

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the Acosta nomination, which the clerk will report.

The bill clerk read the nomination of R. Alexander Acosta, of Florida, to be Secretary of Labor.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. will be equally divided in the usual form.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT SPENDING BILL

Mr. SCHUMER. Mr. President, as Senators continue to negotiate the appropriations bills this week, I want to reiterate my hopes that we can reach an agreement by this Friday. So long as we try to operate within the parameters our parties have operated under for the last few spending bills, I am optimistic about the chances for a deal.

I am glad the President has taken the wall off the table in the negotiations. Democrats have always been for border security. In fact, we supported one of the toughest border security packages in comprehensive immigration reform in an amendment offered by two of my Republican colleagues, Senator HOEVEN and Senator CORKER. We may address border security in this bill as well, but it will not include any funding for a wall, plain and simple.

Now, we still have a few issues to work out, including the issue of cost sharing, Puerto Rico, and getting permanent healthcare for miners, which I was glad to hear the majority leader voice support for yesterday—permanent healthcare for miners. I want to salute Senator MANCHIN, who has worked so long and hard for these poor miners who have struggled and have had hard, hard, hard lives. They shouldn't have their health benefits taken away. But above all, in the bill we have to make sure there are no poison pill riders. That has been a watchword of our negotiations in the past and is what led to success, and I hope both sides of the aisle will pursue that now.

We Democrats remain committed to fighting President Trump's cutback on women's health, a rollback of financial protections in Wall Street reform, rollbacks of protections for clean air and clean water, and against a deportation force. Those are the kinds of poison pill riders that could hurt an agreement, and I hope we will just decide at the given time that we can debate them in regular order, but they shouldn't hold the government hostage and pass them without debate.

THE PRESIDENT'S TAX PLAN

Mr. President, today we will also be hearing some details—we don't know how many—about the President's tax

plan. We will take a look at what they are proposing, but I can tell you this: If the President's plan is to give a massive tax break to the very wealthy in this country—a plan that will mostly benefit people and businesses like President Trump's—that will not pass muster with Democrats.

The very wealthy are doing pretty well in America. Their incomes keep going up. Their wealth keeps going up. God bless them. Let them do well. But they don't need another huge tax break while middle-class Americans and those struggling to get there need help just staying afloat. It is already the case that CEOs and other folks at the top of the corporate ladder can use deductions and loopholes to pay less in taxes than their secretaries. We don't need a plan that establishes the same principle in the basic rates by allowing wealthy businessmen, like President Trump, to use passthrough entities to pay 15 percent in taxes while everyone else pays in the twenties and thirties. We don't need a tax plan that allows the very rich to use passthroughs to reduce their rates to 15 percent while average Americans are paying much more. That is not tax reform. That is just a tax giveaway to the very, very wealthy that will explode the deficit.

So we will take a look at what the President proposes later today. If it is just another deficit-busting tax break for the very wealthy, I predict their proposal will land with a dud with the American people.

NORTH KOREA

Mr. President, later today, the Senate will be receiving a briefing by the administration on the situation in North Korea. I look forward to the opportunity to hear from the Secretary of State, who I understand drafted the administration's plan, and other senior administration officials about their views on North Korea and the posture of the United States in that region.

I think what many of my colleagues hope to hear articulated is a coherent, well-thought-out, strategic plan. So far, Congress and the American public have heard very little in the way of strategy with respect to North Korea. We have heard very little about strategy to combat ISIS. We have heard very little about a strategy on how to deal with Putin's Russia. We have heard very little about our strategy in Syria. Only a few weeks ago, the President authorized a strike in Syria. Is there a broader strategy? Does the administration support regime change or not? Do they plan further U.S. involvement?

These are difficult and important questions, and there are many more of them to be asked and answered about this administration's nascent national security policy for hotspots around the globe. I hope that later today, at least in relation to North Korea, we Senators are given a serious, well-considered outline of the administration's strategic goals in the Korean peninsula and their plans to achieve them.

THE PRESIDENT'S FIRST ONE HUNDRED DAYS

Mr. President, as we approach the 100-day mark of the Trump administration, we Democrats have been highlighting the litany of broken and unfulfilled promises that President Trump made to working families. It is our job as the minority party to hold the President accountable to the promises he made to voters, particularly the ones he made to working families who are struggling out there. Many of these folks voted for the President because they believed him when he promised to bring back their jobs or get tougher on trade or drain the swamp. So it is important to point out where the President has gone back on his word and where he has fallen short in these first 100 days.

On the crucial issues of jobs and the economy, this President has made little progress in 100 days. His party hasn't introduced a major job-creating piece of legislation to date, and he has actually backtracked on his promises to get tough on trade and outsourcing, two things which have cost our country millions of jobs. I was particularly upset to see the President consider repealing President Obama's law that prevented corporate inversions that allowed big corporations to locate overseas to lower their tax rates.

Instead of draining the swamp and making the government more accountable to the people, President Trump has filled his government with billionaires and bankers and folks laden with conflicts of interest. Amazingly enough, he was going to clean up Washington and make it transparent. The White House has decided to keep the visitor log secret and, even worse, allowed waivers to lobbyists to come to work at the White House on the very same issues they were just lobbying on, and those waivers are kept secret. We will not even know about them.

These reversals aren't the normal adjustments that a President makes when transitioning from a campaign to the reality of government; these are stunning about-faces on core promises the President made to working Americans.

TRUMP CARE

Mr. President, I would like to focus now on one issue: the President's promises on healthcare. On the campaign trail, the President vowed to the American people that he would repeal and replace the Affordable Care Act with better healthcare that lowered costs, provided more generous coverage, and guaranteed insurance for everyone, with no changes to Medicare whatsoever. That is what he said. We are not saying this; he said that. Those are his words: I am going to cover everybody. He said, "We're going to have insurance for everybody . . . much less expensive and much better."

"We're going to have insurance for everybody." But once in office, President Trump broke each and every one of these promises with the rollout of his healthcare bill, TrumpCare. Did

TrumpCare lower costs, as he promised? No. The CBO said premiums would go up by as much as 20 percent in the first few years under TrumpCare.

His bill allowed insurance companies to charge older Americans a whopping five times the amount they could charge to younger folks, and it was estimated that senior citizens could have to pay as much as \$14,000 or \$15,000 more for healthcare, depending on their income and where they lived.

Did his bill provide for better coverage? No. In fact, the most recent version of the TrumpCare bill would allow States to decide whether to protect folks who have preexisting conditions. This was one of the most popular things in ObamaCare, even if people didn't like some other parts of it. If you are a parent and your child has cancer, the insurance companies said: We are cutting you off, and you have to watch your child suffer because you can't afford healthcare. ACA, the Affordable Care Act, ended that. They couldn't cut you off or not give you insurance because your child or you had a serious illness that would cost the insurance company a lot of money. But now, in the proposal they are making, it is up to the States. Tough luck if you live in a State without it.

Did his bill guarantee "insurance for everyone"? That is what he said. No, far from it. The Congressional Budget Office said that TrumpCare would result in 24 million fewer Americans with health coverage after 10 years.

Despite an explicit pledge from Candidate Trump on the eve of the election that he would protect Medicare—because hard-working Americans "made a deal a long time ago"—TrumpCare slashed more than \$100 billion from the Medicare trust fund.

TrumpCare was the exact opposite of everything the President promised his healthcare bill would be. Americans should breathe a sigh of relief—a huge sigh of relief—that the bill didn't pass.

There is a lack of fundamental honesty here. If you believe that there shouldn't be government involvement in healthcare and the private sector should do it all, that is a fine belief. I don't agree with it. But that means higher costs and less coverage for most Americans, and the President and, frankly, many of our Republican colleagues are trying to have it both ways. They want to say to their right-wing friends: I am making government's involvement much less. But then they say to the American people: You are going to get better coverage, more coverage, at lower rates. The two are totally inconsistent. That is why they are having such trouble with TrumpCare over in the House, and there will be even worse trouble here in the Senate, if it ever gets here, which I hope it doesn't.

Healthcare is another example of why this President has so little to show for his first 100 days. Instead of reaching out to Democrats to find areas

where we could compromise on improving our healthcare system—we Democrats have always said: Don't repeal ObamaCare; improve it. We know it needs to have some changes. But, instead, they started out on their own in a partisan way, the very same party that criticized President Obama for working just with Democrats on the issue, despite a yearlong effort to try. So it failed, and it is emblematic of the President's first 100 days. The President's "my way or the highway" approach is one of the main reasons he has so little to show on healthcare and so little to show for his first 100 days in office.

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

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

(The remarks of Mr. FLAKE pertaining to the introduction of S. 946 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FLAKE. I yield back the remainder of my time.

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. FLAKE. 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. FLAKE. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided.

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

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

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

REMEMBERING JAY DICKEY

Mr. COTTON. Mr. President, I come to the floor to honor the memory of former Congressman Jay Dickey, who passed on April 20. When Jay Dickey roamed the Halls of Congress, you knew there might be mischief afoot—and what merry mischief it was.

Jay was opinionated, colorful, and zany. Now that he has passed, the warm laughter of memories once again echoes in these cold, marble halls as we reflect on his life.

He died last Thursday after a battle with Parkinson's, a battle he fought

like every other—with determination and gusto. I, for one, will miss his counsel and friendship, as will the people of Arkansas whom he loved so deeply.

Jay was an Arkansas original. He was born and bred and in the end breathed his last in his hometown of Pine Bluff. He shared a lot in common with the mighty pines of South Arkansas. He stood tall and proud of his community's heritage. He was a pillar of the community. A lawyer and a businessman, he left his mark as an entrepreneur, starting franchises throughout the State, as an advocate representing the city and later taking on such famous clients as coach Eddie Sutton.

Unlike the proverbial tree in the forest, now that Jay Dickey has fallen, the whole State has taken notice.

But, of course, a man's accomplishments are only a window into his character. You had to know Jay personally to get a sense of all the fun there was inside him. It was as if his feet had sunk deep into the soil and soaked up all of the Natural State's richness: its humor, its earnestness, and its strip-the-bark-off candor.

I got to know Jay in my first political campaign. We had never met, and I was a political newcomer, but Jay spent many hours getting to know me and ultimately supported my candidacy, which helped to put me on the map.

Of course, Jay shared a lot of candid advice too. After attending one of my early townhalls, Jay and I went to lunch down the road at Cracker Barrel. I asked him how I did. Jay replied:

Ya did good. Ya did good. But you gotta cut it down some. Ya see that baked potato there? That's a fully loaded baked potato—it's got cheese, sour cream, bacon, onions. Your answers are like that fully loaded baked potato! Make em like a plain potato.

That is just one of the countless stories that added to his legend.

This was the man who offered a ninth grader a college-level internship because he thought the kid had potential; the man who answered any phone in his office that rang twice, just to keep his staff on their toes; the man whose dog once drove his truck into a radio station in Hampton because he left the truck running during an interview to keep the dog cool, and somehow that dog put it in gear; the man who kept a picture of Jesus on his wall, and who, when meeting a new client, would point to the picture and say: "Have you met my friend?"

Yes, the first great joy of his life was his faith, but the second great joy was politics. Jay was the first Republican elected to Congress from South Arkansas since Reconstruction. He won in 1992, the very same year Arkansas elected our Democratic Governor as President.

Despite being who the Democrats must have viewed as the most Republican incumbent in the country, he held onto that seat for almost a decade. Arkansans knew good stock when

they saw it. He lost only by the narrowest of margins in 2000, with President Bill Clinton campaigning for his opponent, then-State Senator Mike Ross. True to form for Jay, he and Mike would become friends after that race, speaking regularly about issues and their faith.

Jay's time in office will not be remembered as a historical oddity, an anomaly, or a one-off because unconventional though it was, it was also a forerunner of things to come. It was an early sign of a coming political realignment, as the small towns that dotted rural America—towns where few people had ever even seen a Republican, never mind voted for one—were starting to cast their votes up and down the ballot for the Grand Old Party.

In other words, Jay Dickey was a trailblazer—or perhaps a bulldozer. He smashed through history and precedent and grooved a path in rough terrain for the rest of us to follow. For that, he has my thanks and the thanks of the people of Arkansas, and for his humorous, quirky, unparalleled example, he has the thanks of the U.S. Congress, which today is a little sadder for his passing but also a little brighter for his memory.

Mr. President, 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. 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, on Monday morning I stood with workers and fellow public officials in Bridgeport, CT, to commemorate the 30th anniversary of the L'Ambiance Plaza disaster. Thirty years ago last Sunday, L'Ambiance Plaza collapsed, 28 families lost loved ones, and 22 others were seriously injured in the collapse. Their worlds collapsed as the lift-slab construction used as the device for building L'Ambiance Plaza, in effect, imploded.

The workers were constructing a 16-story apartment building when that disaster happened. The lift-slab construction method used at that site subsequently was banned. It was banned because it was unsafe.

That disaster was preventable, as so many workplace injuries and deaths are preventable. That was a tragedy in the modern American workplace 30 years ago—L'Ambiance Plaza. It is an urgent and great need for this Nation to confront. L'Ambiance Plaza collapsed, literally, within seconds, and when it was over, the 28 workers who woke up that day and left their homes never came back. Their families, who said good-bye, never saw them again alive. They were victims of workplace dangers that day, but so many others have followed them since.

Those families are still affected, still grieving. One of them spoke at that ceremony on Monday morning, and it provides for many of us the memories of that day when literally hundreds of workers from throughout Connecticut went to that site, digging, often by hand, through the wreckage, trying to find the living survivors. On that day, and every day since, I have sought to increase the safety of our workplaces and avoid those kinds of tragedies. That is why I am here today, because that pledge would be, in my view, inconsistent with voting for the nomination of Alexander Acosta to be Secretary of Labor.

I will state at the outset that I commend Mr. Acosta for his record of public service during the Presidency of George W. Bush, serving as a National Labor Relations Board member and holding two positions at the Department of Justice, as Assistant Attorney General for the Civil Rights Division and, later, as U.S. attorney for the Southern District of Florida. I want to thank him for his willingness to serve again. I say that in all seriousness, as a former U.S. attorney myself.

I believe that, as Secretary of Labor, he will have important responsibilities if he is confirmed in the area of enforcement, and I am constrained to oppose his nomination because I believe, No. 1, that this administration needs a champion, not simply a bystander, and Mr. Acosta has given me no reason at his hearings and in his record to assure me that he will overcome what I see as a bias against enforcement in this administration.

Last month President Trump proposed a budget that guts the Department of Labor. The budget admittedly is short on specifics and boasts little more than one page about the agency that is tasked with ensuring the safety of tens of millions of American workers. Let me make clear: It would slash resources at the Department of Labor by 21 percent. That is \$2.5 billion. That means 21 percent fewer inspectors, 21 percent fewer investigators, 21 percent less enforcement. That is one-fifth less enforcement, when, in fact, five times more enforcement is appropriate. The budget, although short on details, singled out programs that helped to train workers and employers in ways to ensure avoidance of hazards on the job.

President Trump has proposed the elimination—the zeroing out—of that program. At his confirmation hearing last week, Mr. Acosta demonstrated neither a willingness nor an interest in challenging the budget or the President's priorities, stressing that his soon-to-be boss, President Trump, guides the ship. I find that view and perspective alarming. There is an old saying that budgets are “moral documents.” It is a saying frequently repeated, but it has a real meaning when it comes to enforcement of worker safety. It has a real meaning to real people in their lives or loss of lives. It is a matter of life or death. Where you

put scarce dollars and resources reveals moral values and moral priorities.

President Trump has put his values on clear display in this budget. He believes in building a wall, a needless show project that he mentioned repeatedly in his budget, but he has given short shrift or no shrift to efforts that protect people who go every day to workplaces where they are in serious jeopardy, and where—as in L'Ambiance Plaza—they can lose their lives. Voting for Mr. Acosta would mean failing to keep that pledge that I believe I made to the families of L'Ambiance, to the workers who lost their lives there, and to countless other workers in danger every day in workplaces that must be made safer—and can be—through vigorous enforcement of rules and laws that exist now and improvement of those laws.

One of the greatest challenges facing our Nation today is fairness in the workplace, particularly fairness in pay for women, fairness concerning pay disparity between men and women, with women making a fraction of what men make for the same work. On this critical issue also, this nominee is silent. On other issues critical to the modern workplace—overtime pay, minimum wage, protecting workers' retirement, fighting discrimination, matters that affect women and minorities more than others—he has said little or nothing, certainly little to indicate that he will be an enforcer of laws that protect minorities and women and others who may be the victims of discrimination.

There is no question that this nominee is far better than the President's first proposed person to fill this job, Andy Puzder, who rightly and fortunately withdrew, but the standard we should use is not whether he is better than his predecessor, who was found wanting even before the vote was taken, but rather whether they can be trusted to protect workers, to enforce rules vigorously and fairly, and to fight for a budget and a set of priorities that are critical to the future of American workers. On that score, unfortunately, I answer this question with a clear “no,” and I will vote against this nominee.

Mrs. FEINSTEIN. Mr. President, I wish to oppose the nomination of Alexander Acosta to be Secretary of Labor.

I did not come to this decision lightly, but, after closely examining Mr. Acosta's record, I cannot in good conscience vote for his confirmation to be Labor Secretary on behalf of the American people.

The most troubling part of Mr. Acosta's record is how he handled a 2007 sex trafficking case that he oversaw while serving as the U.S. attorney for the Southern District of Florida. In that case, which left many vulnerable victims devastated when it concluded, Mr. Acosta failed to protect underage crime victims who looked to his office to vindicate their rights against billionaire Jeffrey Epstein.

The case, led by Mr. Acosta's office and the FBI, involved an investigation

of Mr. Epstein for his sexual abuse and exploitation of more than 30 underage girls.

It ended with an agreement, negotiated by Mr. Acosta's office, in which Mr. Acosta agreed not to bring Federal charges, including sex trafficking charges, against Mr. Epstein in exchange for his guilty plea to State charges and registration as a sex offender. Thanks to this agreement, Mr. Epstein served a mere 13 months of jail time and avoided serious Federal charges that would have exposed him to lengthy prison sentences.

What troubles me about this case is not just the leniency with which Mr. Epstein was treated, but how the victims themselves were treated.

In 2004, I authored the Crime Victims' Rights Act with then-Senator Kyl because we both saw that victims and their families were too frequently "ignored, cast aside, and treated as nonparticipants in a critical event in their lives." I strongly believe victims have a right to be heard throughout criminal case proceedings.

My concern with how Mr. Acosta handled this case stems from his office's obligations under the Crime Victims' Rights Act. The victims have asserted that Mr. Acosta's office did not provide them with notice of the agreement before it was finalized, nor were they provided with timely notice of Mr. Epstein's guilty plea and sentencing hearings. Worse, throughout the process, the victims were denied the reasonable right to confer with the prosecutors; this flies in the face of the Crime Victims' Rights Act we authored.

I am very concerned that Mr. Acosta's office did not treat the victims "with fairness and with respect for the victim's dignity and privacy" as required by law. Rather, according to the victims, Mr. Acosta's office "deliberately kept [them] 'in the dark' so that it could enter the deal" without hearing objections. These allegations raise serious concerns.

From his position of immense power and responsibility, Mr. Acosta failed, and the consequences were devastating.

Another deeply troubling aspect of Mr. Acosta's record comes from his tenure when he led the Justice Department's Civil Rights Division from August 2003 to June 2005. According to the Justice Department's inspector general, that office repeatedly used political or ideological tests to hire career civil servants in violation of federal law.

During his confirmation hearing before the HELP Committee, Mr. Acosta himself admitted that discriminatory actions were taken under his supervision and that they should not have happened.

At a time when the public's faith in government institutions is eroding on a daily basis, Mr. Acosta's handling of these high-profile incidents lead me to question his ability to carry out the duties of Labor Secretary with fairness and impartiality.

This doubt is further compounded by statements that Mr. Acosta made during his hearing regarding whether he will exercise independence in upholding and enforcing certain rules and regulations, such as the fiduciary rule and overtime rule to protect workers.

In response to such questions, Mr. Acosta avoided making a commitment to uphold these rules as Secretary of Labor, and I am greatly concerned that he may not look out for the best interests of workers.

All of the issues I have outlined here simply do not allow me, in good faith, to vote in favor of Mr. Acosta's nomination.

Thank you.

Mr. BLUMENTHAL. 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. RUBIO. 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. RUBIO. Mr. President, I ask unanimous consent that I be allowed to complete my remarks prior to the vote.

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

Mr. RUBIO. Mr. President, I am honored to speak here today in support of Alex Acosta, and I wholeheartedly encourage my colleagues to support his nomination to be our next Secretary of Labor. I know this nominee well. As a fellow Floridian and as a native of Miami, I have been familiar with his work for many years. As I said when the President nominated him, I think he is an outstanding choice to lead the Department of Labor.

Alex has an impressive academic record. He has two degrees from Harvard—the first from Harvard College and then from Harvard Law School.

He also has a sterling record of public service in the State of Florida and in the United States of America. He was a member of the National Labor Relations Board. He was appointed by President George W. Bush and served from 2002 to 2003. From there, he was selected by President Bush to serve as Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice, where he also served as Principal Deputy Assistant Attorney General in that office. He also served our Nation as the U.S. Attorney in one of the most challenging districts in our country—Florida's Southern District.

Most recently, Alex has served the State of Florida as the dean of Florida International University College of Law, where he has been instrumental in raising the still young school's profile and in its graduating young men and women who are now well prepared to excel in their legal careers.

With every challenge he has confronted throughout his distinguished career, he has demonstrated his ability

to effectively tackle with ease the problems at hand. He is a brilliant legal mind, someone with a deep knowledge of labor issues, and he is a proven leader and a proven manager. It is for these reasons and many more that I am confident that Alex Acosta will serve this Nation admirably.

He was—listen to this—previously confirmed unanimously by the Senate for three different positions in the U.S. Government. This man is not even 50 years old, and he has already been confirmed unanimously by the Senate for three separate positions. I believe that in a few moments, he will be one step closer to being confirmed to his fourth. He is well qualified for this role, and I look forward to working with him to ensure that Americans are equipped with the skills they need to be successful in the 21st-century economy.

I yield the floor.

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of R. Alexander Acosta, of Florida, to be Secretary of Labor.

John Barrasso, Susan M. Collins, Ron Johnson, Deb Fischer, Luther Strange, Bill Cassidy, Lindsey Graham, John Boozman, Mike Rounds, David Perdue, Lamar Alexander, Tom Cotton, Orrin G. Hatch, Todd Young, Mitch McConnell, Joni Ernst, Dan Sullivan.

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

The question is, Is it the sense of the Senate that debate on the nomination of R. Alexander Acosta, of Florida, to be Secretary of Labor shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

The yeas and nays resulted—yeas 61, nays 39, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—61

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

NAYS—39

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

The PRESIDING OFFICER (Mrs. ERNST). On this vote, the yeas are 61, the nays are 39.

The motion is agreed to.

The Senator from Washington.

Mrs. MURRAY. Madam President, when workers and families fought back against President Trump's first disastrous pick for Secretary of Labor, Andrew Puzder, they made it clear that they want a Secretary of Labor who will fight for their interests, especially as President Trump continues to break promise after promise he made to workers on the campaign trail. I couldn't agree with them more. As bad as Puzder would have been, our standard cannot be "not Puzder."

Never has it been so critical to have a Secretary of Labor who is committed to putting workers' protections and rights first, even if that means standing up to President Trump. It is with this in mind that I cannot support Alexander Acosta to run the Department of Labor.

Given Mr. Acosta's professional history, I have serious concerns about whether undue political pressure would impact decision making at the Department. My concerns were only heightened at his nomination hearing, when Mr. Acosta said he would defer to President Trump on the priorities of the Department of Labor. The Trump administration has already cemented a reputation for flouting ethics rules and attempting to exert political pressure over Federal employees. We need a Secretary of Labor who will prioritize workers and the mission of the Department of Labor over special interests and political pressure.

Unfortunately, Mr. Acosta's time leading the civil rights division at the Department of Justice suggests he will not be the mission-focused Secretary of Labor workers across the country have demanded. A formal investigation by the inspector general showed that, under Acosta's tenure, the civil rights division illegally considered applicants' political opinions in making hiring decisions, ignoring their professional qualifications. As Assistant Attorney General, Acosta chose to recuse himself from consideration of a Texas redistricting plan, instead, allowing political appointees to overrule career attorneys who believe the plan discriminated against Black and Latino voters.

Mr. Acosta's past raises questions about whether—instead of making workers' rights and protections the priorities of that Department—he will allow political pressure to influence his decision making.

Mr. Acosta's refusal to take a strong stand on many of the most pressing issues workers face today was equally concerning. We need a Secretary of Labor who is committed to expanding overtime pay to more workers, fighting for equal pay, and maintaining protections for our workers. But in responding to questions about those priorities, Mr. Acosta made it clear that he simply plans to defer to President Trump, who has already made it abundantly clear that he will not stand up for workers.

Mr. Acosta continued to evade addressing my concerns about how he would prioritize workers' interests at the Department of Labor in our followup questions. We need a Secretary of Labor who will remain committed to the core principles of the Department of Labor—someone who will prioritize the best interests of our workforce, who will enforce laws that protect workers' rights and safety and livelihoods, and who will seek to expand economic opportunities for workers and families across our country.

Unfortunately, Alexander Acosta has failed to show he will stand up to President Trump and prioritize those principles and help our workers get ahead. Therefore, I urge my colleagues to listen to the millions of workers who have made their voices heard about the need for a Secretary of Labor who is committed to building an economy that works for everyone, not just those at the top, and vote against this nomination.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 948 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

GULF OF MEXICO OIL DRILLING MORATORIUM

Mr. NELSON. Mr. President, I want to address the Senate on the occasion of the solemn memorial of 7 years since the Deepwater Horizon explosion and the resulting oilspill, where 11 workmen were tragically killed.

The oilspill fouled the sensitive gulf ecosystem in ways that we still do not fully realize. Yet we are hearing today that the President is expected to issue an Executive order this week that ignores the implications of that tragedy, which was also the largest environmental disaster in U.S. history, by blindly encouraging more drilling in very sensitive areas.

I can tell you that drilling off the coast of Florida's neighboring States poses a real threat to our State's environment and our multibillion-dollar tourism industry, and that is because a spill off the coast of Louisiana can end up on the beaches of northwest Florida, just like a spill off the coast of Virginia or South Carolina can affect the entire Atlantic coast.

BP, as a result of Deepwater Horizon, agreed to pay more than \$20 billion in penalties to clean up the 2010 oilspill and repay gulf residents for lost revenue. But, apparently, that wasn't enough, if BP's recent spill in Alaska is any indication.

So we shouldn't be surprised, since oil companies and their friends have fought against any new safety standards or requirements, that the President still wants to open up additional waters to drilling, despite the fact that we haven't applied the lessons learned from Deepwater Horizon. This is at a time when the United States has been able to find all new reserves of oil and gas onshore. So we are not in a time of a shortage of discovery or a shortage of oil reserves. Our domestic energy market is being affected by the low price of natural gas, since so much of the reserves are just tremendous here in the continental United States.

The most visible change since the Deepwater Horizon spill is the division of the Minerals Management Service into the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement. All of those changes were made as a result of trying to improve things after the BP spill, but it doesn't seem to have made any major improvements in oversight, according to a report issued by the GAO last month.

So I have come to the floor to try to alert other Senators about the importance of preserving the moratorium on drilling in the Gulf of Mexico. It makes no sense to put Florida's multibillion-dollar, tourism-driven economy at risk.

And there is something else at risk.

The Department of Defense has stated numerous times—I have two letters from two Republican Secretaries of Defense that say it—that drilling and oil-related activities are incompatible with our military training and weapons testing. That is the area known as the gulf training range. It is in the Gulf of Mexico off of Florida. It is the largest testing and training range for the United States military in the world.

Now, in that gulf training range is where the pilots of the F-22 are trained. That is at Tyndall Air Force Base. It is where the new F-35 pilots are trained, by the way, not only for the United States but also for the many foreign nations that have bought F-35s. Of course, that is essential to our national security.

That is just pilot training. That doesn't speak of the testing done on some of our most sophisticated weapons over hundreds and hundreds of miles of restricted airspace.

Oh, by the way, when the U.S. Navy Atlantic Fleet shut down our training in Puerto Rico and the island of Vieques, where do you think a lot of that training came to? The Navy still has to train. So they will send their squadrons down to Key West Naval Air Station at Boca Chica Key. When those pilots and their F-18 Hornets lift off the runway, within 2 minutes they are out over the Gulf of Mexico in restricted airspace. So they don't spend a lot of fuel and a lot of time to get there.

That is why a lot of our colleagues across the State of Florida on the other side of the aisle—in other words, this is bipartisan—have weighed in with this administration, urging continued protection for the largest military testing and training area in the world.

Opposition to drilling in the eastern Gulf of Mexico is bipartisan, bicameral—the Senate and House—but so is our opposition to drilling off the Atlantic coast.

Now, let me just distinguish between the two. Years ago, my then-Republican colleague Senator Mel Martinez and I both offered in law an exemption until the year 2022 of any oil drilling off of the coast of Florida. It is actually everything east of what is called the Military Mission Line. It is virtually the Gulf of Mexico off of Florida. Of course we did that for the reasons that I have already stated. That is in law up until 2022. But the administration will be coming forth with another plan for the 5-year period for oil drilling offshore for the years 2023 up through 2028.

It is my hope that the words of this Senator and the words of our bipartisan colleagues from the Florida delegation will convince the administration that it is not wise to impede the military's necessary training and testing area, not even to speak of the tremendous economic deprivation that will come as a result of an oil spill.

Just think back to the BP spill. Think back to the time when the beaches, the sugary-white sands of Pensacola Beach, were completely covered with oil. That picture—a very notable picture, a contrast of the black oil on top of the white sand—went around the world.

The winds started blowing the oil from the BP spill off the coast of Louisiana. The winds continued to blow it to the east, and so some of the oil got into Pensacola Bay, some of the oil started getting into Choctawhatchee Bay, and some oil got on the beautiful beaches of Destin and Fort Walton Beach. The winds took it as far east as the Panama City beaches. There they received basically tar balls on the beach. Then the winds reversed and started taking it back to the west, so none of the other beaches all the way down the coast of Florida—Clearwater, St. Petersburg, on down to the beaches off of Bradenton, Sarasota, Fort Myers, Naples, and all the way down to Marco

Island—none of those beaches received the oil because the wind didn't keep blowing it that way. But the entire west coast of Florida lost an entire tourist season because our guests, our visitors, the tourists, didn't come because they had seen those pictures and they thought that oil was on all of our beaches.

Let me tell you how risky that was. In the Gulf of Mexico, there is something known as the Loop Current. It comes through the separation of the Yucatan Peninsula of Mexico and the western end of Cuba and goes up into the gulf, and then it loops and comes south in the gulf. It hugs the Florida Keys and becomes the Gulf Stream that hugs the east coast of Florida. And about midway down the peninsula, it starts to leave the coast, follows and parallels the east coast of the United States, and eventually goes to Northern Europe. That is the Gulf Stream.

Had that oil spill been blown south from Louisiana and had the Loop Current come enough north, that oil spill would have gotten in the Loop Current, and it would have taken it down past the very fragile coral reefs of the Florida Keys and right up the beaches of Southeast Florida, where there is a huge tourism business.

By the way, the Gulf Stream hugs the coast in some cases only a mile off of the beach.

That is the hard economic reality of what could happen to Florida's tourism industry, not only on the west coast, as it already did in that season of the BP oil spill, but what could happen on the east coast of Florida too.

Opposition to drilling in the eastern Gulf of Mexico is certainly bipartisan, but so is the opposition to drilling off the Atlantic coast. In the last Congress, Members from both parties joined together to file a House companion to the legislation this Senator had filed that would prohibit seismic testing in the Atlantic off of Florida. The type of seismic airgun testing companies wanted to use to search for oil and gas would threaten thousands of marine mammals and fish, including endangered species such as the North American right whale. The blast from seismic airguns can cause permanent hearing loss for whales and dolphins, which disrupts their feeding, calving, and breeding.

In addition to the environmental damage those surveys would cause, businesses up and down the Atlantic coast would also suffer from drilling activity. Over 35,000 businesses and over 500,000 commercial fishing families have registered their opposition to offshore drilling in the Atlantic. From fishermen, to hotel owners, to restaurateurs, coastal residents and business owners understand it is too dangerous to risk the environment and the economy on which they depend.

There is one unique industry that opposes drilling off the Florida east coast. We made the case way back in the 1980s when Secretary of the Inte-

rior James Watt decided he was going to drill from Cape Hatteras, NC, all the way south to Fort Pierce, FL. This Senator was a young Congressman then and took this case on and finally convinced the Appropriations Committee not to include any funds for the execution and offering of those leases. It was a simple fact that that was where we were launching our space shuttle then, as well as our military rockets from Cape Canaveral, and you simply can't have oil rigs out there and be dropping the first stages and the solid rocket boosters from the space shuttle.

As we know, the Cape has come alive with activity—a lot of commercial rocketry, as well as the mainstays for our military space program. In a year and a half, NASA will launch the largest rocket ever, one-third more powerful than the Saturn V, which was the rocket that took us to the Moon, and that is the beginning of the Mars program, as we are going to Mars with humans. Because of that space industry—whether it is commercial or whether it is civilian NASA or whether it is military—you simply can't have oil rigs out there in the Atlantic where we are dropping the first stages of those rockets. That is common sense.

When President Obama took the Atlantic coast off the table from 2017 to 2022—that 5-year period planning in the offshore drilling plan—Floridians finally breathed a deep sigh of relief. They sighed happily too. If President Trump intends to open up those areas to drilling, his administration will receive and can expect to receive a flood of opposition from the folks who know what is going to happen.

It is this week—and here we are mid-week—that we are expecting the Trump administration to move forward with an Executive order that would ignore the wishes of coastal communities. I want to say that the areas off of Florida in the east coast of the Atlantic are very sensitive, as I have just outlined, but there is nothing to say that if you have a spill off of Georgia or South Carolina, that it can't move south, and that starts the problem all over.

This announcement by the President will be like a big present for the oil companies, which, by the way, in areas in the Gulf of Mexico that are rich with oil—and there are, in fact, active leases that are not producing the oil. Why would they want to grant more leases in areas that are important to preserve the Nation's economy as well as our military preparedness?

I hope the President thinks twice before putting Florida's economy at such a risk. I hope he refrains from issuing this Executive order, but if he doesn't, this Senator and a bipartisan delegation from Florida will fight this order.

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.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

Ms. WARREN. Mr. President, I come to the floor today to urge my colleagues in the Senate to oppose the nomination of Alexander Acosta for Labor Secretary.

The test of whether a nominee is qualified to be Labor Secretary is a pretty simple one: Will that person stand up for 150 million American workers and their families? Mr. Acosta has had multiple opportunities in more than 2 months since he was nominated for this position to demonstrate that he would stand up for workers, and time after time, he has refused.

Americans deserve to know where a nominee like Mr. Acosta stands on key policy matters that will have a powerful impact on the lives of working people.

At Mr. Acosta's confirmation hearing, I asked him where he stood on three policy issues that are important to working Americans and their families.

First, will you promise not to delay a rule that will protect 2.3 million Americans from being poisoned by lethal cancer-causing silica on the job?

Second, will you appeal a Texas court's injunction that has halted implementation of a new overtime rule that would give 4.2 million Americans a \$1.5 billion raise in a single year?

And third, will you promise not to delay a rule that will stop investment advisers from cheating retirees out of an estimated \$17 billion a year?

Now, these are not tough questions. For most people, these would have been total softballs: Will you keep workers from being poisoned, will you make sure that employers pay for overtime, and will you make sure that investment advisers aren't cheating retirees? Come on. This is the very least that a Labor Secretary can do—the very least.

Mr. Acosta refused to answer a single one of these questions. Instead, he bobbed and weaved, stalled and repeated my questions; he even insisted that these topics were so complex that he needed more time to study them. And it wasn't just my questions that Mr. Acosta refused to answer. He spent more than 2 hours ducking, hand-waving, and dodging basic questions from committee members—both Democrats and Republicans—questions about whether he would commit to stand up for workers on issues that profoundly affect their health, their safety, and their economic security.

Mr. Acosta has been so evasive about his views that we still have virtually no idea what he will do to help or harm workers if he is confirmed for this job.

The fact that Mr. Acosta isn't willing to step up on easy questions and tell us that he will be on the side of workers tells us a lot about him—and none of it is good.

That is particularly troubling, since Mr. Acosta is President Trump's nominee, and we can see how President Trump treats workers. In less than 100 days on the job, President Trump has managed to kill, weaken, or undermine an unprecedented number of protections for working people.

He signed a bill to make it easier for government contractors to steal wages from their employees.

He signed a bill to make it easier for employers to hide injuries and deaths that their workers suffer on the job.

He signed a bill to keep cities from offering retirement accounts to more than 2 million employees who don't have access to a retirement plan on the job.

He delayed a rule protecting workers from lethal, cancer-causing beryllium.

He delayed a rule protecting construction workers from deadly silica.

And he delayed a rule preventing investment advisers from cheating retirees—a rule that will save hard-working Americans about \$17 billion a year.

That is a pretty long list, and it doesn't even include the devastating impact to workers of the President's proposed 20-percent cut to the Labor Department funding, which means fewer cops on the beat when employers steal wages or force people into unsafe working conditions.

During his campaign, President Trump talked a big game about standing up for workers and creating good, high-paying jobs. But if his first 100 days are any indication, his real plan is to keep corporate profits soaring by gutting the rules that American workers depend on to keep money in their pockets, food on their tables, and to keep them safe in the workplace.

Unlike President Trump's first failed nominee for this job, Mr. Acosta is not openly contemptuous of people who work hard for a living, and I suppose we should be thankful for that. But that is not the test for Labor Secretary. The test for Labor Secretary is whether this person will stand up for American workers.

Mr. Acosta won't make that commitment, and he has made it perfectly clear that he sure won't stand up to President Trump. That is just not good enough. Because of this ongoing evasiveness, I have no confidence that Mr. Acosta is the right choice for this position, and I urge my colleagues to join me in opposing his confirmation.

Mr. President, 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 role.

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

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

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NOMINATION OF ROD ROSENSTEIN

Mr. BOOKER. Mr. President, today I wish to speak about my vote yesterday on the nomination of Rod Rosenstein to be Deputy Attorney General at the U.S. Department of Justice. I voted no on his nomination not because I think he is unqualified or because I think he is unfit for the job. He is neither of those things. Rather, I opposed his nomination because of the troubling actions the Justice Department is taking on criminal justice, civil rights, and immigration issues and because I firmly believe a special prosecutor is needed to investigate Russian interference in the 2016 Presidential election.

Since taking over as our Nation's top law enforcement official, Attorney General Sessions has indicated he wishes to roll back certain actions taken during the Obama administration. For instance, Attorney General Sessions is considering changes to existing Justice Department drug charging policies. I am concerned he will direct Federal prosecutors to increase the use of mandatory minimum penalties in low-level, nonviolent drug cases. Since 1980, our Federal prison population has increased by nearly 800 percent in large part because of the failed war on drugs and the use of mandatory minimums. Increasing the utilization of mandatory minimums will not make us safer or fix our broken criminal justice system. To the contrary, it will come at great cost—not only to American taxpayers, but to public safety, to families, and to confidence in our justice system. As Deputy Attorney General, Mr. Rosenstein will play a critical role in enacting those changes to existing charging policies.

Attorney General Sessions also recently indicated that the Justice Department may reverse its policy on the use of consent decrees to combat civil rights abuses by law enforcement when they occur. He has consistently criticized the use of consent decrees, and in his first major speech as Attorney General, he vowed to "pull back" on Federal suits against State and local police departments for civil rights abuses. There is no doubt that America's law enforcement community deserves our utmost respect and protection. These brave women and men have answered the call to serve and the vast majority of them serve with integrity. However, the Justice Department plays a critical role in assisting police departments struggling to combat systemic practices that unfairly target