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# Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

## PRAYER

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

Let us pray.

Almighty and Eternal God, thank You for listening to our prayers. You are the high and lofty One, but You choose to dwell with those who have contrite hearts. Dwell with our lawmakers. May they meditate upon Your precepts and be guided by the light of Your Word.

Lord, give them the wisdom to seek Your help in the day of trouble and beyond. May the memories of what You have already done provide them with the confidence that the best is yet to come. Do for them immeasurably, abundantly, above all that they can ask or imagine, according to Your power, working in and through them.

We pray in Your mighty Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 22, 2017.*

*To the Senate:*

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

ORRIN G. HATCH,
*President pro tempore.*

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

## RECOGNITION OF THE MAJORITY LEADER

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

## REPEALING AND REPLACING OBAMACARE

Mr. MCCONNELL. Mr. President, we have all seen the headlines. We have all heard the heartbreaking stories. We have all watched as health insurance markets have edged closer to collapse, and we have noticed a common theme. ObamaCare is failing in Kentucky and around the country.

In my home State, insurance premiums increased by up to 47 percent. As insurers flee the market, nearly half of the counties in my State have only one option for an insurer on the exchange.

Many families' deductibles and out-of-pocket expenses have skyrocketed to a point that their plans are too expensive to actually use. In other words, they have health insurance but not necessarily healthcare. The legacy of ObamaCare is one of increased costs, diminishing choices, and broken promises.

In four elections in a row, Kentuckians have overwhelmingly rejected this failed law. The pain caused by ObamaCare is real for millions of Americans. Listen to this small business owner from Versailles. She wrote to my office asking for relief. Here is what she said: ''The first year of ObamaCare, our monthly premiums tripled,'' she wrote, and now, ''our current plan will be discontinued . . . at the end of the year.''

''This is prohibitive for us. We are getting desperate and discouraged.''

Unfortunately, stories like hers are hardly unique—not in Kentucky and not across America—because too many are suffering under ObamaCare. ObamaCare is a direct assault on the middle class, and it will continue to get worse unless we act.

Both in Congress and in the administration, we are working to fulfill our commitment to the American people. We remain committed to the repeal and replacement of ObamaCare with healthcare policies that actually work. When the House finishes its work on ObamaCare repeal legislation, I look forward to taking it up here in the Senate. The administration will continue working to deliver relief and stabilize health markets, as well. Americans are ready for a better way forward after the failure of ObamaCare, and I would urge all of my colleagues to work together so we can deliver it.

## NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, on another matter, as day 2 of the Neil Gorsuch Supreme Court confirmation hearings continued, Senators and the American people were able to learn more about his experience as a jurist and his aptitude to serve on the High Court. We heard directly from Judge Gorsuch about his views on the role of a judge—to be fair and impartial, independent, and not beholden to one party over another. We heard directly from Judge Gorsuch about his views on the role of the Court to uphold the Constitution and interpret the laws as written, not legislating from the bench.

We saw him display a masterful knowledge of the law, along with independence, thoughtfulness, and just the kind of judicial temperament we expect in a Supreme Court Justice. News outlets across the country took notice. This is from a CNN report:

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

Supreme Court nominee Neil Gorsuch came to the Senate Judiciary Committee Tuesday prepared to deliver a clear message: I'm a judge, not a politician. . . . Sitting at a small table, he turned to listen to each Senator as they spoke, hour after hour, carefully writing notes before launching into his replies.

As CNN noted, the questions ''never rattled him'' and ''he showed command of the law.''

NPR took note of Judge Gorsuch's temperament saying: ''He kept an even keel throughout the day, rarely betraying more than a hint of impatience or pique.''

Here is one take from the Washington Post. It said:

Gorsuch is not easily flustered.

Gorsuch presented himself as the picture of a cool, calm, self-assured justice.

His face often broke into a relaxed smile. He appeared to be listening to every word every Senator said, and he rarely stumbled.

And here is another take from the Post:

After more than 10 years on the U.S. Court of Appeals for the 10th Circuit, [Judge Neil] Gorsuch was prepared for how to respond to questions about judicial independence and how a judge should consider a decision outside his personal political ideology.

These are observations made from outside viewers. Their insights reflect what we have been saying for weeks—that Judge Gorsuch is exceptionally qualified to serve on the Supreme Court.

I hope our Democratic friends take notice and give him the fair consideration he deserves, not invent more excuses not to. Because Judge Gorsuch has performed exceedingly well, some Democrats are desperately trying to come up with a reason to delay the process, just as they have done all year on other nominations.

The Judiciary Committee is continuing its work today. As it does so, I am confident we will continue to see support grow for Judge Gorsuch.

## CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. MCCONNELL. Now, Mr. President, on one final matter, last night the Senate voted to overturn a harmful regulation that undermines Alaska's authority to manage its wildlife resources and shifts more power toward Washington.

Today, we will have yet another opportunity to bring Americans relief from heavyhanded regulations using a legislative tool provided by the Congressional Review Act.

That proposal would undo the so-called Volks rule, which is named for the 2012 Federal court case overturning an ill-advised Obama administration regulatory action on the same subject. It is a regulation that purports to look out for the workers' best interests, but it actually does little to achieve that outcome. The Volks rule merely empowers Washington bureaucrats and increases paperwork burdens instead.

As the Coalition for Workplace Safety pointed out, this regulation does ''nothing to improve worker health and safety,'' it ''directly contradicts both clear statutory language and two U.S. Court of Appeals rulings,'' and it also represents ''one of the most egregious end runs around Congress' power to write the laws.''

I heard from Kentuckians who are simply concerned by this overreaching regulation and called for Congress to end it. In one recent letter to my office, the Kentucky Roofing Contractors Association called for the repeal of the Volks rule because it ''does nothing to improve workplace safety and could be used to impose costs on employers for inadvertent paperwork violations.''

In fact, as they point out, it could even ''divert resources away from efforts to improve work place safety and create jobs.''

In another letter I recently received, a Lexington construction contractor said he needs his safety supervisors ''constantly walking jobsites, identifying hazards and making sure our coworkers go home safely every night,'' but this regulation ''forces me to choose allocating sources to preventing future accidents or auditing old paperwork.

That is our decision today: focusing on actual safety of employees or on more bureaucratic paper pushing.

Senator CASSIDY of Louisiana understands the challenges this regulation presents, and he has been a leader in working to protect American businesses from these consequences. I appreciate his efforts and look forward to the Senate passing it soon.

## MEASURE PLACED ON THE CALENDAR—H.R. 1181

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

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 1181) to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

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 having been heard, the bill will be placed on the calendar.

## RESERVATION OF LEADER TIME

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

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The majority leader.

## DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 83.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 83, a joint resolution disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness.''

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to proceed.

The motion was agreed to.

## DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR

The ACTING PRESIDENT pro tempore. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 83) disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness.''

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I rise with my colleagues to support H.J. Res. 83 and companion S.J. Res. 27, a resolution I introduced with 25 of my colleagues, under the Congressional Review Act, or CRA, to stop the Obama administration Department of Labor's regulation, known as the Volks rule, from expanding the statute of limitations for record-keeping violations. This regulatory scheme represents a backwards approach to workplace safety, and it is a blatant overreach by the Federal Government.

Under the Occupational Safety and Health Act, employers are required to record injuries and illnesses that occur in the work place and maintain those records for 5 years. The law provides for a 6-month period for which OSHA can issue citations to employers who fail to maintain the records properly. However, it was the practice of OSHA, based on their interpretation of the law, that they were able to issue citations regarding keeping those records properly for the entire 5-year period employers must keep those records.

Under this practice, OSHA took action against Volks Constructors, a firm in Prairieville, LA, in 2006 for record-keeping violations that occurred nearly 5 years earlier—again, record-keeping violations. This was well beyond the 6-month statute of limitations. Volks Constructors, located in Prairieville, is a heavy industrial contractor that provides manufacturing

services and industrial specialties to the petrochemical and related industries. It has been in business for more than 40 years. Volks challenged OSHA in the DC Circuit Court of Appeals for those citations and won. The Circuit Court of Appeals issued a unanimous, three-judge opinion rebuking OSHA's attempt to file citations past the statute of limitations. One of the three judges was President Obama's Supreme Court nominee, Judge Merrick Garland.

The Volks ruling has since been upheld by the Fifth Circuit Court of Appeals. Let me read a few of the comments from the court's opinion: ''We do not believe Congress expressly established a statute of limitations only to implicitly encourage the Secretary to ignore it.''

Another comment: ''The Act clearly renders the citations untimely, and the Secretary's argument to the contrary relies on an interpretation that is neither natural nor consistent with our precedents.''

From Judge Garland's concurring opinion: ''[B]ecause none of the challenged citations were issued within 6 months, 'flowing the occurrence of any violation,' I agree with my colleagues that the petition for review should be granted and the citation vacated.''

After the court was clear in its ruling, OSHA, in order to negate such ruling and continue issuing citations beyond the 6-month statute of limitations, promulgated this regulation, the Volks rule.

This joint resolution must invalidate the Volks rule. The Volks rule is a clear violation of the court's ruling and is in direct contradiction of the 6-month statute of limitations. Only Congress can amend a Federal statute. Article I of the U.S. Constitution is clear. Members of the legislative branch write the law, not the Federal departments and agencies.

Overturning the Volks rule will not—will not—decrease workplace safety. The rule only changes the window during which OSHA can issue citations for recordkeeping violations. This rule is about paperwork violations and not workers' health or safety.

The Volks rule also creates regulatory confusion for small businesses. By finalizing this unlawful regulation, the Obama administration created uncertainty for employers facing a confusing maze of recordkeeping standards and unwarranted litigation.

The U.S. Chamber of Commerce, the Association of General Contractors, the National Home Builders Association, the National Restaurant Association, the National Retail Association, along with more than 70 State and national organizations, all support this joint resolution.

I ask unanimous consent to have printed in the RECORD the Coalition for Workplace Safety's letter.

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

COALITION FOR WORKPLACE SAFETY,
*March 10, 2017.*

Hon. MITCH MCCONNELL,
*Majority Leader, U.S. Senate, Washington, DC.*
Hon. JOHN CORNYN,
*Majority Whip, U.S. Senate, Washington, DC.*
Hon. LAMAR ALEXANDER,
*Chairman, Senate Committee on Health, Education, Labor and Pensions, Washington, DC.*
Hon. JOHNNY ISAKSON,
*Chairman, Senate Subcommittee on Employment and Workplace Safety, Committee on Health, Education, Labor and Pensions, Washington, DC.*

DEAR MAJORITY LEADER MCCONNELL, MAJORITY WHIP CORNYN, CHAIRMEN ALEXANDER AND ISAKSON: The undersigned groups strongly urge you to pass H.J. Res. 83/S.J. Res. 27, a Congressional Review Act (CRA) joint resolution of disapproval to invalidate the Obama Administration's OSHA regulation overturning the decision in *Volks* regarding the statute of limitations for recordkeeping violations.

At its core, the Volks Rule is an extreme abuse of authority by a federal agency that will subject millions of American businesses to citations for paperwork violations, while doing nothing to improve worker health and safety. Finalized on December 19, 2016, the rule attempts to extend to five years the explicit six month statute of limitations on recordkeeping violations in the Occupational Safety and Health (OSH) Act of 1970. This regulation simultaneously represents one of the most egregious end runs around Congress' power to write the laws and a clear challenge to the judicial branch's authority to prevent an agency from exceeding its authority to interpret the law.

In 2012, citing the unambiguous language in the OSH Act, the U.S. Court of Appeals for the District of Columbia held that OSHA could not sustain citations against an employer for alleged recordkeeping violations that occurred more than six months before the issuance of the citation because, as the employer asserted, they were outside the six month statute of limitations set forth in the OSH Act. The court was unequivocal in its rebuke of OSHA. Judge Janice Rogers Brown expressed particular concern on the issue of the agency's overstepping its authority: ''we were rightly troubled by the notion of being asked by an agency to expand that agency's enforcement authority when Congress had evidently not seen fit to do so.'' Judge Merrick Garland, in his concurrence, plainly rejected OSHA's rationale for issuing the fines, ''the Secretary's contention—that the regulations that Volks was cited for violating support a 'continuing violation' theory—is not reasonable.'' The *Volks* decision has since been endorsed by the Fifth Circuit in the *Delek* decision, issued in December 2016, where the court found ''its reasoning persuasive.''

In response to the Court of Appeals ruling, OSHA promulgated this regulation specifically to negate the *Volks* case ruling and extend liability for paperwork violations beyond the six month window permitted under the Act. OSHA issued the final rule in the waning days of President Obama's Administration with an effective date of January 19, 2017. The Senate has until April 7 to pass H.J. Res. 83/S.J. Res. 27.

We urge you to help put a stop to OSHA's abuse of its authority and support swift passage of a joint resolution of disapproval for this burdensome, unlawful rule. Because the final rule directly contradicts both clear statutory language and two U.S. Courts of Appeals rulings, it must not be allowed to stand.

Thank you for your consideration of this request and for your continued efforts to rein in agency overreach and reduce the regulatory burden on America's job creators.

Sincerely,

Air Conditioning Contractors of America, American Bakers Association, American Coke and Coal Chemicals Institute, American Composites Manufacturers Association, American Farm Bureau Federation, American Feed Industry Association, American Foundry Society, American Fuel and Petrochemical Manufacturers, American Health Care Association, American Iron and Steel Institute, American Road and Transportation Builders Association, American Society of Concrete Contractors, American Subcontractors Association, Inc., American Supply Association, American Trucking Associations, Asphalt Roofing Manufacturers Association, Associated Builders and Contractors, Associated General Contractors, Associated Wire Rope Fabricators, Copper & Brass Fabricators Council, Inc., Corn Refiners Association, Distribution Contractors Association.

Flexible Packaging Association, Global Cold Chain Alliance, Independent Electrical Contractors, Industrial Minerals Association—North America, Institute of Makers of Explosives, International Dairy Foods Association, International Foodservice Distributors Association, International Franchise Association, International Warehouse Logistics Association, IPC-Association Connecting Electronics Industries, Leading Builders of America, Mason Contractors Association of America, Mechanical Contractors Association of America, Mike Ray, Motor & Equipment Manufacturers Association, National Association for Surface Finishing, National Association of Home Builders, National Association of Manufacturers, National Association of Professional Employer Organizations, National Association of the Remodeling Industry, National Association of Wholesaler-Distributors, National Automobile Dealers Association, National Center for Assisted Living, National Chicken Council, National Cotton Ginners' Association, National Council of Self-Insurers, National Demolition Association, National Electrical Contractors Association, National Federation of Independent Business, National Grain and Feed Association, National Lumber and Building Material Dealers Association, National Oilseed Processors Association, National Restaurant Association, National Retail Federation, National Roofing Contractors Association.

National School Transportation Association, National Tooling and Machining Association, National Turkey Federation, National Utility Contractors Association, Non-Ferrous Founders' Society, North American Die Casting Association, North American Meat Institute Plastics, Industry Association (PLASTICS), Power and Communication Contractors Association, Precision Machined Products Association, Precision Metalforming Association, Printing Industries of America, Retail Industry Leaders Association, Sheet Metal and Air Conditioning Contractors National Association, Shipbuilders Council of America, Southeastern Cotton Ginners Association, Inc., Texas Cotton Ginners' Association, The Association of Union Constructors (TAUC), Thomas W. Lawrence, Jr.—Safety and Compliance Management, Tile Roofing Institute, Tree Care Industry Association, TRSA—The Linen, Uniform and Facility Services Association, U.S. Chamber of Commerce, U.S. Poultry & Egg Association.

Mr. CASSIDY. Mr. President, I urge my colleagues to support this joint resolution and allow Congress to review

the law and make changes, if needed. It is the right thing to do.

I ask unanimous consent that quorum calls during the consideration of H.J. Res. 83 be equally divided in the usual form.

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

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

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

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, yesterday Judge Neil Gorsuch went through over 11 hours of questioning in the Judiciary Committee. As expected, he used the opportunity to speak at length about his knowledge of case law, hiding behind precedents rather than giving an impression of his actual views. As expected, his supporters are saying that Judge Gorsuch was erudite, polished, homespun. But none of this matters compared to the real purpose of hearings: to find out a nominee's views and what kind of judge he will be, not how his repartee from the bench will sound.

For 11 hours, Judge Gorsuch looked like he was playing dodgeball with the Senate Judiciary Committee, bending over backward to avoid revealing anything that might constitute a judicial philosophy or give hints about his approach to the legal issues of our day. Those, to me, are far more important than any superficial impressions he may have left. He dodged questions on previous cases like Citizens United, Rowe v. Wade, and Brown v. Board. He dodged general questions on dark money in politics, LGBTQ rights, and the constitutionality of a Muslim ban.

He did manage to wax poetic on the significance of a judge's robe and the humility it brings. He said it reminds us that ''ours is a judiciary of honest black polyester.'' Well, if he were truly humbled, he would realize the augustness of this position and answer questions directly. Judge Gorsuch's testimony yesterday was replete with humble kinds of metaphors and homespun stories but pitifully short on substance, which is what really matters.

The hearings this week are starting to have the element of farce. The Republicans ask softball questions, while we Democrats endeavor to get the judge to offer a meaningful response on one—any legal issue but are met with constant refrains of ''That is settled law'' and ''I can't prejudge'' and ''Gee, Senator, my personal views have no place here.'' Let me repeat. There is no legal precedent, rule, or logic for failing to answer questions that don't involve immediate and specific cases before the Court. Is Judge Gorsuch hiding behind this rhetoric because he does not want people to know his views?

After 4 days of this Kabuki theatre, the press will write that Judge Gorsuch was smooth and well-spoken, but I doubt that even at the end of the hearing process we will have any greater views of his jurisprudence. Will we know any better than we do today what kind of Justice he will be on our Nation's highest Court?

You know, we have seen this before. It was not all that long ago that another charming, polished, erudite judge named John Roberts came before the committee, impressing lawmakers while playing the role of a model jurist. He displayed a similar reluctance to answer specific questions, but he assured us all that he was a judge who was free from the biases of politics and ideology, that, in his words, he simply ''called balls and strikes.'' We were duped. Judge Roberts showed his true activist colors as soon as he got to the bench and dragged the Court sharply to the right, ruling consistently in favor of wealthy special interests and powerful corporations. The whole episode with Judge Gorsuch feels like a Roberts' rerun. If his voting record is any indication, according to the New York Times survey, he will be even more conservative than Justice Roberts.

This is not how the hearing process is supposed to work. Although it has become practice for Supreme Court Justices to elude specific questions, it is not in the best interests of our country to elevate a cipher to the Supreme Court. We don't want the qualifications for Senate confirmation to be an ability of skillful evasion. The hearing process cannot accomplish what it is designed to if the nominee refuses to engage on matters of legal substance.

If anyone doubts that Judge Gorsuch does not have strong views, that he is not simply a caller of balls and strikes, a tabula rasa, just look at the way he was chosen. He was supported and pushed by the Heritage Foundation and the Federalist Society. Do they just call balls and strikes, or do those two groups have an avowed interest in moving the judiciary far to the right? He was supported by billionaires like Mr. Anschutz who have a similar desire. Does anyone think the Federalist Society would choose someone who just called balls and strikes when they have been dedicated for a generation to moving the courts to the right? They have not endorsed a moderate judge in their history. Again, they are dedicated to moving the court far away from the mainstream.

If anyone doubts that Judge Gorsuch would be an activist judge with strong conservative views eschewing the interests of average people, just look at how he was selected—by the Federalist Society, by the Heritage foundation, not by average American jurists.

TRUMPCARE

Mr. President, on another matter, TrumpCare, as we speak, the House Republican leadership is desperately trying to whip enough votes to pass their bill tomorrow, making sweetheart deals to sway recalcitrant Members.

It is funny that all the changes House Republicans have made this past week don't even attempt to address the real problems with the bill: that 24 million fewer Americans will have coverage and that premiums will go up. In fact, the changes they are making to TrumpCare are even more cruel than their existing bill in an attempt to win conservative votes. Still, many of them don't think it is cruel enough yet. In their rush, they included language in their managers' amendment that would exclude 7 million or so veterans from the eligibility for tax credits in the bill—7 million veterans. That is what happens when you try to rush a complicated bill like this through.

When Democrats were in the majority and working through healthcare, we debated the bill over the course of a whole year. We had one of the longest committee hearings and amendment processes in recent memory. Still, even then, Republicans criticized us for trying to jam it through. ''Read the bill,'' they would chant.

Now Republicans are trying to do in 2 weeks what we spent 1 year on because the time was required. My friend the distinguished majority leader says he hopes to have TrumpCare brought up and passed through the Senate by the end of next week—no committee process, potentially no CBO score.

I guess Senate Republicans are negotiating a substitute bill behind closed doors right now to meet that accelerated, speedy, and reckless timeline. When you are talking about a drastic reformation of our healthcare system, one-sixth of our economy, that is breathtakingly irresponsible and rankly hypocritical. When will Democrats get to view the substitute bill? Will there be a CBO score before both Republicans and Democrats have to vote on it in the Senate? We don't know. But rushing it through in this fashion, as the majority leader promised, is unwise and unfair to Democratic Senators and, far more importantly, to the American people. It is also a direct contradiction to how then-Minority Leader MCCONNELL spoke about health reform in 2009. Here is what he said: ''We shouldn't try to do it in the dark, and whatever final bill is produced should be available to the American public and to members of the Senate for enough time to come to grips with it, and there should be and must be a CBO score.''

Well, Leader MCCONNELL, what was good enough for us back in 2009 should be good enough for you today.

I certainly hope Leader MCCONNELL follows his own advice from 2009 now that he is majority leader.

My Republican friends like to claim this bill isn't the end of the story on healthcare. They claim they can pass a third prong later on down the road. Republicans in the Senate and the House should know this: There is no third prong. It is a fantasy.

Any legislation outside of reconciliation requires 60 votes, and Democrats will not help Republicans repeal and replace the Affordable Care Act today, tomorrow, or 6 months from now. This bill, TrumpCare, Republicans, is your one shot.

I think that is why House Republicans have tried to jam some extra policy changes onto their bill—like the Medicaid work requirement and the restrictions on abortion—because they know they won't be able to later on, and they need more conservative votes to pass this bill tomorrow.

This approach has a serious problem. There is a serious question as to whether these changes are budgetary changes or policy changes. If they are policy changes, they will not meet the Senate's standards of reconciliation, known as the Byrd rule, and can be stricken from the bill.

Of particular vulnerability, my Republican colleagues, are provisions like the Medicaid work requirement and the restrictions on abortion. House Republicans should hear this before they vote: Those provisions that you might think help you vote yes on the bill may not survive. Factor that into your vote.

Ahead of the vote tomorrow, I just want to say to my Republican colleagues—and I have sympathy, although I don't agree. I vehemently disagree. I know you feel caught between a rock and a hard place, between the prospect of failing to fulfill a shrill and unthought-through campaign pledge and a bill that would badly hurt millions of Americans, particularly your voters.

I say to them: There is a way out. Drop your efforts to repeal the Affordable Care Act, and Democrats will work with you on serious proposals to improve the existing law. Drop TrumpCare. Come to us with some ideas on how to improve the ACA, and we will sit down with you and try to figure out what is best for our country. You can avoid this disaster of a bill called TrumpCare, which will result in higher costs, less care, and 24 million fewer Americans with health coverage. Turn back before it is too late.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all, I agree with my friend wholeheartedly. We are asking for a repair. It doesn't make any sense at all to go down the path of repealing until we make an effort to make this better and protect the people who are depending on us. With that, let's see what happens. We are all willing to sit down and work on both sides of the aisle to help improve it.

## OPIOID ABUSE CRISIS

Mr. MANCHIN. Mr. President, I rise today because of the crisis we have with the country's opiate addictions—prescription drugs—in the Presiding Officer's wonderful State of Alaska, the State of West Virginia, and every other State in the Union.

West Virginia has the highest drug overdose death rate in the Nation due to prescription drug abuse. Just in 2016, West Virginia reported 818 overdose deaths, which is 4 times the number that occurred in 2001 and is a nearly 13-percent increase just from 2015, when it was about 607. More than 700 West Virginians died from an opioid overdose last year, and 42,000 people in West Virginia, including 4,000 youth, sought treatment for illegal drug use, but they failed to receive it. There is no place for them to go.

The Presiding Officer and I have spoken about this, and I appreciate his willingness and openness to look at how we cure that. I have a bill called the LifeBOAT Act, which the Presiding Officer has been so graciously looking at. It is something that I believe would give us the funding mechanism, and it won't be a hardship. It also gives exemptions for people who have chronic pain from cancer and all the chronic illnesses that are out there. Basically, the opiate drugs that are sold on a day-to-day basis by the millions and millions—it is a one-penny revenue source, one penny per milligram. That would give us the funding mechanism we need in order to continue to have expanded services for addiction.

I have been involved in public service for quite some time, and 20 years ago, I would have thought anybody who has fooled with drugs, whether legal prescription or illicit drugs—it would be a criminal act and they should go to jail for it. Well, we have put people in jail for consumption for the last 20 years, and it hasn't cured one. So I have come to the conclusion, basically, in looking and talking to the experts, after we have had two decades of evaluating this, that it is an illness, and an illness needs treatment. We don't have the treatment centers, so we are letting people go untreated, and that is basically sinful in this country.

There are 2.1 million Americans who abuse or are dependent on opioids—2.1 million. I think to get the scope of how bad the situation is, and this epidemic, when you think about how over 200,000 people have died since 2000—200,000—any other catastrophic cause of death in this country would be of pandemic proportions, and we would do whatever it costs in order to get the National Institutes of Health to find a cure. We would. But with this, we kind of sit back idly.

According to the CDC, three out of four new heroin users abused prescription opiates before moving to heroin. It is a segue for people to move right into tougher, stronger, powerful drugs.

Heroin use has more than doubled among young adults ages 18 to 25 in the past decade, and 45 percent of the people who used heroin were also addicted to prescription opiate painkillers. Between 2009 and 2013, only 22 percent of Americans suffering from opioid addiction participated in any form of addiction treatment.

Think about the enormity of this epidemic. The United States of America, our great country, makes up only about 4.6 percent of the world's population; yet we consume 80 percent of all opiates produced and consumed in the world. How did it happen? The Presiding Officer and I grew up in a time when this wasn't prevalent, but how did it happen?

I will tell you one thing: We have to cure it. It is ravaging and destroying every part of this great country. We are taking so many productive people out of the workforce because they are addicted. If you talk to your police and law enforcement anywhere in this country, they will tell you that 80 to 90 percent of all of the calls they make in the form of justice are due to opiate or drug use. It is horrible what it is costing us in real time, in real dollars, in real people's lives.

There is another bill I have out there, too, and I call it last chance. It really deals with this. If we know we have a problem—we have people whom we don't have in the workforce because three things keep you out of the workforce: You are either addicted or convicted or lack of skills. You have an addiction; you have been convicted of a crime, so you have a record; or you have a lack of skills or a combination of the three.

I can tell you that the addiction and conviction usually go hand in hand. People who are addicted often have a larceny or maybe even a felony on their record, and it is so hard for them to get back into the workforce. If you get them in a treatment center, there is no carrot to say: Stick with this because you are going to be clean.

It takes a lot of fortitude for a person to stay with the program when they have such an addiction and a craving. But if they know that at the end of that 1 year in a treatment center, there is a chance for them to expunge their record if it wasn't a violent crime, if it wasn't a sexual crime—but it was probably grand larceny, because usually they will steal from their family, and then once the family gets tough with them, they will steal from any type of extended family, and then they will steal from the neighborhood or anywhere they can get the money to support their habit.

What my bill says is that after 1 year in a certified treatment program, they complete another year of mentoring, helping other people get off and stay off and maybe not start, then they are able to, with their sponsors—people who say: Yes, they have completed this program; yes, they have mentored for 1 year—they can go before the arresting officers and the sentencing judge to see if they can get that expunged to give

them a clean start. It is the Clean Start Act. I call it last chance, but officially it is called the Clean Start Act. It is one way to get this workforce in America producing again because if not, the only thing they have waiting for them is a minimum wage job, and the skill sets most of them have are going to go unused and unproductive. So these are things we are working on.

When you look at the misuse and abuse of opiates and what it costs our country, think about this. This was in 2013, the last figures I have—an estimated $78.5 billion in lost productivity, medical costs, and criminal justice cost. In 2013, it cost our country $78.5 billion. So we are paying for it. It is like ''Pay me now or pay me later.'' We are paying for it.

That one penny on every milligram of opiates that are produced and consumed in this country would raise about $1.5 to $2 billion a year. I would hope it would raise none, but it would raise that much because of the amount of consumption we have. We consume 80 percent of all of the world's opiates. With that, we can start creating treatment centers and curing people.

For the past year, I have been coming to the Senate floor to read letters from West Virginians and those struggling all throughout our country with opioid abuse. They all mention how hard it is to get themselves or their loved ones into treatment. Sometimes it takes months, and sometimes it never happens. Most of the time, it never happens. This problem stems from a lack of a system to help those who are looking for help. We need permanent funding. We talked about that. That is why I introduced the LifeBOAT Act.

Today I am going to read a letter from a mother from West Virginia—she is no different from a mother from Alaska, I can assure you—who lost her daughter to drug abuse after she struggled to get her into treatment facilities she desperately needed. This is Leigh Ann Wilson's story.

On behalf of the families who have lost their children to addiction, I ask that any health law reforms contain a serious effort to ensure effective addiction treatment for all who need it, whatever it takes.

Just yesterday, the Boston Globe published a special report about my daughter, Taylor Leigh Wilson.

Leigh Ann's daughter is named Taylor Leigh Wilson.

My youngest child was one of West Virginia's promising young people, a former Girl Scout, Cabell Midland High School graduate and Marshall student who wanted to turn her love of books into a career as a librarian. But drugs destroyed her life despite her willingness, and months of effort, to get treatment.

Taylor's overdose was the first—

You have to listen to this because you are just not going to believe what happened in Huntington, WV, on this day.

Taylor's overdose was the first of 28 that would be reported in Huntington in the span of five hours on Aug. 15, 2016. The horror of that afternoon made national news. Then the reporters left. Our nightmare, though, was just beginning.

Taylor and I would spend the next 41 days trying to get help. We drove door to door in search of inpatient treatment beds to isolate her from the heroin world. All we found were waiting lists; out-of-state centers that wouldn't take West Virginia Medicaid; and doctors who discouraged Taylor from inpatient treatment, saying she could do without it.

Then Taylor put her name on Prestera's waiting list for Suboxone, a drug proven to reduce withdrawal symptoms. No one told her how long she might have to wait. Though evidence suggests that the combination of counseling and prescription drugs to reduce cravings can be very effective, our lawmakers have restricted the availability of this medication.

On September 28, 2016, Prestera Center called to inform me that Taylor had been accepted into the Suboxone program.

That was September 28, and, as I told you, this overdose happened on August 15.

On September 28, Prestera Center called to inform me that Taylor had been accepted in the suboxone program. I had to tell her that she had overdosed and died 3 days before. The next February I got a call from Prestera Pinecrest following up on Taylor's application for recovery housing and to see if she was still interested.

Before she passed away, Taylor herself told the Boston Globe reporter that the real story that needs to be told is why there are no treatment beds when our state has a crisis epidemic.

Your State, my State—almost every State in America has this.

Why must it be so hard to get addiction treatment in a state with the nation's highest drug death rate—818 deaths last year, most of them from [legal prescription drugs]?

Think about how this epidemic has gotten to this proportion. We have a drug that is put on the market by the FDA. This is an organization, a Federal agency, that is supposed to make sure that we have for consumption a safety net built into it. So the FDA gives their stamp of approval: This is a product that can be used, and it should be of help. Then it goes to the DEA to find out who is allowed to dispense it without any type of education or any type of work to make sure that there is competency in our doctors who are prescribing it—or I might say overprescribing it. Then it goes to the doctor, who is the most trusted person outside of our family, who says: This is going to help you. This is good for you. This is what we are talking about—what is killing West Virginians and Americans every day.

If you need heart surgery, you have insurance providers around the State that would compete for your care. That is what she is saying. There is someone there; for any other treatment or any other need for treatment of any illness, we can find help, but not for this.

This has been such a silent killer that I know—and my family included. Everyone I talk to—anybody I talk to knows somebody in their immediate family or extended family or a close family friend. All of our young interns here know the same. They know people. But we keep it quiet; especially if it's in our family, we keep quiet because it is embarrassing. We don't want anybody to know that we have failed as a family structure. Something fell apart for this to happen. Why would someone have to turn to drugs when they have a loving, caring family? We just don't understand, so we keep quiet about it.

It isn't a Democrat or Republican or liberal or conservative cause. This is a killer that has no boundaries; it attacks everybody. That is what I am saying. When you see a mother who is doing everything she can to get her daughter somewhere just to save her life and can't get her in—we are talking about this one penny: What is a one-penny tax, Joe? I can't vote for any new taxes.

I am not asking you to vote for a tax. I am asking you to look any of your constituents in the eye and say: We have a program that is lifesaving for you or your family member. God forbid if you ever need it, but we have it.

We don't hesitate to put taxes on cigarettes. We didn't hesitate. Everybody voted for taxes on cigarettes. Everybody has voted for taxes on alcohol. I am asking for one penny—one penny to save thousands and thousands of lives in America. I guarantee that there will not be one person to vote against it—a Republican or Democrat who would not vote for something that is going to put permanent funding for treatment centers in the most needed areas in America and saves people's lives.

There aren't enough resources to accommodate the addiction problem in the heroin capital of the United States, Taylor [herself told] a reporter. If no one changes it this whole city will go under.

Let me tell you what this city of Huntington is doing right now. I met with them last week when I was home. They are going to have a center of excellence starting with Marshall University, the city of Huntington, Calvert County, and the entire organization. All the policymakers are working together because this is something they are fighting every day. This center of excellence is built around this. We know we have a problem. We have people overdosing. We are trying to save lives. We are trying to get them clean, and we are trying to get them back into the workforce.

The center of excellence is going to start at conception for a mother who may be using and conceives a child. How do we get her clean? How does she have a healthy baby versus a drug-addicted baby?

We have Lily's Place down there, and what they are doing in neonatal care is unbelievable. They are trying to get this baby weaned off the addiction that the mother passed on in her pregnancy. Then we want to make sure that mother goes back home with the baby in a clean home because, if not, the cycle will continue. This is what the center of excellence is going to do.

The success we think we are going to have, starting at ground zero in Huntington, WV, will be able to be shared all over the country because they are going to take a holistic approach. You just can't say: I am going to treat the addict. I am going to treat the cause. It goes further than that. These children are being born to a drug-infested mother and a father or a person who is paternal or into a family that is still drug-infested. It does nothing but perpetuate the cycle. This is what we have to stop if we want to save the country.

Here is what I tell children, and I will tell all of our young interns. I go to schools and talk every day. I tell them that there is not another country that will take on the United States of America militarily. No one compares with the greatest military that the world has ever known, that history has ever recorded, the United States of America. It is not going to happen. Nobody can take on this great economy of ours—the greatest economy in the world, $19 trillion, almost $20 trillion GDP. The closest economy we have next to us is China, with an economy that is about half of ours, $10.5 to $11 trillion. Then it drops off the scale with Japan and then Russia. Russia is at $2.5 to $3 trillion. No one compares to the United States of America for the economy and military might we have as a superpower—the only superpower left in the world, the United States of America. We are the hope of the world, the United States of America.

I tell them: They don't think they have to fight you. They don't have to take over our economy. They think we will give it to them. They think we will give it to them because we have a lack of skill sets. Our education attainment is not as high as what they are doing, and our addiction problem means we will not be clean enough to be able to perform. They will just sit back and wait because time is on their side. They can sit back and wait for us to turn it all over. And you might be the last generation that lives in our country as the only superpower, the United States of America. God, I hope that doesn't happen, but we have to fight this. We just can't continue to keep talking about it.

We have a good piece of legislation. Think about this: I introduced this bill a year ago—introduced it to honor Jessie Grubb and her mom and dad. Her dad served in the State legislature with me. We have been friends for a long time. Jessie was 30 years old. She was a promising young girl. She got sexually molested when she was in college. She came home, hid it from them, was depressed, got started on—they gave her some pain pills, some drug suppressants so she could cope with it. She got addicted. She overdosed a few times. She was trying to cure—she was 30 years old. She had gone to Michigan. She was in treatment. She had been clean for 6 months. She was a runner, an athlete. She was doing her first marathon.

She had a hip injury, and she went to the hospital. When she went to the hospital, her mom and dad went up there. So here was the mom, the dad, and the girl; they went to admissions. She said: I want you all to know, I am so proud that I am a recovering addict, and I am 6 months clean. I want to make sure you all know that. The parents reiterated it.

She goes into this, and there are no laws—nothing. They ask her all different types of questions: Are you allergic to penicillin—whatever it may be? They make sure that her chart is marked right, so that another attending physician or another attending nurse or the night shift or whatever looks and sees that they can't do that because it says she is allergic to that or they shouldn't give her this because of her condition.

She goes in and she gets treated and she has an infection. They want to treat the infection, so they put a port in to treat the infection because that is how she would be treated with that.

The discharging physician did not know she was a recovering addict. He saw a healthy young lady with an injury and knew that she was going to have pain, so he prescribed her some pain medication. He prescribed her 50 OxyContin on the afternoon she was discharged, and she overdosed and died by 1 in the morning.

Jessie's Law basically says that if the guardian or parent and if the patient both come in and identify their problem and they want you to mark their charts accordingly, that should be done. Pretty simple, right?

Let me tell you what has happened. For 1 year it has been stalled because of HIPAA privacy laws. All this was going on; 1 year was up, and I called David. They had written me a letter that said: Do you think anything will ever happen?

So we went back again and started working on it. Here's what we did to change it. I said: David, we are going to have to take the parents or guardians off of it. If the patient themself asks for that, freely and willingly asks for that, we think that will pass muster, and all the different interest groups out there that are so concerned will basically accept that.

So we have that piece of legislation called Jessie's Law. God forbid, if someone has a constituent or a loved one and it is not known, they can lose that child, just like that.

These are all things that we are dealing with after the effects of addiction. Huntington, WV, and Marshall University are going to take on an effort that I think is heroic: How do we start from the beginning, conception, and make sure that child doesn't grow up to be an addict, make sure that family can get clean enough, and make sure they can be given the responsibility to care for that child so that they can grow up not in an addicted environment? That is what we are trying to do. We are at ground zero.

I am hopeful for this great country and this new generation that we are counting on that they can keep themselves clean and still continue to be the hope of the world, and they truly are.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, over the past several days, the American people have had a chance to participate in the Supreme Court nomination process by watching Judge Neil Gorsuch, judge of the Tenth Circuit Court of Appeals, based in Denver, take questions from the Judiciary Committee. For several days now, there have been hearings, with the Judiciary Committee's meeting 12 hours yesterday or so and, the day before, there being a number of speeches from every member of the Judiciary Committee. I and Senator BENNET, my colleague from Colorado, had the great privilege of introducing Judge Gorsuch on Monday to the Senate Judiciary Committee.

I think what people across the country are seeing in this confirmation process is a judge who has a keen grasp of the law, a judge who understands the limits of power that are placed on the judicial branch, understands the role of the executive branch, understands the role of the legislative branch, and how he as a judge is supposed to rule when it comes to checking that balance of power.

We also see, of course, after 12 hours of questioning—everything from the kind of temperament he has to the kinds of decisions he would make—that he is an even-tempered individual who would serve this country well. So I come to the floor again to talk about my support for Judge Gorsuch.

Eleven years ago, this Chamber unanimously confirmed Judge Gorsuch through a voice vote for his position in 2006 on the Tenth Circuit Court. Judge Gorsuch has been described as a ''brilliant legal mind'' by the Denver Post and both liberal and conservative attorneys in Denver. He is a mainstream jurist who has the right temperament and the right view of judging in order to be on the Supreme Court, according to the Denver Post.

Moreover, Judge Gorsuch is a faithful and ardent defender of our Constitution, a judge who has, time and again, shown a fidelity to the separation of powers and the limited role of government that was envisioned and prescribed by our Founders.

It is no wonder that Judge Gorsuch has always enjoyed overwhelming bipartisan support. In fact, 12 of our current Senate colleagues, including minority leader Senator SCHUMER and

Senators LEAHY, FEINSTEIN, and DURBIN, all of whom are on the Judiciary Committee, were in office in 2006 when Judge Gorsuch was unanimously confirmed to the Tenth Circuit. None of them opposed his confirmation—none of them.

Perhaps the best question for them today would be: Do you regret that decision 11 years ago? Did you not do enough work to know the nominee then?

When Senator GRAHAM held his committee hearing 11 years ago—the confirmation process—no one else showed up. It was an empty dais. If you tuned in to watch C–SPAN on Monday or Tuesday, you saw a different level of participation from the Judiciary Committee. What a difference a court makes. So I hope this process is one that will be shown to be fair to the American people—this process of getting to know Judge Gorsuch's temperament and his legal philosophy, but not 1 of the 12 Democratic Members who are here today and who were here in 2006 voted against him in 2006.

The approval of Judge Gorsuch was also in addition to a few other colleagues who have since left. We were joined at that time—Judge Gorsuch was supported at that time by then-Senator Barack Obama, by then-Senator Joe Biden, by then-Senator Hillary Clinton, and, at that point, by Senator John Kerry, all of whom participated in the confirmation process of Judge Gorsuch 11 years ago and all of whom did not oppose his nomination on the floor of the U.S. Senate. It shouldn't come as a surprise, if you have been paying attention to the confirmation process, to watch a mainstream consensus pick for the Supreme Court answer questions. From when the hearings began—of course, just a couple days ago—I think, since then, we have seen overwhelming bipartisan support emerge publicly in the Senate, once again, and we will see that emerge over the next several weeks.

Several of our colleagues from across the aisle have already indicated they believe Judge Gorsuch deserves an up-or-down vote, and I hope that will continue. A fair shake in this process is what we are asking for. I wholeheartedly agree with my colleagues from across the aisle that he deserves a fair shake and an up-or-down vote. Let's give him that fair shake. Let's give him that up-or-down vote. Let's make sure the process remains fair, and let's give it in a timely fashion.

Let's also give the American people a fair shake. Let's not forget that Judge Gorsuch is their choice for the Supreme Court. The American people rejected the previous administration's nominee and instead chose Judge Gorsuch. We should respect the will of the American people.

Today, I would also like to speak about Judge Gorsuch's jurisprudence on the separation of powers and the administrative state. Under the previous administration, I, like many Coloradans and many of my distinguished Senate colleagues, grew worried as we watched continued administrative overreach. We watched 8 years of continued administrative overreach, agency overreach, and a judiciary that was ill-suited, or not inclined, to push back on the executive branch's unconstitutional overreach.

As James Madison warned us in Federalist No. 47, ''The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.''

It is, therefore, James Madison concluded, that the separation of powers must be a ''sacred maxim of free government.''

That is what we are seeing in this debate over the confirmation of Judge Gorsuch. Through his writing, Judge Gorsuch undoubtedly recognizes this sacred maxim of free government. The questions he is receiving and the answers he is giving talk about that sacred maxim of free government.

His body of work indicates, one, an understanding that there are clear constitutional limits to administrative agency power; two, it also demonstrates and illustrates a willingness to ensure agencies do not exceed their statutory authority; three, a genuine concern for the due process of regulated parties, which rightly requires these parties to receive clear notice on the scope of the regulations they must follow; and, four, a recognition that there are constitutional limits on the lawmaking responsibilities that Congress can delegate to the executive branch.

Remember, going back to the founding of our country and the arguments that took place over the type of government we should have, this Nation started first with the Articles of Confederation and this loose collection of States—States that were able to print their own money, States that were able to raise their own militia because they feared the power of tyranny; they feared the power of centralized government that the British monarch represented, but that loose Confederation wasn't working so our Founders realized they had to go back to the drawing board to come up with something different.

So in the late 1700s—1787, 1788—we saw this great debate break out published across the pages of papers in New York and throughout the country as the anti-Federalists and the Federalists began debating what kind of a government we should have. We had to recognize that too much government was a bad thing, but we also recognized that when we were too loose with that government, then it wouldn't function either.

So James Madison and others who had gotten together recognized that we should put forward a different type of government, and they did so in the Constitution, but they did it amongst guidance by people like James Madison and Federalist No. 47. They did so understanding that one branch of our government wouldn't gain an unfair advantage over another branch of the government.

As the years since that debate in 1789 took place, we have seen that there has been a mission creep, so to speak; that there has been a branch overreach, as the executive branch has grown in power at the expense of the legislative branch. I wish I could say that was all the fault of the executive branch, but it certainly hasn't been. At times, the legislative branch has yielded too much power and too much authority. Instead of doing its job, the legislative branch has given that authority to the executive branch. Of course, the executive branch hasn't just pushed it away, saying: No, don't do that. They have taken it. Both Republicans and Democrats, over the past several years, have done exactly that, but it has hurt our balance of powers, and it has hurt that very idea enshrined in Federalist No. 47; that we have to make sure the same hands don't hold all the power of government, leading to that maxim of free government.

So a judge who understands and who will rule that there are clear constitutional limits to administrative agency power is an important philosophy. It is an important approach that a judge would have. A judge who is showing a willingness to ensure that agencies don't exceed their statutory authority—we need that in our Nation's Court. We need that on our Nation's High Court to restore the balance of power. We need someone with a genuine concern for due process, someone who recognizes that there are constitutional limits on lawmaking responsibilities that Congress can delegate to the executive branch. That is why it is important we talk about the views of Judge Gorsuch and the questions he is being asked because his views are rooted in the Constitution—very mainstream rules that are rooted in the Constitution, mainstream views that should ease any concerns our colleagues on the other side of the aisle may have about Judge Gorsuch.

As Judge Gorsuch explained in his famous concurring opinion on the deference given to administrative agencies interpretations, the so-called Chevron doctrine, he said:

> We managed to live with the administrative state before Chevron. We could do it again. Put simply, it seems to me that in a world without Chevron very little would change—except perhaps the most important things.

That maxim of free government, that balance of power, the separation of powers, the limits on the administrative agency powers, it is something that I think we have to focus more time on, to restore the role we are supposed to play. We need to restore the role we are not just supposed to play but the role we are mandated by the Constitution to fulfill.

For these reasons, and many others I have shared on the floor, I look forward to working with my distinguished Democratic colleagues to make sure Judge Gorsuch gets that fair shake and that timely up-or-down vote and I certainly hope the bipartisan support he deserves.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. WARREN. Madam President, during his campaign, President Trump talked a big game about standing up for workers and creating good, high-paying jobs, but so far, the Republicans haven't voted on a single piece of legislation to create jobs, to grow our economy, or to increase wages for middle-class families—not one single piece, no votes to create jobs, grow the economy, or increase wages for middle-class families—but they have been voting.

Two weeks ago, Senate Republicans voted along party lines, 49 to 48, to make it easier for companies that get big-time, taxpayer-funded government contracts to steal wages from their employees. They also made it easier for those companies to injure their workers without admitting liability. Today, we are voting to make it easier for employers in the most dangerous industries to hide the most serious injuries and illnesses their workers suffer on the job.

This isn't some burdensome new regulation. Large employers in the most dangerous industries have been required to record serious illnesses and injuries their employees suffer on the job since 1972, a few years after the Occupational Health and Safety Act was first passed in 1970.

The rule Republicans are trying to overturn today simply clarifies an employer's obligation to maintain accurate, up-to-date records on workplace illnesses and injuries for 5 years. The Occupational Safety and Health Administration—or OSHA, as most of us call it—at the Labor Department has been enforcing this requirement in every administration since 1972, Democratic and Republican. OSHA uses these data to determine how best to prioritize workplace inspections. Since OSHA resources are so scarce, they have only enough money to inspect each workplace once every 140 years. So they kind of pick and choose where to focus these days to make sure they are targeting their inspections at industries and in occupations where workers are at the highest risk of injury. The Department also uses these reports to publish yearly statistics on the workplace hazards that kill 4,800 people and injure another 3 million people—American workers hurt and killed every year.

Data show employers already vastly underreport workplace injuries and illnesses, and without this rule, underreporting will skyrocket. It will get harder for OSHA to hold employers accountable when they cut corners and endanger worker safety.

Today's vote is great news for the Republicans who will rake in campaign contributions from their buddies at the Chamber of Commerce. It is great news for giant corporations that are lobbying hard against this rule, but it is not great news for hard-working Americans. The people did not send us to Washington to work for companies that plump up their profits by skirting safety regulations.

The problem? This is just the beginning. Last week, President Trump proposed cutting the Department of Labor's budget by more than 20 percent. These cuts will take cops off the beat and send a clear signal to employers that they can cut corners on safety with impunity.

President Trump also proposed eliminating a 1970 program at OSHA that gives grants to nonprofits and community organizations that provide free training for workers on how to identify and prevent job hazards that could injure or kill them. These programs work, and now President Trump wants to cut them. That would mean the end of successful worker training programs like the Brazilian Worker Center's program in Allston, MA, that provides residential construction workers with life-saving fall protection training. It also would cut funding for a Massachusetts Coalition on Occupational Health and Safety program in Dorchester that gives teens working in the retail sector training on how to prevent workplace violence, including sexual assault. Please note how important this is—200,000 young workers are the victims of workplace sexual assault every single year. This is a training program that was so successful that since it has been implemented, it has been replicated now nationwide. Yet the Trump administration wants to defund it.

Just yesterday, the Trump administration finalized a 60-day delay of a rule to protect 60,000 workers who are exposed to lethal, cancer-causing beryllium at work. This regulation saves about 100 lives every single year. Because the beryllium standards haven't been updated in 40 years, tens of thousands of workers are putting their lives at risk every single day. Americans who are exposed to beryllium on the job shouldn't have to wait another 60 days before they can get some protection so their jobs will not cause them lung cancer.

The pattern emerging is pretty clear. Republicans have no plans to improve the lives of American workers. Quite the opposite. Republicans are increasing the odds that workers will be injured or even killed.

When I came to the Senate floor 2 weeks ago to speak out against the repeal of the Fair Pay and Safe Workplaces Act, I said the debate on this vote was about whom Congress works for. Today's debate is no different. The Republicans are working for giant employers that don't want to follow the basic rules to keep their employees safe. This is shameful. This Congress should be working for the Americans who work for a living and just want to be able to do that without putting their lives at risk.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

OPIOID EPIDEMIC

Mr. NELSON. Madam President, there has been a lot of conversation from so many of our fellow Senators about the opioid crisis that has been devastating individuals and families across the country. We heard this particularly in New Hampshire as it was a topic of discussion last fall during the election. It was an opportunity to bring to the Nation's attention—because of the eyes being focused first on the New Hampshire primary—of a real opioid crisis.

What we also then discussed was that it was not just affecting a few States, it was affecting most of the States. That is the case with my State of Florida. Addiction to opioids has reached staggering levels, and the situation is only getting worse. In 2015, more than 33,000 Americans died from prescription opioid overdoses. That is 15 percent more people than had died just the previous year. I don't have the figures for last year, 2016.

So Florida is right there in that national trend. What Florida saw between 2014 and 2015 was a 22.7-percent increase. It is staggering because in that year, Florida suffered over 2,000 deaths from opioid overdoses. Earlier this month, our office interviewed a woman from Florida for yesterday's Committee on Aging's hearing.

She is caring for her 7-year-old grandson because his mother lost custody, was later incarcerated due to her drug addiction. Sadly, this story is all too familiar. The number of grandparents serving as the primary caretakers for their grandchildren is increasing, as was the case with the lady from Florida who testified at the Committee on Aging hearing this week. They are primary caretakers for their grandchildren. It is, in large part, because of the opioid epidemic.

In addition to the devastating loss of life and the challenges for the new caregivers, opioid abuse is straining local and State budgets. Just last month, the vice mayor of Palm Beach County sent a letter to the Governor urging him to declare a public health

emergency in Florida citing the loss of life and financial impact—in this case to Palm Beach County.

Yesterday, several of my colleagues and I sent a letter to the majority leader of the Senate highlighting some of our concerns with the House of Representative's healthcare bill that I call TrumpCare and how it is going to impact those with substance abuse disorders because one of the things we are most concerned about is how the proposed changes in Medicaid that they are going to vote on at the other end of the hall—right down here tomorrow, they are going to vote on the House of Representative's healthcare TrumpCare bill.

The changes they make to Medicaid would prevent States from being able to respond to the opioid crisis because Medicaid plays a critical role in the fight against opioids, but changing the Medicaid Program to a block grant or a cap is going to shift costs to the States. The States are not going to pick up that additional cost. It is going to eliminate also some of the Federal protections, and it is only going to hurt our people who rely on Medicaid to help them as we are combating this opioid crisis because with less Federal funding, how are States like mine going to provide the necessary services to help individuals with substance abuse disorders?

Congress ought to be doing more to help with this crisis, not less. How many times have you heard a Senator, like this Senator, come to the floor and talk about the opioid epidemic? Yet we are just about to do it to ourselves if we pass this TrumpCare bill. Remember, last year, while so many of us, including this Senator, were early supporters of the Comprehensive Addiction and Recovery Act of 2016—it was signed into law last year. The law takes a comprehensive approach to this opioid problem.

A few months ago, a lot of us, including this Senator, voted to provide additional funding to start implementing this crucial new law to fight opioid addiction. Despite this progress, the House tomorrow—probably, tomorrow night—is about to pass legislation that would completely undermine last year's bipartisan efforts to respond to the epidemic and to undercut healthcare for millions of people in this country.

Opioid abuse is a deadly, serious problem, and we cannot ignore it. We should be investing more resources into helping these people and their families, not cutting them at the time we need them the most.

Again, I make a plea. We made progress last year with the law. We passed the new law. We made progress, giving some additional funding. The crisis hasn't gone away. We still need to respond.

But at the very same time, what we see happening to the Medicaid Program—eliminating Medicaid as we know it, healthcare for the people who are the least fortunate among us—is that we are about to cut back on all that progress we have made on this opioid crisis. I hope that we will think better of this and not do it to ourselves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Madam President, one thing has become clear in this country: Hard work just doesn't pay off like it used to. Over the last 40 years, GDP has gone up, corporate profits have gone up, and executive salaries have gone up all because of the productivity of American workers, but companies are not investing in their workers the way they did. Workers don't feel like institutions—whether it is government or big companies—work for them.

Again, GDP goes up, corporate profits go up, executive salaries go up, worker productivity goes up, but workers' wages do not. Actions like this today are the reason. Congress is voting to allow employers in our most dangerous industries to hide injuries to workers and to skirt worker protection laws.

This Occupational Safety and Health Administration, or OSHA, rule simply makes clear that it is the employer's responsibility to maintain accurate records of serious injuries that happen on the job. The rule simply makes clear that it is the employer's responsibility to maintain accurate records of serious injuries that happen on the job.

It doesn't impose new costs. It doesn't affect small business. What it does is it holds companies accountable for maintaining their own records, as they have done for 40 years. These records are the most important tool we have to identify and root out the most dangerous workplace hazards. They are the basis for national statistics on workplace health and safety.

Two former Commissioners from the Bureau of Labor Statistics—one from the George Bush administration and one from the Barack Obama administration—have written to this body, warning us that killing this rule could undermine nearly a half century of worker safety information.

So a leading Republican and a leading Democrat have both written to this body saying: Don't do this; it will mean more workplace injuries.

I know people around here who have these kinds of jobs—where workplace injuries rarely are even a fact of life—may not think about this enough. Pope Francis exhorted his parish priests to go out and smell like the flock. People in this body need to go out and talk to workers more. Go to union halls, go to workplaces, listen to what workers are saying, listen to what union members are saying, and listen to what nonunion members are saying about what these workplace safety rules mean.

Worse yet, this vote today will allow employers to falsify their safety records with impunity. Companies can avoid OSHA rules and inspections by underreporting—underreporting—harm to their workers, and they can avoid making a real investment to make their workplaces safer.

Over the past three decades, some of the worst offenders with dangerous workplaces hid injuries and kept fraudulent records. They hid injuries, and they kept fraudulent records. They claimed they were safe, while workers were being hurt on the job.

These requirements only apply to the most dangerous industries—industries where proper safety precautions could mean the difference between life and death or a permanent disability for these workers. We are talking about fall hazards, dangerous machines without proper guarding, workers handling dangerous chemicals without adequate washing stations.

Look at the poultry processing industry. These workers face serious health and safety problems. In many plants, workers process 140 chickens a minute, and they are at risk for disabling injuries.

Maybe people around here don't think much about people processing chickens. It is not a job that pays well. It is a job that is difficult. Frankly, people in this body don't know people who do those jobs, by and large. They are handling 140 chickens a minute. They are at risk for disabling injuries.

We eat the chickens, but we don't see what happens when they are processed, and we are not paying attention to that. That is why it is so important we not vote for this rule change.

Too many employers fail to report these injuries. If OSHA isn't empowered to enforce recordkeeping, processing plants will be able to hide their safety violations and expose their workers to crippling injuries.

This CRA vote today is about workers' safety, period. Workers' safety is something so fundamental that it is hard to believe we are arguing about it.

In the United States of America in 2017, companies shouldn't be able to put workers' lives and safety at risk just so they can make more money. They shouldn't be able to put their workers' lives and safety at risk just to make more money, and we shouldn't be part of that effort to help those companies do that.

To my colleagues who are prepared to gut this rule, I ask: Would you be willing to work these jobs? Would my fellow Senators be willing to send their children to work in these dangerous industries while turning a blind eye to safety rules?

I think we know what the answers to those questions are. This is why Americans are losing their faith in our institutions.

Earlier this month, at the Glenn School in Columbus—which is named after my good friend, the late Senator John Glenn—I rolled out a plan to reinvest in the American worker, but instead of coming together to work on solutions, the Senate today is going in the wrong direction. We are debating a measure to give big corporations—which in many cases are more profitable than they have ever been—more ways to exploit American workers, more ways to evade the consequences, and more ways to pad their profits at the expense of everyday Americans.

American workers aren't just a cost to be minimized. Protections for workers' safety aren't a luxury you can cut. It is disgraceful that this body fails to understand this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WE THE PEOPLE

Mr. MERKLEY. Mr. President, the most important words in our Constitution are the first three words, ''We the People.'' With those words, our Founding Fathers laid out the vision, the principles, and the foundation for our new Nation's government. It would be, as President Lincoln so eloquently described, ''a government of the people, by the people, and for the people.'' It would not be a government by and for the privileged. It would not be a government by and for the powerful. It would not be a government by and for the elite, and it certainly would not be an authoritarian government.

I believe it is more important than ever for us to recommit ourselves to that vision, a vision of a nation that measures successes, not at the boardroom table but at the kitchen tables of hard-working Americans across this land, the vision of a nation that derives its power and authority from the people.

In order to do that, we must resist President Trump's dangerous tilt toward authoritarianism. Throughout his candidacy and now within the walls of the White House, President Trump has viciously and repeatedly attacked the media. He has inflamed people's anger toward immigrants, toward religious minorities, toward refugees, and he has undermined or attacked individuals who publicly stand up to him and the shortcomings of his policies. These are four strategies used by authoritarian leaders from time immemorial to consolidate power. These are strategies that are incompatible with our constitutional ''we the people'' construction of government, and we must call out and resist these strategies.

President Trump's authoritarian leanings were there from the beginning. Like many figures throughout history, he rode into office as much on a cult personality as on the merits of his policies. It started with the nicknames and the unrestrained insults, calling opponents crooked and lyin' and phony, calling critics dumb as a rock, incompetent, crazy, or dishonest. He escalated the calls to toss out or hurt protesters at his rallies. At one point, he promised to pay the legal bills of a man arrested for punching a protester at a rally in North Carolina. Then there were the ''lock her up'' chants that he repeated himself, calling for imprisoning a political opponent. Threatening to throw your opponent in jail if you win is a strategy usually seen only with dictators.

Mr. Trump himself best summed up his populist cult personality when he said at one campaign event: ''I could stand in the middle of Fifth Avenue and shoot somebody, and I wouldn't lose any voters, OK?'' The scary thought is that he was probably not so far off the mark. This aggressive and unswerving loyalty is a challenge to our ''we the people'' democracy.

Let's take a look at Senior White House Policy Adviser Stephen Miller's declaration on Face the Nation last month. He said: ''Our opponents, the media, and the whole world will soon see as we begin to take further actions, that the powers of the President to protect our country are very substantial and will not be questioned.''

That is an interesting statement to make: The President's powers will not be questioned. What a bold, un-American, authoritarian statement to make because here in America, our Nation, our national government, is premised on the concept that we can challenge our leaders. It is not only a privilege, it is a responsibility. Yet Mr. Trump has repeatedly attacked this fundamental American principle and those who exercise it.

Take, for instance, his attack on freedom of the press. Demosthenes, an ancient Greek statesman, orator, and legal scholar of the third century B.C. once said: ''There is one safeguard known generally to the wise, which is an advantage and security to all, but especially to democracies as against despots—suspicion.''

What Demosthenes was saying is that in a democracy we don't take the statements of our political leaders simply at face value. We test those statements against the facts to find our way to the truth. In the United States, a free and open press is how we exercise that suspicion and find our way to the truth.

Thomas Jefferson believed that. He said: ''Our liberty depends on the freedom of the press.'' Our liberty depends upon the freedom of the press.

Benjamin Franklin echoed that belief when he said: ''Freedom of speech is ever the Symptom as well as the Effect of a good Government.''

John Adams wrote: ''The liberty of the press is essential to the security of the state.'' It is so essential, in fact, that the Founding Fathers enshrined our commitment to a free and open press to the very First Amendment to the Constitution, that ''Congress shall make no law . . . abridging the freedom of speech, or of the press.'' Yet what we have seen time and again from President Trump is an endless attack against the fourth estate, against the press. He said: ''The media is very unfair. They're very biased.'' He complained on FOX News last August.

He attacked the New York Times in that same interview, not for the first or last time, saying: ''You look at The New York Times, I mean the fail—I call it 'The Failing New York Times.' ''

Apparently any news story critical of the President is now ''fake news.'' He tweeted in February: ''Any negative polls are fake news.''

And when asked about leaks from the intelligence community during last month's press conference in the East Room, he said: ''The leaks are absolutely real. The news is fake because so much of the news is fake.''

His staff has gotten into the action, too, pushing at one point the Orwellian term, ''alternative facts.'' During an interview on NBC's Meet the Press, Kellyanne Conway said: ''Sean Spicer, our press secretary, gave alternative facts,'' and, in the administration, ''we feel compelled to go out and clear the air and put alternative facts out there.''

The White House has taken their fight with the media so far as to block access to outlets they disagree with, banning outlets such as CNN, POLITICO, the New York Times, and Los Angeles Times from an off-camera press briefing last month.

But of all of President Trump's relentless attacks against the media, the most disturbing to me was when he tweeted in February: ''The FAKE NEWS media (failing @nytimes, @NBCNews, @ABC, @CBS, @CNN) is not my enemy, it is the enemy of the American People!''

President Trump, I have a message for you: A free and open press is not the enemy of the American people. A free and open press is the salvation of our democratic Republic. It is an essential warrior in our Republic against fake news, charlatans, and those who would use fake news and attacks on the press to advance authoritarian government.

I thought my colleague from Arizona, Senator MCCAIN, made a very apt analysis when he said that suppressing free speech is how dictators ''get started . . . when you look at history, the first thing that dictators do is shut down the press.'' Senator MCCAIN went on to say: ''If you want to preserve democracy as we know it, you have to have a free and many times adversarial press.''

So this is a major concern, this attack on the media, and particularly an attack on news organizations that work to vet their reporting before they

share it with the American people. In other words, we are in the ironic situation that the very groups under attack by President Trump are the groups that work hardest to get true facts, actual facts, vetted facts, carefully fact-checked information to the American people. That is the foundation for a national dialogue: carefully vetted information so that we know when we read it, it is reliable. That is the type of news we need more of in this Nation.

Mr. Trump's authoritarian tactics aren't just limited to his war on the media. His second approach is to attack and scapegoat immigrants, religious minorities, and refugees ever since he stood in the lobby of Trump Tower and said:

> When Mexico sends its people, they're not sending their best. . . . They're bringing drugs. They're bringing crime. They're rapists.

Since then President Trump has made it his mission to turn the American people against Mexican immigrants, to make them the enemy. He has talked about the ''bad hombres'' flooding across our southern border, stealing our jobs, committing crimes, and murdering American citizens. In his mind, the people coming from Mexico are all dangerous, violent cartel members transporting an endless supply of drugs across our country in order to ruin America. But this storyline is completely at odds with the facts. First, drug cartels do not ship their products into our country through the backpacks of immigrants.

Recently I traveled with a congressional delegation to the U.S.-Mexico border to examine this issue. The experts on the border told our delegation that drugs come into the United States through freight, in trucks, and through tunnels—not through backpacks. What this means is that a proposal to build a wall, whether it is 20 feet high or 30 feet high, will be absolutely useless in diminishing the flow of drugs into our country.

I will tell you what else they told us. They said that an end zone defense does not work against drugs. If you want to stop the flow of drugs, you have to work carefully with regard to everything from the moment they are being manufactured or shipped into Mexico until they migrate north. That means you have to work in close cooperation with the security agencies of Mexico, with the police, and with the intelligence agencies of Mexico. That cooperation requires a very close coordination between respected partners, and disrespecting the partners of Mexico is the best way to damage the ability to intercept drugs that are coming into the United States.

We also know that the underlying premise of there being a flood of Mexican immigrants coming into our country is false. A 2015 study from the Pew Research Center found that between 2009 and 2014, there was a net outflow of 140,000 Mexican immigrants from the United States. They were migrating from the United States to Mexico, a net outflow. A more recent Pew Study determined that the number of undocumented Mexican immigrants in America has declined by more than 1 million since 2007. If you take the span during the Obama administration, there was an outflow, not an inflow—the exact opposite of the story line the President is presenting.

What about those violent crimes being committed by undocumented criminals? The data does not support the President. In fact, the New York Times reported that ''several studies, over many years, have concluded that immigrants are less likely to commit crimes than people born in the United States.'' Between 1980 and 2010, among men aged 18 to 49, immigrants were one-half to one-fifth as likely to be incarcerated as those born in the United States.

When you look closer, the attacks on immigrants fall apart, as I have pointed out, but that is what authoritarian leaders do. They create a false enemy, and they use the perception of that enemy to generate hate and fear. They use that hate and fear to consolidate power. It is our responsibility as citizens, as the press in the United States, and as legislators to resist this authoritarian strategy of President Trump.

Another of his strategies is to attack religious minorities in our country and abroad. Take for instance his pledge on the campaign trail for a ''total and complete'' shutdown on Muslims entering the United States. As we know, Mr. Trump followed up on this approach after the election by asking Rudy Giuliani to help fashion a legal Muslim ban.

During a FOX News interview, Mr. Giuliani said:

> Trump called me up. He said, Put a commission together. Show me the right way to do it legally.

To attempt to meet constitutional muster, Trump aimed his ban at immigrants from seven Muslim-majority nations.

Rudy Giuliani went on to say in that same FOX News interview:

> What we did was we focused on, instead of religion, danger—the areas of the world that create danger for us, which is a factual basis, not a religious basis. Perfectly legal, perfectly sensible. And that's what the ban is based on.

But, as William Banks, the director of the Institute for National Security and Counterterrorism at Syracuse University, observed, ''Since 9/11, no one has been killed in this country in a terrorist attack by anyone who emigrated from any of the seven countries.''

The President's own Department of Homeland Security recently reported that citizens from the countries listed in the Muslim ban are ''rarely implicated in U.S.-based terrorism.'' In fact, the report concluded that individuals who died in the pursuit of or who were convicted of terrorism were far more likely to be U.S.-born citizens than to be immigrants.

Here is the great irony and the tragedy of President Trump's effort to demonize Muslims: Instead of protecting the United States, he is damaging the security of the United States. His attacks feed perfectly into and therefore strengthen ISIS's recruiting strategy of claiming that the United States is at war with Islam. Video of his speeches and public statements, especially Trump's call for a Muslim ban, has already been featured in ISIS's recruiting tools. In addition, it weakens the Muslim leaders we are seeking to partner with in taking on ISIS. It undermines those leaders' support from their own countries in their cooperating with the United States.

Trump's strategy does double damage to American security, and I wish his impact against religious minorities stopped there. I wish it stopped long before there because it is incompatible with the fundamental premise, the fundamental values of the United States of America, which is religious freedom. Yet, throughout the course of his campaign, he gave voice time and again to the views and opinions of White nationalists and anti-Semites. He did not directly attack the Jewish community, but his White nationalist rhetoric and actions have had the effect of doing it indirectly. When he needs news or information, he turns to the White nationalist Breitbart News—a fake news source which has infamously attacked American Jews with stories like ''Bill Kristol: Republican spoiler, renegade Jew'' and another one that attacked Anne Applebaum of the Washington Post, which read: ''Hell hath no fury like a Polish, Jewish, American elitist scorned.''

But President Trump does not just tap into the Breitbart White nationalist themes; he brought the former executive chair of Breitbart, Steve Bannon, into the White House as his chief strategist and then appointed him to the Principals Committee of the National Security Council. This individual has no business being anywhere near the Capital of the United States and certainly not on the Principals Committee of the National Security Council. Bannon is a man who has not only been embraced by White supremacists for his views, but according to testimony from his ex-wife, he has said he does not want his children going to school with Jewish kids and had once asked a school administrator why there were so many Hanukkah books in the library.

If you think this theme has not had a real effect on our country, you are wrong. When Donald Trump was elected, the KKK and other White nationalist groups celebrated. They felt free to come out of the shadows. They felt bold enough to hold an annual White nationalist conference right here in Washington, DC, at the Ronald Reagan Building, steps from the White House, because they finally felt like they had one of their own in the Oval Office.

These nationalist groups are so emboldened that we have seen more

than 100 bomb threats called in to Jewish community centers around the country since January. We have witnessed the desecration of Jewish headstones in cemeteries in St. Louis and in Philadelphia.

Last month the President, speaking to a roomful of State attorneys general, said he condemned these threats. I applaud him for condemning them. But then he turned around and said: ''You have to be careful, because the reverse could be true.'' What did he mean by that? Commentators have suggested that the President meant by ''the reverse could be true'' that the bomb threats, the Swastika graffiti, and the desecration of Jewish burial sites might actually be the work of Jewish Americans to generate criticism of President Trump. There is no evidence of that, and I certainly do not believe it to be true. What I do believe is that a ''blame the victim'' tactic is reprehensible and in itself an anti-Semitic strategy.

The President has also dedicated a significant amount of time to trying to make the country fear refugees, to demonize refugees. Many of us grew up in a world in which Lady Liberty's words of ''give us your tired, your poor, your huddled masses yearning to breathe free'' stirred our hearts because, unless you are 100 percent Native American, you are tied in through your parents, your grandparents, your great-grandparents, your ancestors. You are tied to those who immigrated to the United States, who came here, often fleeing persecution, often fleeing famine. This Nation gave them a place to stand and in which to build a new life and thrive and hand down a better, stronger nation to their children. That is a property of our history. That is a value deeply rooted in our hearts.

The President, instead, has dedicated his energy to attacking refugees, those, like our ancestors, who came here, fleeing persecution and fleeing famine, especially Syrian refugees, who are fleeing for their lives in search of a safe haven. He has falsely claimed they represent a ''great Trojan horse'' that threatens the safety of Americans. Mr. Trump says these victims of war have to be subjected to extreme vetting because we have no idea who these people are or where they come from. The fact is that we do know who they are. We know exactly where they come from because before they can come here as refugees, they already go through extreme vetting. It takes 18 months to 2 years of vetting, on average, before refugees are given tickets to come to the United States of America, and if at any point during that 18 to 24 months something does not add up, they do not get the tickets.

Now, if ISIS or another terrorist organization wants to get people who are dangerous into our country, they do not go through an 18- or a 24-month vetting process. No. They come on tourist visas or student visas or business visas. Going through the refugee process would be the worst possible way to do it.

As an analysis by the Migration Policy Institute reminded us in October of 2015, of the 784,000 refugees who have been resettled in our country since September 11, 2001, 3 have been arrested for planning terrorist activities. None of them got past the planning phase, and only one of those three was talking about potential attacks here in the United States. The others were talking about sending money and weapons to al-Qaida. In other words, no one has been injured by those 784,000 refugees.

These are just some of the pieces of the President's authoritarian strategy to demonize groups, to create hate, to create fear, and to try to consolidate power. As a result of his activities, we have seen waves of hate crimes and violence and bigotry sweep across our Nation.

Latino and Latina students in our schools and in our classrooms have been forced to confront classmates' bullying and taunts, chants of ''build the wall'' and ''go back to your country,'' and graffiti sprayed on walls to ''build the wall higher.''

We have heard reports of verbal and physical attacks against people of the Muslim faith.

A woman at San Jose University lost her balance and choked when a man attempted to rip off her head scarf.

A Muslim student at the University of Illinois Urbana-Champaign campus reported having a knife pulled on her.

A Muslim teacher in Georgia found left on her desk a note that read that a head scarf is not allowed anymore and that she should hang herself with it.

Within the last 8 weeks, four mosques around the country have been burned to the ground.

Just recently, a man in Kansas went into a bar, hurled ethnic slurs at two Indian engineers, and shot them, killing one and seriously injuring the other.

As I mentioned earlier, since January, there have been more than 100 bomb threats against Jewish community centers.

Throughout history, we have seen this tactic used by an executive here, an executive there, by a dictator here, a dictator there, in country after country, to characterize minority communities as a threat to be feared in order to make the body politic afraid, to make them angry, and to make them willing to support authoritarian exercise of power.

What is our job? It is our job to expose this strategy, to call attention to this strategy, to address the myths that are used to instill fear and the falsehoods that are used to instill hatred. It is our job to oppose this authoritarian game plan in every way possible.

The third leg of President Trump's authoritarian attacks are ones that go against public opposition to him and attack the protests of the people of the United States. What was the President's response after millions of people in cities all around the country—and all around the world, for that matter—joined the women's march to stand up for the fundamental values of peace, tolerance, and equality? His response was a rebuke and a dismissal. He tweeted:

> Watched protests yesterday but was under the impression that we just had an election! Why didn't these people vote?

Well, President Trump, they did vote, and they all voted overwhelmingly for your opponent, by a 3 million-vote margin.

We saw similarly disparaging responses from Republican lawmakers like the Facebook post from a State Senator in Mississippi who said:

> So a group of unhappy liberal women marched in Washington, D.C. We shouldn't be surprised; almost all liberal women are unhappy.

After countless citizens around the country began showing up at townhall meetings to make their voices heard, what was his response? He dismissed these engaged citizens as ''so-called angry crowds,'' and then he tweeted: ''Professional anarchists, thugs and paid protesters are proving the point of the millions of people who voted to make America great again!''

I have held a lot of townhalls since January, many of them filled beyond capacity with regular citizens who are deeply distressed by what they are seeing in our country. At one townhall, more than 3,500 people showed up. We had so many people that the hundreds of folks who couldn't get in had to stand outside the building in the cold, listening. We took a speaker and put it in the window so those outside could hear, and they watched through the windows.

This is ''we the people'' government. This is American citizens saying: Your strategy, President Trump, is not OK. Your strategy to divide us into factions in America and to pit one faction against another, to demonize groups, to incite hate is just wrong.

I find it truly disheartening to see the President attacking citizens exercising their voice, which is often the most basic civic duty.

President Jefferson said there is a mother principle for our government, and the mother principle is that the actions of the government will only reflect the will of the people if each and every citizen has an equal voice. We know, in the modern day of campaign financing, some citizens and, indeed, often some noncitizens—that is, massive rich corporations—have a very loud voice compared to the average citizen. So citizens, to compensate, are saying: We are going to show up. We are going to take our time and our energy and we are going to join together and we are going to send a lot of emails to Capitol Hill, a lot of letters to Capitol Hill, but we are also going to show up in the parks and the streets to

march in order to say this strategy, this authoritarian strategy, or this strategy to take away healthcare from millions of Americans is absolutely unacceptable. And the President somehow is living in a fantasy world where he thinks they are paid? I don't think so. I don't think this last weekend, when 800 people showed up at Redmond, OR, to my townhall, that a single one of them was paid—not a single one.

When we look across the country and we see the 7-year-old who wanted to be at a townhall because he doesn't want us to cut funding for PBS in order to build a wall, he wasn't paid, or the Muslim immigrant who risked his life for our Nation in Afghanistan as a military interpreter and now wants to know ''Who is going to save me here,'' he wasn't paid.

American citizens are using their voice as designed in our ''we the people'' Constitution, but in the mind of our President and in the words of his adviser, Stephen Miller, his powers are very substantial and will not be questioned, not even by the citizens and voters of this great Nation.

Well, they are being questioned, massively, by citizens raising their voices in every possible way.

American citizens everywhere are deeply disturbed by what they are seeing unfold in our Nation. They fear we are headed down a dark and dangerous path that will betray the founding principles of our ''we the people'' government, and they have every right to be anxious and concerned.

There have been allusions made by a number of experts to Mr. Trump's actions and the early days of Vladimir Putin's regime and especially his relentless war with the media. All of these are reasons citizens are fired up, raising their voices to oppose the authoritarian tactics of this administration.

While the President seeks to dismiss the legitimacy of these voices, I stand here today to praise those Americans for standing up, for taking on their responsibility as citizens to create a powerful, courageous chorus, a public stand against the authoritarian strategy of President Trump—his strategy of attacking the media, his strategy of attacking immigrants, his strategy of attacking refugees, and his strategy of attacking religious minorities.

A friend sent me a message the other day saying:

> I'm more devastated daily. I can't believe the Republicans are not stopping this, saying something. How can this be happening? Don't the Republicans see what's happening? I weep for my kids.

Millions of Americans across the country are feeling those same fears. It is up to all of us here, imbued with the awesome responsibility to speak for and represent the people of this Nation, to stand up against advancing authoritarianism. It is right for us to fight for a free, open democratic republic, with a ''government of the people, by the people, for the people.''

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Mr. President, I am here in the midst of a Judiciary Committee hearing on Supreme Court nominee Neil Gorsuch, showing, and in a way showcasing, the wonder of American justice. This hearing will proceed through the balance of the day with him as our witness, and then into tomorrow with others who will comment on his qualifications.

The showcasing of American justice really demonstrates how the rule of law serves our democracy and how we strive to appoint the best possible people—men and women, dedicated public servants—to the courts of our land to assure that the rule of law and American justice are second to none and as infallible in protecting individual rights as they can possibly be.

In a sense, I am here to talk about a rule that also serves American justice. It is a rule put forward by the Occupational Safety and Health Administration under the last administration. I am here to oppose H.J. Res. 83, which would repeal that rule. The rule is known as the OSHA injury recordkeeping rule. It sounds very technical, obscure, and for most people it is, but there are nearly 3 million serious injuries reported every year at American workplaces.

For over 40 years; that is, four decades, Federal law has required employers with 11 or more employees in dangerous professions—poultry slaughtering, meat packing, steel mills, construction—which see the bulk of these injuries to keep active records of injury suffered in those workplaces and others like them that are considered dangerous.

Having accurate records is common sense for employers who want to know what is going right in their places of work and what is going wrong and how they can prevent workers from being hurt on the job because they don't want anybody hurt. Responsible employers want safe workplaces. It is really that simple. We all know injuries are bad for business and they cost time and money.

With those records, OSHA can also investigate companies and work to make them safer and ensure they comply with the law. In essence, they can look at the outliers—who are lawbreakers, who cares less about safety than profits—but also maybe employers who don't do as much as they could or would if they were better informed.

A misguided court ruling in 2012, after 40 years of the law prevailing, curtailed OSHA's ability to sanction employers concerning those records. The ruling limited OSHA's ability to sanction employers to just 6 months of the start of the investigation based on the records. Soon after that ruling, OSHA and the Obama administration discovered it could not adequately investigate employers who provided an unsafe workplace, making them effectively immune from some safety laws.

After going through all the proper rulemaking, all of the steps that are necessary to make an administrative rule, all the channels and procedures, the last administration put forward a rule that responds to the court decision and allows OSHA to review those records for 5 years. That is essentially how things worked for 40 years. It worked well for 40 years, and it was simply reinstituted because the court decision was so crippling to the rule of law and American justice. That is the rule we are discussing today—a return to longstanding policy that existed for decades under Republican and Democratic administrations, dating back to the Presidency of Richard Nixon.

Putting aside the 40 years' worth of this rule working well, it does some very important things. It requires these large employers in dangerous industries to keep accurate records of serious work-related injuries and illnesses. It has no impact on a huge swath of the economy that is not considered dangerous. It doesn't apply to restaurants, offices, and many other workplaces, regardless of the number of employees they have; the rule impacts just the most dangerous industries in our economy and companies in that industry with more than 10 employees. It essentially prevents them from covering up injuries, maintaining fraudulent records concerning injuries, and willfully violating the law.

There are things the rule does not do. It imposes no new costs on employers. It imposes no new obligations. It simply returns to a policy that worked well for decades—I repeat, under both Democratic and Republican administrations, accepted by both—and it gives certainty to businesses. That is one of the great advantages in an economy and society where certainty for our job creators is very valuable.

Repealing this rule would lead to more dangerous workplaces and give unsafe companies an upper hand in competition. It would unlevel the playing field between the good guys and the bad guys in those industries. This rule would essentially eliminate requirements that employers keep proper records, as they know OSHA can do nothing to investigate. Repeal of the rule amounts to the Federal Government siding with the companies that see injuries on the job but in effect sweep them under the rug. Repeal promotes companies to keep false records—if they keep records at all—limiting enforcement and punishment of anyone who keeps two sets of books, which few would do. Repeal of this rule undermines companies that keep safe

workplace records and are in competition with companies that are cutting corners. This has implications for taxpayers. Many procurement processes seek information about companies' safety records, giving a leg up to the safer company, as should be the case. That is in taxpayers' interests. Repeal of the rule would take away this incentive to protect employees.

Repealing this rule is bad for taxpayers, is bad for Federal policy, particularly in those areas where the Federal Government is a purchaser and a consumer, because it deserves to know—and so do we all—which ones are the safe employers.

Former Obama and Bush administration officials oppose repeal of this rule. Dozens of health and safety groups warn against the spike in injuries that repeal may encourage in work-related injuries and illnesses. Labor organizations representing millions of workers nationwide and many Fortune 500 companies oppose this resolution and support the rule. Health and safety groups, labor organizations, Fortune 500 companies, and officials from the past two administrations all support the rule and oppose this resolution. It is truly bipartisan.

I urge my colleagues to unite across the aisle and resist the false and unfortunate arguments that are made in favor of this resolution. I urge colleagues to join me in opposing it because it will endanger workers in the most hazardous places in the workplace and the country.

Mr. President, I yield the floor.

Mr. FRANKEN. Mr. President, I rise today in opposition to a resolution that will roll back nearly 45 years of OSHA workplace safety enforcement precedents. We would be reversing a precedent that helps ensure every American worker heads homes safely at the end of their shift.

This resolution is an effort by my Republican colleagues to overturn a rule issued by OSHA on December 16, 2016, entitled, ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness.'' As the title says, this rule provides employers with clarification on the requirements to timely report and record workplace injury and illnesses. This rule adds no new employer requirements that differ from 45 years of policy. The rule supports a practice that law-abiding businesses comply with and have operated under since passage of the Occupational Safety and Health Act of 1970. Passing this resolution and repealing this rule only creates a safe harbor for businesses that have broken the law in the last 5 years or don't intend to follow longstanding rules created to protect the safety and health of workers.

For nearly the last 45 years, OSHA has required employers, with the exception of small employers, to timely report workplace injury and illnesses to the Department of Labor and maintain a record of such incidents going back at least 5 years. If an employer failed to do either, they could be cited and penalized. OSHA's rule issued last December simply maintains this longstanding practice.

This resolution aims to change that record keeping requirement, or lookback period, from 5 years to 6 months. So if an unscrupulous employer fails to report a worker injury or illness and OSHA doesn't discover the underreporting and cite the employer in the first 6 months after the incident occurred, the employer is able to get away with it and the data used to identify dangerous industries or worksites is lost.

Accurate injury and illness records are critical for the protection of workers and for OSHA to direct the most efficient use of their limited resources, and the more data they have, the better. With their current resources, OSHA is only able to inspect a workplace, on average, once every 140 years. That is clearly not sufficient, especially when over 4,800 workers were killed in 2015 and almost 3 million more suffered a serious workplace injury or illnesses. The OSHA reporting rule is critical for OSHA to conduct a thorough investigation, enforce accurate recordkeeping requirements, and focus limited resources on industries and bad actors that pose the greatest risk to worker safety.

Take, for instance, the Exel Corporation, a Pennsylvania warehouse and trucking company, which hired hundreds of foreign students on temporary visas, and was cited for numerous unrecorded injuries after some students were seriously injured on the job. Only after students fought for fair pay and safer working conditions and OSHA was able to conduct an investigation was it revealed that, for years, the company had withheld wages and willfully failed to record about half the serious injuries to student workers as well as other serious health and safety violations.

By the time DOL had completed their lengthy investigation, the Wage and Hour division recovered over $200,000 in wages withheld from 1,028 foreign student workers. OSHA cited the company for dozens of unrecorded injuries, all of which occurred over the 6-month period before OSHA issued the violations, and a penalty of $283,000. About two-thirds of the $283,000 penalty was for unrecorded violations that occurred outside the 6-month statute of limitations window this CRA is proposing to codify.

In response, the Exel Corporation accepted all the penalties, agreed to pay half the total fine, and instituted a new corporate-wide program to fix their recordkeeping practices which added safety protections for roughly 40,000 workers at over 500 facilities nationwide.

None of those violations and the associated fine would have been allowed if a narrower 6-month statute of limitations was in place as this resolution proposes to do. I think it is safe to say that Exel's new corporate-wide program that added protections for 40,000 workers in 500 facilities nationwide would not have been implemented either.

Efforts to repeal the OSHA reporting rule and 45 years of OSHA enforcement precedent, without even a hearing or vigorous debate, is reckless and runs contrary to any proworker vision. The change in longstanding OSHA precedent was prompted by a DC Circuit Court ruling in the 2012 Volks Constructors v. Secretary of Labor case. After that decision, OSHA revised its recordkeeping regulation to conform with guidance provided in a concurring opinion. If there is a legal disagreement regarding the authority of OSHA to cite employers for continuing violations, we should let the legal process conclude before any congressional or legislative action is taken.

The OSHA reporting rule is a fair occupational safety standard, and that is why every administration in the last 45 years, Democratic and Republican, has enforced the requirement this rule clarifies.

Opponents of the OSHA reporting rule and supporters of this CRA resolution claim that the OSHA rule would extend the statute of limitations on recordkeeping paperwork violations and that this CRA resolution is necessary to protect jobs, eliminate burdensome regulations and protect small business. None of that is accurate.

The OSHA reporting rule does not kill jobs; it creates no new employer obligations that are different from what they were required to uphold for nearly 45 years. And the rule does not cover small businesses.

What the rule does do is save employers from killing and maiming workers. It gives OSHA the tools it needs to identify dangerous industries, reckless employers, as well as punish those who break the law at the expense of worker health and safety and businessowners who obey the law.

No law-abiding business, which values the safety of its workers and the information used to make the workplace even safer, should be at a competitive disadvantage facing a competitor that underreports injuries and cuts corners at the expense of workers' safety.

The safety of the American worker and a level playing field for law abiding employers should not be a partisan issue. I encourage my colleagues on both sides of the aisle to join me, working Americans, and the millions of law-abiding businesses that strive to create a safe workplace and oppose this resolution. Vote no on H.J. Res. 83.

Mr. VAN HOLLEN. Mr. President, last year, the Occupational Safety and Health Administration clarified employers' continuing duty to keep records of work-related injuries and illnesses. Today the congressional majority is using the Congressional Review

Act to both repeal this rule and prevent OSHA from doing anything similar. I support the rule and oppose the resolution to repeal it.

In 1970, Congress found that workplace injuries and illnesses result in lost production, lost wages, medical expenses, and disability compensation payments. In response, Congress enacted the Occupational Safety and Health Act of 1970 to ensure that employers provide workers with safe and healthful workplaces.

To carry out the law, Congress directed the Secretary of Labor to issue regulations requiring employers to make and maintain accurate records of work-related injuries and illnesses. In the legislative history of the law, the House Committee on Education and Labor found that State reporting requirements varied widely and concluded that Congress had an ''evident Federal responsibility'' to provide for ''accurate, uniform reporting standards.'' The report of the Senate Committee on Labor and Public Welfare found that ''full and accurate information is a fundamental precondition for meaningful administration of an occupational safety and health program.''

In 1971, OSHA issued its first recordkeeping regulations. OSHA revised these regulations in 2001 to make the recordkeeping system easier to use.

OSHA's recordkeeping regulations require employers to keep records of certain injuries and illnesses in the workplace and to make that information available to employees, OSHA, and the Bureau of Labor Statistics. Employers must record work-related injuries and illnesses resulting in death, loss of consciousness, days away from work, restricted work activity or job transfer, medical treatment beyond first aid, or a diagnosis of a significant injury or illness by a doctor or other healthcare professional.

Accurate injury and illness records give employers information that they need. The records make employers more aware of the kinds of injuries and illnesses that occur and the hazards that contribute to them. That allows employers to identify and correct hazardous workplace conditions. Injury and illness records thus help employers to manage workplace safety and health more effectively.

Similarly, injury and illness records give workers information that they can use. Workers who are aware of the hazards around them are more likely to follow safe work practices and to report workplace hazards. That contributes to the overall level of safety and health in the workplace.

As the UAW said in its letter opposing the resolution to disapprove of the rule: ''Accurate injury and illness records are critically important for workers and their families. Having the necessary tools to collect complete and accurate data on work-related injuries and illnesses is a key component in reducing, mitigating, and eliminating hazards and deaths in the workplace.''

Injury and illness records give OSHA an important source of information for smart enforcement. The records allow OSHA to focus its inspection on the hazards that the data reveal. The records allow OSHA to help identify the most dangerous types of worksites and the most common safety and health hazards.

As the American Public Health Association wrote: ''Public health professionals understand the critical importance of accurate information to help identify hazards in order to develop and implement better health and safety protections. One important source of that information is the records some employers are required to keep on work-related injuries and illnesses. These records are invaluable for employers, workers and OSHA to monitor the cause and trends of injuries and illnesses. Such data is essential for determining appropriate interventions to prevent other workers from experiencing the same harm.''

In 2012, in the case of AKM LLC doing business as Volks Constructors v. Secretary of Labor, the U.S. Court of Appeals for the District of Columbia Circuit held that the law does not permit OSHA to impose a recordkeeping obligation on employers that continues beyond the expiration of the law's 6-month statute of limitations. While OSHA disagreed with the court's ruling, it agreed that its recordkeeping regulations needed clarification. So OSHA issued its rule amending its recordkeeping regulations to clarify that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. OSHA made clear that the duty to record an injury or illness continues, as long as the employer is required to keep records of the recordable injury or illness and does not expire just because the employer failed to create the necessary records when it was first required to do so.

The new rule adds no new compliance obligations. It does not require employers to make records of any injuries or illnesses for which records are not currently required to be made.

The rule clarifies that, if an employer fails to record an injury or illness within 7 days, the obligation to record continues on past the 7th day. If the employer records the injury on some later day, the violation ceases at that point, and OSHA would need to issue any citation within 6 months of the cessation of the violation.

Every Presidential administration since 1972 has supported OSHA's interpretation of the law.

Repealing the rule would lessen OSHA's enforcement ability. It would allow employers to get away with systematic underreporting of injuries over many years, and it would decrease worker safety.

As the AFL-CIO wrote in its letter opposing the resolution: ''Without the new rule, it will be impossible for OSHA to effectively enforce recordkeeping requirements and assure that injury and illness records are complete and accurate. In the absence of enforcement, there is no question that the underreporting of injuries, already a widespread problem, will get much worse, undermining safety and health and putting workers in danger.''

And as National Nurses United wrote: ''By revoking OSHA's authority to enforce recordkeeping requirements, this Congressional Review Act (CRA) resolution denudes the agency of the tools necessary to identify and target patterns of workplace hazards . . . . The elimination of OSHA's ability to enforce rules on workplace safety records allows—and even incentivizes—employers to obscure ongoing workplace hazards.''

Good decisionmaking relies on good information. OSHA's regulation helps to ensure that employers keep good records. The pending resolution to repeal that rule goes in the wrong direction, and thus I oppose the resolution and urge my colleagues to vote against it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, when President Trump was running for office, he made a lot of promises to the American people. He promised the middle class he would stand up for them. He promised workers he would bring good jobs back to their communities, and he promised to drain the swamp of corporate lobbyists that muck up our democracy with dysfunction.

Well, we are just over 2 months into this Presidency, and all we have seen from this administration is a series of broken promises, whether it is Cabinet picks who are billionaires, Wall Street bankers, and corporate CEOs; or his plan to jam through a healthcare bill that the President himself admits will hurt middle- and working-class families; or his proposed budget, which guts everything from job-training programs to assistance for low-income families who pay their heating bills, to meals on wheels, which provides hot meals to low-income grandparents. It is clear President Trump is standing with his billionaire and corporate lobbyist friends at the expense of the people he promised to stand up and fight for.

While we have made many improvements in our economy in the last 8 years, we have a lot of work left to do. Too many people in our country today are working multiple jobs trying to support their families and pay their bills, and they are still struggling to make ends meet. That is what we should be talking about today on the

Senate floor—how to build an economy that works for everyone. We should be working together to make sure that people are making a decent wage to support their families, that corporations aren't getting rich at the expense of their workers, and that hard-working people aren't risking their lives in dangerous conditions at work.

Instead, what we are doing today is that my Republican colleagues, with the backing of President Trump, are trying to roll back a rule that protects workers and prevents work-related deaths and injuries. This rule allows the Occupational Safety and Health Administration, or OSHA—an agency whose sole purpose is to keep workers safe on the job—to accurately monitor and prevent workplace injuries and fatalities in our Nation's most dangerous industries.

Dangerous businesses have been recording serious workplace injuries and deaths for more than four decades, and this rule simply affirms the policy enshrined in the OSHA law itself of 1970 that these records have to be accurate—a precedent of keeping workers safe and monitoring dangerous workplaces.

After a recent court case put this important safety practice at risk, OSHA issued this rule to clarify their recordkeeping practices. This rule is not new. It does not impose added obligations or costs on employers, and it was actually suggested by the court in its decision. And it does not cover small businesses with 10 employees or fewer.

We should be trying to make workplaces safer, but in rolling back this rule, President Trump and my Republican colleagues are doing exactly the opposite. This is not something we should be playing politics with. Without this rule—if it is overturned today by the Senate Republicans—some of the most dangerous industries will then be able to hide worker injuries and keep falsified records of injuries and workplace deaths, and it will make it more difficult for OSHA to punish low-road companies that are putting their workers' lives in danger.

Every year, more than 4,800 workers are killed on the job in America, and 3 million more suffer serious injuries and illnesses. We have found that it is often the same companies that are repeat offenders. Without this rule, OSHA cannot sanction employers for keeping fraudulent injury records for multiple years before OSHA walks in the door to conduct an inspection.

So many people in this country get up every day and go to work at tough, dangerous jobs to support their families and drive the economy. Those workers deserve to be able to trust that their employer isn't knowingly putting their life at risk. Without this rule, corporations and dangerous industries can take advantage of their workers, and OSHA will not have the tools it needs to stop it. We should not overturn this rule. If we do, recordkeeping will become elective.

This goes against everything President Trump promised to middle- and working-class families on the campaign trail. He promised to stand up for them, to bring back good, respectable jobs to their communities. Instead, he wants to allow his billionaire corporate friends to take advantage of workers and threaten their safety, and, unfortunately, it appears my Republican colleagues are now onboard.

Instead of doing President Trump's bidding, I urge my Republican colleagues to do what President Trump promised and start putting workers first by abandoning this deeply harmful effort.

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.

Mr. CORNYN. 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.

NOMINATION OF NEIL GORSUCH

Mr. CORNYN. Mr. President, this week the Judiciary Committee has been considering the nomination of Judge Neil Gorsuch to fill the vacancy on the Supreme Court left by the death of the late Justice Antonin Scalia.

I think it has been a remarkable opportunity for the country—indeed, the world—to see not only somebody who is obviously very intelligent but very articulate and very committed to the basic principles that created this country, which were shaped in the framework of the Constitution.

Sometimes people forget that judges aren't legislators and legislators aren't judges and that we do have separate responsibilities. Indeed, the separation of powers between the President and the legislature and the judiciary is very important and for a good reason.

Judge Gorsuch has done a tremendous job for the last 2 days handling questions from both sides of the aisle with humility and with clarity.

I told him that I had hoped he would consider Chairman GRASSLEY's proposal that we have a camera in the Supreme Court courtroom.

Years ago, when I was on the Texas Supreme Court, we decided to have a single camera—which nobody, really, frankly noticed—in order to document and record the proceedings in the Supreme Court of Texas. It didn't turn into a sideshow. It wasn't the O.J. Simpson trial. People didn't misbehave because they were on camera. But it was a great opportunity for people to see their government and their elected officials in action.

Given the performance of Judge Gorsuch over the last couple of days and the benefits that accrue to the country as a result of learning more about his qualifications, his temperament, and his principles when it comes to judging, I hope more people will want to see that. We could all learn from it.

That would be good for our country, it would be good for the judiciary, and I think it would be good for America's standing in the world. We are in a vast minority of countries in the world when it comes to having an independent judiciary, and that is essential to our form of government and to who we are as Americans.

The country has learned a lot about Judge Gorsuch in the last few days. His career has been marked by a dedication to the law. In his decade on the bench interpreting the law, he has developed quite a record. As a matter of fact, he said that he had decided to participate in the decision of about 2,700 cases, and he has been reversed once. I find that remarkable. It is really almost hard to believe. He is clearly no extremist.

Some of our Democratic colleagues try to argue that he is not for the little guy but, as he so ably points out, he is for whoever the facts and the law say should win in a case. He doesn't view it as his role to put his thumb on the scales of justice and to predetermine a case or the outcome before the facts and the law have been applied. In short, he is not a politician. It would be totally inappropriate for a judge, given the fact that they are given lifetime tenure and they don't have to stand for election in front of the people—it would be entirely inappropriate for the judge to say: If I am confirmed, I will rule on this contentious issue this way or that way. That is not what judges do. That is what politicians do. That is why, when we stand for election, we go out and campaign and we tell people: This is what I believe in, and if you elect me, this is what I am going to do when I am elected into office. That is entirely appropriate for members of the legislative and executive branch because if the American people don't like what we are doing, they can fire us in the next election or, conversely and hopefully, if they like what we are doing, they will return us to office.

So as the judge pointed out, he said that judges actually would make ''rotten legislators,'' those are his words, not mine, because their job isn't to write the laws, it is to interpret them. They don't stand for election. They are not in intimate contact with the constituencies we all represent. Importantly, as I said at the outset, he did affirm his strong support of the separation of powers. Again, I think it is really important for everyone to acknowledge the different roles performed by different actors in our form of government. Legislators play one role, executive officers, the Presidents, and Governors in our State system play another role, and then the judiciary plays an entirely different, important but limited, role in our government.

One of our colleagues was complaining about the judge's decision in a case and that the so-called little guy lost in the case. Well, the judge said,

while he didn't necessarily like the outcome, he felt bound by the facts and the law that Congress had actually passed to render a judgment as he did in that case. I pointed out, were it otherwise—were the judge untethered to any sort of deference to precedent, that he would basically be a loose cannon and making political decisions or deciding what the outcome would be before he worked through the facts and laws to determine what the appropriate outcomes should be. I pointed out, and the judge confirmed, that if in interpreting a statute, which the court did in that case, if Congress doesn't like the outcome, then it is within Congress's power to change the law, to change the statute which would mandate a different outcome in a future case.

He pointed out, appropriately, that the role of the judiciary is for neutral and independent judges to apply the law in the people's disputes. So he is aware of the limits and the important role of the judiciary in our form of government. He also made clear his judicial philosophy is based on nothing more and nothing less than a faithful interpretation of the text of our Constitution and laws. Now, sometimes you hear people talking about, well, we have a living Constitution. To me, that suggests there is something wrong with applying the text of our existing Constitution, which was passed through constitutional amendment or originally when the Constitution was ratified by the States.

It kind of raises an interesting question. If a judge isn't bound by the text of the Constitution or of a statute, what can he use? Does he use his own value judgments? Does he use his own policy preferences? Does he use his political agenda in order to do his or her job? Obviously, I hope we would all agree that would be inappropriate.

Judge Gorsuch has also talked about the role of judicial courage, meaning following the law and the facts wherever they may lead, even though the judge, as a personal matter, may not agree with that or that may not be his personal preference. I know it sounds hard for those of us living in a political world, but actually judges do every day put their personal policy preferences aside and decide cases on the facts and the law. I believe it would be wrong of them and I believe a violation of their oath of office for them to do otherwise. What happens when there is a nominee like this who is so outstanding, so articulate, and so principled? Some of our colleagues across the aisle said: We are going to ask him some hypothetical questions. We are going to smoke him out and see if he will take the bait and prejudge some of these cases on controversial areas that will come before his Court or some other court. The judge—and I would expect nothing less—said it would compromise the independence of the judiciary and would be unethical for him to prejudge the outcome of some future case that might come before the Supreme Court. If you can imagine this, how would you feel if in a case before a court, the judge had already made a commitment to the outcome and you ended up on the short end of the stick? You wouldn't feel that was justice at all. You wouldn't feel that was fair at all. That is what the judge was doing in declining to head down that path to prejudge cases. In doing so, he followed the example of a number of previous nominees, people such as Justice Ginsburg and Justice Kagan, both nominated by Democratic Presidents. Knowing he can't answer, our colleagues have claimed they have no clue how Judge Gorsuch would perform his job and have used that as a pretext to oppose someone who is eminently qualified, but Judge Gorsuch has given them all they need. They have all the information they need in order to make an informed decision. He pledged to hear all sides of the case, to look at the merits, based on the law in question, and then and only then to come up with an unbiased and fair, impartial decision.

Can he do it? Well, the best evidence of ''can he do it'' is ''has he done it'' and the answer to that is yes. He has a decade of time on the bench, with hundreds of decisions, filled with millions of words, done in exactly the way he said he would do, to decide cases, based on the merits, in an unbiased and independent fashion.

So we have his record to judge him by, and his record is impeccable, which is the reason some of the critics have to go down this path of asking him hypothetical questions he can't ethically answer or otherwise claiming to be in the dark about his qualifications, temperament, and philosophy of judging.

It should come as no surprise that lawyers and academics and judges all across the political spectrum have spoken out in favor of the confirmation of Judge Gorsuch, agreeing that he is an independent jurist, with integrity and the right temperament, intellect, and experience to serve on the Supreme Court.

He was introduced to the committee by both of his home State Senators, the junior Senator, a Republican, and the senior Senator, a Democrat, who called Judge Gorsuch a man with ''a distinguished record of public service'' and ''outstanding integrity and intellect.'' I couldn't agree more.

Neal Katyal, a Solicitor General under President Obama, also spoke glowingly of Judge Gorsuch and provided a strong endorsement of his qualifications to serve on the bench. He was one of the first on the other side of the aisle to urge the Senate confirmation of Judge Gorsuch, citing his independence, his integrity, and his superb qualifications. The bipartisan recognition of Judge Gorsuch's fitness for this high office is nothing new because a decade ago, 10 years ago, he was confirmed by the U.S. Senate by voice vote, essentially unanimously. Not one Member of the Senate opposed his confirmation, and the truth is, nothing has really changed since then. So you would think that if some of our colleagues across the aisle thought he was good enough to be confirmed as a circuit judge to the Tenth Circuit Court of Appeals, that they could have something they could point to if they were inclined to vote no, something that happened within the intervening 10 years, but I have to tell you, there is not much there for them, if anything. In fact, his opinions have rarely elicited dissent, and he has a rare record of reversal which I think is remarkable.

In truth, he is a great jurist, and that is clear by the evolving reasons coming from our friends on the other side of the aisle as to why they had some concern. First, we heard some Senate Democrats would fight a nominee who isn't in the mainstream. Well, Judge Gorsuch passed that test with flying colors so they moved on. Next, they said they would oppose him because of his refusal to answer questions about issues that would come before the Court. As I said, not only do the ethics rules prohibit him from doing that, but the tradition set by Justices Ginsburg and Kagan rightfully dictated that he refuse to do so during the hearing. Now we hear from our Democratic colleagues that his vote must be delayed because of an ongoing FBI investigation that is completely unrelated to him. I think that is just an indication of how desperate they are to come up with a reason, any reason, to oppose this judge's confirmation.

Watching Judge Gorsuch this week, it is clear our Democratic friends are finding it hard to come up with a reason to oppose his nomination. Indeed, they are struggling to do so, and they are desperate for an excuse to oppose him, but they are not going to find a good excuse or a good reason.

I hope our colleagues will help us confirm this good man, this good judge for this office. I know our politics, when it comes to judicial confirmation, have become very contentious, but it wasn't always that way. Back when President Clinton was in office, before President Bush 43, judges were confirmed routinely by an up-or-down vote of the majority of the U.S. Senate. Indeed, Justice Scalia, whose seat will be filled by Judge Gorsuch, was confirmed overwhelmingly. I think it was by 97 votes, if I am not mistaken. Justice Ginsberg, somebody from the opposite end of the ideological spectrum, was confirmed with 96 votes or thereabouts. So I hope it is a time we can get back to the traditions of the past, which means not filibustering mainstream nominees, as some of our colleagues across the aisle have threatened to do even before the hearing began.

I would ask them this. If you can't vote for somebody like Judge Gorsuch, you are not going to be able to vote for any nominee from a Republican President because there simply isn't anybody better qualified by virtue of his

experience, his education, his training, and his temperament for this job. I hope they will reconsider.

I am happy to support his confirmation and urge all my colleagues to do so as well. If they can't vote for his confirmation, at least allow us to have an up-or-down vote, without setting the bar at 60 votes, but making it a majority vote in the U.S. Senate, which has been the tradition in this body for many, many, many years, excepting the last 8 years during the George W. Bush administration.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRUMPCARE

Mr. MURPHY. Mr. President, the House is still on schedule to vote tomorrow on a reform of one-sixth of the American economy that the American public has not seen. This is, frankly, unprecedented—this rush job, this attempt to jam through a massive rewrite of the American healthcare system, intentionally done so fast that the American public cannot keep up with what is a truly disastrous piece of legislation. It is a train wreck. It is a dumpster fire. I cannot come up with enough words to describe how bad this legislation is going to be for the American public.

Bill Kristol, who is an icon of the conservative movement and who has been arguing for the repeal and replacement of the Affordable Care Act since it was passed, tweeted out this:

> This healthcare bill does not, A, lower costs; B, improve insurance; C, increase liberty; D, make healthcare better. So what is the point?

Frankly, many Americans, many healthcare professionals, and many consumers are asking the same question: What problem does this bill solve?

Whatever you want to call it—the American Health Care Act, TrumpCare, RyanCare—what problem does this bill solve other than a political problem?

Clearly, Republicans have a political problem. They have promised, for the last 6 years, to repeal the Affordable Care Act. Now they have control of the White House, the House, and the Senate, and they feel pressured to make good on that promise.

It does solve a political problem for the Republicans. The passage of this bill in the House or the Senate would allow my Republican friends to say: We told you we were going to repeal the Affordable Care Act, and—doggone it—we did it. But it does not solve any other problem in the American healthcare system. It makes the existing, remaining problems even worse. The Republicans know this because, for 6 years, we have heard criticism—relentless criticism—that the Affordable Care Act was rammed through the process, that it was passed without Members' knowing what was in it, that it was shoved down the throats of the American people. Well, imagine our surprise when the replacement to the Affordable Care Act is being pushed through at absolutely light speed compared to the passage of the Affordable Care Act.

So we look at what happened when the Affordable Care Act was passed, and the HELP Committee that I sit on, the Finance Committee in the Senate, the Energy and Commerce Committee, and the Ways and Means Committee held dozens of hearings—dozens of committee meetings. The Health, Education, Labor, and Pensions Committee in the Senate alone debated hundreds of amendments and accepted 130 Republican amendments to the Affordable Care Act.

This time around, the HELP Committee isn't even going to have a meeting on the replacement. The committees in the Senate aren't going to have anything to do with this bill. The substitute language that Speaker RYAN has filed likely will not even get a CBO analysis before it is jammed through the House tomorrow. Why is that? Because Republicans are so fearful that the American public will have the time to take a look at this and realize what it is.

I don't often say that Bill Kristol is right, but he is right when he says that this bill doesn't lower costs, it doesn't improve insurance, increase liberty, or make healthcare better, so what is the point?

Here are three really simple ways to understand this bill. This bill is all about higher costs for consumers, all about less care for Americans, all in order to finance tax cuts for the rich. These are the three prongs of TrumpCare: higher costs, less care, and tax cuts for the rich. You don't have to spend a lot of time deep inside this bill to figure out what it is all about.

So costs go up, CBO says 15 to 20 percent, just in the first couple of years for a number of reasons, but primary amongst them is the fact that the help that you are going to get to afford insurance just dramatically decreases. For low-income Americans, here it is: You get $1,200 less if you are 27, you get $1,100 less if you are 40, and if you are 60, you get really hosed. If you are 60, good luck affording insurance. Your subsidy goes down by $5,800. It gets even worse than that because this bill allows for the insurance companies to discriminate against older Americans by jacking up the ratios that you can charge older Americans versus younger Americans from 3 to 1 to 5 to 1, so the average low-income, sixtyish-year-old in this country will be paying about $15,000 more out of pocket for healthcare.

What problem does that solve? Talking to people in Connecticut, I didn't hear a lot of my constituents who are in their fifties and sixties say: Let me tell you the problem with the American healthcare system. I am paying way too little. I need to be paying—if I could be paying $13,000 more, that would scratch me where I itch.

Nobody says that the problem with the healthcare system today is that costs are too low. It is the opposite. Costs are too high. Yet the first prong of TrumpCare: higher costs. That is not me saying it; that is CBO saying it.

I will give my colleagues the exception to this because let's lay all of our cards out on the table. CBO does say that if you are young, healthy, and relatively affluent, you might get a lower rate. Let's be honest about that. So if you are young, healthy, and you are affluent, you might get a lower rate. But that is a sliver of the population compared to all of the people who are going to be paying higher rates, especially older people and especially low-income people, because the subsidies don't change if your income goes up, and because of the discrimination made legal in this bill, older people have to pay more.

So, basically, another way to think about this in terms of how costs are going up is the more you need healthcare, the less help you get. If you are low-income and you are older, you get less help. If you are younger and higher income, comparatively, you get more help from this bill. Again, that is not attacking a problem that I hear about very often. People who need more help tend to need more help.

Here is the second chart. All of this is done in order to give a big tax cut. So here is the amount of tax cuts in this bill for people making $10,000; here is the amount for people making $20,000 to $30,000; here is the amount of the tax cut one gets if you are at $50,000 to $60,000. We see a trend line. It is about the same amount if you are making $10,000 up to about $200,000. The amount of tax cut you get from this bill in that range is zero. But if you are making $200,000 or more, well, here is where the money is, up to the point where people who are making the highest incomes in this country get over $1 million in tax cuts.

It repeals some tax provisions in the Affordable Care Act that were used to finance the subsidies, but all of those tax provisions affect the very top income level earners. So there is a tax cut in this bill, but it gives you zero if you make less than $200,000 a year. It gives you a lot if you are making more than $200,000 a year.

Here is the last chart: less care. Here is what CBO says will happen if the Affordable Care Act remains. This is a really important line to look at here because part of the narrative, part of the explanation for this piece of legislation is that, in PAUL RYAN's words, ObamaCare is in a ''death spiral,'' and Donald Trump says it is ''collapsing.''

The Congressional Budget Office—which is run by a man who was handpicked by the Republican caucus in the

House—the Congressional Budget Office says: No, actually, it is not collapsing; it is not in a death spiral. If we do nothing and allow the Affordable Care Act to remain—yes, over 10 years, the number of people without insurance will go up by a little bit, up to 28 million, but the death spiral happens if you pass TrumpCare. There is a death spiral coming into the American healthcare system. There is a humanitarian catastrophe that is about to hit us, but it only happens if you choose to pass this piece of legislation that is pending before the House of Representatives today.

Now, I hear this legislation can't pass the U.S. Senate because my Republican colleagues understand this. So I am not necessarily talking directly to my Republican colleagues here because I trust that they understand the collapse of the American healthcare system that occurs when, in a very short period of time, you create 24 million more uninsured people.

But, remember, Donald Trump said during the campaign that no one was going to lose healthcare. Republicans in the House said that everyone who is on healthcare today will get to keep it. CBO says that is not even close to true. In the first 2 years, 14 million people lose care, and eventually those who are uninsured goes to 52 million. The Presiding Officer knows this, and my Republican colleagues here know this.

This 52 million, it is not that they are totally outside of the American healthcare system. If there is an emergency, they go to an emergency room, and the emergency room covers their care. That is the most inhumane way to run a healthcare system, to wait until you are so sick, so ill, that your cancer has ravaged your body so badly, you have to show up in the emergency room, but they will get that care—often the most expensive care—and we will all pay for it. Part of the reason that CBO says that rates will go up is because this 52 million gets their care from emergency rooms. The emergency rooms and the hospitals pass that cost along to private insurers, and everybody's premiums go up.

Here is another way to think of this. I know these numbers tend to get a little hard to digest, a little hard to understand as they get thrown around. Here is what 24 million people losing healthcare looks like. How many people is 24 million? Twenty-four million is the entire combined population of Alaska, Delaware, Hawaii, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Vermont, West Virginia, and Wyoming. This isn't a minor shift in the number of people who will not have healthcare. This is a seismic change. The entire population of 17 States loses healthcare over the course of 10 years if this bill is passed.

By the way, let's be honest about who these people are. Yes, many of them will be people losing healthcare in the private marketplace. CBO says people who have private insurance will lose it because of this bill, either because their cost-sharing goes up and they can't afford it or because their employer might not offer it any longer. But a lot of this is in the Medicaid population, and you have to make a decision. The Medicaid population is, by and large, poor people, disabled people, elderly Americans, a lot of children, a lot of kids. The Members are going to have to make a decision about whether their conscience will be OK with 24 million. Most of them are pretty sick and disabled and pretty young—if you are OK with that many people losing coverage.

So PAUL RYAN is right; it is a three-pronged approach. The three prongs are higher costs, less care, in order to finance tax cuts for the rich. It doesn't solve any problem that exists today in the healthcare system, except for maybe, as I mentioned, that very narrow issue of young, healthy, affluent Americans. They will probably do a little bit better here. But everybody else does worse.

By the way, here is what CBO says is the reason why those young, affluent healthy Americans do better—because you kick old people off of insurance. The only reason that premiums stabilize in years 3 and 4 and 5, according to CBO, is because this bill jettisons millions of older, relatively sicker Americans off of healthcare. So as you just kick old people off healthcare, then it gets a little bit cheaper for the younger people who remain.

So even the small percentage of Americans who, from a monetary standpoint, do a little bit better under this bill, they only do better because individuals who really needed care lose it under this approach.

This bill is moving really, really fast. It is moving really, really fast. Its impact is absolutely stunning. My hope is that it gets stuck somehow, that Senators of goodwill recognize, as Bill Kristol did in his tweet, that this bill doesn't actually solve any problems. Maybe they recognize that it looks an awful lot like the Affordable Care Act. For the Speaker's reputation as being a big ideas guy, there are no new ideas in this legislation. It is essentially just the Affordable Care Act dialed down from 10 to 3.5, making healthcare unaffordable for everybody. The subsidies are still there; they are just much less. The individual mandate is still there; it just applies it in a different, more cruel way. Instead of paying a penalty when you lose coverage, you now pay a penalty when you lose coverage and try to sign up again. It is the same concept; it is just the penalty applied at a different place, and the insurance requirements are there.

So there are no new ideas. If you were ideologically opposed to the Affordable Care Act, there is no reason why this solves any of your problems. And from a practical consideration, it raises costs, it doesn't improve insurance, and it kicks a lot of people off healthcare.

My final thought is this: I know this issue of healthcare has become probably the most partisan, in part because there are some real important philosophical questions at the heart of this debate. I don't apologize for the fact that I do believe that healthcare should be looked at as a human right. I really think that in this country, we give you access to education; we should give you access to healthcare as well. You are living in the most powerful, most affluent country in the world. You probably shouldn't die because you are not rich enough to afford access to a doctor. It seems like something we should be able to do for you. So there are some serious ideological differences because I know a lot of my Republican colleagues don't view it that way. They view healthcare as a commodity much more so than I do. But we have shown the ability to work together on healthcare and on some pretty controversial pieces of it.

At the end of 2016, just 2 months ago, we passed the 21st Century Cures Act. That wasn't easy. That was $6 billion of additional spending on medical research in this country. It included legislation that Senator CASSIDY and I wrote—the Mental Health Reform Act—that had some tough reforms on our insurance markets requiring insurance companies to cover more mental illness. We had to work through some very tough issues with Senator CORNYN, who opposed our legislation until we worked out issues he had, and then he became a supporter and champion of it. We had to work through some difficult issues, but we passed a big healthcare bill at the end of 2016, with Republicans and Democrats supporting it. Frankly, in the end, some progressive Democrats voted against it and some conservative Republicans voted against it. It wasn't without controversy even until that final vote. But we have shown the ability to be able to work together, so why don't we do the same thing here?

I submit there are still big problems in the healthcare system. The Affordable Care Act didn't solve every problem out there, and even some aspects of the Affordable Care Act have to be amended, have to be changed. But let's work together on ways to keep what is working in the Affordable Care Act and make improvements to the parts that aren't working as well. Let's move into territory that we haven't covered yet, like drug prices, and do something about that.

Donald Trump, the President of the United States, gave a speech earlier this week in which he told Americans that if you pass this legislation, drug prices will come ''way, way, way down.'' That is his quote, that drug prices will come ''way, way, way down.'' That is not in this bill. TrumpCare doesn't have anything that controls drug prices. Drug prices are not coming way, way, way down, but

we could work together to try to make sure that happens. We could have a tough conversation about what we are willing to pay when it comes to drugs, whether we are willing to let the rest of the world free ride on the contribution of the United States to global research and development. That would be a very important discussion to have. I bet it wouldn't get all 100 of us, but it would allow for Republicans and Democrats to work together.

Instead of ramming this bill through this process, through the reconciliation process, which means you can do it without a single Democrat supporting it, let's sit together and try to work out a bipartisan approach to improving our healthcare system.

I know why Speaker RYAN is pushing this bill through so fast. He knows it doesn't solve any problems that exist in the American healthcare system. He knows that the only problem it solves is a political problem—a political problem created by the promise that Republicans and this President made to repeal the Affordable Care Act. But because they are doing it so fast, so hamhandedly, the replacement is going to result in disaster for Americans. That is not me saying that. That is the Congressional Budget Office. That is Bill Kristol. That is Republicans and Democrats all across the country.

Whatever happens tomorrow in the House of Representatives, the Senate will have a chance to be the adults in this conversation. Senate Republicans will have a chance to take a big step back and start over, and they can start over in a partisan way, or they can start over by reaching out to Democrats and saying: Let's try to work this out together. We may not get to that point where we have a bipartisan agreement, but, boy, it would be nice if my Senate Republican colleagues would at least try because if they don't, then PAUL RYAN is right—there will be three prongs to what will be called TrumpCare, if it isn't already: higher costs for consumers, less care for Americans, all in order to finance a giant tax cut for the rich. This isn't what the American people thought they were getting, and we have a chance in the Senate to do so much better.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## NATIONAL INSTITUTES OF HEALTH BUDGET AND PHARMACEUTICAL PRICES

Mr. DURBIN. Mr. President, last Thursday was a sunny, cold day in Chicago, but I looked forward to it because there was an event that I wouldn't miss. We have a hospital there known as the Rehab Institute of Chicago. It is one of my favorites, and we have some great hospitals. The Rehab Institute of Chicago literally focuses on people who have had serious accidents, strokes, injuries and who are trying to get rehabilitated so they can function and walk.

I really got to know this hospital years ago when I had a town meeting in Chicago and talked about our returning veterans from Iraq and Afghanistan. Many of them were coming home with serious injuries from roadside bombs and the types of injuries that can change your life.

A man came up to me, and his name was Ed Edmundson. He was from North Carolina. I was kind of surprised that he was at a Chicago town meeting. He explained to me that he heard about the town meeting because he had a son named Eric who was a disabled veteran and was at the Rehab Institute of Chicago. It turns out that Eric was seriously wounded by a roadside bomb in Iraq, and during the course of the surgery afterward, there was an accident. The net result of it was that he had very limited mobility and he could no longer speak.

Eric, if I remember, was about 23 years old. He was married and the father of a little girl. Well, the VA did the best for him, and they finally came to his mom and dad and said: We can't do anything more. We need you to pick out a motorized wheelchair for Eric because he needs to be in a nursing home. His father said: He is 23 years old. He is not going to a nursing home. We are not quitting. His dad then set out to find the best hospital in the United States and came to the conclusion that the Rehab Institute of Chicago was the place.

So he came to invite me to come up and meet Eric at the hospital, which I did a couple of days later. Eric was there with his mom and dad, and he started the rehab. I went back to see him a week or so later to see how he was doing. His mom said, as I came into the room: Eric has a gift for you. I thought: A gift for me? The gift was that Eric, with a little help, was able to stand on his own feet. It was a breakthrough. Some people had said it would never happen again.

His dad said to me that Eric planned on Memorial Day to put on his full dress uniform from the Army and walk out of the front door of that hospital with a little help and show folks that they shouldn't have given up on him. They asked me if I could be there. I said: I will move Heaven and Earth; I will be there. I wasn't the only one. There were a lot of people there—the mayor, elected officials, and every TV camera in Chicago—as Eric Edmundson walked out of the front door of the Rehab Institute in Chicago.

You never forget those moments, do you? Here is a young man who risked his life for America, came back gravely injured, and through his father and mother's determination—and his own strength—he found the best place for treatment. This rehab institute does research to find ways that give people who have spinal injuries and other injuries another chance.

Well, last Thursday they opened up the new Rehab Institute of Chicago, and it is renamed. It is the Shirley Ryan AbilityLab. It is not a hospital. They call it an AbilityLab, and the reason is that they try to integrate research with actual doctors, clinicians, and patients all in the same place—not separate universities and hospitals and so forth. It is a bold idea. It is a new concept, but if anybody can pull it off, it is Dr. Joanne Smith, who heads up now the Shirley Ryan AbilityLab.

Do you know what I learned as I got out of the car to give the speech and to cut the ribbon at this new research facility? I learned that the President of the United States, Donald Trump, had just announced his new budget. Do you know what was included in his new budget? A new spending line for the National Institutes of Health. That agency is the premier medical research agency in the world, and we are lucky to have it right here in the United States. We are lucky that Congress has given more money to NIH for biomedical research last year. Senator BLUNT, a Republican of Missouri, who heads up the subcommittee with Senator MURRAY of Washington, planned on giving more this year, and we are still trying.

Do you know what President Trump suggested for next year's budget for the National Institutes of Health? He suggested cutting their appropriation by $5.8 billion. It is a $32 billion appropriation. Cutting it by $5.8 billion will bring the level of biomedical research in the United States of America down to the lowest point it has been in 16 years. That is President Trump's idea of a priority—the most dramatic cut in biomedical research in the last 16 years.

I announced it when I did the ribbon-cutting speech. First, I thanked all the folks at the Shirley Ryan AbilityLab, Dr. Smith, and Shirley and Pat Ryan. I told them if there is ever a time both political parties ought to come together and tell this President that you are just flat-out wrong, this is it. This is it because the medical research that is taking place in the National Institutes of Health is not just for those who are sick today but for those who may be diagnosed later today or tomorrow.

You know what the most frequently asked questions will be when you get that heartbreaking diagnosis? Doctor, is there anything you can do for me? Is there a medicine? Is there a procedure? Basically, is there any hope? If the NIH, or the National Institutes of Health, isn't properly funded and isn't doing its job, that answer is not always going to be a good one.

Young medical researchers don't get rich, but they love what they do. To keep them on the job doing what they should do with all of their talent and

all of their skill and all of their education, we have to promise them that we are going to continue to fund medical research in a serious way, without the peaks and valleys.

President Donald Trump does not understand that. Mick Mulvaney, head of the Office of Management and Budget, who came up with this terrible budget, doesn't understand that. To them, they are just numbers on a page. We will just cut biomedical research to the lowest level in 16 years.

A few minutes ago I had a visit from some folks from Chicago, IL. They were with the National Multiple Sclerosis Society. They come to see me each year. You will see them around the halls wearing their orange ties and orange scarves. They came to talk about multiple sclerosis, which for many of my close friends is a disabling disease they fight every day. It is a disease of the central nervous system. It interrupts the flow of information within the brain and between the brain and the body. Symptoms range from numbness to tingling, to blindness and paralysis. The progress, severity, and specific symptoms of MS of any one person can't be predicted.

The good news is that we are engaged in research that can make a difference, research that gives us hope. They talked to me about Donald Trump's cuts to the National Institutes of Health. I told them I was going to do everything in my power to restore that money so that the research continues.

Incidentally, there is another issue. It isn't just fighting the disease and doing the research. It is what is happening to the cost of the drugs that these people need to maintain their lives and that give them hope. In 2004 the average wholesale price of available MS disease-modifying therapies was $16,000. By 2013, the average price had gone up to $61,000. In 2017, the average price is up to $83,600. All of the top 10 specialty medication classes, which include MS, increased in spending, and all had increases in the price of medication. Some of these drugs have been on the market for years, and now the pharmaceutical industry is driving the costs up across the board.

When we talk about healthcare in America, it is interesting how little time we spend talking about the cost of pharmaceuticals. But how wrong we are. When the head of Blue Cross in Chicago came to see me, she said: Senator, I will bet you didn't know last year Blue Cross Blue Shield spent more money in their hospitalization plans for pharmaceuticals and medications than they spent for inpatient hospital care for those who were covered—more money on drugs than inpatient hospital care.

So what did the Affordable Care Act, which is being debated, do about the price of pharmaceuticals? Almost nothing. What does the new Republican replacement plan do about the cost of pharmaceuticals? Almost nothing. Why? Why is there this hands-off attitude when it comes to an integral part of the cost of healthcare and an integral factor in the dramatic increases in the cost of healthcare? Because pharma has friends in high places.

Watch your television sets. There are two things to watch for, if you still watch television. The first thing is to watch for all the drugs that are advertised on television. Do you know how many countries in the world allow drugs to be advertised on television? Two. And one of them is the United States.

You see all these drugs being advertised that are going to allow you to be liberated, freed, and cured, and this and that and the other thing. Then, they run through all the disclaimers. This is the one I like the best: Be sure and tell your doctor if you have had a liver transplant: Oh, Doc, did I fail to mention I had a liver transplant?

That is the kind of thing they put on television. Why does a pharmaceutical company spend all that money advertising on television? They make money off of it.

Here is how. Americans walk into their doctor's office and say: I just saw this ad for this drug, and I think it is exactly what I need. Too many doctors, instead of taking 10 minutes to explain why it isn't the drug you need, take 1 minute to write out the script. So expensive drugs make it on the market and justify the advertising on television. That is one of the grim realities of what we are facing.

When it comes to the drugs and their pricing, we know what is happening. They are running up the costs of drugs on individuals, and they can't afford it any more. I just met with some of these MS patients, and one of them told me she had gone now for weeks without medication because, she said: Senator, it is $6,000 I just don't have.

Well, we can do better than that. We should do better than that as a nation. We ought to make certain that we don't get swept away with the pharmaceutical companies and their advertising. Those are the other things you are going to see on television now. They are really beautifully done ads. They are talking about all of us wanting to survive and how the pharmaceutical industries are finding, through their research, good drugs to help us survive. I don't quarrel with that premise. That is right, but it turns out many of them are spending more money on advertising than they are on research. So this is big business. It is big profits. They are trying to protect them. It is driving up the cost of healthcare. People like my friends with multiple sclerosis are wondering how this will end and whether they will be able to pay for the treatment they desperately need.

If this means anything to those who are listening to this debate, if it means something to you or your family, you need to speak up—Democrat, Republican, Independent, Trump voter or not—you need to let this administration and this Congress know that medical research is a priority to you. If it is not, hold on tight because Donald Trump's budget is about to rip the heart out of the National Institutes of Health.

Whatever his ambition, whatever his goals, whatever his tweets, I could care less. When it comes to medical research, he is in for a fight.

TRUMPCARE

Mr. President, the Republicans promised, if they took a majority, the first thing they would do is get rid of ObamaCare. He is gone. It has to be gone too. Fifty-seven times—maybe more—in the House of Representatives, they voted to abolish ObamaCare. It didn't mean anything. He was still President then. He was going to veto whatever they passed, but they did it over and over and over. It was an article of faith, and they beat their chests and went across America saying: Get rid of ObamaCare.

Then the dog caught the bus. They got the majority in the House and the Senate, and all of those threats and promises about ObamaCare became reality. Then something else happened. People started saying to the Republican majority: And then what? What are you going to replace it with?

Well, it turns out for 6 years they have been writing speeches about abolishing ObamaCare instead of for 6 years writing plans and bills to replace it. So they slapped together a replacement plan, sent it over—I say that because it only took them a couple of weeks. They sent it over to the Congressional Budget Office, which is kind of like the umpire here, the referee, to take a look at it.

The Congressional Budget Office gave a report on the Republican replacement plan for the Affordable Care Act. This is what it said: Under TrumpCare—ObamaCare to TrumpCare—under TrumpCare, 24 million Americans will lose their health insurance; 14 million in the first year—24 million Americans out of a nation of what, 350 million, 360 million. That is a pretty large group.

We know what happens when people lose their health insurance. They still get sick. When they get sick, they go to the emergency room when it is too bad, and the emergency room takes care of them. Then the hospital, because the person does not have health insurance, chalks up the cost of that health to charity care and passes it along to everyone else with health insurance.

Under TrumpCare, seniors, rural communities, and lower and middle-income families will see their premiums and out-of-pocket costs soar, according to the Congressional Budget Office. Under TrumpCare, Medicare's solvency will shrink by 4 years. Medicare, you remember, is the program primarily for seniors started back in the 1960s to make sure that when you got to a point in life, age 65, you may not be working, no longer have insurance through your

employer, the government Medicare plan would cover you.

Has it worked? Ask 60 million Americans who count on it. Yes. What about the results? Since the 1960s, people are living longer. We know Medicare works, but the cost of healthcare has been going up, and we worried about its long-term solvency. It turns out the Affordable Care Act, which we passed, brought some savings to healthcare and added 10 years of solvency to Medicare.

Now, the Republicans want to repeal the Affordable Care Act, and it will reduce the solvency of Medicare by 4 years—4 years sooner Medicare will go insolvent. The fiscally conservative Republican Party has come up with an answer, which leads to sooner insolvency for Medicare. Under TrumpCare, $880 billion in Federal Medicaid funding to States will be eliminated. What does it mean? Well, let me tell you the story of Judy.

Judy works at a motel in Southern Illinois. She is in her sixties. She is a hard-working lady. There is not a lazy bone in her body. She works in the hospitality room where you get the free breakfast at the motel. She is the one who smiles and cleans off the table and makes sure you are happy. I got to know her. Judy asked me about all of this stuff going on with affordable care. I asked her: Would you mind working with my office? Let's see what we can do for you.

It turns out that Judy, as hard as she works, makes a very low income. She qualified for Medicaid, which meant health insurance that did not cost her anything because her income was so low. She couldn't believe it. For the first time in her life—for the first time in her life she had health insurance—Medicaid—providing her health insurance. It was a good thing too because just shortly afterward she was diagnosed with diabetes. Now comes the proposal from the Republicans to remove so many people across America from Medicaid. Where does that leave Judy? Back where she started, working hard, with diabetes, a low income, and no health insurance. Terrible things can happen to you if you have diabetes and don't have some medical home or a doctor you can count on.

That is the reality of what TrumpCare will mean to Judy in Southern Illinois. One trillion dollars will be cut from programs that serve low- and middle-class families so the Republican approach can cut taxes for the wealthiest people in America. I am not making that up.

They are raising the premiums for working families to pay. They are cutting off seniors and others from Medicaid coverage so they can give tax breaks to the wealthiest superrich in America. It is going to cost us healthcare jobs across America. Downstate Illinois, those are good-paying jobs. The Illinois Hospital Association says we are going to lose them.

This Republican bill, TrumpCare, is bad for seniors, bad for middle-class families, bad for people with disabilities. It is not very good for kids. Half of the kids in America are born under and taken care of by Medicaid. It is bad for the States, bad for just about everyone who is not healthy or wealthy. Yet the House Republican leadership is intent on moving forward with TrumpCare this week.

The President came to the House Republicans yesterday and said: If you don't support me on this vote, I am coming after your districts to defeat you.

This approach is going to increase premiums for seniors in one of the most fundamental ways. We said in our bill that we voted for that you could not have a disparity in premiums more than 3 to 1. So the premiums charged to a 20-year-old and the premiums charged to a 60-year-old could be no different than a 3-to-1 margin. The Republicans changed that and made it 5 to 1.

That is why the American Association of Retired Persons opposes TrumpCare and why seniors across the country are waking up to the reality that they are in for a jolt when it comes to the premiums they have to pay.

Senator SUSAN COLLINS of Maine, a Republican, has said: ''This is not a bill I could support in its current form . . . it really misses the mark.'' As Senator COLLINS noted, this bill does not come close to achieving the goal of allowing low-income seniors to purchase health insurance.

Senator BILL CASSIDY, a Republican from Louisiana, said:

> The CBO score was, shall we say, an eye-popper. . . . Can't sugarcoat it. . . . Doesn't look good.

Senator and Dr. CASSIDY, Republican from Louisiana, said that. He went on to say:

> That's not what President Trump promised. . . . That's not what the Republicans ran on.

Senator TOM COTTON, Republican of Arkansas, said:

> I'm afraid that if [House Republicans] vote for this bill, they're going to put the House majority at risk next year. . . . Just from a practical standpoint, I don't think this bill is going to reduce premiums for working Americans. . . . I think it's going to cost coverage for many Americans.

Why do we want to rush this process? It took us more than 2 years to write a bill, and it is still a bill that needs more work. I voted for it. To think that they can replace it in a matter of weeks, with this slap-dash approach, is not fair to America. It is not fair to people who count on health insurance for peace of mind and coverage when they desperately need it.

I see my friend on the floor. I am going to close. I released a report today, and it is one I am going to share across the board in Illinois before our delegation votes this week. This bill in Illinois means that 311,000 people I represent would lose their private health insurance. By 2020, the average enrollee in Illinois would see their health insurance costs increase by over $3,000—by 2026, almost $5,000.

The impact is particularly severe for Illinoisans ages 55 to 64. They would see their costs of premiums increase by over 50 percent. Illinois hospitals, they are against it too. They know that a lot of downstate hospitals and inner-city hospitals can't survive this Republican replacement plan.

I will close with a letter from Christine McTaggart of Watseka, IL. Here is what she said to me: ''I wake up every day since the election fearing that a complete repeal will happen and for me that translates into a death sentence.''

Christine was originally diagnosed with stage IIIb inflammatory breast cancer in September of 2012. Given this type of aggressive cancer, her prognosis was poor. She went through 16 cycles—16—of chemotherapy, a bilateral mastectomy, 33 radiation treatments, failed reconstruction and chronic tissue issues, and thyroid cancer as well.

After all of that, in 2014, she learned her breast cancer was back. This time in her bones, stage IV. In her letter to me, Christine McTaggart of Watseka wrote:

> When the Affordable Care Act became law, I had no idea my life would come to depend on policies such as pre-existing conditions not excluding you from coverage . . . and lifetime maximums being eliminated. If ACA were repealed, I would no longer have coverage as my chronic ongoing treatment has far exceeded the old lifetime maximums. . . . I would have to choose between bankruptcy for treatments I cannot afford and rolling the dice, waiting for death.

She ends with this:

> I thank you for your tireless advocacy on this issue. . . . My life literally depends on it.

What we need to do is take repeal off the table, and this Senator will pull a chair up to the table. Let's make the Affordable Care Act work. Let's do it in a bipartisan way. Let's not look for a slam dunk for either political party. Let's try to do the right thing for America. We are not going to make the extremes in either political party happy, but if millions of Americans have health insurance and can find a way to pay for it, then we will do our job.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Louisiana.

Mr. CASSIDY. Mr. President, I ask unanimous consent that at 4:50 p.m. the remaining time on H.J. Res. 83 be yielded back and the joint resolution be read a third time and the Senate vote on the resolution with no interviewing action or debate.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

## CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, on the day of the news reporting the World Meteorological Organization is

declaring that 2016 was the hottest year ever recorded, and further declaring that the planet is now in what they call, ''truly uncharted territory,'' I rise for my 161st ''Time to Wake Up'' speech, in this case to update my colleagues on the state of our oceans.

I am from the Ocean State. In January, the National Oceanic and Atmospheric Administration released a report with the U.S. Geologic Survey, the Environmental Protection Agency, researchers at Rutgers University, Columbia University, and the South Florida Water Management District.

The report updates global sea level rise estimates—perhaps not a big issue for Colorado but a big issue for Rhode Island. It made region-specific assessments for our American coastline. Based on updated peer-reviewed scientific literature, the report raised the previous upper range, or extreme, scenario for average global sea level in the year 2100 by an additional half a meter.

NOAA and its partners then tailored their findings to the U.S. coastline based on regional variations in ocean circulation and gravitational pull and local land conditions like erosion, subsidence, and groundwater depletion, all of which affect the local impacts of global sea level rise. They found that under the higher scenarios, all regions in the United States, except Alaska, can expect sea level rise higher than the global mean average. The news was particularly harsh for the western Gulf of Mexico and for the northeast Atlantic coast—Virginia through Maine, including my home State of Rhode Island.

Our coastal managers, like Rhode Island's Coastal Resources Management Council—the CRMC, we call them—are taking these new estimates seriously and incorporating the high scenario into their planning. Under the new scenario, the Northeast is expected to see 9 vertical feet of sea level rise by the end of the century. That means that a child born today in Providence, RI, at Women & Infants Hospital is likely to live long enough to see this 9-foot vertical sea level rise take place along our shores.

By the way, when you go up 9 feet, the shore goes back many, many hundreds of feet in many places. In Rhode Island, what CRMC is now planning for is between 9 and 12 vertical feet of sea level rise for our State. That is going to hit Rhode Island communities pretty hard.

Rhode Island's CRMC and our University of Rhode Island have developed together something called STORMTOOLS. It is an online research tool that projects the effects of this sea level rise and additional storm surge onto the State's coastal properties.

The tool actually now needs to be updated because it currently maxes out at 7 feet of sea level rise, which was the previous high scenario. Now that we have raised it to 9 to 12 feet, they are going to have to go back and redo it.

This is what it looks like based on the 7-foot max. Here is 7 feet of sea level rise in Newport, RI. This is the harbor. This is downtown Newport. America's Cup Avenue, which runs right through there, will be taken out. Through this area are a lot of very successful businesses that appeal to the people who come to visit historic Newport, RI.

Through here, we have some of the most significant working wharves still in the Newport area. Then this area here, called The Point, is a historic section that goes back into the 18th and in some cases 17th centuries. These buildings, of course, will be flooded. There is the downtown Newport fire station in the middle of that as well, so it affects our safety infrastructure.

This is further up the bay in Rhode Island. This is Barrington here. This is the town of Warren. As you can see in the blue, there are a lot of places where homes and businesses go underwater just under the 7-foot scenario. Some of the stuff that goes underwater is pretty critical.

Here in this bluish part is the Warren wastewater treatment plant. You can't have a wastewater treatment plant that is under water, so that is a very significant investment for Warren to have to face.

I went to the Warren Town Hall not too long ago to meet with the manager and the folks who work there to hear from them about what they needed in order to accommodate this new risk.

Remember that the sea level rise that we are looking at here is just the floor that high tides and storms ride in on. In this simplified illustration, we can see a coastal city with sea level rise encroaching on its infrastructure. Then we add to that the king tides. When celestial bodies line up so the tides are stronger than usual and, therefore, higher than usual, they are called king tides. That is not a scientific term, but it is the lay term for them.

These king tides already push water into the streets of Miami and over the tops of the wharves of Boston on clear, sunny days—just from the tide. If you add on top of that a strong coastal storm, our city here does not stand a chance. Homes are destroyed, businesses are ruined, damages reach the billions, and lives perhaps are lost.

America's coastal communities are not prepared for the future. Part of that is because so many people are denying the prospect of this future, but also we haven't caught up.

Federal Emergency Management Agency flood maps are the things that guide flood insurance for most coastal property owners. FEMA's estimates, however, fall alarmingly short, we have discovered, for coastal communities like those in Rhode Island, as the FEMA studies rely on outdated data and incomplete models. This means that people along America's coast who rely on these models can be lulled into a false sense of comfort if their home falls outside one of FEMA's high risk zones but, in actuality, is in harm's way. So Rhode Island officials are out right now trying to educate everyone living and working along our State's coast about the flooding dangers that are fueled by climate change.

It is not just State officials. Insurance and mortgage companies are starting to take these changes into account. Even the government-backed mortgage giant, Freddie Mac, is girding for broad housing losses from climate-driven flooding. Let me quote them: ''The economic losses and social disruption may happen gradually,'' Freddie Mac says on its website, ''but they are likely to be greater in total than those experienced in the housing crisis and great recession.''

Think about that. That is pretty serious business, if you are saying that the housing damage and the consequent financial harm is going to be greater than the housing crisis and great recession that we just lived through.

Some effects of climate change may not even be insurable, Freddie Mac says, and unlike the 2008 housing crash, owners of homes that are literally under water—not just financially under water—would have little expectation of their homes' values ever recovering and, therefore, little incentive to keep making mortgage payments which would, in turn, add to steeper losses for lenders and for insurers. This is deadly serious economic business.

Shoreline counties are just 18 percent of the United States in land area, but they account for around 38 percent of the country's employment and 43 percent of our GDP. Each year, the sea and storms will take a higher toll on the roads, the bridges, the seawalls, the power and wastewater treatment plants, and the military facilities that serve that economically productive shore.

Despite all this, President Trump's proposed ''America First'' budget blueprint zeros out the Global Climate Change Initiative, ends U.S. contributions to international climate change programs, eliminates EPA programs that conduct climate change research and implement the Clean Power Plan, ends NOAA's coastal and marine management, research, and education grants and programs, including the sea grant cooperative research program, shifts NASA's Earth science budget, which includes climate research, out to deep space exploration, and cuts funding for the Department of Energy's Office of Science.

Obviously they don't like science very much.

The President's proposal—if enacted—would accelerate the grim future laid out in NOAA's sea level rise report and in Rhode Island's STORMTOOLS projections. As that grim future accelerates, it is actually science that gives us the headlights to perceive the oncoming threats. Cuts to CRMC of as much as 60 percent would cripple the STORMTOOLS project that provides Rhode Island our headlights.

The laws of thermodynamics will still govern the rise of our warming ocean waters. That is not going away. The laws of chemistry will still cause carbon dioxide to acidify seawater. That will not stop. The laws of biology will still affect vital coastal ecosystems and valuable ocean species and transmit the harms of climate change into those areas.

The laws of economics mean that this will all have a pretty bleak effect on the prosperity of Americans. All that it gains is that we will just be blinder to what is coming at us.

If the President were to forgo just one weekend at Mar-a-Lago, which POLITICO and the Washington Post estimate costs U.S. taxpayers $2 to $3 million each weekend, that money from one weekend could fund Rhode Island's entire sea grant program for a year, helping us guide offshore energy and commercial ocean development, protecting important fishing grounds and the State's vital fishing industry. That is economic effect in Rhode Island.

When the ocean starts lapping on the stairs of Mar-a-Lago, President Trump may be hard-pressed to continue denying what all of our scientific agencies are reporting and predicting. This graphic from the Boston Globe shows at 7 feet of sea level rise what is in store for the President's posh resort. The NOAA high scenario for that area actually projects for Florida's Atlantic coast sea level rise just over 8 feet by the end of the century—though this image understates the flooding that is going to take place at Mar-a-Lago in this century. That just shows 7 feet of sea level rise. An added foot of water not shown, plus that king tide problem I discussed, and storm surge—when you have a good wind kicking up, and it blows the surface of the ocean and raises the tide further—will all amplify these effects. Bye-bye, Mar-a-Lago.

It is time that we in Congress put fossil fuel interests aside. They have had their way with us quite long enough. It is time for us to start doing what is right by all of the Americans who live and work near the coast and will be facing this predicament in the real world.

If the President and this Congress remain beholden to this shameless, polluting industry, we will lose our chance to protect ourselves. It is time that we wake up to the reality of climate change, wake up to the reality of sea level rise, wake up to the reality of ocean acidification, and start to do something about it.

We can't say we weren't warned. We are just rotten with fossil fuel money and will not listen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, while the Senator from Rhode Island is still here, I was pleased to join with him in an article published in the New York Times not long ago. We don't agree on everything, but we do agree on this: Climate change is a serious problem, and it makes no sense to close nuclear power plants while they are safely operating and producing 60 percent of our carbon-free electricity in the United States.

So I thank him for his partnership on that article in the New York Times.

Mr. WHITEHOUSE. I appreciate the chairman saying that very much.

TVA

Mr. ALEXANDER. Mr. President, today I come to the floor to express my opposition once again to the possibility that the Tennessee Valley Authority—the TVA, as we call it—might raise our electric bills and waste more than $1 billion buying electricity the region does not need by agreeing to purchase power from the Clean Line Energy Partners' proposed Plains & Eastern wind power transmission project.

Congress has a responsibility to conduct oversight of TVA's decisions and also to ensure that TVA is fulfilling its missions, as defined by the TVA Act. Although TVA does not receive any Federal funding from Congress, TVA is a Federal corporation, and its board members are nominated by the President of the United States and confirmed by the Senate.

The House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committee, the committees responsible for the oversight of TVA, have held hearings to discuss TVA's budget and policies.

So as a U.S. Senator, today I am here to exercise my oversight responsibilities on TVA. Clean Line Energy Partners, a Texas-based company, is proposing to build giant, unsightly transmission towers from Oklahoma, through Arkansas, to Tennessee—known as the Plains & Eastern Clean Line—to carry comparatively more expensive, less reliable electricity to Tennessee and other Southeastern States.

For the first time ever, Federal eminent domain will be used over the objection of the State of Arkansas and both of Arkansas's U.S. Senators to acquire the land necessary for the transmission line. In order to move forward with the construction of a single 700-mile, high-voltage, direct current transmission line, Clean Line Energy Partners must find utilities in the Southeast that are willing to purchase the power produced by an Oklahoma wind farm and transmitted by the Plains & Eastern Clean Line. For this reason, Clean Line Energy Partners and their supporters have been urging the Tennessee Valley Authority to agree to a long-term power purchase agreement for wind power.

In November, shortly after the election, the Southern Alliance for Clean Energy said: ''We strongly encourage TVA's Board of Directors to immediately contract for at least 1,000 megawatts of wind power on the Plains and Eastern Clean Line.'' Why the rush, I would ask. The answer is this: Federal subsidies for wind power—subsidies that waste billions of dollars of taxpayer money each year—end after 2019. A petition being pushed by the Southern Alliance for Clean Energy urging TVA to purchase the power spells this out. They said: ''Critical deadlines regarding the Federal production tax credit for wind power are fast approaching. . . . The time to contract for low-cost wind power is now.''

So last December, I wrote to the TVA and said: ''There should not be a rush to approve any proposal from Clean Line Energy Partners. This is a big, expensive decision and should be left to the new board next year.''

While this decision should be left to a full TVA board when all of its members are confirmed, I don't know why either a board with three vacancies, which is what we have today, or a complete board with all of its members confirmed would even consider approving such a deal. A contract with Clean Line Energy Partners could cost TVA ratepayers more than $1 billion over the next 20 to 30 years, the typical length of such an agreement. TVA would be disregarding its mission to provide low-cost power to the region if it were to contract for power the region doesn't need regardless of the source of the electricity.

In recent years, according to TVA, power demand throughout the Tennessee Valley has declined.

In 2013, TVA began working with its customers to develop a long-term plan to meet the region's power needs through 2033. In 2015, when TVA completed its Integrated Resource Plan, that plan concluded—this is TVA talking—that ''there is no immediate need for new base load plants after Watts Bar Nuclear Unit 2 comes online and upgrades are completed at Browns Ferry Nuclear Plant.'' As a result of this conclusion, because TVA did not need power, TVA decided last year to sell the unfinished Bellefonte nuclear power plant.

For the foreseeable future, TVA has said it doesn't need any new baseload power and doesn't plan on any major new capital construction projects. This is good news for ratepayers because it means TVA can reduce debt and keep electric rates low. So why would TVA announce that it doesn't need new power for the next 15 years, sell a nuclear power plant capable of producing reliable baseload power for the next 60 years, and then turn around and buy unreliable wind power that might only be available for 20 or 30 years until the turbines break down?

TVA is, generally speaking, on a very good path. Its leadership has made sound decisions that will benefit ratepayers and our region. To fulfill its mission to provide safe, clean, reliable, and affordable power for the region's homes and businesses—that is its mission—it has opened the first nuclear power reactor in the 21st century. And I may say, going back to Senator WHITEHOUSE's speech, nuclear power is

emission free—no sulfur, no nitrogen, no mercury, no carbon. Nuclear power produces 60 percent of all of our carbon-free electricity. TVA is also placing pollution control equipment on all of its coal plants and is completing new natural gas plants. The TVA has done this while reducing its debt and reducing electric rates, which is good news for jobs and economic development in the region. Even if TVA did need more power, which it has said it does not, TVA should not agree to buy more wind power which is comparatively unreliable and expensive.

A look at TVA's previous experience with wind power illustrates how unreliable it can be, especially in our region. In 2001, TVA opened its first commercial-scale wind project in the Southeast. It is generous to say that it has been a failure. This project on Buffalo Mountain near Knoxville has the capacity to generate 27 megawatts of electricity; however, according to TVA, in 2016—last year—the Buffalo Mountain wind turbines produced only 4.3 megawatts on average. Capacity is 27 megawatts and generation was 4.3 megawatts—that is just 16 percent of their rated capacity. In other words, these turbines, which cost as much as $40 million to build and must cost millions more over the life of the contract, produce little electricity and little value to TVA's ratepayers.

Wind usually blows at night when consumers are asleep and don't need as much electricity. Until there is some way to store large amounts of wind power, a utility still needs to operate gas, nuclear, or coal plants when the wind doesn't blow. For example, take a recent TVA peak summer day. On July 26, 2016, Tennessee Valley homes and businesses consumed 29,512 megawatts of electricity—nearly all of TVA's capacity of 33,000 megawatts of electricity. Part of TVA's capacity on that day included contracts for nearly 1,250 megawatts of electricity produced by wind power. However, at the peak demand during the day, when power is most urgently needed, those wind turbines with a rated capacity of 1,250 megawatts actually delivered only 185 megawatts of electricity. So on a day when the Tennessee Valley needed power the most, wind turbines provided less than 15 percent of their rated capacity and less than 1 percent of the total electricity needed to power our region's homes and businesses.

Not only is wind power unreliable, it can be more expensive than nuclear, which also produces zero emissions, or natural gas, which is low emission.

TVA is currently completing a new 900-megawatt natural gas plant for roughly $975 million that will improve air quality in Memphis and be one of the most efficient natural gas plants in the world. Natural gas plants usually operate for at least 30 years and according to TVA can provide power in as little as 20 minutes to meet peak demand during hot summer afternoons and cold winter nights.

Last year, TVA opened the country's first nuclear power reactor in the 21st century, Watts Bar 2, at a cost of $5 billion. Watts Bar 2 will safely provide 1,150 megawatts of power more than 90 percent of the time for the next 40, 60, and possibly even 80 years, all of it emission free, no sulfur, no nitrogen, no mercury, no carbon.

The point is, TVA has concluded that it doesn't need more power for the foreseeable future; therefore, its board should resist obligating TVA's ratepayers for any new large power contracts, much less contracts for comparatively expensive and unreliable wind power. Instead, TVA should continue to provide low-cost, reliable power to the region because that boosts economic development throughout the Tennessee Valley.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, all remaining time for debate on H.J. Res. 83 has been 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. SASSE. 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Kentucky (Mr. PAUL).

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—50

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

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—2

| | |
|---|---|
| Isakson | Paul |

The joint resolution (H.J. Res. 83) was passed.

The PRESIDING OFFICER. The majority leader.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 20, David Friedman to be Ambassador to Israel.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Friedman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

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 David Friedman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Mitch McConnell, Steve Daines, John Cornyn, Tom Cotton, Bob Corker, John Boozman, John Hoeven, James Lankford, Roger F. Wicker, John Barrasso, Lamar Alexander, Orrin G. Hatch, David Perdue, James M. Inhofe, Mike Rounds, Bill Cassidy, Thom Tillis.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call with respect to the nomination be waived.

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

## LEGISLATIVE SESSION

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

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

The motion was agreed to.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 34.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 16, S.J. Res. 34, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services.''

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

The motion was agreed to.

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION

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

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 34) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services.''

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise in support of my resolution of disapproval under the Congressional Review Act of the FCC's broadband privacy restrictions. As chairman of the Senate Judiciary Committee's Privacy Subcommittee, I have spent more than a year closely examining this issue.

In February of 2015 the FCC, under then-Chairman Tom Wheeler, took the unprecedented step of reclassifying broadband providers as ''common carriers'' under title II of the Communications Act. In other words, on a 3-to-2 party-line vote, the FCC decided that internet service providers should be treated like telephone companies for regulatory purposes. The decision encroached on the Federal Trade Commission's jurisdiction to regulate ISP privacy policies, stripping these companies of their traditional privacy regulator.

Recognizing that his actions to impose net neutrality on ISPs created regulatory uncertainty, last spring Chairman Wheeler began to float the idea of implementing new FCC privacy rules. The FCC decided, again on a 3-to-2 party-line vote, to move forward with the rule change just before election day. The whole process was unsettling, to say the least.

The FCC ultimately decided to commandeer an area of regulatory authority for itself, without any meaningful check on this unilateral action. Once it initiated the bureaucratic power grab, it proceeded to establish new rules restricting the free speech of its regulatory target.

I submitted comments to the agency expressing my constitutional concerns about its proposed rule. I wasn't alone in doing so. Noted Harvard law professor Larry Tribe, hardly one to be confused for a conservative, did the same. But the rules were finalized nonetheless.

While the FCC recently took a step in the right direction by staying the application of the privacy rules, these midnight regulations are still hanging out there. Congress needs to repeal these privacy restrictions in order to restore balance to the internet ecosystem and provide certainty to consumers.

These regulations have altered the basic nature of privacy protection in the United States. For decades, the FTC policed privacy based on consumer expectations for their data, not bureaucratic preferences. These consumer expectations were just common sense: Sensitive data deserves more protection than nonsensitive data.

Unfortunately, the FCC rules dispensed with this commonsense regulatory approach. Under the new rules, what matters isn't what the data is but, rather, who uses it. This creates a dual-track regulatory environment where some consumer data is regulated one way if a company is using it under the FCC's jurisdiction and an entirely different way if its use falls under the FTC, or the Federal Trade Commission.

This is all confusing enough, but it gets worse. In the consumer technology sector, innovation is the name of the game. Companies are constantly rolling out new products and competing to win over consumers. By the same token, consumers are always on the lookout for the newest gadget or app. But the FCC's privacy order makes it increasingly difficult for consumers to learn about the latest product offerings from broadband providers. Instead of being notified about faster and more affordable alternatives for their family's home internet needs, under the FCC's privacy order, Arizonans might get left in the dark.

The FCC's heavyhanded data requirements restrict the ability of broadband providers to offer services tailored to their customers' needs and interests, and they lead to inconsistent treatment of otherwise identical data online. When a regulation diminishes innovation, harms consumer choice, and is just all-around confusing, it is a bad regulation. The FCC's privacy rule for ISPs is a bad regulation.

When it chose to impose needlessly onerous privacy regulations on broadband providers while leaving the rest of the internet under the successful FTC regime, the FCC unfairly picked one politically favored industry—the edge providers—to prevail over a different industry—broadband.

Repealing the FCC's privacy action is a crucial step toward restoring a single, uniform set of privacy rules for the internet. The FTC's privacy rules are the result of an ongoing, data-driven effort to understand and protect consumer expectations. That is the FTC. The FCC's rules, on the other hand, are the hasty byproduct of political interest groups and reflect the narrow preferences of well-connected insiders.

To sum all of this up, the FCC's midnight privacy rules are confusing and counterproductive. This CRA will get rid of it, pure and simple. But let me say what it won't do. Despite claims to the contrary, using this CRA will not leave consumers unprotected. That is because the FCC is already obligated to police the privacy practices of broadband providers under section 222 of the Communications Act, as well as various other Federal and State laws.

Both Chairman Wheeler and Chairman Pai agree on that point. Just last week, Chairman Pai wrote to my friends on the other side of the aisle confirming this legal fact.

This resolution will not disrupt the FCC's power, nor will it infringe on the FTC's jurisdiction elsewhere. Neither will it affect how broadband providers currently handle consumer data. Broadband providers are currently regulated under section 222, and they will continue to be after these midnight regulations are rescinded.

Passing this CRA will send a powerful message that Federal agencies can't unilaterally restrict constitutional rights and expect to get away with it. I urge my colleagues to support this resolution of disapproval.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, we are talking about taking privacy rights away from individuals if we suddenly eliminate this rule. Do you want a large company that is an internet provider, that has all the personal, sensitive information because of what you have been doing on the internet—do you want that company to be able to use that for commercial purposes without your consent? That is the issue.

If you want to protect people's privacy, I would think you would want to require that an individual who has paid money for the internet provider to provide them with the internet—you go on the internet, and you go to whatever site you want. You do business. You do personal business. You do banking. You go on the internet and you buy things. You talk about your children's school, about when you are going to pick up your children, maybe what your children want to wear to school. You want to talk on the internet about anything that is personal. Do you want that internet provider to have access to

that information to be used for commercial purposes without your consent? If you ask that question to the American people, they are going to give you a big, resounding no.

Should the internet provider use that information if you give your consent? Then that is fair game. If you give your consent so that they can alert you before a certain day—you might want to give a certain gift to your wife on her birthday, and they might have all that information, but maybe you don't want them to have the information about where your children go to school.

Personal, sensitive information is what we are talking about; therefore, the whole issue here is, do you want the internet provider to be able to use that information without the person's consent, or do you want the person to have to actually effectively opt-in in order to give the internet provider that consent? To me, this is a clear-cut case of privacy.

You can fancy it up, talking about FCC rules and so forth—and we have the author of the Telecom Act, Senator MARKEY, here, and he is going to talk about this and protections that were put in for telephones. But back then, remember, it was just you call from this number to this number on such and such a day for such and such a period of time. Even that was protected. But now—just think about this—we are talking about all the personal transactions that you do every day through the internet.

So I rise today in opposition to this resolution brought under the Congressional Review Act to disapprove the Federal Communications Commission's broadband consumer privacy rules. I would think that the distinguished Senator sitting in the Chair, who values privacy as he does—that this is going to be something he would be concerned about, as well as every other Senator in this Chamber, because you know that if you ask your constituents ''Do you want your privacy invaded without your consent?'' you know what the answer is going to be.

Americans care about their online privacy. They want to have control over how their personal information is exploited by third parties. In fact, a recent survey by the Pew Research Center found that 91 percent of adults feel they have lost control of how their personal information is collected and then used. That same study found that 74 percent of Americans believe it is very important that they be in control of who can get information about them, and a majority believe that their travels around the internet—the sites they visit and how long they spend in that location—are sensitive information that should be protected. I hope the Senators are going to pay attention to this because we are talking about sensitive, personal information.

Do you know that your geolocation is something that you are transmitting over the internet? Do you want your location and where you have been to be in the hands of somebody who could use that for commercial purposes? I don't think so. That is why this past October the FCC provided broadband subscribers with tools to allow them to have greater control over how their personal online information is used, shared, and then sold.

The FCC has been protecting telephone customers' privacy for decades, and it updated its longstanding privacy protections to protect the privacy of broadband customers. In fact, it is safe to say that what the FCC did last October was the most comprehensive update to its consumer privacy and data protection rules in decades.

The FCC put in place clear rules that require broadband providers to seek their subscribers' specific and informed consent before using or sharing sensitive personal information and give broadband customers the right to opt out of having their nonsensitive information used and shared if they chose to do so. The FCC also gave broadband subscribers additional confidence in the protection and security of their data by putting in place reasonable data security and breach notification requirements for broadband providers.

Simply put, the FCC decided to put American consumers—each one of us who pays these monthly fees for our broadband service—in the driver's seat of how their personal online data is used and shared by the broadband provider to which they have been paying a monthly fee to use their service. Is that too much to ask? I don't think so.

Please understand that broadband providers know a lot about every one of us. In fact, it may be startling, the picture that your broadband provider can develop about your daily habits and then sell to the highest bidder.

Your home broadband provider can know when you wake up every day either by knowing the time each morning that you log on to the internet to check the weather and news of the morning or through a connected device in your home.

That provider may know immediately that you are not feeling well, that you kind of feel sick, assuming you peruse the internet, like most of us do, to get a quick check on your symptoms. In fact, your broadband provider may know more about your health and your reaction to illness than you are willing to share with your doctor. Think about that.

Personal privacy? If you let this go to the highest bidder, personal privacy of sensitive information is going to be out the window.

Your home broadband provider can build a profile about your listening and viewing habits given that today most of us access music, news, and video programming over broadband.

Your broadband provider may have a better financial picture of you than even your bank or your brokerage firm or your financial adviser because they see every website you visit across every device in your home and can build a thorough profile about you through these habits.

If you live in a connected home, the home of the future—and the future is now, by the way—they may know even more details about how you go about your day-to-day activities. Your mobile broadband provider knows how you move about through the day, your geolocation. They know through information about that geolocation and the internet activity. All of that is through—guess what—this mobile device. Don't you think this is connected to the internet? And that is not to mention the sort of profile a broadband provider can start to build about our children from their birth. It is a gold mine of data, the holy grail, so to speak.

It is no wonder that broadband providers want to be able to sell this information to the highest bidder without the consumer's knowledge or consent. And they want to collect and use this information without providing transparency or being held accountable. Is this what you want to inflict upon your constituents in your State by changing this rule about their personal, sensitive privacy? I don't think so. You better know what you are doing when you vote tomorrow. This vote is coming about noon tomorrow. You better know.

As a country, we have not stood for this in the past, this kind of free utilization of information by entities that may want to have a unique look at who we are. We place stringent limits on the use of information by our doctors. We place stringent limits on our banks. When it comes to our children, I mean, that ought to be off-limits.

Broadband providers can build similar profiles about us and in fact may be able to provide more detail about someone than any one of those entities can. Passing this Senate resolution will take consumers out of the driver's seat and place the collection and use of their information behind a veil of secrecy, despite the rhetoric surrounding our debate today suggesting that eliminating these commonsense rules will better protect consumers' privacy online or will eliminate consumer confusion.

Don't fall for that argument, Senators. In fact, the resolution will wipe out thoughtful rules that were the product of months of hard work by the experts at the agency on regulating communications networks of all kinds. Those rules were crafted based upon a thorough record developed through an extensive multimonth rulemaking proceeding. The FCC received more than one-quarter of a million filings during this proceeding. They listened to the American people.

The agency received extensive input from stakeholders in all quarters of the debate, from the broadband providers and telephone companies to the public interest groups and from academics to individual consumers. We are going to wipe all of this away at noon tomorrow

with a vote that you can do it by 50 votes in this Chamber? I don't think this is what the people want.

On top of this, the rules are based on longstanding privacy protections maintained by the FCC for telephone companies, as well as the work of and the principles advocated by the Federal Trade Commission and advocated by State attorneys general and others in protecting consumer privacy. The FCC rules put in place basic safeguards for consumers' privacy based on three concepts that are widely accepted as the basis for privacy regulation in the United States and around the world: notice, choice—individual choice, consumer choice—and security, those three. They are not the radical proposals that some would have you believe they are.

First, the rules require broadband providers to notify their customers about what types of information it collects about the individual customers, when they disclose or permit access to that information, and how customers can provide consent to that collection and disclosure.

Second, the rules give consumers choice by requiring broadband providers to obtain a customer's affirmative opt in; in other words, I give you my consent before you can use or share my sensitive personal information.

As I mentioned earlier, sensitive information includes a customer's precise geographic location—I don't think you want some people to know exactly where you are—your personal information, health, financial, information about your children, your Social Security number—how many laws do we have protecting Social Security numbers—the content you have accumulated on the web, web browsing, and application usage information.

For information considered nonsensitive, broadband providers must allow customers to opt out of use and sharing of such information. Broadband providers must provide a simple, persistently available means for customers to exercise their privacy choices.

Third, broadband providers are required to take reasonable measures to protect customers' information from unauthorized use, disclosure, or access. They must also comply with specific breach notifications. In other words, if somebody has busted the internet and stolen all of this information from the site, don't you think you ought to be notified that your personal information was hacked? Well, that is one of the requirements.

So then I ask my colleagues: What in the world is wrong with requiring broadband providers to give their paying customers clear, understandable, and accurate information about what confidential and potentially highly personal information those companies collect? What is wrong with getting their consent to collect that information from their subscribers?

What is wrong with telling customers how their information is collected when they use their broadband service? What is wrong with telling customers with whom they share this sensitive information? What is wrong with letting customers have a say in how their information is used? What is wrong with recognizing that information about a consumer's browsing history and ap usage, sensitive and personal information, should be held to a higher standard before it is shared with others? What is wrong with all of that?

What is wrong with seeking a parent's consent before information about their children's activities or location is sold to the highest bidder? Do we as parents not go out of our way to protect our children's well-being and their privacy? Trying to overturn this rule is what is wrong.

What is wrong with protecting consumers from being forced to sign away their privacy rights in order to subscribe to a broadband service? I want your internet service. Do I have to sign away the rights to my private information—private, sensitive information? What is wrong with making companies take reasonable efforts to safeguard the security of consumers' data?

What is wrong with making companies notify their subscribers when they have had a breach? Again, I ask my colleagues: What in the world is wrong with giving consumers increased choice, transparency, and security online?

Supporters of the joint resolution fail to acknowledge the negative impact this resolution is going to have on the American people. This regulation is going to wipe away a set of reasonable, commonsense protections. I want to emphasize that. Is it common sense to protect our personal, sensitive, private information? Of course it is. But we are just about—in a vote at noon tomorrow, with a majority vote, not a 60-vote threshold, a majority vote here—we are just about to wipe all of that out. It will open our internet browsing histories and application usage patterns up to exploitation for commercial purposes by broadband providers and third parties who will line up to buy your information.

It will create a privacy-free zone for broadband companies, with no Federal regulator having effective tools to set rules of the road for collection, use, and sale of that uniquely personal information of yours. It will tie the hands of the FCC because they cannot go back. Once this rule is overturned, they cannot go back and redo this rule. It will tie the hands of the Federal Communications Commission and eliminate the future ability to adopt clear, effective privacy and data security protections for you as a subscriber, in some cases even for telephone subscribers.

To be sure, there are those who disagree with the FCC's broadband consumer privacy rules. There is an avenue for those complaints. These same companies that are pushing the joint resolution have filed for reconsideration of the rule at the FCC, and there is a judicial system. That is the appropriate way. Go back and get the FCC to amend—if you all are so concerned—or let the judicial system work its will, but do not do it in one fell swoop in a majority rule in this body tomorrow at noon.

In fact, the critics of the FCC's rules have an open proceeding at the FCC in which they can argue on the record with an opportunity for full public participation to change and alter these rules.

If the FCC did it—you have a new FCC, a new Chairman, a new majority on the FCC—let them be the ones to amend the rules after all the safeguards of the open hearings, of the comment period, all of that. By contrast, what we are using here to invade our privacy is a blunt congressional instrument called the Congressional Review Act. It means that all aspects of the rules adopted by the FCC must be overturned at once, including changes to the FCC's telephone privacy rules.

It would deny the agency the power to protect consumers' privacy online, and it would prevent the FCC—get this—prevent them, the FCC, the regulatory body that now has a new chairman and a new majority—it would prevent the FCC from ever adopting even similar rules. I don't think that is what we want to do because it does not make sense. That is exactly what we are about to do.

I also want to address the argument that the FCC rules are unfair to broadband providers because the same rules do not apply to other companies in the internet ecosystem. Supporters of this resolution will argue that the other entities in the internet ecosystem have access to the same personal information that the broadband providers do.

They argue that everyone in the data collection business should be on a level playing field. Well, I ask my colleagues whether they have asked their constituents that question directly. Do Americans really believe that all persons who hold data about them should be treated the same? I venture to guess that most Americans would agree with the FCC that companies that are able to build detailed particulars about you and build those particular pictures about your lives through unique insights because of what you do every day in their internet usage—shouldn't those companies be held to a higher standard?

In addition, the FCC's rules still allow broadband providers to collect and use their subscribers' information. The providers merely need to obtain consent from those activities when it comes to their subscribers' highly sensitive information.

The FCC also found that broadband providers, unlike any other companies in the internet ecosystem, are uniquely able to see every packet of information that a subscriber sends and receives—every packet of information that you

send or receive over the internet while on their networks. So if you have a provider, they are on your iPhone, and you are using them, they are seeing everything. That is not the case if you go to Google because Google sees only what you do while you are on Google. But the internet provider, the pipe that is carrying your information—they see everything that you do.

Supporters of the joint resolution also hold out the superiority of the Federal Trade Commission's efforts on protecting privacy. They argue that there should be only one privacy cop on the beat. But, folks, that ignores reality. The FTC doesn't do everything. There are a number of privacy cops on the beat. Congress has given the FCC, the FTC, the FDA, and NHTSA regulatory authority to protect consumers' privacy.

You had better get this clear because the FCC is the only agency to which Congress has given statutory authority to adopt rules to protect broadband customers' privacy. The FTC, the Federal Trade Commission, does not have the rulemaking authority in data security, even though commissioners at the FTC have asked Congress for such authority in the past. Given recent court cases, the FTC now faces even more insurmountable legal obstacles to taking action, protecting broadband consumers' privacy.

So don't be fooled by this argument that folks are telling you over here that it ought to be the FTC, the Federal Trade Commission. As many have pointed out, elimination of the FCC's rules will result in a very wide chasm, where broadband and cable companies have no discernible regulation while internet ''edge'' companies abide by the FTC enforcement efforts.

Without clear rules of the road, broadband subscribers will have no certainty of choice about how their private information can be used and no protection against its abuse—no protection, my fellow Americans, of your personal, sensitive, private data. That is why this Senator supports the FCC's broadband consumer privacy rules.

I want to encourage my fellow Senators: You had better examine what you are about to do to people's personal privacy before you vote to overturn this rule tomorrow.

I urge my colleagues to vote against the joint resolution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from South Dakota.

ORDERS FOR THURSDAY, MARCH 23, 2017

Mr. THUNE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 23; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that the Senate resume consideration of S.J. Res. 34.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THUNE. Mr. President, the internet has grown at an unbounded rate in the years since its inception, a phenomenon no one can argue with. Much of that growth can be attributed to the light-touch regulatory approach that the government adopted in the early days of the web.

As chairman of the Commerce Committee, which has jurisdiction over the internet, I have worked hard to promote policies that encourage the private sector to invest in and grow the internet ecosystem as a whole. All of that is jeopardized, however, if government bureaucrats have the ability to overregulate the digital world. When it comes to overregulating the internet, one need look no further than the Democratic-controlled Federal Communications Commission under President Obama.

In a world that was turning away—it was literally turning away from the legacy telecommunication services and, instead, toward dynamic internet applications, the FCC found its role gradually diminishing. This is an inevitable and good byproduct, I might add, of a more competitive environment brought about by technological innovation and successful light-touch policies.

Yet the Obama FCC fought hard against this technological progress and, instead, pursued an aggressively activist and partisan agenda that put government edicts ahead of real consumer desires. Over the last 2 years, the FCC has made a stunning bureaucratic power grab. First, the FCC stripped away the Federal Trade Commission's authority to police internet providers and seized that for itself by recharacterizing such services as monopoly-era telecommunications.

Then in 2016, the FCC, which has little experience regulating internet privacy, decided to turn our country's privacy laws on their head by abandoning the time-tested enforcement approach of the FTC, the Federal Trade Commission. These actions by the FCC ignored both common sense and real world data and, instead, focused on hypothetical harms of the future.

Ignoring years of internet ecosystem precedent, where everyone was treated the same, the FCC's 2016 broadband privacy regulations would apply only to certain parts of the internet. This is a source of significant concern because at any particular time, consumers will not have reasonable certainty of what the rules are and how their privacy decisions will be applied.

Are you at home on Wi-Fi? At home on a smartphone? Using your smartphone on a friend's Wi-Fi? Using the Internet at a library? Each of these could have very different privacy implications for a consumer because of the FCC's piecemeal approach to privacy, leading to more confusion and uncertainty, not increased privacy protections, as promised.

In enacting these lopsided rules, the FCC seems to have gone out of its way to disregard established FTC practice by creating new regulations that differ significantly from the FTC's tried-and-true framework. The FTC's privacy regime is clear, easy to understand, and applies evenly throughout the marketplace. By contrast, the FCC's rules are complex, confusing, and often lead to the same data being treated inconsistently online.

The FCC's action would harm consumers in other ways as well. Even though no consumer wants to be in the dark about newer and cheaper services, the FCC's rules actually make it more difficult for customers to hear about new, innovative offerings from their broadband providers. And because the FCC imposed heavy-handed data requirements on these internet companies, they will have less ability to offer services that are tailored to their customers' needs and interests. Furthermore, the FCC unfairly distorted the marketplace when it imposed unnecessarily onerous privacy restrictions on broadband providers while leaving the rest of the internet under the strong and successful regime at the FTC.

When speaking about the economic opportunities the internet now affords us, President Obama's last FCC chairman declared that ''government is where we will work this out.''

''Government is where we will work this out.''

Well, I couldn't disagree more. I believe the marketplace should be the center of the debate over how our digital networks would function, not the FCC. I believe consumers and job creators should be the ones deciding about new technologies, not the government.

The resolution before us today is the first step toward restoring regulatory balance to the internet ecosystem. The best way for that balance to be achieved is for there to be a single, uniform set of privacy rules for the internet—the entire internet—rules that appropriately weigh the need to protect consumers with the need to foster economic growth and continued online innovation.

The FCC is simply the wrong venue for that effort. Its statutory scope is too narrow, and it lacks institutional expertise on privacy. The current chairmen of the FCC and the FTC both recognize this, having jointly called for returning jurisdiction over broadband providers' privacy and data security practices to the FTC ''so that all entities in the online space can be subject to the same rules.''

For those reasons, I support the resolution before us that would provide congressional disapproval of the Obama administration's misguided and unfair attempts to regulate the internet, and I encourage my colleagues to support the resolution as well.

To those people who have heard that this resolution somehow results in the elimination of all online protections for consumers, I can assure you those

claims are simply unfounded scaremongering. If this resolution is enacted, it will repeal only a specific rulemaking at the FCC that has yet to be implemented. What we are talking about here hasn't even been implemented yet. It will not touch the FCC's underlying statutory authority. Indeed, the FCC will still be obligated to police the privacy practices of broadband providers, as provided for in the Communications Act. The new chairman of the FCC confirmed this when he appeared before the Commerce Committee earlier this month. No matter what happens with this resolution, the FTC will continue to have its authority to police the rest of the online world.

It is my hope that once the Senate passes this resolution, the House will move quickly to take it up and send it to the President for his signature because, before our country can get back on the right track, we must first move past the damaging regulations adopted in the waning days of the Obama administration.

I thank Senator FLAKE for his leadership on this issue. Without his tireless efforts, we would not be here today, standing ready to move decisively toward a better future for the internet.

I urge my colleagues to support the resolution that we will vote on tomorrow at noon.

## MORNING BUSINESS

## COMMITTEE ON THE BUDGET

### RULES OF PROCEDURE

Mr. ENZI. Mr. President, I ask unanimous consent that the rules of the Senate Committee on the Budget for the 115th Congress be printed in the RECORD.

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

RULES OF PROCEDURE

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 72 hours prior to such meeting or markup.

II. CONSIDERATION OF BUDGET RESOLUTIONS

(1) If the chair of the committee makes proposed legislative text of a concurrent resolution on the budget available to all committee members by 12:00 p.m., five days prior to the start of a meeting or markup to consider the resolution, during that meeting or markup:

(a) it shall not be in order to consider a first degree amendment unless the amendment has been submitted to the chief clerk by 5:00 p.m. two days prior to the start of the meeting or markup, except that an amendment in the nature of a substitute offered by the chair of the committee shall not be required to be filed in advance, and

(b) it shall not be in order to consider a second degree amendment unless the amendment has been submitted to the chief clerk by 5:00 p.m. on the day prior to the start of the meeting or markup, and

(c) it shall not be in order to consider a side-by-side amendment unless the amendment has been submitted to the chief clerk by 5:00 p.m. on the day prior to the start of the meeting or markup, and the amendment is filed in relation to a particular first degree amendment that is considered by the committee.

(2) During consideration of a concurrent resolution on the budget, it shall not be in order to consider an amendment that would have no force or effect if adopted.

III. ORDER OF RECOGNITION

Those members who are present at the start of any meeting of the committee including meetings to conduct hearings, shall be recognized in order of seniority based on time served as a member of the committee. Any members arriving after the start of the meeting shall be recognized, in order of appearance, after the most junior member.

IV. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator.

(4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule I(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

V. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions unless a member is experiencing a health issue and the chair and ranking member agree to allow that member to vote by proxy on amendments to a Budget Resolution.

VI. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) At least 24 hours prior to the scheduled start time of the hearing, a witness appearing before the committee shall file a written statement of proposed testimony with the chief clerk who is responsible for circulating the proposed testimony to all members at the same time. The requirement that a witness submit testimony 24 hours prior to a hearing may be waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

VII. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VIII. USE OF DISPLAY MATERIALS IN COMMITTEE

Committee members may use the electronic display system provided in the committee hearing room or physical graphic displays during any meetings or hearings of the committee. Physical graphic displays are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

IX. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the chief clerk, who will distribute to the chairman and ranking member at the same time:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

## 50TH ANNIVERSARY OF THE VIETNAM WAR

Mr. KING. Mr. President, this month Togus VA Maine Healthcare System will observe the 50th anniversary of the Vietnam war by honoring veterans of the Vietnam war era and their families. Togus will welcome veterans, their families, and communities in a ceremony at the Togus Theater in Augusta on March 23, 2017, to commemorate their service and sacrifices and to thank them for dedicating both strength and service in defense of our freedom.

Throughout the war, the United States deployed nearly 3 million servicemembers to Vietnam. Over 58,200 Americans made the ultimate sacrifice, and more than 150,000 were wounded during the conflict. Our veterans selflessly served this country, and they deserve to be recognized for their unwavering patriotism, courage, and resilience that exemplifies the strength of the American spirit and our Nation's commitment to democracy worldwide.

Maine played a critical role in the war effort. Those who served in the Vietnam war represent the largest contingent of veterans in Maine, and their record of service has earned them our eternal gratitude. Nearly 48,000 soldiers from Maine served in Vietnam, and almost 350 Mainers lost their lives or went missing in action during the war.

For this observance of the 50th anniversary of the Vietnam war, I am proud to recognize the brave Americans who served, both overseas and here on the homefront. Their service makes this country great, and their countless personal sacrifices to protect our freedoms can never be fully repaid. It is my honor to express my gratitude to our veterans for their service during the Vietnam war and their many contributions to the State of Maine and our great Nation.

## RECOGNIZING SMALL BUSINESS DEVELOPMENT CENTERS

Mr. RISCH. Mr. President, on behalf of myself and my colleague Senator SHAHEEN, I would like to recognize the contributions made to our Nation and its small businesses by the good work of America's small business development centers. As chairman and ranking member of the Senate Committee on Small Business and Entrepreneurship, Ranking Member SHAHEEN and I understand the impact that boosting small businesses makes, with 99.7 percent of all firms across America being small businesses and their employees making up 48 percent of the total workforce.

America's small business development centers provide small businesses across the country with high-quality, low- or no-cost consulting, and a variety of educational programs. These centers operate in all 50 States to support an established network of small businesses while encouraging new entrepreneurs to develop and execute their unique vision, helping innovators get their own small businesses up and running.

Small business development centers are successful because they provide the services of a large consulting firm on a locally scaled level in areas that may go unnoticed by other programs. They provide tailored, individualized attention to over 450,000 entrepreneurs a year, which resulted in $6.9 billion in new sales in 2015. That same year, America's small business development centers aided in the creation of over 100,000 jobs, and the small businesses they serve averaged a growth rate of 15.5 percent, which is nearly eight times the national average.

One of many success stories that can be told is that of Velma, a marketing software firm in Nampa, ID. Founded in 2006, the firm focused on empowering loan officers to create stronger relationships through a customized direct email program. The recession of 2008 hit Velma hard, and in 2010, the company entered into the small business development centers business accelerator program. The structure of the program provided organizational discipline, and the firm pivoted to providing email marketing for mortgage companies. Since the firm began participating in the accelerator program, Velma has quadrupled its employees and created a sustained positive cash flow.

It is a privilege for my colleague and I to recognize America's Small Business Development Centers Day today, March 22, 2017, and we wish them continued success as they work to support the next generation of America's small business owners and entrepreneurs.

Mrs. SHAHEEN. Mr. President, as ranking member of the U.S. Senate Committee on Small Business and Entrepreneurship, it is a privilege to join Chairman RISCH as we celebrate the first ever Small Business Development Center Day, which will unite the more than 1,000 small business development centers, SBDCs, across the country with the hundreds of thousands of entrepreneurs they have assisted in their 37-year history.

Small businesses are the engine of our economy, creating two out of every three new jobs in the United States. As Chairman RISCH stated, since 1980, America's SBDCs have provided these small businesses with high-quality, low- or no-cost consulting, and a variety of educational programs across the country. Together with SBA's other resource partners—women's business centers, veterans business outreach centers, and SCORE chapters—SBDCs have enhanced the ability of America's small businesses to grow and create jobs.

To provide some context for what this means to our economy, the association representing SBDCs estimates that SBDC clients start a new business every 30 minutes, create a new job every 5 minutes, generate $100,000 in

new sales every 7.5 minutes, and raise $100,000 in capital every 11 minutes. Job growth for SBDC clients is nearly 10 times greater than job growth for the average business.

Under the leadership of Dr. Richard Grogan, the New Hampshire SBDC State director, New Hampshire SBDCs have helped thousands of small business owners and entrepreneurs realize their dreams, start new businesses, and create jobs. Last year alone, New Hampshire SBDC counseled and trained more than 2,500 businesses and assisted in the formation of more than $39 million in capital for New Hampshire's small businesses.

For example, NH SBDC has been instrumental for Julie Lapham, the founder and chief sales officer of a startup in Dover, NH, called Popzup. Popzup is a family-owned business that provides a new popcorn product for health-conscious consumers. As Julie explained it, her local SBDC helped to prepare her for a Shark Tank-style pitch competition in which she took home a first-prize award of $10,000. They have helped her understand her financing options and continue to stay involved and support her company's growth.

I hope my colleagues will join me and Chairman RISCH in celebrating SBDC Day and acknowledging their local SBDCs for their accomplishments and the role that they play in helping small businesses create jobs.

## ADDITIONAL STATEMENTS

### REMEMBERING PABLITA TA-NEZ-BAH ABEYTA

● Mr. UDALL. Mr. President, Ta-Nez-Bah means in Navajo ''one who completes a circle.'' Ta-Nez-Bah was an apt middle name for Pablita Abeyta whose life encircled art, advocacy, and dedication to Native peoples.

Pablita Ta-Nez-Bah Abeyta was born in Gallup, NM, in 1953, to Narciso Ha-So-De Abeyta and Sylvia Ann (Shipley) Abeyta. Her father was Navajo and an internationally recognized painter and silversmith. Her mother was Anglo and a Quaker and an accomplished ceramist and weaver in her own right.

Pablita and her six siblings were raised in and around the arts and the traditions of the Navajo people. Each had an artistic talent. Her sister Elizabeth was a masterful sculptor and ceramic artist; her brother Tony is a highly acclaimed painter and jeweler; and her sister Alice Seely is a nationally recognized sculptor, painter, and jeweler.

Pablita attended the Institute for American Indian Arts in Santa Fe and received a masters in public affairs from the University of New Mexico in 1983.

She then headed off to Washington, DC, where she would combine advocacy and art the rest of her life and where she would play a key role in founding the Smithsonian Institution's National Museum of the American Indian, NMAI.

Pablita had a full career on Capitol Hill for many years until her retirement, always advocating for Native causes. She lobbied for the Navajo Nation; worked as a legislative aide to U.S. Representative Ben Nighthorse Campbell from Colorado; staffed the U.S. House Interior Committee's Office of Indian Affairs under my uncle, U.S. Representative Mo Udall; held a legislative liaison position at the Smithsonian Institute; and served as special assistant with the NMAI.

Pablita attended the first congressional hearing on NMAI in 1987, worked for its establishment through congressional legislation, and worked on its highly successful private fundraising drive. Her work was instrumental to starting and building the museum.

Pablita was also an accomplished sculptor. Inspired by the strength, beauty, and serenity of Native women, her sculptures have been described as ''smooth, round and sensuous.'' Her artwork won many awards at the Santa Fe Indian Market, was included in a Smithsonian National Museum of American History exhibition, and is held in the permanent collection of the NMAI. Pablita commented of her sculptures that ''. . . the female figurines sing, talk, and reflect the seasons and Navajo spiritual ceremony. I am making a statement with my art about the importance of family, community and my heritage.''

Pablita passed away January 31, 2017, at age 63. She completed many circles in her life, and I honor all that she accomplished.●

### REMEMBERING WILSON M. HALONA

● Mr. UDALL. Mr. President, I wish to pay tribute to Wilson Miles Halona, an outstanding member of the Navajo Nation, a loving husband and father, and a courageous American veteran. Sadly, at age 95, he passed away February 28, 2017.

Mr. Halona was born January 1, 1922, in the Chuska Mountains near Tohatchi, NM. His maternal clan was the Ashiihi, Salt People Clan, and his paternal clan was To'hani, Near the Water People Clan. He was the son of sheep herders, Barney and Annie Halona. One of his sons tells the story of Mr. Halona's mother going into labor with him as she was herding sheep in the middle of winter. She stopped to give birth, outside in the cold, and then went back to herding. He came from strong stock.

This is the second time I have had the privilege to honor Mr. Halona. The first was on November 20, 2012, at the Pueblo Indian Cultural Center in Albuquerque, New Mexico. Mr. Wilson was a World War II hero, but had not received the recognition he deserved. Almost 60 years after the war, his family worked to make sure he received the acknowledgment and medals he earned for his bravery and service.

Mr. Halona was part of the D-Day invasion. Serving in the Army, he and his fellow soldiers landed in Normandy, on Utah Beach, in July 1944. They were part of the third wave of American soldiers to land, and there were already many casualties scattered on the beach.

Mr. Halona was a gunner. As he and his battalion started moving inland, they encountered heavy gunfire from Germans who were dug into mountaintops along the beach in cement bunkers. The American troops returned the gunfire and fought for over 3 hours before they destroyed two German bunkers. Mr. Halona's battalion stopped further casualties and took control of the beachfront.

They headed to Brussels and then on to Bonn and Luxembourg, where the U.S. had established a military base. Winter came upon them, and they were snowed in for 4 months. After the snow cleared, the battalion moved to take over Munich, where they saw firsthand the death and destruction of the Holocaust. In Stuttgart, they drove out the Germans, captured Hitler's top generals, transferred them to jail in Nuremburg, and kept guard. Mr. Halona himself guarded Reichsmarschall Hermann Goering for several hours. Mr. Halona credited his Navajo traditions and prayers for helping him during and after the war.

When Mr. Halona was finally given the honors owed in 2012, he received the Good Conduct Medal, European-African-Middle Eastern Campaign Medal with one Silver Service Star, World War II Victory Medal, the Honorable Service Lapel Button WWII, and the Sharpshooter Badge with Rifle Bar Presentation. I was deeply honored that he asked me to present his medals.

Mr. Halona served the Navajo Nation with distinction as well. He was a member of the Navajo Nation Council for four terms and president of the Tohatchi chapter for eight terms. He was first appointed to the advisory board for the Navajo Housing Authority and then served as its first chair. He was instrumental in developing the housing authority—The Navajo Housing Authority was one of the first tribal housing authorities to be funded by the U.S. Department of Housing and Urban Development—and making sure that Navajo people had better living conditions. He worked to develop the Indian Health Service within the Navajo Nation and to build schools on the reservation. He even helped create the Navajo rodeo association. Mr. Halona's service to his tribe stretched far and deep.

Mr. Halona was married to his wife, Ruby Arviso, from 1942 until her passing in 2013. He had 7 children, and is survived by 5, along with 16 grandchildren and 29 great-grandchildren.

Wilson Miles Halona lived a life of service to family, tribe, and Nation. I honor his life and his work.●

## MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

## PRESIDENTIAL MESSAGE

### NOTICE OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SOUTH SUDAN THAT WAS DECLARED IN EXECUTIVE ORDER 13664 OF APRIL 3, 2014—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13664 of April 3, 2014, with respect to South Sudan is to continue in effect beyond April 3, 2017.

The situation in and in relation to South Sudan, which has been marked by activities that threaten the peace, security, or stability of South Sudan and the surrounding region, including widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers and humanitarian workers, and obstruction of humanitarian operations, continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13664 with respect to South Sudan.

DONALD J. TRUMP.

THE WHITE HOUSE, *March 22, 2017*.

## MESSAGE FROM THE HOUSE

At 12:31 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 305. An act to amend title 4, United States Code, to encourage the display of the flag of the United States on National Vietnam War Veterans Day.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1297. An act to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes.

H.R. 1353. An act to amend the Homeland Security Act of 2002 to require certain additional information to be submitted to Congress regarding the strategic 5-year technology investment plan of the Transportation Security Administration.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1297. An act to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1353. An act to amend the Homeland Security Act of 2002 to require certain additional information to be submitted to Congress regarding the strategic 5-year technology investment plan of the Transportation Security Administration; to the Committee on Commerce, Science, and Transportation.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1181. An act to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1032. A communication from the President of the United States, transmitting, pursuant to law, the Budget Blueprint of the United States Government for Fiscal Year 2018 received during adjournment of the Senate in the Office of the President of the Senate on March 16, 2017; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 249. A bill to provide that the pueblo of Santa Clara may lease for 99 years certain restricted land, and for other purposes (Rept. No. 115–8).

## 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. BALDWIN (for herself and Mrs. CAPITO):

S. 693. A bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, social work schools, and other programs, including physician assistant education programs, to promote education and research in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING (for himself and Mr. CORNYN):

S. 694. A bill to amend the Internal Revenue Code of 1986 to increase the standard charitable mileage rate for delivery of meals to elderly, disabled, frail, and at risk individuals; to the Committee on Finance.

By Mr. WARNER (for himself and Ms. COLLINS):

S. 695. A bill to avoid duplicative annual reporting under the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974, and for other purposes; to the Committee on Health, Education , Labor, and Pensions.

By Mrs. FISCHER (for herself, Mrs. MCCASKILL, and Mr. HELLER):

S. 696. A bill to amend title 5, United States Code, to appropriately limit the authority to award bonuses to Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DAINES:

S. 697. A bill to amend the Internal Revenue Code of 1986 to lower the mileage threshold for deduction in determining adjusted gross income of certain expenses of members of reserve components of the Armed Forces, and for other purposes; to the Committee on Finance.

By Ms. CANTWELL (for herself, Ms. MURKOWSKI, Mrs. MURRAY, and Mrs. FEINSTEIN):

S. 698. A bill to establish a national program to identify and reduce losses from landslide hazards, to establish a national 3D Elevation Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURPHY (for himself, Mr. TESTER, Mrs. MURRAY, Mr. MARKEY, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. BENNET, Mr. SCHATZ, and Mr. FRANKEN):

S. 699. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental and behavioral health care to certain individuals discharged or released from the active military, naval, or air service under conditions other than honorable, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BROWN, and Mrs. GILLIBRAND):

S. 700. A bill to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to severely wounded, ill, or injured members of the Armed Forces, veterans, and their spouses or partners, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND (for herself, Mr. BLUMENTHAL, Mr. MORAN, Mrs. CAPITO, Mr. KING, and Ms. COLLINS):

S. 701. A bill to improve the competitiveness of United States manufacturing by designating and supporting manufacturing communities; to the Committee on Commerce, Science, and Transportation.

By Mr. RISCH (for himself, Mr. CRAPO, and Mr. PERDUE):

S. 702. A bill to amend the National Labor Relations Act and the Labor Management

Relations Act, 1947 to deter labor slowdowns at ports of the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself and Mr. ROBERTS):

S. 703. A bill to extend the authority of the Secretary of the Interior to carry out the Equus Beds Division of the Wichita Project; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. VAN HOLLEN (for himself and Mr. CARDIN):

S. Con. Res. 11. A concurrent resolution recognizing the life and legacy of Henrietta Lacks during Women's History Month; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 158

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 158, a bill to eliminate the payroll tax for individuals who have attained retirement age, to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes.

S. 260

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. ROUNDS) and the Senator from Kentucky (Mr. PAUL) were added as cosponsors of S. 260, a bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.

S. 261

At the request of Mr. BLUNT, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 261, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 266

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 266, a bill to award the Congressional Gold Medal to Anwar Sadat in recognition of his heroic achievements and courageous contributions to peace in the Middle East.

S. 382

At the request of Mr. MURPHY, his name was added as a cosponsor of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 407

At the request of Mr. CRAPO, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 407, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 425

At the request of Mr. CARDIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 425, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 534

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 534, a bill to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

S. 573

At the request of Mr. PETERS, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 573, a bill to establish the National Criminal Justice Commission.

S. 591

At the request of Mrs. MURRAY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 591, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 636

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 636, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 637

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 637, a bill to amend titles XI and XVIII of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers.

S. 672

At the request of Mr. CRUZ, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 672, a bill to require a report on designation of North Korea as a state sponsor of terrorism, and for other purposes.

S. 681

At the request of Mr. TESTER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 681, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S.J. RES. 17

At the request of Mr. CORNYN, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S.J. Res. 17, 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. 27

At the request of Mr. CASSIDY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S.J. Res. 27, a joint resolution disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness''.

S. CON. RES. 6

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 88

At the request of Ms. STABENOW, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. Res. 88, a resolution expressing the sense of the Senate that the President and the Secretary of State should ensure that the Government of Canada does not permanently store nuclear waste in the Great Lakes Basin.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAINES:

S. 697. A bill to amend the Internal Revenue Code of 1986 to lower the mileage threshold for deduction in determining adjusted gross income of certain expenses of members of reserve components of the Armed Forces, and for other purposes; to the Committee on Finance.

Mr. DAINES. Mr. President, since 2001 our Nation has frequently called upon members of the National Guard and Armed Forces Reserve to confront our enemies and protect our interests around the globe.

Without the contributions from the Guard and Reserve components, the joint force would be far less capable and unable to perform many critical tasks.

Often, members of the Guard and Reserve incur out-of-pocket expenses to travel to and from their training locations. There are many challenges that these servicemembers face, but subsidizing the cost of training with after-tax income should not be one of them.

This issue is particularly relevant to Montana. My home State is widely recognized as having one of the highest

per capita veteran populations in the Nation, with many Montanans serving in the Guard or Reserve. The distances between homes and training sites can be challenging. As the son of a marine, I understand the costs associated with service.

With a deep appreciation for the commitment and sacrifice expected from members of Guard and Reserve, I offer the Tax Relief for Guard and Reserve Training Act. This bill lowers the mileage threshold from 100 to 50 for tax-deductible expenses. This change would put the Guard and Reserve on equal footing with most government and military travel regulations.

The Tax Relief for Guard and Reserve Training Act is a reasonable reform, specifically targeted at those who are often asked to shoulder burdens for the common good.

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. 697

*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 ''Tax Relief for Guard and Reserve Training Act''.

**SEC. 2. REDUCTION OF MILEAGE THRESHOLD FOR DEDUCTION IN DETERMINING ADJUSTED GROSS INCOME.**

(a) IN GENERAL.—Subparagraph (E) of section 62(a)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''100 miles'' and inserting ''50 miles'', and

(2) by striking ''for any period'' and inserting ''for any period (without regard to whether such period includes an overnight stay)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

**SEC. 3. EXEMPTION FROM 2 PERCENT FLOOR ON MISCELLANEOUS ITEMIZED DEDUCTIONS.**

(a) IN GENERAL.—Subsection (b) of section 67 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (11),

(2) by striking the period at the end of paragraph (12) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(13) the deductions allowed by section 162 which consist of expenses paid or incurred by the taxpayer in connection with the performance of services by such taxpayer as a member of a reserve component of the Armed Forces of the United States for any period (without regard to whether such period includes an overnight stay) during which such individual is more than 50 miles away from home in connection with such services.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2016.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 11—RECOGNIZING THE LIFE AND LEGACY OF HENRIETTA LACKS DURING WOMEN'S HISTORY MONTH

Mr. VAN HOLLEN (for himself and Mr. CARDIN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 11

Whereas Henrietta Lacks, an African-American woman born on August 1, 1920, in Roanoke, Virginia, was raised by her grandfather on a tobacco farm in Clover, Virginia;

Whereas Henrietta Lacks married David ''Day'' Lacks in 1941 in Halifax County, Virginia, and they later moved to the Baltimore County, Maryland, community of Turner Station, to build a life for themselves and their 5 children, Lawrence, Elsie, David, Deborah, and Joseph (Zakariyya);

Whereas, in 1951, Henrietta Lacks, at the age of 31, was diagnosed with cervical cancer, and despite receiving painful radium treatments, Henrietta Lacks passed away on October 4, 1951;

Whereas medical researchers took samples of Henrietta Lacks' tumor during her treatment and the HeLa cell line from her tumor proved remarkably resilient;

Whereas Henrietta Lacks died 8 months after her cancer diagnosis, leaving behind her children, husband, and ''immortal cells'' that would change the world;

Whereas HeLa cells were the first immortal line of human cells, doubling every 24 hours, dividing and replenishing indefinitely in a laboratory, and successfully growing outside of the human body for longer than 36 hours;

Whereas Henrietta Lacks' cells are unique, grow by the millions, and are commercialized and distributed worldwide to researchers, resulting in advances in medicine;

Whereas the advances made possible by Henrietta Lacks' cells and the revenues the advances generated were not known to her family for more than 20 years;

Whereas an estimated 50,000,000 metric tons of HeLa cells have been distributed around the world to become the subject of more than 74,000 studies;

Whereas Henrietta Lacks' prolific cells continue to grow and contribute to remarkable advances in medicine, including the development of the polio vaccine, and drugs for treating the effects of cancer, HIV/AIDS, hemophilia, leukemia, and Parkinson's disease;

Whereas Henrietta Lacks' cells have been used in research that has contributed to the understanding of the effects of radiation and zero gravity on human cells;

Whereas Henrietta Lacks' immortal cells have informed research on chromosomal conditions, cancer, gene mapping, and precision medicine;

Whereas Henrietta Lacks' legacy has been recognized around the world through memorials, conferences, museum exhibitions, libraries, and print and visual media;

Whereas Henrietta Lacks and her family's experience is fundamental to modern bioethics policies and informed consent laws that benefit patients nationwide by building patient trust and protecting research participants;

Whereas the family of Henrietta Lacks entered the groundbreaking HeLa Genome Data Use Agreement in 2013 with the medical, scientific, and bioethics communities, giving the family a role in regulating HeLa genome sequences and discoveries;

Whereas Women's History Month is celebrated in March to pay tribute to the many contributions women have made to the United States; and

Whereas Henrietta Lacks and her immortal cells have made a significant contribution to global health, scientific research, quality of life, and patient rights: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress, during Women's History month—

(1) celebrates the life of Henrietta Lacks, an African-American woman who unknowingly changed the face of medical science, contributing to lasting, worldwide improvements in health;

(2) honors Henrietta Lacks as a hero of modern medicine for her contributions to the medical discoveries resulting from her HeLa cells, which helped make possible some of the most important medical advances of the last century; and

(3) recognizes the legacy of Henrietta Lacks, which has contributed to developments in bioethics and patient rights that benefit all of the people of the United States.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, March 22, 2017, at 10 a.m. in room 106 of the Dirksen Senate Office Building, to conduct a hearing on ''The Promises and Perils of Emerging Technologies for Cybersecurity.''

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on March 22, 2017, at 10 a.m. in room 406 of the Dirksen Senate office building.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 22, 2017 at 10 a.m., to hold a hearing entitled ''Flashing Red: The State of Global Humanitarian Affairs.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Nomination of Alex Acosta to serve as Secretary of Labor'' on Wednesday, March 22, 2017, at 9 a.m., in room 430 of the Dirksen Senate Office Building.

COMMITTEE ON HOMELAND SECURITY

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of

the Senate on Wednesday, March 22, 2017, at 10 a.m. to conduct a hearing titled ''Perspectives from the DHS Frontline: Evaluating Staffing Resources and Requirements.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on March 22, 2017, at 9:30 a.m., in room SH–216 of the Hart Senate Office Building, to continue a hearing entitled ''The Nomination of the Honorable Neil M. Gorsuch.''

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 22, 2017, at 10 a.m., in room SD–G50 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 22, 2017, at 3:30 p.m.

SUBCOMMITTEE ON OCEAN, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, March 22, 2017, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

## PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Brandy Boyce, be granted privileges of the floor for the remainder of the day.

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

Mr. MURPHY. Mr. President, I ask unanimous consent that Dr. Laura Willing, a health fellow in my office, be granted floor privileges for the remainder of the year.

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

Mr. NELSON. Mr. President, I ask unanimous consent that a detailee, Randolph Clark, and a fellow, Stacey Stern Albert, who have worked on this issue for the Commerce Committee, be granted floor privileges for the remainder of this session.

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

## REPORTS OF COMMITTEES

The following reports of committees were submitted on March 21, 2017:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 19. A bill to provide opportunities for broadband investment, and for other purposes (Rept. No. 115–4).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 89. A bill to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes (Rept. No. 115–5).

S. 96. A bill to amend the Communications Act of 1934 to ensure the integrity of voice communications and to prevent unjust or unreasonable discrimination among areas of the United States in the delivery of such communications (Rept. No. 115–6).

By Mr. HOEVEN, from the Committee on Indian Affairs, without amendment:

S. 140. A bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund (Rept. No. 115–7).

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors of the U.S. Military Academy: the Honorable KIRSTEN E. GILLIBRAND of New York (Committee on Armed Services) and the Honorable CHRISTOPHER MURPHY of Connecticut (Committee on Appropriations).

The Chair, on behalf of the Vice President, pursuant to Section 1295b(h) of title 46 App., United States Code, appoints the following Senators to the Board of Visitors of the U.S. Merchant Marine Academy: the Honorable GARY C. PETERS of Michigan (At Large) and the Honorable BRIAN SCHATZ of Hawaii (Committee on Commerce, Science and Transportation).

The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194(a), as amended by Public Law 101–595, and further amended by Public Law 113–281, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Honorable MARIA CANTWELL of Washington (Committee on Commerce, Science and Transportation) and the Honorable RICHARD BLUMENTHAL of Connecticut (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 6968(a), appoints the following Senators to the Board of Visitors of the U.S. Naval Academy: the Honorable JEANNE SHAHEEN of New Hampshire (Committee on Appropriations) and the Honorable BENJAMIN CARDIN of Maryland (At Large).

The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 9355(a), appoints the following Senators to the Board of Visitors of the U.S. Air Force Academy: the Honorable TOM UDALL of New Mexico (Committee on Appropriations) and the Honorable MAZIE K. HIRONO of Hawaii (Committee on Armed Services).

## PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION—Continued

ORDER FOR ADJOURNMENT

Mr. THUNE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators SCHATZ and MARKEY.

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

The Senator from Hawaii.

Mr. SCHATZ. Thank you, Mr. President.

It is really a simple proposition and it is a scary one. As soon as this legislation is enacted, internet service providers can collect your browsing data and sell it without your permission. Right now there is a lot of conversation about who has jurisdiction, the FTC or the FCC, and who is more appropriate to govern internet privacy, whether this should be public sector or private sector, but the basic question is this for the pending legislation, Should ISPs, your internet service provider, be allowed to collect your browsing data without your permission and sell it? I think the answer for 98 percent of the public is a resounding no.

Right now there is a single Federal agency that has the authority to protect consumers and their privacy when it comes to data collected by ISPs, and that is the FCC, the Federal Communications Commission, but the Republicans are proposing that the Congress strip the FCC's ability to protect your privacy, and when they succeed, the American people will lose the very few Federal protections they have when it comes to online privacy.

Think about how much of your life is on line today—banking, health, your interactions with your kids, your kids' interactions with other kids. It is incredibly personal, and it is not just confidential information in a traditional sense or in a legal sense, it is really a complete picture of everything you are. That is why this is worth fighting about. It is worth protecting. That is why the FCC made these rules—to recognize that we live so much of our lives online and that in a lot of instances we don't really feel like we have a choice about whether we are going to engage in a contract to get broadband service. That is a necessity for many of us. Consumers deserve some basic protections, not only do the Republicans want to get rid of the FCC rule that basically says an ISP cannot collect your data and sell it for commercial purposes, but they want to do it in a way that will ensure that no Federal agency, not a single one, will have jurisdiction over privacy for consumers using broadband. They are trying to take the referee off the playing field and for good.

The problem is very simple. There are actually two agencies that could have jurisdiction over privacy online, but there was a Ninth Circuit Court decision that made a ruling that removes the jurisdiction of the Federal Trade Commission over online privacy in the broadband space. So of the two agencies, the FTC and FCC, the FTC, according to this Federal court, no longer has jurisdiction. Now it is on the FCC's

side of the house, but if we repeal the FCC rule, the way the Congressional Review Act runs is that it will prevent us from ever addressing something ''substantially similar'' again. This isn't about agreeing or disagreeing with this rule. This isn't about whether you think the FCC or FTC ought to appropriately deal with this. This isn't a question about whether you think we should exercise our prerogatives in the public or private sectors. This is about whether you think nobody should have jurisdiction over your privacy online.

So what is the solution here?

Well, we should work with private sector leaders, the FCC, and the FTC to find a comprehensive approach to privacy online. That is what this legislative body should be doing. Instead of aggressively digging into this issue on behalf of consumers, we are actually blowing up the only thing we have, which is this FCC rule. To repeat, by using the Congressional Review Act, Republicans are forever preventing the FCC from protecting your privacy if you use broadband.

I want to end by noting that 55 years ago this month, President Kennedy gave a seminal speech about consumer rights. He spoke about the march of technology, how it had outpaced old laws and regulations, and how fast that progress had occurred. He noted that in just a few decades supermarkets went from carrying 1,500 products to more than 6,000, doctors wrote 90 percent of their prescriptions for drugs that no one had even heard of 20 years before, but let's fast forward to the present day, and we have blown those numbers out of the water. The average supermarket carries 40,000 products; in 2015 alone, the FDA approved 51 new drugs; and of course we now have the internet, which in the United States grew from 148 million users to nearly 240 million in just 15 years. The next nonincremental change in technology in our lives will be the internet of things, in which we will have tens of billions of devices connected to each other and interacting with us whether we like it or not. So the march of technology goes on, but what stays the same is the bedrock principle that President Kennedy outlined; that consumers have the right to be safe, they have the right to be informed, they have the right to choose, and they have the right to be heard. Those rights are in jeopardy. The FCC took a small but important step, and now the Republicans are blowing that up.

Let me be clear. This is the single biggest step backward for online privacy in many years, and we have failed the American people when it comes to their privacy. We should be staring this problem in the face, but what we are doing tonight and tomorrow is making it worse. That is why I will vote no, and I will urge my colleagues to vote no on this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Thank you, Mr. President.

We have a historic debate going on here in Congress. Yes, there is a lot of discussion about the Russians cracking into our elections using electronic technologies. We have a President of the United States who is contending that his predecessor in the White House wiretapped his apartment in the Trump Tower. We have stories about the compromise of websites all across America—this company, that company, millions of healthcare records, people's privacy compromised, front page, above the fold. This is huge. What is going on in our country when this new technology allows for such an invasion into the privacy of the President of the United States, of citizens all across our country?

These hearings are going on right now in rooms all across Capitol Hill. Everyone is concerned. Everyone is cross-examining witnesses, saying: How can this happen in our country? And then they are told: Oh, it is this new electronic technology which is out there. It allows for the ability to be able to crack into the privacy of Presidents and ordinary citizens. It makes it possible to make television sets that are purchased and then can be turned, from a remote distance, into a monitoring device just looking at you in your living room. How can this happen? What are the rules? Is there going to be any protection for the American people? So night after night, story after story, look at the compromise of the privacy, the security in our country, but out here on the Senate floor tonight we have the Republican response. The Republicans are saying to the American consuming public: You have no privacy. If you are at home, if you have Comcast or Verizon, if you have AT&T, and they are gathering all this information about you as your broadband provider, every site you go to, everything you are doing, everything your children are doing, what they are saying as of tonight, no privacy, no privacy if you have bandwidth. Everything is out there to be captured by these big broadband barons, and then they can sell it. They can sell it.

What is the Republicans' answer?

They say: Well, the internet thrives because of a light touch—a light touch. No, ladies and gentlemen, that is not what created what we have here today. We had to pass new regulations in 1996. I know, I was there. I was the Democrat on the committee in the House. There was no broadband—not one home in America had broadband in 1996. Can I say that again? Not one home in America in 1996 had broadband.

Today, for a 12-year-old, a 50-inch screen plugged into broadband, that is a constitutional right. It didn't exist in 1996 anywhere. Was it because it hadn't been invented, that people hadn't thought through broadband, they hadn't thought through what was possible? No. It was because these companies decided, because they were pretty much all monopolies, that they weren't going to deploy it. So we had to change the rules in order to unleash this revolution.

Now they are saying: Yes, but a light touch says no privacy protections. That would be bad. People don't really want privacy protections. That is not how I remember it when I was growing up.

When I was growing up, when the salesman knocked on the front door, you know what my mother would say? Don't answer the front door. We don't want the salesman in our living room. That is what my mom said. Now, is it different today? Is everyone saying: Yes, come on in. Come into the kitchen. Come into the living room. Come into the bedroom. Come look at the kids who are sick. Come look at Grandma who is sick. We want you to see our house. We want you to know everything about us, Mr. Salesman.

Now the broadband provider knocks on the front door. The broadband provider says: I want to provide this great new service with a light touch. Let us go into the key rooms into your house—in your living room, in your bedroom—let us put in this broadband technology, but we are also going to gather all this information about every member of your family—your mother, your father, your children—and we are just going to gather it all, and then we are going to sell it to anybody we feel like selling it to.

Let me ask you this. Have the values of the American people changed in one generation or are they the same? Do people want total strangers to know everything about you, and you have no right to say no? None? Because that is what this debate is about tonight, ladies and gentlemen. It is all about whether the Republicans are going to take away the rights of people to protect their children, to protect their families from having all of this information which the broadband providers encourage people to put online to be then sold as a product. Did you go to a healthcare website to find out something about a disease a child in your family has? Well, that is now a product to be sold. There are plenty of insurance companies that would love to know all the people who have gone to that website to find out about that disease. Do you really want that? That is what this debate is all about. How much privacy are people entitled to in this country?

Are we going to give it to the broadband companies to determine that? That is what we are voting for tonight. They are saying: We need harmonization, meaning we need a standard which is voluntary—voluntary. The broadband companies decide what the level of privacy is. You subscribe to that company. You now have that level of privacy protection. What does that mean? That means if they don't want to provide any privacy protection, that is the standard. They are saying: Well,

that law could then be enforced because they promised you no privacy. Now, if they violate that policy in any way, we could go after them. That really is what the Republican Party thinks about the private, most intimate information that ordinary families put online because there is only one company that knows everything, and that is the broadband provider, that is Verizon, Comcast, AT&T. Every other one of the thousands of websites, they know what is on their websites. They don't know what is on the other websites. Only one company, your broadband provider, knows everything—has all of your information. Now what is the standard? What is the standard? The Republicans say: No standard. Don't worry about it.

Yes, the Federal Communications Commission put a new rule on the books. Yes, the Federal Communications Commission says that if they want to gather this information about your children, they have to get your permission in order to sell that information to somebody else. That is the rule right now. They gather information about your children. They have it. If they want to sell it, they have to get your permission. You have to check a box. Yes, take all of the information on my child's computer, and sell it. Sell it to people out there who want to know about my child.

That is the rule today. What they will say, as we vote tomorrow at noontime, is no more permission from the parents—none, zero, zilch.

You are on your own, kids.

Sorry, parents. The Republican Senate decided you don't keep those protections. Why? Because it is a light touch. People really do not care about privacy in the modern era. It is kind of like—privacy? Get over it. You don't have any. Get over it. Get over it, say the Republicans. You don't have any privacy.

Now we are going to hear them shedding crocodile tears about all of the electronic hacking that goes on in the United States. But do you know that all of that combined is not even a thimble compared to the compromise of the privacy of 320 million Americans that is going to be possible after this rule is repealed tomorrow? It is the rule that gives American families the right to say: No, I don't want you gathering that information about my children. No, I don't want you to sell information about my children. That is gone. That is the vote the Republicans will cast tomorrow. The die is cast. They are all going to do it.

It is unbelievable to me that, in one generation, we have gone from people not letting the salesman into the living room to allowing one company to come in and gather every bit of information about every member of the family who is online all day long. It is amazing to me.

Do you want to know what I believe? I believe I have the same values that my grandmother had. I believe I have the same values as my mother had. I don't want anyone coming into my living room. My mother didn't want anyone coming into the living room. My grandmother didn't want anyone coming into the living room, and I am sure my great-grandmother in Ireland didn't want anyone coming into the living room to whom they did not give permission to come into the living room, especially when the kids were at home, but that is not the Republican view. The Republican view is: Oh, the big broadband barons don't like it? That is great. That is fine.

What is next? Think about it. They can get the information about when all of your family members are online, where they went, who they were talking to, who they emailed. All of it is available to the broadband company. It is just a product to be sold to the highest bidder.

Who wants this information out there? You can make billions of dollars by selling this information to other companies that would love to data mine your family so that they can profile your kids, profile grandma—profile anybody in your family—just so they can start to send in information and try to sell you stuff.

Do we really want people to be able to sell this as a product? The privacy of America is for sale. Is that what we have reached—that we are monetizing privacy?

We are saying: Hey, we are just getting in the way of the entrepreneurial spirit of America. Do you know what? For our whole history, we have gotten in the way of the entrepreneurial spirit of America. The salesman knocks on the door, and you tell the salesman: Go away. You are not getting into our living room, Mr. Entrepreneur. We don't want you in our living room.

So there are two sides to this. Yes, you want the entrepreneurial spirit to thrive, but, simultaneously, you should have a right to say: No, Mr. Entrepreneur. I don't want your product. I don't want you in my living room. I don't want you to have access to all of the information of my children. Sorry, Mr. Entrepreneur. I am sure you could have made a fortune, but the fortune comes at too high of a price.

Ultimately, the founding principles of our society are that, yes, we are capitalists, but we are capitalists with a conscience. We understand that there should be limits to how far you can go in making a buck. There should be a limitation.

What the Grand Old Party wants to do is to roll back the broadband privacy rules that give you an ability, if you want, to say yes. You can just click and say yes to all of these companies. Take all of my information. Take all of grandma's information. Take all of the kids' information. You can just check that and say yes. That is in the law. Do you want to give up all of your privacy? Push ''yes.'' Yet, under the existing law, you can also push ''no.'' I don't want to give up my privacy. It should be the consumer's choice. It shouldn't be Big Congress's and Big Government's.

Big Government is now deciding you have no privacy. The government is moving in. Replacing Big Mother and Big Father is Big Government. Big Government is siding with Big Business and Big Broadband. That is what is happening here today, and it is leaving behind Big Mother and Big Father, who care about their kids. They are taking away the authority that parents have had since the beginning of time up until now.

The broadband revolution now makes it possible to monetize privacy—to make money, to give entrepreneurs a chance through light touch regulation—which will create more jobs out there. Jobs for whom? Jobs for people who are learning about your kids, jobs for people who are learning about how to make money off of your kids, jobs for people who do not care about your kids. They care only about making a few more bucks.

How hard is this? Which business school do you have to go to to have a 3-by-5 card to figure this out? It is pretty simple, huh?

What is the job of the Senate? The job of the Senate is to ensure that we animate these technologies with human values, that we say to the inventor, to the entrepreneur: Oh, I love that whole idea of an automobile; that is fantastic. But do you know what? Why don't you build in some brakes? We are going to put up speed limits. We are going to have seatbelts. We are not going to allow you just to put it out on the road and just endanger the public or the passengers. We are going to have some rules.

It is great. Yes, invent that new medicine, but we are also going to say to you: Hey, do you know what? We are going to have a child's safety cap on top of that medicine so a kid cannot get access to it.

We balance it. We animate each new technology with the values that our parents had and that our grandparents brought from the old country. It does not change. It is always the same. The polling is 80 percent—Democrat, Republican, Independent, every ethnic group, every income group.

Do you know who does not like the rules? Entrepreneurs—entrepreneurs who want to monetize your privacy.

But it is always going to be at 80 percent, because what is, really, the differentiating issue? Why would a Republican mother want her kids to have their privacy compromised? You know that she does not. You know she does not. She doesn't even know that this debate is going on. She doesn't even know that, after they repeal this rule, it will be the Wild West.

So there are real rules. Again, it is the most important set of rules because it is the broadband provider. They get every bit of information. This is not just: Oh, I subscribed to this newspaper, and I am reading this newspaper. Oh, I am at Google. Oh, I am

over here at ESPN sports. Oh, oh, oh. There are hundreds of thousands of websites, and that website knows only about what you did on that website. No, that is not what the broadband company knows. They know everything. They know everywhere you went. That is why they want this repealed. Just think of how valuable that is. Just think of how much money they can make by selling all of that information about you and your family.

That is what we are debating tonight. We are debating a fundamental change in our country. Is it a heavy touch as opposed to a light touch to say that people's privacy—that the security of their families—should be protected? Then let's just shut down these hearings we are having and all of the crocodile tears being shed about what is happening in our society.

How can all of this happen?

We go into top secret briefings. We get told: Oh, they tapped into this. They cracked into that. People—Senators—sit there, and they ''tsk, tsk'' as to how terrible it is. Then, simultaneously, up here on the Senate floor, they say: Oh, by the way, we are just going to take away the right of a mother and father to say, ''No, you cannot crack into the information that our family is putting online.'' Oh, sure. You don't want to get into the way of an entrepreneur who can figure out how to make money off of that. Why would we care about that?

The absurdity of it all—the total absurdity of it all—is that all of these people who are ''entrepreneurs'' can get fabulously rich without compromising children's privacy, grandma's privacy.

For somebody in the family who has a disease and just wants to go to that website and find out about that disease all by himself and who does not want anybody else in the family to know, why can't he do that without wondering whether everyone else who went that website is now going to have that information sold? The phone company or the cable company will say: Oh, great. Let's go find the insurance company that is in this region that would want to know that that person might have that disease. You might not want to give him insurance, especially after the Affordable Care Act is repealed by the Republicans.

Who cares about that, right? You have no privacy. Get over it, say the Republicans. Get over it.

Just think if we applied that to phone calls. What if people said the phone company should be able to sell the number of the person and the name of the person whom you called? How would you feel about that? Would you like that to be a product? You called this person at this time for a half an hour. Then you called that person back again another half an hour later. Then you called him again at night. Would you like people to know that—just as a product—and get the name, the number, the time, and how long the call lasted? We have laws against that.

Would you like people to know which channels you are switching to? Say you have a satellite dish and are switching from channel to channel, and at 11 o'clock at night, you are just going to stop on this channel. They know which channel you stopped on.

I passed a law back in 1999 that prohibits that information of which channel you stop on from ever being made public. You cannot sell that information. I am proud of that. Whose business is that? But it is there. They have it. They have that information.

Now we have reached a broadband revolution. Oh, isn't this great? Isn't this a fantastic revolution? Didn't it occur because there was a light touch? No, there was not a light touch. You see, we deregulated the telephone industry and the cable industry so that we could have the broadband revolution beginning in 1996.

But here is the paradox of deregulation. The paradox of deregulation is that you need more regulations in order to make sure that the competing companies can gain access to the capital markets to raise the money so as to finally put pressure on the telephone and cable companies to deploy broadband. That is the paradox of deregulation. You need more, so you open it up to more competitors who then wind up forcing these companies to finally deploy broadband even though they had it decades beforehand. Interesting, isn't it? It is the paradox of deregulation. You need more.

Even as we did that, we knew that we were going to need privacy laws because this aggregation of information is something that goes right to the heart of this kind of tension that exists in a capitalist society.

Some people say: No rules. You are interfering with my ability to make money.

That is what the car company said about airbags, and that is what the car company said about seatbelts: Do not mandate to have us put it in as it is going to undermine our product.

But, over time, mothers and fathers finally said: No, no, no. You cannot do that. I don't want the kids in the front seat with no seatbelts. I don't want people in our family in the backseat with no seatbelts.

The same thing is true with safety device after safety device. So privacy plays that role when we are talking about information.

Now, if the first step is broadband, no privacy, then, logically, they should support the whole idea that if you are on your iPhone and you have called 50 people today, it is a product. So all of those people you called should be information the telephone company can sell. What would the argument be from the other side? The other side would say, that is a light touch. That is a light touch. It is going to make it possible for the phone company to make more money. And believe me, they would make a lot of money if they could sell the information about who every American called all day long.

Well, they don't want to touch that because phones are still kind of sensitive. They don't want to go there. But broadband, that is different. Websites, that is different. For some reason, that is different because what you are doing on the website, what you are doing with your email in the modern era is what you do on your phone every day, right? It is what you do on your phone. So the goal has to be that we have the accountability for the Republicans as we do this, this evening.

President Trump is constantly railing about the fake violations of his privacy—totally fake violations of his privacy. You would think that a crime had been committed, but there wasn't. It never happened. But the way he yells about it, it is almost un-American for anyone to compromise the privacy of him or anybody else. But these are going to be very real compromises of the privacy of ordinary people in our country.

So I am just going to give to my colleagues the little Constitution that is now on the books to provide protections for all Americans. It is very simple. It requires the broadband company to, No. 1, get consumer consent before using or sharing subscribers' personal information—get your consent—No. 2, promote transparency by saying to the broadband company that they have to tell each consumer that they are actually collecting this information about them. They have to constantly be telling you that. No. 3 is to ensure that the broadband companies adopt data security protections and notify consumers if a breach occurs; that is, if all of this information is now wide open for God knows who—some hacker who has gained information—they have to put in the toughest possible security. Then, if it does get compromised, they have to tell the consumers immediately. They can't delay a month because it might be bad PR, 2 months because they are afraid it is going to affect their bottom line. They have to let people know that their personal information has been compromised.

So that is it. That is what is bugging them. That is what is bugging the Republicans. They want to make sure you don't keep these protections.

So what does that mean? Well, after we vote tomorrow, after the Republicans take these rules, these protections off the books, after the internet service providers, or the ISPs, get what they want, ISP will no longer stand for ''internet service provider.'' It is going to stand for ''information sold for profit.'' It is going to stand for ''invading subscriber privacy.'' That is what ISP will stand for after tomorrow at noontime, high noon—the end of privacy online, except for a light touch where it is voluntary. And we know these broadband companies are definitely voluntarily going to give the highest possible protections to American families. We know that. Because if they wanted the highest possible protections, they have them right now. They

want them off the books so they don't have to do anything. It will be voluntary.

So these broadband behemoths want to take control away from the subscribers and relentlessly collect and sell your sensitive information without permission. It could be about your health, about your finances, about your children. It can track your location, draw a map of where you shop, where you work, where you eat, where your children go to school, and then sell that information to data brokers.

That is going to be an incredibly profitable industry that the Republicans are opening up this week. Right now, they are drafting up their business plans, just a 3-by-5 card all across the country. They have already basically decided that the Republicans are going to have these votes; so let's get on with these new rules.

The broadband industry says that they are an unnecessary burden, but, in fact, this whole area is one that actually goes to the heart of who we are as Americans. I think that whether you are a very conservative person or a very liberal person, there should be a small core number of American values that brings us together, and I would put privacy in that group. We can fight over the Affordable Care Act. We can fight over how many new nuclear weapons we need. We can fight over gay marriage. We can fight over many, many issues—some of them religious, some of them just strategic in terms of what is best for our country moving forward—but how can we fight over your family's privacy? I don't understand the ideological differentiation that is artificially being created by the broadband companies' insisting that the Republicans repeal those privacy laws because all of this is now going to be done without your consent, without your permission.

If they wanted to document now how many times you search online for heart disease, breast cancer, opioid addiction treatments, and then sell that information to an insurance company, they are going to be able to do that. You are giving them permission just by subscribing. And you know what they say: Oh, the marketplace will work; you can just go to the other broadband providers in town. Oh, there is no other broadband provider in town? You are in rural America? Oh, sorry, you have to use our company. Oh, there are no rules if you want to use our company—no rules.

They will say: Well, let the marketplace sort it out. What marketplace? Maximum, in most places, there are two companies you can have broadband service from, and they are both going to say privacy protection is voluntary. So there is no privacy. It is all going to happen without your consent, and they will just say: Oh, it is just so we can harmonize the rules. Yes, they are going to harmonize the rules. They are going to harmonize them so it is very efficient. You have the same nonexistent voluntary guidelines that the broadband companies are going to put on the books.

So you should want to choose, yourself, what information Verizon—if it discloses information about your family—gets to disclose. You should decide that, not Verizon. You should decide that. What they really want is to allow AT&T to choose whether it protects consumers' sensitive information from breaches and unauthorized use, and guess what the broadband barons' choice is going to be? They are going to choose to pocket their profits and throw your privacy out the door.

Republicans want to sideline the Federal Communications Commission—our broadband privacy cop on the beat—and create an unregulated Wild West where internet providers can do whatever they want with your private information. They want to allow broadband companies to write their own privacy rules. That is like asking a burglar to program your security system. It makes no sense. Oh, come on in, Mr. Burglar, program my security system, and then you can do whatever you want in my living room when I am gone on vacation this weekend. Just take anything you want—any of my private information, any of my private furniture, anything you like in the house.

So we know the broadband industry—your wireless, your cable, your telecommunications provider. They can't self-regulate themselves. These same companies struggle to show up on time to install or to fix your service. You might have to wait all day to have the cable guy come and fix your cable system. They give you a range that goes like this: Well, we will be there between 9 in the morning and 5 in the afternoon; right? And now they are saying: You can trust us. We are going to protect your privacy. You know we are the cable company. You know we are the broadband company. You can trust us.

Do we really trust the broadband industry to determine what privacy protections they give to their customers? Strong broadband privacy rules mean that we don't have to do anything. That is their definition. Let's be clear. The big broadband barons want to monetize this. The subscribers have already given them money. It costs a lot of money to subscribe to broadband service so the kids can have a 50-inch screen that is plugged in to be able to see all of these things that are on the incredible multidimensional, multifunctional screens. We are already paying a fortune for it. But they say that is not enough. That is not enough. We need, say the broadband companies, to ensure that we can also make more money, and then taking all that information by invading your privacy and selling it. Broadband providers want to do more than simply provide Americans access to the internet. They want to sell that privacy information to the highest bidder.

This brings us to the great divide between ISPs and those who wish to protect the free and the open internet. The 21st century broadband internet is not a luxury. It is an essential telecommunications service, just like telephone service. Just as telephone companies cannot sell information about Americans' phone calls, an internet service provider should not be allowed to sell sensitive consumer information without affirmative consent of that family.

In fact, by putting the broadband privacy rules on the books, the FCC did harmonize privacy protections. They harmonized broadband privacy protections with the privacy framework that has prevented telephone companies from mining and selling information about our phone conversations for decades. Yes, that is what they did at the FCC. They said: the same protections for broadband information as we have for phone company information when you are dialing the numbers of people all day long. That is how they harmonized it. They said that in the 21st century, broadband is the essential service that the phone was in the 20th century, and the information on both should be given the same level of protection. That is harmonization. That is a reflection of the revolution that took place in telecommunications in the 1996 Telecommunications Act. That is what they are trying to take off the books—the harmonization of the standards that go back to grandma and grandpa. They made sure in 1934, when the Communications Act was written, that those protections were there. But, somehow or other, in 2017, it is no longer important that people don't know whom you called, that people don't know whom you are online interacting with.

So why did they do it? Well, they did it because broadband and telephone services are essential telecommunications services that Americans rely upon to thrive in the modern economy. The Federal Communications Commission, last year, under Barack Obama, just made sure that you got the same privacy protections. Broadband and telephone companies should not be allowed to exploit their privileged positions as telecom gatekeepers to use, to share, to sell sensitive information about Americans' online activities or phone calls. Yet, here we are, chipping away fundamental broadband privacy protections from the American public.

Now, all of this begs the question: What other privacy protections are the Republicans now going to put on the chopping block? Do they now oppose the FCC's rules preventing telephone companies from collecting, using, and selling sensitive information about Americans' phone calls? They certainly oppose the FCC's rules for preventing broadband companies from partaking in similar interests and practices.

Now, the broadband industry will tell us that these rules are unfair because they are different from the privacy

rules for websites—Google, Facebook. Why should there be different rules? Well, every person out there knows what the difference between Google and the broadband provider is. Google is one app; it is not thousands of apps. So the whole argument is fallacious from the get-go. When you use Google, you understand what your relationship is with Google. When you use ESPN.com, you know what the relationship is with ESPN.com. But when you are using every service, now you are talking about the broadband companies. They are the only ones that know everything about you, what you are doing online, all day long, every single day. That is under the jurisdiction of the Federal Communications Commission, following along their supervision of the telephone industry, which they have had rules on the books to ensure that information can't be sold without your permission.

Why is this so important? It is important because in the 21st century, having broadband service is like having oxygen in your lungs. Everyone uses it. Everyone is using it all day long. Everyone's information is in the hands of these companies. People might as well stop breathing as to disconnect from their broadband provider. That is why we need strong rules—not self-regulation—to prevent the internet service providers from mining and selling our data without consent.

This is, for me, a historic fight to defend America's fundamental right to privacy. The broadband industry will say that if we don't take these rules off the books, subscribers will be confused. There will be one set of standards for the individual website and another set of standards for the entire broadband internet service provider industry. Frankly, consumers are only more confused about why we aren't doing more to tackle these important privacy issues. Consumers are confused about why we are spending time on the Senate floor taking away privacy protections. Consumers are confused about why we would allow broadband companies to sell their sensitive information to banks, to insurance companies, to advertisers, to anyone else willing to pay top dollar for your personal information without your consent. They are confused about why we would rescind the rules ensuring broadband providers adhere to the best data security practices protecting subscribers' sensitive information from breaches and unauthorized use, when we know there are unauthorized hacks every single day. We are in a historic fight to defend America's fundamental right to privacy online, a fight to allow consumers, innovators, entrepreneurs, the millions of Americans all across this country who rely upon the internet to control their own information.

Instead of protecting our healthcare, instead of protecting our environment and protecting our privacy, Republicans want to give it all away to their friends and allies and big corporations. Those corporations don't care about consumer rights. They have one concern, and one concern only, and that is their bottom line. That is making money.

The cornerstone of our country is capitalism with a conscience—with a conscience. Massachusetts' unemployment rate is 3.2 percent. We are proud of that. We are a capitalist State. Massachusetts is proud to have one of the lowest unemployment rates in our country. We believe in capitalism, but we also believe we can have capitalism with a conscience. In this instance, it means the protection of the privacy of people online, from having that family's sacred, secret information compromised for a profit, with no ability—no ability, no right, none—for a family to say no. Take the broadband service or leave it. If you take it, you have no privacy.

The only people in this country who can protect those families are 100 Senators who will be voting tomorrow. I ask the Republican Senators, why would they strip this privacy protection from ordinary families? Why would they deny the right? All I can say is, overnight, all we can really say is we tried. We really tried to protect the privacy of Americans. That vote tomorrow will represent that showdown moment.

If we lose, please, out of good conscience, Republicans, just stop all this public concern about the compromise, the privacy, the President, the national security apparatus in our country. Believe me, the ordinary American is going to be made far more vulnerable tomorrow than anything any Russian entity is ever going to do. It is going to be what we did to ourselves, what we allowed to happen to our own citizens at the hands of their own United States Senate that is going to be a far greater threat to every ordinary family in our country.

I urge a ''no'' vote from my fellow colleagues on the Senate floor tomorrow. This goes right to the heart of whether we understand technology, we understand the responsibility we have for the American people, to protect them from the worst aspects of it.

There is a Dickensian quality to the internet: It is the best of technologies, and it is the worst of technologies, simultaneously. This technology can enable. It can ennoble. We want that to be extracted from the internet. But it can also degrade. It can also debase. It is the job of the U.S. Senate to protect the American people from that aspect of the internet. Tomorrow, if the Republicans have their way, they will remove the protections of the privacy of Americans and allow for an expansion of the degrading and the debasing of the privacy that ordinary Americans are entitled to in our country.

I thank the Presiding Officer for giving me the opportunity to be here.

Mr. President, I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:07 p.m., adjourned until Thursday, March 23, 2017, at 9:30 a.m.