions that I asked him about ExxonMobil's knowledge of climate science, yet their efforts to convince the public that the science was not settled. He told me he wouldn't answer my questions.

He did not demonstrate to the committee's satisfaction, in my view, that he could be independent in Russia. For example, he said that ExxonMobil had not lobbied against sanctions against Russia, when we actually have the lobbying forms to suggest they had.

In both of those areas, I found his responses wanting, and I voted against him.

I will be honest. I asked him about the resource curse question, and today I kind of feel like I got snookered.

I said: There is a lot of concern about these countries that let resource wealth go to dictators and further corruption. What are you going to do about it, as the Secretary of State, working on development, for example, of some of these poor nations? And he talked about high-minded values and virtues of the things the United States could do that would battle corruption and increase transparency.

He didn't tell me that he had been personally involved in an effort to defeat the legislation that passed Congress in 2010. Now there is press out suggesting that is the case, and he didn't tell me that apparently there was an effort underway to undermine the transparency statute that was so important.

I have to put it on the record. Within 1 day—within 1 day of the Senate approving Mr. Tillerson for Secretary of State, the Trump administration has relaxed sanctions on Russia. That happened today. And now, apparently, we are going to vote to eliminate a law that requires transparency among companies like ExxonMobil.

I kind of feel like I got snookered at the hearing. What public interest is at stake in rolling this back? I don't think there is any.

Some say: Well, look, it is about leveling the playing field. The United States shouldn't be at a competitive disadvantage, but U.S. companies are at a disadvantage. Companies listed on the U.S. stock exchange—wherever they are from—are required to do this transparency, these disclosures, and many are already doing it. Because we have led, the European Union and Canada have said this is a great idea, and they are doing it too.

It would be a horrible thing if the United States pulled away from its leadership.

In conclusion, I am concerned that in the opening 2 weeks of the Trump administration—despite a lot of promises about what they would do in the economy—what has the administration done about the economy?

On day one, they entered an Executive order retracting an FHA mortgage reduction, thereby requiring homeowners with FHA loans to have to pay more for their monthly mortgages. They have done a Federal hiring ban that falls disproportionately on veterans because the Federal workforce is a veteran-heavy workforce. They have done the immigration rules that we have discussed which not only affect immigrants but have a dramatic negative effect on America's technology industry.

And then in the first two uses of the CRA procedure since the 1990s, they have eliminated a rule to allow more pollution of streams in poor areas where coal is produced, and now this—allowing companies to escape transparency and make the very kinds of payments that lead to corruption in foreign governments, corruption so severe that a former Republican Member of this body was compelled to write a superb report in 2008 and have bipartisan legislation passed.

I urge my colleagues to vote against the CRA repeal of this rule.

Mr. DURBIN. Mr. President, during my time in the Congress, I have had the privilege of visiting many other nations, often fragile or new democracies struggling to meet the needs of growing numbers of youth and emerging middle classes.

For example, many of the fastest growing economies are in the developing nations of Africa and Asia. In fact, a few years ago, the World Bank said Africa was on ''the brink of an economic take-off.''

Such economic gains should be welcome news for lifting millions out of poverty, providing better basic services such as education and health care, and improving the lives of women.

They are also opportunities to create more markets for our goods and services, to add to our global allies, and to reverse the conditions that lead to violent extremism.

But for those of us who have visited many such nations, we are also aware of a major impediment to realizing these improvements—namely effective and clean government.

You see, too often, endemic corruption—frequently around lucrative extractive oil and minerals—robs untold sums from generation after generation in many of these nations.

Just look at such oil rich nations as Angola, Venezuela, Nigeria, or Equatorial Guinea, where government after government squandered and stole the oil wealth from its own people, far too many of whom still live in terrible squalor.

Some of you may remember the devastating column Nicholas Kristof wrote in 2015, ''Deadliest Country for Kids.'' Here is how he describe Angola: ''This is a country laden with oil, diamonds, Porsche-driving millionaires and toddlers starving to death. . . . this well off but corrupt African nation is ranked No. 1 in the world in the rate at which children die before the age of five. . . . Under the corrupt and autocratic president, Jose Educardo dos Santos, who has ruled for 35 years, billons of dollars flow to a small elite—as kids starve.''

He continues: ''There are many ways for a leader to kill his people, and although dos Santos isn't committing genocide he is presiding over the systematic looting of his state and neglect of his people . . . Let 's hold dos Santos accountable and recognize that extreme corruption and negligence can be something close to a mass atrocity.''

In 2008, Republican Foreign Relations Committee staff, under then-Senator Richard Lugar, released a report on this scourge, ''The Petroleum and Poverty Paradox.''

The report from Lugar discussed the ''resource curse'' which is a ''phenomenon whereby large reserves of oil or other resources often negatively affect a country's economic growth, corruption level and stability.''

Why is this important? Let me quote from the report: ''This 'resource curse'

affects us as well as producing countries. It exacerbates global poverty which can be a seedbed for terrorism, it dulls the effect of our foreign assistance, it empowers autocrats and dictators, and it can crimp world petroleum supplies by breeding instability. . . . This report argues that transparency in revenues, expenditure and wealth management from extractive industries is crucial to defeating the resource curse.''

Wise words from a wise man.

And so, this report became the basis for a very thoughtful, bipartisan law that I was proud to support which tried to tackle this issue in a very commonsense manner.

It simply required that the SEC issue a rule requiring all oil, gas, and mineral companies listed on the U.S. Stock Exchange to disclose royalties, bonuses, fees, taxes, and other payments made to foreign governments as a transparency tool for fighting corruption.

The U.S. law became the catalyst for others: all 28 European Union member states have enacted similar legislation, followed by Norway and then Canada, who are key players in extractive industries—further establishing an international norm.

Moreover, a study conducted by business professors at George Washington University and Catholic University found that increased transparency resulting from disclosures required under the rule lowers the cost of capital for covered U.S. listed firms by up to $12.6 billion.

So claims that this is burdensome and will result in competitive harm to American firms are unfounded and simply untrue.

So here we are, 4 months since our intelligence services disclosed that a former KGB official led a cyber act of war on our Nation and democracy—and what is the priority of the Republican majority?

Establishing an independent commission to look into the Russian attack?

No.

Taking up bipartisan legislation to tighten sanctions on Russia for its attack on our Nation?

No.

In fact, not a single Republican has even come to the Senate floor to discuss these grave matters of national security.

Ronald Reagan, who understood the Russian mentality so well, must be turning in his grave to see this abdication by his party.

Instead, what is the majority party's priority?

Well, repealing health care from millions without an alternative—and, now, trying to strip this good governance anticorruption law—one led by a member of their own party and subject to years of debate and input—aimed at addressing corruption that robs so much from the world's poor—not exactly draining the swamp.

This isn't an onerous rule. It is simply a matter of disclosure, transparency, and good governance. It is hard to understand opposition to greater transparency.

As such, I will vote against his measure and I urge my colleagues, especially my Republican colleagues who have made helping the world's poor one of their endeavors to do the same, don't vote to put more money in the pockets of the world's worst autocrats at the expense of the world's most vulnerable.

Mr. UDALL. Mr. President, President Trump made bold claims about his intention to ''drain the swamp.'' But here we are, debating a measure that would do the exact opposite. The Senate is actually voting to kill an anticorruption regulation.

This regulation was the result of bipartisan effort led by Senator Dick Lugar. Senator Lugar was my mentor when I first joined the Senate. He helped me better understand the role and traditions of this body; and he showed me what it meant to be a statesmen.

Senator Lugar was one of the most thoughtful foreign policy experts to serve in the Senate. He chaired the Foreign Relations Committee, and he was deeply respected on both sides of the aisle.

He understood the ''resource curse.'' How developing countries with billions of dollars in oil, gas, or other valuable minerals often had the worst poverty, how the governments of these countries made deals with huge corporations to sell their resources, but the citizens of those countries never saw the benefits. Instead, corrupt leaders would enrich themselves, rather than use the funds to pay for healthcare, education, infrastructure, or housing.

Senator Lugar, with Senator CARDIN, developed legislation to address the resource curse, to bring transparency to an opaque system. The result was section 1504 of the Dodd-Frank Act. It directed the SEC to issue a rule requiring all oil, gas, and mineral companies listed on U.S. stock exchanges to disclose the payments they make to foreign governments.

This allows the citizens of those countries to hold their leaders accountable. It shines a light on corruption. And when citizens can demand that this money is used for their benefit, it reduces their need for foreign aid.

Opponents of this rule claimed it would put American companies at a disadvantage. In fact, it made the U.S. a leader. Other countries followed suit and passed similar requirements.

The Cardin-Lugar rule became the global standard for transparency. Today, 80 percent of the world's largest publicly listed oil, gas and mining companies—including state-owned companies from Russia, China, and Brazil—are subject to disclosure rules.

This resolution of disapproval is just one of many misguided efforts by Republicans to use the Congressional Review Act to kill regulations that protect the most vulnerable.

The CRA was enacted in 1996 as part of the radical deregulatory and anticonsumer actions by shepherded by Newt Gingrich. Before now, the CRA has successfully been used to overturn only one rule.

There is a reason it has only been successfully used once. The CRA is a blunt weapon. It is a poorly written law that comes with unintended consequences. The CRA allows Congress to strike down a rule in its entirety with only an hour of floor debate in the House and without the ability to filibuster it in the Senate.

This flawed process can undo years of careful work by stakeholders and Federal agencies. Work done through an open, thoughtful rulemaking process. The Cardin-Lugar rule took years to finalize. Republicans want to kill it in a day.

And let's be clear—it does kill the regulation. Earlier today, Leader MCCONNELL mischaracterized this effort. He said, ''Let's send the SEC back to the drawing board to promote transparency.''

But that is not what the CRA does. It doesn't send the agency ''back to the drawing board.'' What it does do is prohibit the agency from issuing another regulation that is ''substantially the same,'' unless Congress specifically authorizes the agency to do so through subsequent legislation.

The courts have not yet determined how different a new regulation must be so that is not ''substantially the same.'' This discourages an agency from issuing a new similar regulation once a rule has been blocked.

This is not going back to the drawing board. This is going back to corruption.

Mr. VAN HOLLEN. Mr. President, with this resolution, the Senate majority is continuing its rush to overturn Obama administration consumer and investor protections, this time by targeting a bipartisan anticorruption measure.

In 2008, under the direction of Senator Richard Lugar, Republican staff of the Senate Foreign Relations Committee produced a report, ''The Petroleum and Poverty Paradox: Assessing U.S. and International Community Efforts to Fight the Resource Curse.'' They traveled to some of the most resource-rich countries in the world and explored how government corruption, fraud, and instability prevented those nations' people from benefitting from their oil, gas, and mineral reserves. Rather than spurring national economic development, benefits were concentrated among government and military elites and organized crime. According to the nonprofit research organization Global Financial Integrity, in 2012, developing countries ''lose roughly $1 trillion per year to crime, corruption, and tax evasion.''

The 2008 Foreign Relation Committee report led to the bipartisan Cardin-Lugar amendment to direct the Securities and Exchange Commission to require that all oil, gas, and mineral

companies listed on U.S. stock exchanges disclose their payments to foreign governments, including royalties, fees, taxes, and bonuses. Congress enacted the Cardin-Lugar amendment as section 1504 of the Dodd-Frank Act.

These transparency provisions are critical to combatting corruption in resource-rich nations. And these provisions are critical to protecting investors by ensuring that they have a clear picture of companies' interactions with foreign nations.

As the Foreign Relations Committee report noted: ''transparency in extractive industries abroad is in our interests because mineral wealth breeds corruption, which dulls the effects of U.S. foreign assistance; inequitable distribution of mineral revenues creates civil unrest, threatening political and energy instability and adding a price premium to commodities such as oil and gas; and energy rich countries can become emboldened militarily.''

The Cardin-Lugar amendment continued American leadership in anticorruption efforts, and has established a new global standard. Similar rules ale now in effect in Europe, Norway, and Canada and apply to 80 percent of the world's largest publicly listed oil, gas, and mining companies, including state-owned oil companies in Russia, China, and Brazil.

While many of the world's largest extractive businesses have expressed support for transparency, including BP, Shell, and Newmont Mining, the SEC rule has been strongly opposed by a narrow group, including ExxonMobil. I am concerned to see the Senate acting to repeal this rule and prohibit the SEC from ever establishing a similar anticorruption and investor-protection measure in the same week that it voted to confirm Rex Tillerson, former CEO of ExxonMobil, to be Secretary of State.

There is no logical reason to go against international norms and repeal a rule supported by much of the regulated industry, investors, and advocates for transparency and government reform in favor of a narrow opposition led by ExxonMobil. I urge my colleagues to reject this special-interest favor to ExxonMobil and maintain this important tool to fight corruption and protect investors.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

(The remarks of Mr. FLAKE pertaining to the introduction of S. 276 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, I want to speak for a couple of minutes about the Supreme Court.

A year ago, we lost one of the greatest legal minds to ever serve on the Nation's highest Court. For nearly three decades, Justice Antonin Scalia fought for individual liberty and defended the integrity of the Constitution.

No Justice in recent memory has so fundamentally influenced the trajectory of the Supreme Court. From his landmark decision that protected our Second Amendment right to bear arms to his staunch defense of limited government and enumerated powers, Justice Scalia stood as a bulwark against any erosion of our constitutional rights by an activist judiciary. He did this with his unshakable commitment to an originalist interpretation of the Constitution. Through this lens, he did not read words that were not there or infer intent that did not exist. Instead, Justice Scalia simply understood the Constitution, as the Founders understood it.

Judge Scalia's passing marked a watershed moment for the future of our country. Suddenly, in the midst of the last Presidential campaign, voters were empowered to determine the philosophical balance of the Supreme Court at the polls. By entrusting Republicans with the stewardship of our Federal Government, voters signaled their desire for change and for the values that our party embraces. From strong separation of powers to a commitment to federalism, to religious freedom, people in Arizona and around the country wanted to restore these foundational principles. Now, President Trump's nomination of Judge Neil Gorsuch to the Supreme Court will help usher in that change and solidify those values on the Court for a generation to come.

Earlier this week, I had the opportunity to attend the ceremony at the White House and listen to Judge Gorsuch accept his nomination. I was impressed by his humble respect for the law and for his commitment to service. I was particularly struck by his recognition that ''it is for Congress, not the courts, to write new laws'' and that a Justice should make decisions based on what the law demands, not the outcome that he or she desires.

I also appreciate his experience as an appellate court judge. This experience has given him a firm understanding of a properly functioning Federal circuit. As someone who has tried to reform an oversized and overworked Ninth Circuit, I really appreciate that insight.

Judge Gorsuch is an accomplished, mainstream jurist with a judicial philosophy worthy of Judge Scalia's seat. We can be confident that he will read the law as written and not attempt to legislate from the bench, but if we allow rigid partisan and ideological calculus to seep into our confirmation process, I fear that no President will ever be able to get a Cabinet or Supreme Court pick confirmed.

A favorite line of our former President is that ''elections have consequences.'' Indeed, they do. Like it or not, the winning party governs. That is democracy, and we have a responsibility now to govern.

My hope is a return to the longstanding traditions of bipartisan cooperation on this Supreme Court nomination. Judge Gorsuch is experienced. He is qualified, and he deserves a fair hearing. He deserves an up-or-down vote on the Senate floor. I am confident that when he receives that up-or-down vote, he will fill the vacancy on the Supreme Court.

I yield back.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, back on the topic of the evening: the Congressional Review Act action to overturn the SEC's rule.

I am just kind of at a loss for words. There are people back home asking how politics is going, and they have a certain set of assumptions about the way Congress works. They watch ''House of Cards.'' They watch movies about politics. They have watched other TV shows on Hulu and Netflix, whatever it may be. I submit to you that what we are doing right now is so corrupt, so grotesque, so obvious, so trite that it wouldn't even make the cut as a plot for a TV show about politics because who would believe that the Republican Congress, as one of their first acts, would pass a law prohibiting the implementation of a rule that requires oil companies to disclose what kind of foreign payments they are making for the privilege of extracting resources.

So what does that mean? You have oil companies that in order to extract resources in places like Africa and elsewhere—mostly poor countries around the globe—they have to cut a deal with whoever is in charge of the government in order to have access to that resource. Whether it is in Equatorial Guinea, Indonesia, Africa, Myanmar, or elsewhere, they cut a deal with the governing despot, usually. That money very often makes it directly into the pockets of the family of the people who run the country. This is what Senator CARDIN was elucidating, as was Senator LEAHY and the ranking member, Senator BROWN.

But this issue was new to me, and I came to the floor not as a member of the Senate Foreign Relations Committee but as a citizen. I can't believe we are doing this. This is one of the stinkiest pieces of legislation that I have seen in my now 5 years in the Senate and my 8 years in the Hawaii State Legislature, in my life in politics. I can't believe that we would have the gall to put a bill on the floor to prevent us from disclosing what kinds of foreign payments—that is a euphemism—are being made to despots and autocrats around the planet. These are American companies traded on the stock exchange, American companies making foreign payments, euphemistically, for the privilege of extracting primarily oil. Our ability as a country to be the world's lone superpower—as Madeleine Albright called us, ''the indispensable nation,''—to be the superior country when it comes to money, morals, and might is now in question. Everywhere you look, it seems like America is ceding global leadership.

China is set to outshine the United States on climate change policy—

China. Germany's Prime Minister is explaining international conventions on refugees to the President of the United States. We have insulted some of our closest allies in the fight against ISIS with a Muslim ban.

Now we are alienating ourselves from Australia, a country that has stood with the United States in every major conflict since the beginning of the 20th century. It is hard work to offend Australia. You have to go out of your way in a phone call between the United States and Australia to have it go sideways.

So the world is asking if the United States will still lead in the fight against ISIS. The world is asking if the United States will still keep its word, and they are asking if the United States is still the moral leader for the world.

I think everyone in the Congress would agree that the answers to these questions should be a resounding yes, but somehow one of the first orders of business in this Republican Congress is not a bill that demonstrates American leadership but one that concedes it, because that is exactly what we would do if we overturn the Cardin-Lugar amendment.

If we diminish our moral compass, the rest of the world stops looking at the United States as the leader among nations. The law we are voting to repeal set a new international standard in the fight against corruption. It requires oil and mining companies that are listed on the U.S. Stock Exchange to report any payments they may make to foreign governments. The idea is that the companies won't bribe dictators in mineral rich countries because they know they will have to disclose the payments.

After the United States passed this law in 2010, some 30 countries followed our lead, but we never got to implementing it. So today, more than one-third of the world's oil and gas companies have strong legal incentives to do business the right way. If Republicans get rid of this disclosure requirement, it will be bad for American consumers.

In 2004, a Senate subcommittee uncovered that oil companies, including ExxonMobil, have paid hundreds of millions of dollars to the President of Equatorial Guinea, which is an oil-rich country in Africa. That money didn't go to the businesses and citizens. It went directly into the pockets of the President who has been called Africa's nastiest dictator. Instead of buying food or roads for people—by the way, most people who live there live on less than $1 a day—the President and his family bought real estate in Paris, luxury cars and life-sized statues—plural—of Michael Jackson.

Getting rid of this amendment will also be bad for national security. Senator Lugar is one of the Republican Party's most distinguished foreign policy voices and the former chairman of the Foreign Relations Committee. He understood the risk. He understood how corruption fuels insecurity, poverty, and oppression in other countries and how that can contribute to the condition that breeds violent extremism. That is why he fought for the level of transparency required by this rule and to make it harder for dictators to steal from their own citizens. That means that getting rid of the Cardin-Lugar amendment is also bad for investors. If a company is operating in a risky, corrupt, unstable country, investors have the right to know. If a company is perhaps even adding to the region's insecurity, investors have a right to know that too. But that right is now in jeopardy.

The way Republicans are going about this, we won't be able to revisit this once it is all said and done. This is an important point. I said it last night on the stream protection rule, and I think it bears repeating. If you do a CRA action—we are now on the third in American history, and the second was yesterday. The first was sometime in the eighties, about ergonomics. The reason this never gets done is because, when you overturn a regulation using the Congressional Review Act, it is an incredibly blunt instrument. What happens under law is that the rule can't be promulgated again. You can't tweak this thing.

As to the concerns that were expressed by some of the Members on the Republican side about the modifications they would like, if we want to legislate, let's legislate. But what they are going to do is overturn this rule and the Securities and Exchange Commission from doing anything ''substantially similar'' ever again. Everybody who understands the CRA under the law understands that, basically, we can't touch this topic again. So this isn't about fixing a reg or being a check on runaway bureaucrats. These so-called bureaucrats, these civil servants in the Securities and Exchange Commission, had a statute. They were told to do something. Now, they took forever to do it, but that is not running away and going rogue. That is going a little slow, I will grant you, but they did the right thing pursuant to the law.

Now—I don't know why, but I have my suspicions; I don't know why, but I have my suspicions—we are overturning both a rule and a law that requires the disclosure of payments to foreign governments made primarily by oil companies. It is one of the most awful things I have seen done in the Congress—not just when I have been here but as I have observed it over the last 20 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate my colleague from Hawaii, both on the substance of the issue and on the Congressional Review Act and how it is an unsuitable tool in a situation like this because of how it bars the door for a simple way to replace or modify a regulation.

I am coming to the floor tonight to share my concerns about a basic challenge we have in the world. This basic challenge is that when you get a ruler of a country who is corrupt, they forge contractual relationships, particularly if they are rich in minerals or oil, and they pocket the money and they spread the corruption. It makes it virtually impossible for the interests of the people of that country to be represented by their government because whatever governing body they have keeps making decisions based on those corrupt payments.

Now, we are a nation that values government by the people—of, by, and for the people. That is the vision of our Nation, but that vision would not be fulfilled if the Members of this body were being paid by foreign companies to serve the interests of the foreign companies instead of the interests of the people. We can understand from our own perspective our own desire to have a government that serves our citizens and that other nations want to have a government that serves their citizens. That is what this particular bill and the regulation that flows from it were all about. It was section 504 of Dodd-Frank, the resource extraction rule, that was passed now 7 years ago.

It took quite a while to get the regulation into place. The first version came out in 2012, after a tremendous amount of consultation was struck down in court because it was challenged by one of the companies that did not want to have transparency in international payments. Then folks went to work again and produced a rule that went into effect this last year. Unfortunately, we are about to strike that down.

I was thinking about how one of the champions for this was Senator Dick Lugar of Indiana. I was so impressed by his thoughtfulness when I came to the Senate. He had been here quite a while, and he worked to really understand issues, and he worked to solve problems. He didn't work to obstruct an administration because it was of a different party. He didn't work to sabotage the work of this body because one party or the other was in the majority. He worked to solve problems. He had really a deep understanding of the challenges in the world.

He could see this from his considerable experience. He was on foreign relations for a very long time, and he served as its chair. He knew from his own work in that committee, from his own studies, from his own travels, and his own conversations—overseas conversations with foreign governments and conversations with our State Department and our Defense Department—that we had a significant issue in which contracts with large companies are used to defeat government of, by, and for the people in nations around the world. He wanted to do something about it. He had partnerships, and Members of our own body who are still serving here today were deeply involved in this.

It was a tremendous provision, but the American Petroleum Institute wasn't happy about it because it has worked really well for oil companies to not disclose and to make deals with ruling dictators and ruling families or ruling governing groups, whether they be in a so-called elected form or unelected form.

Well, finally, last year the rule was completed in June. They crafted a rule that, for the most part, made various stakeholders happy and it won broad international support. Dozens of other countries—including Canada, Norway, and countries of the European Union—followed American leadership. They adopted similar laws. So our particular law made it clear that if a company was listed on our stock exchange—on any of our exchanges—and it made a significant payment—$100,000 or more—it had to disclose that payment. That wasn't just U.S. companies. It wouldn't just have been U.S. companies. It was any company listed on our exchange, no matter where it was based. Other companies followed suit. So companies based in other countries were affected. So, basically, it was a vision that in short order took over the entire world, with developed countries coming together and saying that we are going to stop this process that destroys governments for the people in so much of the world.

It isn't just kind of a theoretical question of some liberal vision of how governments work. We are talking about the difference between the decisions of dictators to stash billions of dollars overseas or build health care clinics. We are talking about the difference between dictators buying hundreds of the world's most expensive sports cars or developing an education system in their countries. We are talking about the fundamental quality of life for millions and millions of people around the world. This provision, this resource extraction rule, went in an enormous direction in terms of making the world a better place. Shouldn't that be what we are about?

This challenge of foreign contracts with money diverted into the pockets of the dictators and the ruling class—the money that should go to the development of the country—is particularly a problem in resource rich countries with weak institutions. They have weak courts. They have weak investigative branches to find corruption. They have courts that essentially exorcise the ability to try people for which there is evidence, who should be charged and should be convicted. So the same corruption that affects the decisions that are made protects those who make those decisions. This means that if you have someone who grows up in this country and says: We have hundreds of billions of dollars of resources and nothing to show for it; so let's change that system; let's change that system and enable the people of this country to benefit from schools and health care and transportation; let's develop our nation, they are stymied by this complex web of undisclosed corruption. So that is what this bill is all about, and that is what this rule stemming from the section of the bill is all about.

Let's take, for example, a poster child for this resource curse. In many countries, it is known as the oil curse. Oil is a particularly prominent case. But the Democratic Republic of the Congo has not just some oil but a lot of minerals. It is a significant producer of the world's cobalt, diamonds, tin, gold, and other minerals. This problem of a corrupt dictator goes way back to decades ago. His name was well known around the world: Mobutu Sese Seko. He ruled from 1965 to 1997, so 32 years, three decades. It is estimated that he diverted from the country $4 billion to $15 billion. That is a lot of roads being built in a poor country. That is a lot of food for people who are near starvation. That is a lot of public school education. That is a lot of health care clinics. So one very rich man was stashing money in Swiss bank accounts rather than that money going to the government to do fundamental responsibilities for the people. The country has an estimated $24 trillion in mineral deposits. When we think about that, the $4 billion to $15 billion doesn't sound like very much.

Often, the way it works is these corrupt payments enable companies to get contracts far below cost, which is not a good thing, obviously, for these impoverished nations, to be essentially giving away their money because they are being bribed to do so.

So that is extremely disturbing to me, this particular issue being done here late in the evening, with very few of my colleagues here—mostly colleagues who are trying to fight this rule. Those who are supporting the multilateral corporations, the multinational corporations that don't like to have disclosure, they are not here to talk about how this is damaging the lives of millions of people in the poorest countries around the world. Maybe we need to have a rule in the Senate that if you are going to damage the lives of millions of people, you have to actually be here to hear the debate.

This debate is limited to just 10 hours, 5 hours on either side. If one side gives back their time, it is just 5 hours. There are not a whole lot of conversations. Maybe we could limit the conversation to 20 minutes a person or 10 minutes a person so we get a lot of voices in.

Before we go about the process of destroying the lives of millions of people all around the world, maybe, instead of just listening to the lobbyists for a multinational bank in your office, you should be here on the floor to have a conversation about the damage you are contemplating doing. Maybe then we would have an actual debate here in the U.S. Senate—a place that used to be a place where people did come and listen to each other debate issues. Perhaps there are good arguments to the contrary that I haven't heard because my colleagues aren't here presenting them. And maybe out of that mutual exchange, we would find a path to do something other than using this crude and destructive tool to strike down this very important provision.

There are three groups who benefit from this disclosure rule. The first group who benefits is the investors in a company who want to invest in companies that have responsible practices. The disclosure gives them the ability to have that information.

The second group who benefits is consumers who want to buy products from companies that engage in responsible practices, and disclosure enables them to do that.

The third group, though, really is the most important group, and that is a group of citizens in the country who are being corrupted by these payments because when they hear that a company has a contract and has paid X amount of billion dollars for that contract, then the newspapers of that country and the citizens of that country can try to get additional information: Did you take the percentage of that that was supposed to go to the regional government and actually get it disbursed to the regional government? Did you take the percentage of that that was supposed to go to the local city or province and did it get there? They can start to see that there is this lump of money that is supposed to be serving the citizens, and they can ask questions about how it serves the citizens. What bank account did it go into—so they can follow the money and track the money. But they have no ability to do that if these payments are hidden. That is what this is about.

So it is about investors who want to do the right thing, consumers who want to use their marketing and purchasing power to do the right thing, but it is really about the citizens of that country not having their resources diverted when they desperately need the fundamental things, such as transportation and education and health care.

Well, Senator Lugar said recently that if we allow this rule to be repealed, it would be ''a real tragedy for democracy and human rights.''

I agreed with Senator Lugar when he said, ''It is hard to believe that this would be such a high priority right now.'' We have a lot of issues in the world that we are challenged by, including security issues. We have a lot of nominations to address and debate. Why is it such a high priority at this moment to tear down a provision that improves the quality of life for millions of people in some of the poorest countries in the world? Why is it so important at this moment to tear down a law that reduces corruption in governments around the world? Why is it so important right now to destroy this provision that helps create an opportunity for ''we the people,'' a government that we profess to believe in?

It is well known that the CEO of ExxonMobil traveled to Washington to personally lobby Senator Lugar on this section. He wanted this provision scrapped, and that individual is now our Secretary of State. That certainly disturbs me, that the day after he became Secretary of State, the provision he lobbied for as an oil executive is being accomplished here on the floor.

Because of his testimony in committee, there was some hope that he would stand up and fight for the fundamental visions of our country, the fundamental values and principles of our country, and if so, he would be sending out information right now saying: Stop what you are doing because I know how this works around the world and how it destroys ''we the people'' governments, and we shouldn't be doing it; that is, we should keep the provision we have right now.

Nigeria is another nation that has had a resource curse or oil curse. Last year, a deal was struck between ExxonMobil and the Nigerian Government—or it came under investigation last year by that country's anti-corruption and law enforcement agency, the Economic and Financial Crimes Commission. The investigation surrounds a 2009 agreement where an Exxon subsidiary and the Nigerian Government agreed to renew a 40-percent share in three new oil licenses. Exxon reached a deal to pay $600 million for those licenses, and it built a powerplant at a cost of $900 million, so it made a $1.5 billion investment. So a $1.5 billion investment—that sounds like a pretty high sum for a contract.

However, an outside group who was investigating corruption found that the Nigerian Government had valued those contracts at $2.15 billion—in other words, $1 billion more than what Exxon was paying. Furthermore, they found that wasn't just in theory because another bidder offered $3.75 billion, and that is more than twice what Exxon paid. But the Exxon deal was chosen.

Isn't there some sense that something is wrong when a government rejects a payment that is $2.25 billion more than the offer that was accepted? That is what happens with corrupt payments between powerful companies and dictators. That is what destroys government of, by, and for the people around the world.

It is estimated that over time—that is, since 1960, so after the last 57 years—$400 billion of Nigerian oil revenues have disappeared due to corruption—$400 billion disappeared. What would $400 billion do to improve the lives of Nigerians?

That is why transparency in these payments is so important. It affects impoverished people all over the world. We can have all of our aid programs, we can have our Food for Peace Program, we can have our Millennium Corporation, but this type of deal does so much more damage than all the good we do through our programs that we budget for and put money into.

If we enable, if we promote corruption around the world, we do enormous damage. That is why a bipartisan group of Senators, including Dick Lugar leading it, took this on.

How about Equatorial Guinea. It is one of Sub-Saharan Africa's largest oil producers, and it, like many other oil countries, has the oil curse. President Obiang has been in power since he ousted his uncle in a military coup in 1979 and declared himself President for life. Let's just say what he is: He is a dictator. His government has been known to detain arbitrarily and torture critics, to disregard elections. It has been prosecuted for using oil profits for financial gain of the President's family. The result is, although this country is one of the wealthiest African nations per capita, the majority of the Nation's citizens survive on less than $2 a day. Let me clarify that. It is one of the richest African nations per capita, but a large percent of the citizens survive on less than $2 a day because President Obiang and his extended network—his extended corrupt network—are stealing the resources of the country, and they are doing it often through contracts with oil companies like Exxon, which happens to be a major partner in exploiting the resources of Equatorial Guinea.

Less than half of Equatorial Guinea has access to clean drinking water, a fundamental need and a fundamental factor in health. Twenty percent—that is one out of every five children—die before reaching the age of 5. This is because of the corruption that is facilitated by undisclosed sums, reinforcing a dictator—a dictator whose family owns fleets of fancy sports cars, luxury yachts, private jets, massive properties in Europe, massive properties in Brazil, and properties right here in the United States. But one-fifth of the children die before age 5. That is why this is so important.

Let me conclude by saying that what we are doing here tonight in putting this forward with no real debate because my colleagues are not here—a few colleagues are here to give speeches like I am giving to say ''Stop, this is wrong,'' but our colleagues are not here to hear us. What is happening tonight is an enormous travesty. It is an enormous blight on the United States, which led the world in taking on this problem and now is abandoning not just that leadership but is abandoning the principle. The world is worse off for it.

I hope that my colleagues will somehow come to an inspiration or a revelation, that those who are not here listening to this will come to an understanding that something is wrong with this and will oppose this effort to repeal this very important provision. But I know that the heavy hand of corporate lobbying is behind the fact that this is on the floor tonight, and I am not optimistic. That saddens me a great deal.

Let us strive to have a process that honors the importance of the issues before us. This short debate, with virtually no one present, does not honor it and does enormous damage, and it is just wrong.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, for the first time in more than a decade, the Republican Party controls the House, the Senate, and the White House. This week they are starting to roll out their legislative agenda.

So now that they have complete control of the agenda, what do the Republicans have in store? Something to bump up wages for working families or something to create more jobs? Something to tackle the student debt crisis? Maybe something to deal with all the jobs that get shipped overseas? No, one of the Republican Party's first orders of business is a giveaway to ExxonMobil that will help corrupt and repressive foreign regimes and make it easier to funnel money to terrorists around the world.

Here is the problem. Big corporations like Exxon—or other oil, gas, and mining companies—often pay millions of dollars to foreign governments to access natural resources located in these countries. Many of these foreign regimes are corrupt, and Exxon's massive payouts regularly end up in the pockets of government officials rather than in the hands of the people. These corrupt officials get filthy rich while their citizens face punishing poverty and dangerous working conditions. Worse still, some of these undisclosed payments can end up financing terrorists.

Just over 6 years ago, Congress passed a bipartisan provision to help tackle this problem. With the strong support of Senator Dick Lugar, the leading Republican on the Senate Foreign Relations Committee, Congress required oil, gas, and mining companies to disclose any payments they make to governments to extract natural resources. Republicans and Democrats agreed that shining a light on these payments would help combat corruption and terrorism around the globe and help citizens in some of the very poorest nations in the world hold their own governments accountable.

Disclosing these foreign payments also helps investors right here in the United States so they can make more informed investment decisions. Some investors may want to stay away from companies that could face expensive lawsuits for violating the Foreign Corrupt Practices Act or other anti-corruption laws. Other investors, quite frankly, may just prefer not to invest in companies that could be helping prop up corrupt foreign governments or indirectly financing terrorism.

Congress directed the Securities and Exchange Commission to write the rule, and the SEC spent years soliciting input from investors, from human rights advocates, from anti-corruption experts, and from oil, gas, and mining companies. The agency ultimately issued a ruling last year, and it

worked. The rule gained the support of faith groups, human rights groups, development organizations, and anti-corruption advocates all around the world. The rule also earned the support of investors who collectively controlled more than $10 trillion in assets, and—we should really be proud—it set an international standard, with the European Union, Canada, and other countries adopting similar standards for companies in their own countries.

But it didn't go down well with everyone. A handful of powerful oil and gas companies have been after this requirement from the start, and Exxon has been leading the pack on this. In fact, Rex Tillerson, the CEO of Exxon at the time, personally lobbied against the requirement back in 2010. His reason? What was his objection? The foreign payments rule would undermine Exxon's ability to do business in Russia. Listen to that again. If Exxon has to tell the world about the millions of dollars it hands over to the Russian Government, Exxon wouldn't be able to do as much business in Russia. So now the Republican Congress wants to rush in to help out poor Exxon so they can keep the secret money flowing to these Russian officials.

This Exxon giveaway shows just how bankrupt the Republican agenda is. They don't have any ideas for helping working families. It is just one corporate giveaway after another—making their big business donors happy and keeping the campaign contributions flowing for the next election. But the economic lives of our working families, our moral leadership in the world, the safety of our financial system, and the water we drink and the air we breathe—all of those—are just afterthoughts to the corporate wish list.

If you are a corrupt foreign dictator, Republicans rolling back the rules is great for you. If you are an oil company executive, Republicans rolling back the rules is great for you. But if you are anyone else, you should be outraged that the Republican Congress is so willing to throw you under the bus to please these groups.

I urge all of my colleagues to vote against this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

HEROIN AND PRESCRIPTION DRUG ABUSE EPIDEMIC

Mr. PORTMAN. Mr. President, I rise tonight to talk about a problem that is affecting every single one of the States represented in this Chamber and every one of our communities. It is one that folks back home are, unfortunately, experiencing and, frankly, we don't talk enough about this in Washington. It is this epidemic of heroin and prescription drug abuse.

How bad is it? We just learned very recently that for the first time in 23 years, life expectancy in the United States has gone down, and there is no question that the surge in heroin and prescription drug addiction is one of the reasons. In fact, the demographic that saw the biggest drop in life expectancy was among middle-aged White women—the very group that has been hardest hit by the heroin and prescription drug epidemic in overdoses and overdose deaths. Unbelievably, this epidemic is actually driving down life expectancy in our great country.

It has been pretty dramatic. The number of heroin users in the United States has tripled since 2007, and the number of heroin overdoses has tripled just since 2012. It has gotten to the point where we are now losing one American life about every 12 minutes to this epidemic. So during this talk today, which will be about 12 minutes, we expect another American to die of a heroin overdose.

Congress has begun to act, and I applaud the House and the Senate for that. We have acted over the last year to do a couple things. One is that, in the appropriations bill that passed at the end of last year, we put more money aside for treatment. So States are now receiving grants—$500 million this year, $500 million next year. These grants are needed. It is going to the hardest hit States. It is going to States based on their need, which I think is very important, because some States are hit harder than others. My colleague from Ohio is here on the floor, and he has been very involved in this issue as well. My State has been one of those States hardest hit. Some think that Ohio now has the highest number of overdoses when we add prescription drugs, heroin, and synthetic heroin, like fentanyl.

Second, last summer Congress took what I think is the biggest step we have taken in decades in terms of fighting this issue when we passed the Comprehensive Addiction and Recovery Act. The President signed it into law. It is already helping with regard to providing more prevention efforts, treatment, and long-term recovery. It is also helping our law enforcement and other first responders to be able to handle this growing crisis.

We fully funded this Comprehensive Addiction and Recovery Act—also called CARA—this year, and now we need to ensure that the new administration that has just come in continues to effectively implement this program as quickly as possible.

Just in the last few weeks, three of CARA's grant programs got up and running. One is funding for drug courts. Those who are involved with drug courts back home already know this, but it is a very effective way to take those who are in the criminal justice system because of a drug issue—prescription drug and heroin issues in particular—and get them into a diversion program where they can get treatment, with the risk of going back to incarceration if they do not stay clean. This is really working well in some of our communities in Ohio. They are also using interesting new techniques, including a medication called VIVITROL, to keep people off of their addiction.

Second, we have just put in place for the first time ever programs for recovery support services. Again, in this legislation, CARA, we funded long-term recovery. So it is not just a detox center, not just a treatment center that might be short term, which they usually are, but longer term recovery, including getting people into sober housing, providing them with people who will support them and encourage them. That, we have found out, keeps people from relapsing and is incredibly powerful.

Third, there has been a grant to empower States and local governments to help fight this epidemic.

This is all-important. It is real progress. But our work is far from done. In fact, there are five more CARA grant programs yet to be implemented.

Again, I call on the new administration to do so urgently. I know they are focused on this issue. We just need to get these programs up and going to help our communities right now.

Near my hometown of Cincinnati, OH, the Winemiller family of Wayne Township had a pretty tough Christmas. They were missing a son and a daughter because of heroin. Over Easter weekend last year, Roger Winemiller found his daughter Heather dead of a heroin overdose in their bathroom. She left behind an 8-year-old son. Then, just 5 days before Christmas, Heather's brother Gene—a father of three children under 18—died of a heroin overdose. Gene started abusing painkillers when he was in his early twenties. He became addicted, and when the pills were too expensive, he switched to heroin, which is cheaper and, really, more accessible.

Unfortunately, this is a fairly common story in my home State and around the country. We are told this is how four out of five heroin addicts in the United States started on heroin—prescription drugs.

Heather and Gene both got clean several times. Heather was clean for 3 years before she relapsed and died. These were vibrant people; they loved life. Heather loved gardening, and she was a huge Ohio State Buckeyes fan. Gene loved rock music, hunting, and fishing. But they both made the tragic mistake of trying these drugs, and it changed their lives forever.

Gene Winemiller's funeral took place at Blanchester Church of Christ in Blanchester, OH. I know Blanchester, OH, pretty well. It is a small community of about 4,000 people. The very next day, there was another funeral in that same church in this small town of 4,000 people for a heroin overdose. As Gene's dad Roger puts it, ''I can't emphasize enough: No one—no one—is immune from this epidemic.''

Unfortunately, he is right. It knows no zip code. It is in the rural areas. It is in the suburban areas. It is certainly in our inner cities. It is everywhere.

Take Cleveland, in Northeast Ohio, for example. Cleveland medical examiner Thomas Gilson said that ''2016 was an unprecedented year.'' The number of overdoses in Cleveland doubled in 2016 compared to 2015—doubled. Overdoses are happening all over the Cleveland area. More than 150 heroin overdose deaths happened in the city and another 150 happened in the suburbs, kind of evenly split. It is everybody, every group, every age group—African American, White, Hispanic.

Take Dayton, OH, in Southwest Ohio, as another example. In Dayton last year, there were more than 2,500 overdoses, about 7 a day. About half of the victims were men, and about half were women—some in the cities and some in the suburbs, with 60 percent in their thirties and forties and 40 percent who were either younger or older than that. So this is happening all over our State and all over our country—in cities, suburbs, inner cities, and rural areas and to rich and poor, old and young alike.

In 2015, Ohio statewide experienced a record 3,050 drug overdose deaths, which is a 20-percent increase from 2014, and more than quadruple the number of overdose deaths in 2000. In 2015, we lost an Ohioan every 3 hours to this epidemic. Sadly, the toll was even higher in 2016. We don't have the final numbers yet.

One of Ohio's economic assets, of course, is our location. We are centrally located. It is great for transportation. They say half of America's consumers are within 1 day's drive from Cincinnati, Cleveland, and Columbus. Unfortunately, that central location also makes us very vulnerable to drug traffickers.

Last year, Ohio State troopers confiscated nearly 160 pounds of heroin. Depending on the potency, that could be equivalent to more than $50 million—or more than 180,000 injections—of heroin. That is nearly triple the amount of heroin seized the year before. The Ohio State Highway Patrol also confiscated a record-level number of illegal painkillers and methamphetamines last year.

We have to thank our law enforcement officers because they are saving lives every day by keeping this poison out of our communities, certainly, but also helping to reverse the overdoses with this miracle drug called naloxone or Narcan. In 2015, the last year we have numbers for, Narcan was administered 16,000 times. Think about that: 16,000 people were saved who could have died of an overdose, thanks to our first responders and their professionalism. We don't have numbers yet for 2016, but, again, it is going to be, unfortunately, far higher than that.

The Washington Post recently published a report on the heroin epidemic in Chillicothe, OH, where there were more than 300 overdoses last year, and where a single police officer, Officer Ben Rhodes, says that he used naloxone to reverse an overdose more than 50 times. One church in Chillicothe, Zion Baptist Church, recently had funerals for three overdose victims in 1 week. I know Chillicothe. It is a small town of about 21,000 people.

Heroin and prescription drug painkillers are flooding our communities to meet a rise in demand. CARA, this legislation I talked about, will reduce that demand by increasing access to treatment for those who need it and preventing new addictions from starting in the first place through better prevention and education efforts.

After CARA became law, I introduced bipartisan legislation to take another step. This is called the Synthetics Trafficking and Overdose Prevention Act, or the STOP Act. Again, it builds on CARA because it helps reduce the supply of drugs coming into our communities.

Some of the deadliest drugs coming into Ohio are synthetics—drugs such as fentanyl, carfentanil, or U4, essentially synthetic heroin that is made in a laboratory somewhere. Guess where these drugs are coming from: overseas. Boy, they are incredibly powerful. Fentanyl can be more than 50 or even 100 times as powerful as heroin. According to the Drug Enforcement Agency, it takes about 2 milligrams to kill you. Carfentanil is even more powerful than that—up to 10,000 times as powerful as morphine. It is so powerful that it is used primarily as a tranquilizer for large animals like elephants.

Heroin bought on the street today in Ohio and elsewhere is often laced with these drugs to make it more potent. Roger Winemiller, the Dad I talked about a few moments ago who lost his two kids, compares buying heroin to playing Russian roulette because you never know the potency of the drug that you are buying. Many of these spates of overdoses in our urban areas in Ohio are because of the mix with fentanyl and carfentanil.

These fentanyl deaths in Ohio have increased nearly fivefold in the last 3 years. Three years ago we had about 1 in every 20 overdoses in Ohio because of fentanyl. Now it is one in five. We expect it soon to be one in three. You can see where this is going.

I talked a minute ago about the trafficking of drugs on our interstate highways. That is a serious problem, but so is the problem of traffickers shipping these drugs through our mail system to our communities to meet this growing demand.

Just yesterday the U.S.-China Commission released a report about the trafficking of Chinese fentanyl into this country. The report says:

> The majority of fentanyl products found in the United States originate in China. . . . Chinese law enforcement officials have struggled to adequately regulate the thousands of chemical and pharmaceutical facilities [laboratories] operating legally and illegally in the country, leading to increased production and export of illicit chemicals and drugs. Chinese chemical exporters . . . covertly ship drugs to the Western hemisphere.

That is from a report just yesterday. Right now these drugs are difficult to detect before it is too late. Part of the reason is that, unlike private carriers such as UPS or FedEx, the Postal Service does not require information about packages. If you are a private carrier, you have to have electric customs data for packages coming into the country, saying where it is from, what is in it, where it is going. This means the U.S. Postal Service is a more attractive way for traffickers to get these dangerous drugs like fentanyl or carfentanil into our country. It shouldn't be this way. It doesn't have to be this way.

The STOP Act would close that loophole and make the Postal Service require advanced electronic data. Where is it coming from? What is in it? Where is it going? That information on these packages before they cross our borders would be incredibly helpful. It is common sense. It would help stop these dangerous synthetic drugs from being trafficked into the United States, and it would save lives. That is what our law enforcement officials are telling us.

I know the scope of this epidemic is daunting. It is in your State of Indiana. It is in my State of Ohio. Its consequences are hard to even think about because it is about the overdose deaths, but it is far more than that. It is about people not being able to live out their dream. It is about higher costs for law enforcement. It is about crime. It is about our workforce and people not being able to go to work and not being able to find workers who are drug free. It is about so much that affects our communities.

Yet there is hope. We have to work here in Congress to continue to promote legislation and policies that will help us to achieve the dream of turning this tide around. The STOP Act that I talked about is going to help keep some of that poison out of our communities and increase the cost of heroin. That is good.

These synthetic heroin increases are really concerning. Treatment is incredibly important, and it can work. I have met so many people across Ohio who have beaten their addiction—people who are now back on their feet, back with their kids, back with their families. It is hard, but with treatment and a supportive environment, particularly this longer term recovery, it can be done.

Last year I met with Aaron Marks in Columbus, OH, at a conference held by the Ohio Association of County Behavioral Health Authorities. Aaron is from Cleveland, a suburb called Beachwood. He began using prescription painkillers as a freshman at Beachwood High School. He was just 13 years old.

Again, it is a story that is all too common. Often because of an accident or injury, people start using these pain pills.

He was smart, had good grades. He got into the University of Cincinnati, a great school. One day at UC he ran out

of pills. A fellow student who was living in the same dorm room offered him something else. He said: It is cheaper; it is called heroin.

He tried it. Soon, he had sold virtually everything he owned to buy more. Finally, with the help of Glenbeigh treatment center in Cleveland, OH, Aaron got clean and has stayed that way for more than a decade. Aaron is now a successful manager of business development at American Express.

We can have a lot more success stories like Aaron's if we all engage—all of us. Washington, DC, is not going to solve this problem. It will be solved in our communities. It is going to be solved in our families. It is going to be solved in our hearts.

Washington, DC, can play a more constructive role. In passing this legislation, it makes sense to give people the tools they need to be able to fight this scourge. The role is put the right policies in place, like the STOP Act, like fully funding treatment, like fully funding CARA in the coming months. We can then bring down the demand for these dangerous drugs, and we can keep these poisons from coming into our communities and build on the progress that Congress has made over the past year. Let's not let up until we finally turn the tide of this epidemic and begin to save lives.

I yield back.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to begin by complimenting my colleague, the Senator from Ohio, Mr. PORTMAN. He has been the leader in the U.S. Senate on addressing this issue that literally is impacting every single one of our States—whether it is Ohio or Alaska or Indiana where the Presiding Officer is from—and it is a killer.

The opioid epidemic that is happening is something we all have to work together on, but we have hope, as Senator PORTMAN said. I believe we have hope because of communities, because of brave Americans like those he is talking about.

We also have hope because of guys like ROB PORTMAN, and we would be a lot less further along in this country in turning around this epidemic and highlighting it for Americans if it weren't for him. I really want to commend my colleague from Ohio. He has done such a great job and is so passionate about this issue.

TRIBUTE TO ANDREW KURKA

Mr. President, in the last few weeks I have come to the floor to recognize an exceptional Alaskan—someone who spends time giving back to our community by sharing their time and talents up north. There are thousands of these people, of course, in my great State, and I would love to recognize every single one of them. They do so much for all of us.

We Senators are not humble about our States. I certainly believe my State is the most beautiful place in America. It is probably the most beautiful place in the world. I ask anyone who is watching to come visit us, you will love it—guaranteed.

It is the people that make my State so special—kind, generous people, full of rugged determination, full of patriotism, full of compassion. Many of them are willing to go the extra mile, literally, in some of the most difficult terrain and extreme conditions of the world to help friends and neighbors and use their strength and skills to inspire us all.

I wish to tell you a little bit about Andrew Kurka, an extraordinary Alaskan from Palmer, which is a beautiful community about 45 miles outside of Anchorage. In his younger years, Andrew was a wrestler. He put his heart into it. For his efforts, he was very successful. He was a six-time Alaska State champion in freestyle and Greco-Roman wrestling.

When he was 13, he suffered a spinal cord injury in a four-wheeler accident. His physical therapist urged him to keep going, to keep trying, to stay active, and actually paid for his first skiing lesson with a group called Challenge Alaska, a nonprofit Paralympic sports club.

According to an article in the Alaska Dispatch News, Andrew is ''willing to give just about anything a try—bodybuilding, water-skiing, ultra-marathon, handcycling.'' He even raced in the Arctic Man ski and snow machine race in Alaska—a race that is not for the faint of heart. It is one tough race.

It is in sit skiing where he truly excels. He has been a longtime member of the U.S. Paralympic team and has won numerous medals. Just last month, he won three medals, including the Gold for the men's downhill race at the World Para Alpine Championships in Italy—the Gold for the whole world.

His accomplishments are amazing enough, but his willingness to serve and be a role model for others is what makes him a true Alaska treasure. He is involved in numerous organizations for great causes, and he travels all across Alaska and the country, visiting with children with medical problems and urging them to dream big the way he has.

''I have spent my life hoping to be an example to others,'' Andrew said. ''Having the chance and being put in a position where I can make a difference means the world to me.'' That is Andrew.

For his determination against all odds, for his accomplishments, for his compassion, and for making the United States and Alaska proud last month in Italy at the World Para Alpine Championships, Andrew Kurka is this week's Alaskan of the Week.

Congratulations, Andrew, from all of your supporters. You are a great inspiration to all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

OPIOID ADDICTION

Mr. BROWN. Mr. President, I appreciate the comments of my friend from Alaska—also from Cleveland—and those of my friend from Cincinnati, Senator PORTMAN, about opioids. I appreciate his leadership in my State, the work he has done, and the work we have done together on opioid addiction. It is a tragedy, and I don't go much of anywhere in the State without finding someone who is affected, someone who is addicted in a family, or a close friend who has died.

As Senator PORTMAN said, Ohio has more opioid deaths than any State in the country. We are the seventh largest State, but the State with the most deaths. It is troubling, and clearly we are not dealing with it as well as we should.

Mr. President, I rise to close the debate on this motion today on the Congressional Review Act to wipe out the SEC rule. I rise in opposition to the bill, as a number of colleagues on my side of the aisle have very strong feelings on it. With the exception of my friend from Idaho, the chairman of the Banking Committee, there weren't many Republicans who wanted to come to the floor for this, in part because I think it is just the supporters they have on their side don't make you want to rush to the floor and support them. Some called this the Kleptocrat Relief Act. I will give you a real quick history before I wrap up.

There is a provision in Dodd-Frank to deal with giving the President and others the best anticorruption tools we could have around the world, where countries that have lots of natural resources have been countries with all the wealth from natural resources. They are some of the most corrupt governments with some of the worst poverty anywhere on Earth.

This legislation in Dodd-Frank, and the rule that came out of it from the SEC, was going a long way to preventing corruption. What we saw was the support. Thirty countries in the world followed suit from our country. The companies that were affected, with a few very notable exceptions, were beginning to do what they knew they needed to do and should have done and that the rule called for. As a result, we were going in the right direction until this new administration, this new Congress.

I ask unanimous consent to have printed in the RECORD relevant letters from investors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AUGUST 14, 2013.

MARY JO WHITE,
Chairman, U.S. Securities and Exchange Commission, Washington, DC.

DEAR CHAIRMAN WHITE: As investors representing more than US$5.6 trillion in assets under management, we commend the U.S. Securities and Exchange Commission (SEC) for its leadership in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Section 1504). The

rules were carefully considered and reflected investors' substantial interest in oil, gas and mining industry payment transparency. The SEC's leadership encouraged the development of a public global disclosure standard that includes the European Union Transparency Directive and regulation under development in Canada.

On July 2, the U.S. District Court for the District of Columbia made a ruling in American Petroleum Institute et al. vs. Securities and Exchange Commission vacating the rules for the implementation of Section 1504 and requiring the Commission to review them. We encourage the SEC to continue its vigorous defense of the Section 1504 rules as it responds to the'U.S. District Court's decision.

It is in the interest of investors and companies subject to both the U.S. and EU requirements that the reporting obligations in these jurisdictions are as uniform as possible. Consistent and predictable regulations may lower compliance costs and enhance the salience of disclosures. Therefore, we hope that the SEC will take all necessary steps to ensure that the rules go into effect as early as possible and that they maintain continuity with regulations in other jurisdictions. In doing so, the SEC should have due regard to the lengthy deliberations it conducted before the promulgation of the rules, and the inputs from diverse constituencies including many investors.

Payment disclosure regulations, such as Section 1504 and the European Union Transparency Directive, play a critical role in encouraging greater stability in resource-rich countries, which benefits both the citizens of those countries and investors. The Extractive Industries Transparency Initiative (EITI) Board Chair Clare Short has stated that mandatory payment disclosure regulations would ''strengthen the local accountability EITI provides.'' In fact, the latest revision of the EITI standard explicitly made project level payment disclosure contingent on alignment with SEC and EU regulation. We encourage the SEC to keep the complementary nature of regulations such as Section 1504 and EITI in mind as it considers its response to the U.S. District Court.

Investors depend on the SEC's leadership and deliberate consideration of disclosure requirements that protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation. We commend the Commission on issuing rules for the implementation of Section 1504 that reflect thorough contemplation of these factors and are confident the SEC will continue to act in the interest of investors as it responds to the U.S. District Court's July 2 ruling in API vs. SEC.

APRIL 28, 2014.

MARY JO WHITE,

Chair, U.S. Securities and Exchange Commission, Washington, DC.

Re: Section 1504 of the Dodd—Frank Wall Street Reform and Consumer Protection Act

DEAR CHAIR WHITE: We write on behalf of the 34 undersigned institutional investors to convey our strong support for the leadership the U.S. Securities and Exchange Commission (SEC) has shown in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Section 13(q) of the Securities Exchange Act of 1934]. This letter follows up on a prior submission made to the SEC on August 14th 2013 on this subject and signed by many of the institutions below.

By way of introduction, the signatories of this submission manage assets that collectively total more than US$ 6.40 trillion, and our mandate is to deliver sustainable long-term returns to our pensions, insurance and savings clients. It is in this spirit that we wish to contribute our views on the value to investors of improving transparency and governance in the extractives sector through regulations such as Section 1504. We also welcome the parallel submission by Calvert Investment Management et al, and note the common objectives our respective groups of signatories share in promoting high standards of transparency in the extractives sector.

We would like to highlight that we have only belatedly become aware of the detailed submission made on April 15, 2014 by the American Petroleum Institute (API) on this subject. Inasmuch as we had produced this statement, and secured approvals from the undersigned institutions, well before having had an opportunity to review the API submission, we wish to draw your attention to a brief supplementary comment that several of our signatories will shortly be submitting by way of parallel submission in order to address any additional points that are relevant to the API's arguments.

The undersigned signatories strongly support the Extractive Industries Transparency Initiative (EITI). As such, we not only welcome the US's involvement as an EITI Supporting Country since the Initiative's inception in 2003, but are particularly pleased to note its recent admission as an EITI Candidate Country. We regard the United States' decision as instrumental in establishing the de facto global standard for transparency in the extractives sector, and see the steady progress being made as a critical factor in helping to reduce volatility in the oil and other vital hard commodity markets, with beneficial impacts on global financial markets and the real economy.

In line with our support for the EITI, we also highlight that we regard the mandatory project-level reporting provision contained in Section 1504 as entirely consistent with, and complementary to, the goals of the EFL As such, we wish to underscore the important revisions made in 2013 to the EITI Standard that aim specifically to ensure convergence with the disclosure standard pioneered by Section 1504. These are now echoed in similar legislation already passed by the European Union (Transparency and Accounting Directives) and in progress in Canada (Canadian Mandatory Reporting in the Extractive Sector).

In short, Section 1504 started a process that has now been embraced by the world's other key jurisdictions: where initially it could have placed US listed companies at a commercial disadvantage, this risk has been reduced. As institutions based in numerous international jurisdictions, with both customers and assets spread around the globe, we welcome this virtuous development, and consider that regulations favouring not only high, but just as importantly, globally consistent standards of transparency, are essential to safeguarding the effective functioning of the financial markets.

Finally, we highlight that our portfolios have substantial exposure to the global extractives sector, through both equity and fixed income instruments, and that many of the undersigned also invest actively in the sovereign debt of resource-dependent emerging nations whose fiscal governance has a direct bearing on the quality of the credits they hold. It is therefore specifically with a view to safeguarding and enhancing our clients' portfolio returns that we contribute the following comments.

Chair White, your fellow SEC Commissioner Michael Piwowar has recently been reported to have voiced the concern that Section 1504 may have involved a degree of legislative overreach, by allowing ''special interests, from all parts of the political spectrum that are trying to co-opt the SEC's corporate disclosure regime to achieve their own objectives.'' Commissioner Piwowar raises a valid point that merits discussion: as investors whose interests are inextricably bound with the commercial interests of the oil and mining companies in which we invest, we wish to clarify that we fully agree that the remit of the SEC is, and should remain, that of safeguarding the efficient functioning of financial markets. We also agree that legislative and regulatory tools aimed at achieving purely social aims properly belong within instruments other than SEC regulation.

However, it is our contention that Section 1504, in line with the broader purpose of the Dodd Frank Act, i.e. mitigating systemic financial market risk, plays an essential role in containing behaviours related to extractive sector activity that contribute to damaging levels of financial and economic instability.

As you know, Section 1504 calls for the provision of detailed publicly-available information regarding payments to government. The purpose of such disclosure is to: a) defuse suspicions by civil society; b) curb the incidence of corruption and fiscal mismanagement; c) and thereby reduce the social and political risk factors that drive high levels of operating risk in resource-dependent emerging nations. The latter notably exacerbates the volatility and risk in the commodities markets. It is precisely because of its role in helping to counteract these damaging pressures that we regard Section 1504 as very much in the interests of investors, and consistent with the basic mission of the SEC.

Nevertheless, as investors, we are sympathetic to the concerns of industry regarding the practical impacts of any new legislation in terms of potential administrative complexity and cost burden, particularly in respect of companies that operate in multiple jurisdictions. As such, it is imperative that the disclosure regulations introduced by Section 1504 reflect alignment between the US, EU and Canada—all key jurisdictions for extractive industry issuers. Firstly, this would simplify compliance for extractive companies, particularly for those that already have dual listings. Secondly, it would lift overall transparency standards while deterring less scrupulous issuers from actively seeking out more opaque regulatory regimes. Such 'forum-shopping' would not only harm well-governed companies through unfair competition, but expose investors to higher risk, and the general public to greater systemic risk.

Our strong interest as investors is therefore to achieve both consistency across competing jurisdictions and high standards, rather than regarding them as necessarily mutually exclusive. In this regard, the moves by the EU and Canada to follow in Dodd Frank 1504's footsteps signal a clear trend that is now very difficult to reverse: transparency has firmly taken hold, and it would be a mistake to roll backwards.

As a large group of diverse investment institutions, we acknowledge that different investors may make greater or lesser use of the granular data produced through such disclosure for individual stock decision purposes, depending on the nature of their portfolios and investment processes. However, while individual investment strategies may differ, we are strongly of the view that disclosure of the type called for by Section 1504 affords the following benefits to investors:

Putting such information in the public domain is of major indirect benefit to investors, thanks to its impact on the overall quality of the business climate: better transparency helps to build trust with the citizenry, deter corruption through better scrutiny of revenues and spending, and reduce

the likelihood of contract rescissions. An anonymous compilation of the submissions required by Section 1504 would likely not provide the information necessary to serve this purpose.

The value of such a standard lies in its consistent application across all global markets: this means that country exemptions should not be granted in cases where foreign jurisdictions wish to impose secrecy—otherwise, such exemptions, often referred to as the ''tyrant's veto'', will merely serve to encourage such governments to introduce anti-transparency standards, thereby undermining the very object of this regulation.

The impact of such disclosure on competitiveness has been overstated, as demonstrated by the strong support afforded to Section 1504's Canadian equivalent by the leading trade associations in the Canadian mining sector (Mining Association of Canada and Prospectors and Developers Association of Canada), and the more nuanced position of the Canadian Association of Petroleum Producers relative to the American Petroleum Institute. We also note that this information can be easily obtained by purchasing specialist research—which merely ensures that it is available to competitors who can afford to pay, but not to citizens who cannot. More importantly, as investors, we stand to benefit more from efficient, competitive markets that enable ethical behaviour than we do from isolated instances of companies gaining a temporary negotiating advantage through secrecy.

The impact on companies' compliance costs should be given due consideration, and we would therefore urge that with regard to the definition of 'project', the disclosure framework in Section 1504 be consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures that have been developed under the EU Directives and also made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil, the FTSE100 UK oil company. These base their definition, either implicitly or explicitly, on economic rather than geological entities (so-called 'payment liability'), which we regard as a cost-efficient way of mirroring internal corporate reporting. We recommend a single consistent standard in preference to allowing companies to self-define project boundaries for two reasons: 1) a multiplicity of reporting standards would cause confusion and drive up compliance costs; 2) flexibility for companies would also risk undermining the aim of the regulation. Such a standard should also require a consistent and reasonable degree of disaggregation, as this would meet the aims of the regulation, namely improving fiscal governance at both national and subnational level.

In conclusion, we are pleased to signal our strong support for the SEC's leadership in establishing a mandatory reporting standard in the extractives sector that is complementary to the EITI, aligned with equivalent standards in the EU and Canada, and designed pragmatically to deliver the very real benefits that we see coming from enhancing fiscal transparency and accountability in resource-dependent emerging nations. The SEC has demonstrated great diligence in appreciating the changing needs of investors through the implementation of Section 1504. We remain confident that the Commission will see the process through to a conclusion that fulfills its mission and advances the interests of all its stakeholders.

We thank you for your attention to this submission, and remain at your disposal for any further information or clarification.

APRIL 28, 2014.

MARY JO WHITE,

Chair, U.S. Securities and Exchange Commission, Washington, DC.

DEAR CHAIR WHITE: As investors representing more than $2.85 trillion in assets under management, we applaud the U.S. Securities and Exchange Commission (SEC) for its leadership in producing final rules for the implementation of Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act [Section 13(q) of the Securities Exchange Act of 1934]. The rules the SEC adopted for the implementation of Section 13(q) on August 22, 2012 would protect investors and promote efficient capital markets by providing investors with valuable factual information on risk profiles and company performance. Delay in implementation of these rules or their significant revision would continue to deny investors this valuable information.

The opportunities and challenges of both operating and investing in the oil, gas and mining industries have changed significantly in recent decades as companies have been increasingly compelled to explore and produce in countries with challenging governance and business environments, including some with pervasive corruption. We believe that Section 13(q) creates a chance for disclosure requirements to evolve in a manner that reflects the changing dynamics of these industries.

Investors' decisions regarding the oil, gas and mining industries and the efficient functioning of markets in general rely on the public disclosure of relevant information from issuers that is comprehensive and consistent. Therefore, we agree with the Commission's August 2012 rules for Section 13(q) that require issuer-by-issuer, government-level, and project-level public disclosures and believe that these are beneficial to investors.

Issuers' annual public Exchange Act reporting is an indispensable factor for investment decision-making. It must be done on a basis that allows investors to make decisions about the securities of individual issuers. An anonymous compilation of the submissions required by Section 13(q) would likely not provide the information necessary to serve this purpose. It is in the interest of both investors and issuers that the data disclosed pursuant to Section 13(q) maintains consistency across each issuer's operations. Following the enactment of Section 13(q), other jurisdictions have responded with complementary regulatory efforts, most notably the European Union Accounting and Transparency Directives and Canada's commitment to establish mandatory payment transparency reporting standards. Consistency with these reporting mandates requires payment information for all countries in which issuers operate, without exception.

Section 13(q) and its complementing regulations also require project-level disclosure. It would be most beneficial to investors if this disclosure were consistent with best practice for disclosing disaggregated production information that references the legal relationship between individual projects and host governments. Such an approach may be modeled on the project-level disclosures made by Statoil, the large Norwegian-based international oil company, as well as Tullow Oil.

The SEC has demonstrated great diligence in appreciating the changing needs of investors through the implementation of Section 13(q). We also welcome the parallel comment submitted by Allianz Global Investors et al., and note the common objectives our respective groups of signatories share in promoting high standards of transparency in the extractives sector. We remain confident that the Commission will see the process through to a conclusion that fulfills its obligations and advances the interests of all parties.

Mr. BROWN. Mr. President, on one side of this argument, one side of this rule, we see in the end—and this kind of sums it up. We have these 30 countries that followed us and passed the rules and the laws the same as we did. We have on our side, the American Catholic Bishops, the Conference of Bishops, the Presbyterian Church, groups like the One Campaign and Oxfam—public interest groups that made their mission trying to end corruption and deal with the economic and social distress and devastation brought on by some of these companies and some of these kleptomaniacal—for want of a better term—governments. That is on the one side.

On the other side, we have my Republican friends in the Senate and House. We have Rex Tillerson, the new Secretary of State, who lobbied vigorously and unceasingly against this rule as president of Exxon. We have Exxon on the other side. We have the Chamber of Commerce and the American Petroleum Institute. And on that side for this bill—against the rule—we have autocrats in places like Russia, Iran, Venezuela. You can bet on this vote tomorrow morning, if 7 a.m. comes out the way it looks like it will, you can bet there will be celebrations in Russia, in Iran, and Venezuela, in all these countries where these kleptocrats, where these leaders who are so corrupt, where they benefited so much.

I think that really sums it up, how important it is that we defeat this bill, how important it is that this President, who came to town and has been in office less than about 2 weeks, his second week in office—his campaign was all about drain the swamp, and one of the first things he did, with his Republican House and Senate Members following along like sheep, they have done this. It is just incredible how they moved so quickly to side with the autocrats, to side with the Russians, to side with Big Oil, to side with ExxonMobil and these autocrats in places like Iran and Russia. It is not a good commentary on this body. I am sorry to see it.

I ask my colleagues to vote no.

I yield back my time.

Mr. CRAPO. Mr. President, I yield back the remaining Republican time.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, the majority time is yielded back.

MORNING BUSINESS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate be in a period of Morning Business, with Senators permitted to speak therein for up to 10 minutes each.

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

ADDITIONAL STATEMENTS

TRIBUTE TO JOHN SALAMONE

● Mr. BOOKER. Mr. President, today I wish to honor the life and service of New Jerseyan John Salamone. John is a World War II veteran, a beloved member of the Lyndhurst community, and an inspiration to many.

A native of Hoboken, John Salamone began his service upon enlistment in the U.S. Navy in 1943 at the age of 17. After basic training, he was assigned to the medical corps and deployed to the Pacific Theater on the hospital ship the U.S.S. Haven. John's service in the Pacific took him to the Battle of Okinawa, to the liberation of POWs in the Philippines, and to the destroyed city of Nagasaki.

John's experiences during the war changed him. For several years following his return, he used his training to assist others as a volunteer emergency medical technician in his community. After seeing the devastation of the atomic bomb released over Nagasaki, John became passionate about sharing his war experiences with others in the hopes that the United States might never again deem atomic war necessary. To this day, he still prays for peace.

John is treasured by all who have been fortunate enough to meet him, and thanks to his outgoing and affable nature, almost everyone in the township of Lyndhurst knows him. John is a fixture there: he was a Little League coach, a member of the Elks Lodge and the Knights of Columbus, and a member of St. Luke's Roman Catholic Church, where he still attends mass every Sunday, just as he has for more than 50 years. For 68 years, until her death, John was the loving husband of Mary Salamone, and he is the proud father of Robert Salamone, Maureen Hirsch, and Mary Ann Osgoodby. In his retirement, after a 40-year career in sales with Chemical Bank, John spends his time doting on his seven grandchildren and nine great-grandchildren, advocating for the veterans community, and sharing his unique story as a U.S. Navy corpsman during World War II.

John's remarkable commitment to his community and our Nation is an example for all who seek to serve. It is an honor to formally recognize him for his tremendous contributions to his fellow citizens and thank him for his faithful service.●

REMEMBERING JOE BILL DEARING

● Mr. BOOZMAN. Mr. President, today I wish to remember Joe Bill Dearing, an Arkansan with a big heart who loved to tell a good story and was a legend in Hereford cattle breeding. He passed away on Monday, January 30, 2017, at the age of 88.

Joe was born in Harrison, AR. He married his high school sweetheart, Dennie, in 1947, and the couple pursued a career in farming at their Red Robin Farm.

Joe came from a family of farmers so his passion for the industry and dedication to his craft came as no surprise. He established a nationally recognized herd of Polled Hereford cattle and became an internationally recognized Hereford cattle breeder.

This success also earned them the recognition of ''Boone County Family Farm of the Year'' in 1973.

He took his expertise to Montana in 1978 to work in the cattle industry and was active on the national cattle show circuit, winning the award for national champion bull in 1994 and 1995.

After his decades of raising cattle, he could still remember in detail his prized animals. He was more than happy to share pictures and stories of his cattle.

Joe was a longtime member of the Union Baptist Church where he served as a deacon, church secretary, and treasurer.

The Dearings were so kind to my daughters when they were showing cows through 4–H. We spent countless hours with Joe and Dennie traveling all over the country, and we witnessed the great examples of integrity and character that defined their lives.

Joe Dearing left a lasting legacy. He was a beloved husband, friend, community member, and cattle rancher. I was proud to call him my friend, and in fact, he and Dennie always seemed more like family. He will be greatly missed. My thoughts and prayers are with his loved ones during this difficult time.●

TRIBUTE TO ALLY MARTIN

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Ms. Ally Martin of Wheatland County, a tough ranch hand with a very bright future. This young lady has flat out excelled in her community. The superintendent of Harlowton Public Schools said of Ally, ''I have known Ally for her whole life and she has yet to disappoint me.''

Ally is the oldest of four siblings on a working sheep and cattle ranch not too far from the Musselshell River in central Montana. Anyone who knows the amount dedication and perseverance it takes to keep this type of family business running knows that Ally's achievements in sports, school, and 4–H are remarkable. Ally gets her grit from her family. Her parents would drive 25 miles to take Ally to her part-time job washing dishes and waiting tables at the Crazy Mountain Inn in Martinsdale.

From 2013–2015, Ally was recognized as the Wheatland County 4–H ''Grand Champion'' for her sheep project. Ally meticulously cross-bred Suffolk sheep into her family's Targhee flock, making noticeable gains to weaning weight. Some of her 4–H peers even started using her lambs in 4–H as well. Ally has been able to shoulder the demands of the ranch while ranking first in her class academically, earning all-State athletic honors in basketball and track, and participating in student government. Ally commits to whatever she sets her mind to, from ranching to school to sports.

Ally broke new ground as the first person from Harlowton High School appointed to the U.S. Military Academy at West Point. The number of cadets at West Point will be nearly double the population of Wheatland County. Ally won't flinch at this. She is not one to seek out comfort, make excuses, or look for shortcuts. She will do what she has always done—wake up when almost everyone else is still sleeping, focus on the tasks at hand, and simply get the job done. Her exemplary hardwork and leadership will serve our Nation well in the military. Good luck, and Godspeed, Ally; the people of Montana support you.●

250TH ANNIVERSARY OF THE MATTATUCK DRUM BAND

● Mr. MURPHY. I would like to congratulate the Mattatuck Drum Band, the oldest continually operating marching band in the Nation, on its 250th anniversary. The Mattatuck Drum Band's performances have captivated audiences in Connecticut since before the founding of our Nation and deserve recognition for continuing this important musical tradition over so many years.

During the marching band's formative years in the early 1770's, it was known as the Farmingbury Drum Band. The group performed at Farmingbury church events, where churchgoers were called into services by drumbeat—a common practice for churches without a bell. During the American Revolution, many members of the band served as wartime fifers and drummers, providing military field music for soldiers fighting for American independence. Shortly after returning home from the war, the band grew in popularity and changed their name to the Wolcott Drum Band.

In the 19th century, many band members continued their service to the military during the War of 1812 and in the Civil War, participating in rallies and recruiting events to ''drum up'' support for the militia. Following the Civil War, however, many band members relocated, and interest in the group waned. The group was revived in 1881, when the remaining active members of the band moved the group to Waterbury and renamed it the Mattatuck Drum Band. The uniform first donned by this group in 1884 is still worn by the Mattatuck Drum Band today.

As the band continued into the 20th century, their main purpose shifted from rallying support for the militia to bolstering the morale and feelings of patriotism amongst the public. Although many Mattatuck Drum Band members enlisted to serve their country during World War I and World War

II, the musicians still found ways to practice and keep the group active. In 1961, the Mattatuck Drum Band travelled to Washington to participate in the inaugural parade of President-Elect John F. Kennedy. They received a standing ovation and applause for their performance.

Today the Mattatuck Drum Band performs at many parades and celebrations, using their powerful drum beats to continue the patriotic tunes and traditions that have inspired so many Americans over generations. I would like to congratulate the Mattatuck Drum Band on their incredible history of service and inspiration. It is my hope that the band continues this incredible musical tradition for many more years to come.●

MESSAGE FROM THE HOUSE

At 4:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res 37. Joint resolution disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation.

H.J. Res 40. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 274. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BARRASSO for the Committee on Environment and Public Works. Scott Pruitt, of Oklahoma, to be Administrator of the Environmental Protection Agency.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs. *Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

By Mr. ENZI for the Committee on the Budget. *Mick Mulvaney, of South Carolina, to be Director of the Office of Management and Budget.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. HEITKAMP (for herself, Mr. BOOZMAN, Mr. UDALL, Mr. LEAHY, Mr. DURBIN, Ms. KLOBUCHAR, Mr. KING, Ms. COLLINS, Ms. STABENOW, Mr. DONNELLY, Ms. BALDWIN, Mr. WYDEN, Mr. WARNER, and Mr. COCHRAN):

S. 275. A bill to allow the financing by United States persons of sales of agricultural commodities to Cuba; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 277. A bill to establish a Rural Telecommunications and Broadband Advisory Committee within the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO:

S. 279. A bill to amend the Water Resources Development Act of 1986 to modify a provision relating to acquisition of beach fill; to the Committee on Environment and Public Works.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 280. A bill to authorize, direct, expedite, and facilitate a land exchange in El Paso and Teller Counties, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 281. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. HELLER (for himself, Mr. HEINRICH, Mr. GARDNER, Mr. TESTER, Mr. RISCH, Mr. DAINES, Mr. BENNET, and Mr. UDALL):

S. 282. A bill to promote the development of renewable energy on public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Mr. TILLIS, Mr. COONS, Mr. MERKLEY, Mr. WYDEN, and Ms. HIRONO):

S. 283. A bill to amend title 38, United States Code, to provide for the treatment of veterans who participated in the cleanup of Enewetak Atoll as radiation exposed veterans for purposes of the presumption of service-connection of certain disabilities by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROWN:

S. 284. A bill to amend title XVIII of the Social Security Act to prevent surprise billing practices, and for other purposes; to the Committee on Finance.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 285. A bill to ensure adequate use and access to the existing Bolts Ditch headgate and ditch segment within the Holy Cross Wilderness in Eagle County, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 286. A bill to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 287. A bill to update the map of, and modify the maximum acreage available for inclusion in, the Florissant Fossil Beds National Monument; to the Committee on Energy and Natural Resources.

By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative rules; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself and Mr. GARDNER):

S. 289. A bill to adjust the boundary of the Arapaho National Forest, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself and Mr. BOOZMAN):

S. 290. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. LEAHY, Mr. MERKLEY, Mr. HEINRICH, Mrs. FEINSTEIN, and Ms. HARRIS):

S. 291. A bill to amend the National Security Act of 1947 to modify the requirements for membership in the National Security Council and cabinet-level policy forum, and for other purposes; to the Select Committee on Intelligence.

By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCOTT (for himself, Mr. BOOKER, Mr. BLUNT, Mr. BENNET, Mr. GRAHAM, Mr. COONS, Mrs. CAPITO, Mrs. GILLIBRAND, Mr. PETERS, Mr. GARDNER, Mr. YOUNG, and Mr. WARNER):

S. 293. A bill to amend the Internal Revenue Code of 1986 to provide for the deferral of inclusion in gross income for capital gains reinvested in opportunity zones; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. RUBIO, Mr. MANCHIN, Mr. DAINES, Mr. CASEY, Mr. GARDNER, Mr. BOOZMAN, Mr. TESTER, Ms. HIRONO, and Mr. HELLER):

S. 294. A bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAINES (for himself, Mr. SULLIVAN, and Ms. MURKOWSKI):

S. 295. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. SULLIVAN (for himself, Mr. DAINES, and Ms. MURKOWSKI):

S. 296. A bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Mrs. MCCASKILL):

S. 297. A bill to increase competition in the pharmaceutical industry; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. BARRASSO:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN):

S. Res. 43. A resolution recognizing January 2017 as National Mentoring Month; considered and agreed to.

ADDITIONAL COSPONSORS

S. 54

At the request of Mr. BOOKER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 54, a bill to prohibit the creation of an immigration-related registry program that classifies people on the basis of religion, race, age, gender, ethnicity, national origin, nationality, or citizenship.

S. 56

At the request of Mr. SULLIVAN, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. KENNEDY), the Senator from Missouri (Mr. BLUNT), the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. JOHNSON), the Senator from South Dakota (Mr. ROUNDS), the Senator from Indiana (Mr. YOUNG), the Senator from Oklahoma (Mr. INHOFE), the Senator from Montana (Mr. DAINES), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. PERDUE), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 56, a bill to require each agency to repeal or amend 2 or more rules before issuing or amending a rule.

S. 58

At the request of Mr. HELLER, the names of the Senator from Arizona (Mr. FLAKE) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of S. 58, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

S. 59

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 94

At the request of Mr. CARDIN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 94, a bill to impose sanctions in response to cyber intrusions by the Government of the Russian Federation and other aggressive activities of the Russian Federation, and for other purposes.

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 182

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 182, a bill to provide for the inclusion of court-appointed guardianship improvement and oversight activities under the Elder Justice Act of 2009.

S. 208

At the request of Mr. KING, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 208, a bill to amend the Internal Revenue Code of 1986 to make the Child and Dependent Care Tax Credit fully refundable, and for other purposes.

S. 212

At the request of Mr. CORNYN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 212, a bill to provide for the development of a United States strategy for greater human space exploration, and for other purposes.

S. 224

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 241

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 241, a bill to prohibit Federal funding of Planned Parenthood Federation of America.

S. 244

At the request of Mr. LEE, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 244, a bill to repeal the wage requirement of the Davis-Bacon Act.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 255

At the request of Mr. SCHATZ, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 264

At the request of Mr. LANKFORD, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to allow charitable organizations to make statements relating to political campaigns if such statements are made in ordinary course of carrying out its tax exempt purpose.

S. 272

At the request of Mr. SCHATZ, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 272, a bill to enhance the security operations of the Transportation Security Administration and the stability of the transportation security workforce by applying a unified personnel system under title 5, United States Code, to employees of the Transportation Security Administration who are responsible for screening passengers and property, and for other purposes.

S. 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. TESTER), the Senator from Indiana (Mr. DONNELLY), the Senator from Florida (Mr. NELSON) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 274, a bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States.

S.J. RES. 1

At the request of Mr. BOOZMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 5

At the request of Mr. CARDIN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S.J. Res. 5, a joint resolution removing the deadline for the

ratification of the equal rights amendment.

S.J. RES. 9

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S.J. Res. 9, a joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by the Securities and Exchange Commission relating to the disclosure of payments by resource extraction issuers.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to ''Waste Prevention, Production Subject to Royalties, and Resource Conservation''.

S.J. RES. 13

At the request of Mrs. ERNST, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S.J. Res. 13, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients.

S.J. RES. 14

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. PERDUE), the Senator from Montana (Mr. DAINES) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S.J. Res. 14, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007.

S.J. RES. 15

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 15, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Director of the Bureau of Land Management relating to resource management planning.

S.J. RES. 16

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.J. Res. 16, a joint resolution approving the discontinuation of the process for consideration and automatic implementation of the annual proposal of the Independent Medicare Advisory Board under section 1899A of the Social Security Act.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 276. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, one of the most important elements of the rule of law is the promise of swift access to the courts, but that promise has been broken in my home State of Arizona. That is because Arizona falls under the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit, a circuit that is both oversized and overworked.

With the jurisdiction encompassing 13 districts spread across nine States and 2 U.S. territories, the Ninth Circuit covers 1 in 5 Americans. It hears roughly 12,000 appeals each year. The next busiest circuit doesn't even hear 9,000, and for the thousands of cases under its consideration, the average turnaround time exceeds 15 months.

Now, if excessive delays weren't bad enough, it turns out the Ninth Circuit is overturned by the Supreme Court 77 percent of the time when the Supreme Court grants cert—77 percent of the time. That is obviously higher than any other court. So not only is the court excruciatingly slow, but in many instances it is simply wrong.

The court, itself, is unusually large. It has 29 authorized judgeships. That is 12 more than the next largest circuit.

The Ninth Circuit is so big that it can't even rehear cases as a whole body, like every other appeals court does. Instead, cases are reheard with limited en banc; these are panels of 11 judges each. That means that only one-third of its judges are deciding law for the entire court—only one-third.

Of the States suffering under the weight of the Ninth Circuit's crushing backlog, Arizona shoulders a uniquely heavy burden. Per capita, Arizona has the busiest Federal docket in the circuit. That puts Arizonans at the back of an already long line just to get their day in court.

As if the deluge of cases continues to fill the Ninth Circuit's docket, the line keeps getting longer and longer if you happen to live in Arizona.

With problems like these, we are left to ask: Is the Ninth Circuit simply too big to succeed? If you are an Arizonan, the answer is unquestionably yes.

Arizonans deserve better, and that is why today I am introducing a bill to break up the Ninth Circuit.

With the support of my colleague from Arizona, JOHN MCCAIN, and the support of Gov. Doug Ducey, I have introduced the Judicial Administration and Improvement Act. This bill would create a new Twelfth Circuit by moving Arizona, as well as Alaska, Idaho, Montana, Nevada, and Washington, out of the Ninth Circuit. Doing so would create two smaller appellate courts where one dysfunctional court stood, all the while establishing stronger local, regional, and cultural ties. This would help alleviate the Ninth Circuit's enormous caseload and ensure a more timely and accurate judicial process for both circuits.

Now, importantly, the bill would also free the new circuit from the Ninth Circuit's precedent. That means States like Arizona would be able to chart their own legal course, consistent with their local needs and traditions.

A fair and functioning judiciary is one of the pillars of our democracy. Geography shouldn't limit a citizen's access to the courts.

The Judicial Administration and Improvement Act will right this wrong by restoring faith in our judicial system and securing the access to Justice that Americans deserve.

By Mr. DAINES (for himself and Mr. WARNER):

S. 278. A bill to amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, in recent years we have seen the inability of the Federal Government to quickly adapt to changing technology and emerging threats. In June of 2015 the Office of Personnel Management, OPM, was infiltrated with a major cyber breach, affecting more than 22 million current and former Federal employees, including myself. In January of 2016, another nearly half a million Americans had their social security numbers stolen when the Internal Revenue Service was hacked.

I spent 28 years in the private sector, 12 years with a global cloud computing company. We faced cyber threats daily, and our customers expected security of their data. We delivered, not once was our data compromised. Until I came to the Federal Government and received the letters from OPM, my data had been secured too.

I know firsthand that industry has the talent and incentive to keep their information systems secure. The Federal Government should continue to innovate and utilize industries' expertise and learn from their best practices.

That is why I am introducing the Support for Rapid Innovation Act. This

legislation will extend the authorization for the Secretary of Homeland Security to carry out innovative research and development projects that will enhance our Nation's cyber security. It will focus efforts on developing more secure information systems, technologies for detecting and containing attacks in real-time, and develop cyber forensics to identify perpetrators. This will be done by leveraging private sectors' innovation and ingenuity.

I want to thank Senator WARNER for being an original cosponsor of this bill and Representative RATCLIFFE of Texas for leading introduction of companion legislation in the House of Representatives. I ask my Senate colleagues to join us in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Support for Rapid Innovation Act of 2017''.

SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT PROJECTS.

(a) CYBERSECURITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following new section:

''SEC. 321. CYBERSECURITY RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Under Secretary for Science and Technology shall support the research, development, testing, evaluation, and transition of cybersecurity technologies, including fundamental research to improve the sharing of information, information security, analytics, and methodologies related to cybersecurity risks and incidents, consistent with current law.

''(b) ACTIVITIES.—The research and development supported under subsection (a) shall serve the components of the Department and shall—

''(1) advance the development and accelerate the deployment of more secure information systems;

''(2) improve and create technologies for detecting and preventing attacks or intrusions, including real-time continuous diagnostics, real-time analytic technologies, and full lifecycle information protection;

''(3) improve and create mitigation and recovery methodologies, including techniques and policies for real-time containment of attacks, and development of resilient networks and information systems;

''(4) support, in coordination with non-Federal entities, the review of source code that underpins critical infrastructure information systems;

''(5) assist the development and support infrastructure and tools to support cybersecurity research and development efforts, including modeling, testbeds, and data sets for assessment of new cybersecurity technologies;

''(6) assist the development and support of technologies to reduce vulnerabilities in industrial control systems;

''(7) assist the development and support cyber forensics and attack attribution capabilities;

''(8) assist the development and accelerate the deployment of full information lifecycle security technologies to enhance protection, control, and privacy of information to detect and prevent cybersecurity risks and incidents;

''(9) assist the development and accelerate the deployment of information security measures, in addition to perimeter-based protections;

''(10) assist the development and accelerate the deployment of technologies to detect improper information access by authorized users;

''(11) assist the development and accelerate the deployment of cryptographic technologies to protect information at rest, in transit, and in use;

''(12) assist the development and accelerate the deployment of methods to promote greater software assurance;

''(13) assist the development and accelerate the deployment of tools to securely and automatically update software and firmware in use, with limited or no necessary intervention by users and limited impact on concurrently operating systems and processes; and

''(14) assist in identifying and addressing unidentified or future cybersecurity threats.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate activities with—

''(1) the Under Secretary appointed pursuant to section 103(a)(1)(H);

''(2) the heads of other relevant Federal departments and agencies, as appropriate; and

''(3) industry and academia.

''(d) TRANSITION TO PRACTICE.—The Under Secretary for Science and Technology shall support projects carried out under this title through the full life cycle of such projects, including research, development, testing, evaluation, pilots, and transitions. The Under Secretary shall identify mature technologies that address existing or imminent cybersecurity gaps in public or private information systems and networks of information systems, protect sensitive information within and outside networks of information systems, identify and support necessary improvements identified during pilot programs and testing and evaluation activities, and introduce new cybersecurity technologies throughout the homeland security enterprise through partnerships and commercialization. The Under Secretary shall target Federally funded cybersecurity research that demonstrates a high probability of successful transition to the commercial market within two years and that is expected to have a notable impact on the public or private information systems and networks of information systems.

''(e) DEFINITIONS.—In this section:

''(1) CYBERSECURITY RISK.—The term 'cybersecurity risk' has the meaning given such term in section 227.

''(2) HOMELAND SECURITY ENTERPRISE.—The term 'homeland security enterprise' means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.

''(3) INCIDENT.—The term 'incident' has the meaning given such term in section 227.

''(4) INFORMATION SYSTEM.—The term 'information system' has the meaning given such term in section 3502(8) of title 44, United States Code.

''(5) SOFTWARE ASSURANCE.—The term 'software assurance' means confidence that software—

''(A) is free from vulnerabilities, either intentionally designed into the software or accidentally inserted at any time during the lifecycle of the software; and

''(B) functioning in the intended manner.''.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to second section 319 the following new item:

''Sec. 321. Cybersecurity research and development.''.

(b) RESEARCH AND DEVELOPMENT PROJECTS.—Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''2016'' and inserting ''2021'';

(B) in paragraph (1), by striking the last sentence; and

(C) by adding at the end the following new paragraph:

''(3) PRIOR APPROVAL.—In any case in which the head of a component or office of the Department seeks to utilize the authority under this section, such head shall first receive prior approval from the Secretary by providing to the Secretary a proposal that includes the rationale for the utilization of such authority, the funds to be spent on the use of such authority, and the expected outcome for each project that is the subject of the use of such authority. In such a case, the authority for evaluating the proposal may not be delegated by the Secretary to anyone other than the Under Secretary for Management.'';

(2) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking ''2016'' and inserting ''2021''; and

(B) by amending paragraph (2) to read as follows:

''(2) REPORT.—The Secretary shall annually submit to the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the projects for which the authority granted by subsection (a) was utilized, the rationale for such utilizations, the funds spent utilizing such authority, the extent of cost-sharing for such projects among Federal and non-Federal sources, the extent to which utilization of such authority has addressed a homeland security capability gap or threat to the homeland identified by the Department, the total amount of payments, if any, that were received by the Federal Government as a result of the utilization of such authority during the period covered by each such report, the outcome of each project for which such authority was utilized, and the results of any audits of such projects.''; and

(3) by adding at the end the following new subsection:

''(e) TRAINING.—The Secretary shall develop a training program for acquisitions staff on the utilization of the authority provided under subsection (a) to ensure accountability and effective management of projects consistent with the Program Management Improvement Accountability Act (Public Law 114–264) and the amendments made by such Act.''.

(c) NO ADDITIONAL FUNDS AUTHORIZED.—No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

By Mr. DAINES (for himself, Mr. LANKFORD, Mr. BLUNT, and Mr. HATCH):

S. 288. A bill to require notice and comment for certain interpretative

rules; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Predictability for Business Growth Act of 2017''.

SEC. 2. REQUIRING NOTICE AND COMMENT FOR CERTAIN INTERPRETATIVE RULES.

Subchapter II of chapter 5 of title 5, United States Code, is amended—

(1) in section 551—

(A) in paragraph (13), by striking ''and'' at the end;

(B) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(15) 'longstanding interpretative rule' means an interpretative rule that has been in effect for not less than 1 year; and

''(16) 'revise' means, with respect to an interpretative rule, altering or otherwise changing any provision of a longstanding interpretative rule that conflicts, or is in any way inconsistent with, any provision in a subsequently promulgated interpretative rule.''; and

(2) in section 553—

(A) in subsection (b)(A), by striking ''interpretative rules'' and inserting ''an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency''; and

(B) in subsection (d)(2), by striking ''interpretative rules'' and inserting ''an interpretative rule of an agency, unless the interpretative rule revises a longstanding interpretative rule of the agency,''.

By Mr. REED (for himself, Mrs. CAPITO, Mr. VAN HOLLEN, and Mr. ISAKSON):

S. 292. A bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am pleased to be joined by Senators CAPITO, VAN HOLLEN, and ISAKSON in the introduction of the Childhood Cancer Survivorship, Treatment, Access, and Research, STAR, Act of 2017. This legislation is an extension of ongoing bipartisan efforts in the Senate over the past decade to get us closer to the goal of hopefully one day curing cancers in children, adolescents, and young adults. Representatives MCCAUL, SPEIER, KELLY, and BUTTERFIELD are introducing the companion legislation in the other body.

I first started working on this issue after meeting the Haight family from Warwick, Rhode Island in June of 2004. Nancy and Vincent lost their son, Ben, when he was just nine years old to neuroblastoma, a very aggressive tumor in the brain.

With the strong support of families like the Haights for increased research into the causes of childhood cancers and improved treatment options, I introduced bipartisan legislation that eventually was signed into law in 2008 as the Caroline Pryce Walker Conquer Childhood Cancer Act.

This was an important step. Yet, more work remains. The STAR Act seeks to advance pediatric cancer research and child-focused cancer treatments, while also improving childhood cancer surveillance and providing resources for survivors and those impacted by childhood cancer.

If a treatment is working, doctors elsewhere should know immediately. The same should happen if a treatment isn't working, or if other major medical events occur during the course of a particular treatment. It is critical that doctors, nurses, and other providers are able to effectively communicate information about the disease, the treatment process, and what other health and development impacts children can expect to experience with a particular course of treatment.

As such, the STAR Act would reauthorize the Caroline Pryce Walker Conquer Childhood Cancer Act, creating a comprehensive children's cancer biorepository for researchers to use in searching for biospecimens to study and would improve surveillance of childhood cancer cases.

This legislation also includes provisions dealing with issues that arise for survivors of childhood cancer. Unfortunately, even after beating cancer, as many as two-thirds of childhood cancer survivors are likely to experience at least one late effect of treatment; as many as one-fourth experience a late effect that is serious or life-threatening, including second cancers and organ damage.

We must do more to ensure that children survive cancer and any late effects so they can live a long, healthy, and productive life. This legislation would enhance research on the late effects of childhood cancers, improve collaboration among providers so that doctors are better able to care for this population as they age, and establish a new pilot program to begin to explore improved models of care for childhood cancer survivors.

Lastly, this bill would ensure more pediatric expertise at the National Institutes of Health to better leverage the research investment to improve pediatric cancer research by requiring the inclusion of at least one pediatric oncologist on the National Cancer Advisory Board and improving childhood health reporting requirements to include pediatric cancer.

Last year, Senator CAPITO and I were able to get a provision of this bill included in the 21st Century CURES Act, which was signed into law at the end of the year. That provision will provide some clarity for patients and their physicians attempting to access new drugs and therapies from pharmaceutical companies. When a patient has run out of other options, the last thing they and their families need is to spend months being given the run-around trying to access a potential treatment.

I am hopeful that we can build on this momentum. Indeed, it was heartening to see the House of Representatives pass the Childhood Cancer STAR Act as one of its last acts of the 114th Congress by a unanimous vote. While, the Senate was unable to follow suit as time ran out at the end of the year, HELP Committee Chairman ALEXANDER and Ranking Member MURRAY have committed to working with Senator CAPITO and me to move the legislation this year.

The Childhood Cancer STAR Act has the support of the American Cancer Society Cancer Action Network, St. Baldrick's Foundation, and Children's Oncology Group, among others. I look forward to our continued work with these stakeholders to build support for the bill and with the HELP Committee to see this bill advance through the legislative process.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BARRASSO submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works (in this resolution referred to as the ''committee'') is authorized from March 1, 2017 through February 28, 2019, in its discretion, to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2017.—The expenses of the committee for the period March 1, 2017 through September 30, 2017 under this resolution shall not exceed $3,060,871, of which amount—

(1) not to exceed $4,666 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $1,166 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(b) EXPENSES FOR FISCAL YEAR 2018 PERIOD.—The expenses of the committee for the period October 1, 2017 through September 30, 2018 under this resolution shall not exceed $5,247,208, of which amount—

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2019.—The expenses of the committee for the period October 1, 2018 through February 28, 2019 under this resolution shall not exceed $2,186,337, of which amount—

(1) not to exceed $3,334 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 4301(i))); and

(2) not to exceed $834 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2019.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper.

(b) AGENCY CONTRIBUTIONS.—There are authorized to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate such sums as may be necessary for agency contributions related to the compensation of employees of the committee—

(1) for the period March 1, 2017 through September 30, 2017;

(2) for the period October 1, 2017 through September 30, 2018; and

(3) for the period October 1, 2018 through February 28, 2019.

SENATE RESOLUTION 43—RECOGNIZING JANUARY 2017 AS NATIONAL MENTORING MONTH

Mr. ISAKSON (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. BROWN, Mrs. CAPITO, Mr. CORNYN, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 43

Whereas, in 2002, the Harvard T.H. Chan School of Public Health and MENTOR: the National Mentoring Partnership established National Mentoring Month;

Whereas 2017 is the 15th anniversary of National Mentoring Month;

Whereas the goals of National Mentoring Month are—

(1) to raise awareness of mentoring;

(2) to recruit individuals to mentor; and

(3) to encourage organizations to engage and integrate quality in mentoring into the efforts of the organizations;

Whereas young people across the United States make everyday choices that lead to the big decisions in life without the guidance and support on which many other people rely;

Whereas a mentor is a caring, consistent presence who devotes time to a young person to help that young person—

(1) discover personal strength; and

(2) achieve the potential of that young person through a structured and trusting relationship;

Whereas quality mentoring—

(1) encourages positive choices;

(2) promotes self-esteem;

(3) supports academic achievement; and

(4) introduces young people to new ideas;

Whereas mentoring programs have shown to be effective in combating school violence and discipline problems, substance abuse, incarceration, and truancy;

Whereas research shows that young people who were at risk for not completing high school but who had a mentor were, as compared with similarly situated young people without a mentor—

(1) 55 percent more likely to be enrolled in college;

(2) 81 percent more likely to report participating regularly in sports or extracurricular activities;

(3) more than twice as likely to say they held a leadership position in a club or sports team; and

(4) 78 percent more likely to pay it forward by volunteering regularly in their communities;

Whereas 90 percent of young people who were at risk for not completing high school but who had a mentor said they are now interested in becoming mentors themselves;

Whereas mentoring can play a role in helping young people attend school regularly, as research shows that students who meet regularly with a mentor are, as compared with the peers of those students—

(1) 52 percent less likely to skip a full day of school; and

(2) 37 percent less likely to skip a class;

Whereas youth development experts agree that mentoring encourages smart daily behaviors, such as finishing homework, having healthy social interactions, and saying no when it counts, that have a noticeable influence on the growth and success of a young person;

Whereas mentors help young people set career goals and use the personal contacts of the mentors to help young people meet industry professionals and train for and find jobs;

Whereas all of the described benefits of mentors serve to link youth to economic and social opportunity while also strengthening the fiber of communities in the United States; and

Whereas, despite the described benefits, 9,000,000 young people in the United States feel isolated from meaningful connections with adults outside their homes, constituting a ''mentoring gap'' that demonstrates a need for collaboration and resources: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes January 2017 as National Mentoring Month;

(2) recognizes the caring adults who—

(A) serve as staff and volunteers at quality mentoring programs; and

(B) help the young people of the United States find inner strength and reach their full potential;

(3) acknowledges that mentoring is beneficial because mentoring encourages educational achievement and self-confidence, reduces juvenile delinquency, improves life outcomes, and strengthens communities;

(4) promotes the establishment and expansion of quality mentoring programs across the United States to equip young people with the tools needed to lead healthy and productive lives; and

(5) supports initiatives to close the ''mentoring gap'' that exists for the many young people in the United States who do not have meaningful connections with adults outside their homes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 190. Mr. CRAPO (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. ''Gene'' Cernan.

TEXT OF AMENDMENTS

SA 190. Mr. CRAPO (for Mr. CRUZ (for himself and Mr. NELSON)) proposed an amendment to the resolution S. Res. 27, honoring the life and achievements of Eugene A. ''Gene'' Cernan; as follows:

In the 12th whereas clause of the preamble, strike ''2016'' and insert ''2017''.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my team member, Patrick Drupp, be granted privileges of the floor.

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

HONORING THE LIFE AND ACHIEVEMENTS OF EUGENE A. ''GENE'' CERNAN

Mr. CRAPO. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 27.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 27) honoring the life and achievements of Eugene A. ''Gene'' Cernan.

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

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution be agreed to; that the Cruz amendment to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motions to reconsider be

considered made and laid upon the table.

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

The resolution (S. Res. 27) was agreed to.

The amendment (No. 190) was agreed to, as follows:

(Purpose: To amend the preamble)

In the 12th whereas clause of the preamble, strike ''2016'' and insert ''2017''.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 27

Whereas Gene Cernan was born on March 14, 1934, in Chicago, Illinois, was raised in the suburban towns of Bellwood and Maywood, and graduated from Proviso Township High School;

Whereas Gene Cernan began his career as a basic flight trainee in the United States Navy;

Whereas Gene Cernan was one of fourteen astronauts selected by NASA in October 1963 to participate in the Gemini and Apollo programs;

Whereas Gene Cernan was the second American to have walked in space having spanned the circumference of the world twice in a little more than 2½ hours in 1966 during the Gemini 9 mission;

Whereas Gene Cernan served as the lunar module pilot for Apollo 10 in 1969, which was referred to as the ''dress rehearsal'' for Apollo 11's historic landing on the Moon;

Whereas Gene Cernan was commander of Apollo 17 in 1972, during the last human mission to the Moon;

Whereas Gene Cernan maintains the distinction of being the last man to have left his footprints on the surface of the Moon;

Whereas Gene Cernan was one of the three men to have flown to the Moon on two occasions;

Whereas Gene Cernan logged 566 hours and 15 minutes in space, of which more than 73 hours were spent on the surface of the Moon;

Whereas Gene Cernan and the crew of Apollo 17 set records that still stand today, for longest manned lunar landing flight, longest lunar surface extra vehicular activities, largest lunar sample return, and longest time in lunar orbit;

Whereas Gene Cernan retired from the Navy after 20 years and ended his NASA career in July 1976; and

Whereas, on January 16, 2017, Gene Cernan passed away in Houston, Texas, leaving behind a vibrant history of space exploration and advocacy for NASA, a legacy of inspiring young people to ''dream the impossible'', and a documentary that encourages continual human space exploration: Now, therefore, be it

Resolved, That the Senate honors the life of Gene Cernan, a Naval aviator, fighter pilot, electrical engineer, and the last astronaut to walk on the Moon.

NATIONAL MENTORING MONTH

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 43, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 43) recognizing January 2017 as National Mentoring Month.

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

Mr. CRAPO. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions 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 resolution (S. Res. 43) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR FRIDAY, FEBRUARY 3, 2017

Mr. CRAPO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 6:30 a.m., Friday, February 3; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate resume consideration of H.J. Res. 41, with no debate time remaining; finally, that following the disposition of H.J. Res. 41, the Senate vote on the motion to invoke cloture on the DeVos nomination, rule XXII notwithstanding.

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

ADJOURNMENT UNTIL 6:30 A.M. TOMORROW

Mr. CRAPO. 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.

There being no objection, the Senate, at 8:06 p.m., adjourned until Friday, February 3, 2017, at 6:30 a.m.