We have also heard from unions that have backed him as well. In their words, Acosta is an “advocate for the middle class,” a nominee with “strong credentials and an impeccable reputation,” and someone they can work with “to protect and make better the lives of working men and women across America.”

Acosta’s leadership at the Labor Department will serve as a much needed change from what we saw under the previous administration, when, too often, onerous regulations that stifled instead of encouraged growth were given high priority, which came at a disadvantage to the very workers the previous administration claimed to be helping.

Of course, much work remains when it comes to providing relief to middle-class workers, but today’s vote to confirm Acosta represents another positive step in that direction.

GOVERNMENT FUNDING LEGISLATION

Mr. MCCONNELL. Mr. President, on one final issue, as we know, talks on government funding legislation have continued throughout the week on a bipartisan, bicameral basis. The House has introduced a short-term funding bill that we expect to pass before Friday night’s deadline so that a final agreement can be drafted and shared with Members for their review prior to its consideration next week. This extension will also protect thousands of retired coal miners and their families from losing the healthcare benefits I have fought for throughout this entire process, as I continue to lead the fight to secure them on a permanent basis.

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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

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.
One of Mrs. Garrison’s other directortates—the whistleblower reprise investigations, or what we call the WRI unit—is always crying out for help. It is facing its own hotline-style tsunami. It has staff of 56 personnel, but only 28 of those 56—or about 50 percent—are actually assigned to investigative teams. They complete 50 to 60 reports per year. With some 120 cases under investigation at any one time, a large number inevitably get rolled forward from year to year. The backlog could easily double or triple over the next few years.

In November, 38 cases were beyond acceptable limits. As of March 28, the oldest one was 1,394 days old. While many of these cases were recently closed, new ones keep popping up on the list. Despite very substantial increases in money and personnel since 2013, the deputy IG still seems overwhelmed by the volume of work.

While beefing up the whistleblower reprise investigations may be necessary, Mr. Fine and his deputies need to do more with what they have. With an annual budget of $320 million and a 1,500-person workforce, efficiencies can be found.

Some units are said to be top-heavy and ripe for belt-tightening. The investigative processes are notoriously cumbersome and could be streamlined.

The audit office, with 520 workers, turns out mostly second-rate reports. It needs strong leadership and it needs redirection. The Obama administration never seemed to take these problems very seriously. I hope this new administration is coming in to drain the swamp and will do better.

Weak leadership gave us the hotline backlog. Weak leadership is giving us the continuing mismatch between the workforce and the workload. Both are messy extensions of a much more harmful leadership problem—a festering that is eating away at integrity and independence.

This is what I am hearing:

Top managers have allegedly been tampering with investigative reports and then retaliating against supervisory investigators who call them to account. This is sparking allegations that a culture of corruption is thriving in the Office of the Inspector General. I gave my colleagues a glimpse of this problem in a speech on April 6 of last year. I used the fifth and final report of Adm. Losey’s Investigation to illuminate this problem.

That report was allegedly doctored by senior managers. Investigators were allegedly ordered to change facts and then retaliating against supervisors. I gave my colleagues a glimpse of this situation and could rule in favor of whistleblower reprise investigations. They blew the whistle on all of the alleged tampering going on—and do my colleagues know what these patriots—and I use the term patriots—got hounded for it. They got hounded for protecting Federal workers.

If top managers are tampering with reports and retaliating against their own people who report it, then how can they be trusted to run the agency’s premier whistleblower oversight unit?

All of the pertinent issues need to be resolved, and they demand high-level attention. So I call on the new Secretary of Defense and the acting inspector general to work together to address these problems.

No. 1, the hotline needs to be brought up to acceptable standards under stronger management; No. 2, all potential sources of the workforce mismatch need to be explored, including internal realignments; No. 3, an independent review of all cases where alleged tampering occurred should be conducted, to include an examination of the Garrison letter cleansing an admiral in the midst of an investigation. If tampering and retaliation did in fact occur, then the culprits should be fired.

I look forward to receiving a full report.

Yield the floor.

Mr. CORYN, Mr. President, our military and our intelligence community grapple with intersecting issues that aren’t wholly unique to this day and age. Our national security has always been imperiled by foreign threats, from World Wars, and we previously faced a seemingly unsurmountable debt burden following World War II.

The challenge seems to be, as it always is in a democracy, that people differ over how to handle the urgency of priorities and the means to address both those threats and our financial house in order to be able to pay for what it takes to keep America safe. What is unique is the range and complexity of the problems we face and their scale.

I am reminded of a sobering quote from the former Director of National Intelligence during a hearing just last year, former Director James Clapper, who served 50 years in the U.S. intelligence community. He said: “In my time in the intelligence business, I don’t recall a time when we have been confronted with this diverse array of threats.” I agree with him.

On top of that diverse array of threats, never before has our country been at war for such an extended period of time since 9/11, and never before have we done so much with an all-volunteer military force stressed by repeated deployments, while at the same time defense spending has been cut by nearly 15 percent over the last 8 years.

So the United States is at a crossroads when it comes to meeting the diverse threats we face today, while simultaneously preparing for the ever-evolving future threats headed our way tomorrow.

To first provide a little bit of context about our lack of readiness to meet those threats by framing the challenges our military and our Nation faces, and then I wish to offer some thoughts about how we can rise to these challenges and maintain our military preeminence and leadership in the world.

First, there are the challenges abroad. We face a range of adversaries unlike any other in our history. In the Middle East, even as ISIS forces are pushed back in Iraq, their ideology spreads like a contagion through their so-called cyber caliphate, and it continues to permeate the West and attract the vulnerable and the disillusioned. FBI Director Comey has said that his agency has open investigations into home-grown jihadists in all 50 States.

Iran, under the Joint Comprehensive Plan of Action, is a breakout nuclear threat and remains the No. 1 state sponsor of terrorism in the world. At the same time, it is rapidly growing its ballistic missile arsenal and has regained much of its financial strength following sanctions relief under the JCPOA.

Then there is Syria. Since the Syrian civil war began, 400,000 have died in a bloody civil war, while Bashar al-Assad, a brutal dictator known to repeatedly use chemical weapons on his own people despite redlines drawn, enjoys Russian and Iranian support and protection.

In addition to its meddling in the Middle East, Russia is invading eastern Ukraine and annexed Crimea. It routinely threatens NATO member states and has ramped up its use of “active measures”—a program of both overt and covert action that leverages propaganda, cyber espionage, social media, and a sometimes gullible mainstream media both here and abroad—to influence and undermine public confidence in the very foundation of our democracies, which are our free and fair elections.

In the Pacific, China seeks to advance its regional dominance by making claims to former sandbars and reefs...
that it has now built into strategic military bases—complete with a 10,000 foot runway—in the South China Sea.

Finally, as we learned more about yesterday at the White House in the briefing from the President’s national security team, North Korea continues to develop and test its nuclear and ballistic missile capabilities with the threat of soon being able to combine the two to threaten the continental United States and wreak death and destruction.

Many before we have observed that American strength on the world stage is a deterrent and a stabilizing influence, while weakness is an invitation to our adversaries and inherently destabilizing. I think that proposition has never been more evident than it is today.

But to address these threats—to maintain the peace and flight, if we must—we need a capable, ready, and modern military force. But the truth is we are not ready. While I believe America will always rise to the challenges once roused from our national complacency, it makes a dangerous world even more dangerous.

U.S. military readiness and modernization is justly under great stress and stretched thin around the world—has suffered 15 years of continued operations and simultaneous budgetary restrictions and deferred maintenance and investment. That has led to some very real consequences for our military. Let me just illustrate a few of those consequences.

According to General Walters, the Assistant Commandant of the Marine Corps, more than half of all Marine Corps fixed- and rotary-wing aircraft were unable to fly at the end of 2016. Let me say that again. That is a shocking statistic. More than half of the Marine Corps’ fixed- and rotary-wing aircraft were unable to fly by the end of 2016. These aircraft are in constant operation overseas and are absolutely necessary to continue the fight against ISIS and terrorism, yet half of them are unable to take off.

The Navy fleet currently stands at 275 of the 350 ship requirement. Law mandates an inventory of 11 aircraft carriers and has a stated force level goal of 12. But today, the Navy requires a waiver in order to operate just 10, currently. As we all know, these carrier strike groups deploy worldwide, and, as I hope to say, the act as “100,000 tons of diplomacy that doesn’t need a permission slip.”

Of our 58 Army brigade and combat teams, only three are considered fully ready for combat. These are the main building blocks of the Army that support the majority of Army operations, and only three are fully ready. Keep in mind, too, that our Army is smaller than at any time since before World War II, as a result of draconian cuts in defense spending.

Finally, when it comes to our Air Force, General Wilson, the Air Force Vice Chief of Staff, recently testified:

“Sustained global commitments and funding reductions have eroded our Air Force to the point where we have become one of the smallest, oldest equipped, and least ready forces across the full-spectrum of operations in our service history.” The Air Force currently has 5,500 aircraft in its inventory. That is down from 8,600 since 1991. The average aircraft in the U.S. Air Force is 27 years old. For example, I was at Dyess Air Force Base in Abilene, Texas, viewing some of their B-1 bombers, which is a plane first flown in 1974.

Then, of course, there is the grandpa of our aircraft fleet, the B-52—that is still in operation—first introduced in the 1950s.

The Air Force is also experiencing a pilot shortage crisis due to the pressure on the force, including quality of life issues and, of course, increased demand and competition from the airline industry.

So our military faces these internal issues as well. No one would argue that in order to keep the peace and to protect our national security interests, we must have a credible and modern force. But the hard truth is that we don’t currently meet that standard, and we can’t afford to ignore the problems.

So why, I ask, do we continue to do so? More importantly, the question is this: Where do we go from here? How can we assure that our military can maintain its competitive edge and ensure it is ready to meet these and future challenges? I have a few suggestions.

First, we must fund our military to meet the threat environment, not do what we can to meet the threat environment with what we funded for the military. In other words, the threat should determine the resources necessary to meet that threat. So I would suggest we should start by eliminating sequestration of Department of Defense funding under the 2011 Budget Control Act. The truth is the Budget Control Act was never meant to cut military spending. It was meant to spur action. Remember the supercommittee and the hoped-for grand bargain? Instead, the BCA took a meat ax to our defense budget. Allowing the Budget Control Act to keep making automatic cuts to our military until 2021 does not serve the national security interests of the United States. It does the opposite. These cuts add risk not just to our national security but also to our service-members and their families—who, as I said, have been fighting the longest war in our Nation’s history—and it does so by undermining their training, readiness, and modernization.

At a time when we face national security threats that require greater investment in technology, we are tiring the hands of our military and simply hoping for the best. So if we want to return to a strong American military after years of underfunding and inadequate funding, we need to start with ending the Department of Defense sequestration.

Of course, the next logical question becomes this: If we do away with the defense portions of the Budget Control Act, how do we control overspending, deficits, and unsustainable national debt, which is a serious problem? And where do we go from here? My second point.

A Bipartisan Congress and the Trump administration must address our budget priorities by looking at and addressing all government spending, not just the 30 percent or so represented by discretionary spending. Right now, about 70 percent of Federal spending isn’t even appropriated by the Congress. It simply runs on autopilot, and it grew last year at the rate of 5.5 percent, while discretionary spending has remained relatively flat. Until we have the political courage on a bipartisan basis to tackle our structural financial problems, we will never adequately fund the military or our other national priorities.

We also need a bipartisan committee to end continuing resolutions and the self-destructive drama and narratives of potential government shutdowns.

Most importantly, perhaps, the Defense Department needs to be able to plan and fund just for the next continuing resolution, but it needs to be able to plan long term and to spend the money that is appropriated to it in an efficient way.

The Chief of Staff of the Air Force, General Goldfein, captured the point well 2 months ago, when he said: “There is no enemy on the planet that can do more to damage the United States Air Force than us not getting a budget.” This sentiment is shared by all the service chiefs, and I wholeheartedly agree.

In a Department as big, as large, and as unwieldy as the Department of Defense, there is no doubt that there is room to streamline, improve efficiency, and reduce waste. We can all agree on that. But the truth is we need to take a hard, strategic look at our budgetary and fiscal needs across the Federal Government. Endless continuing resolutions aren’t the answer. Continuing resolutions actually limit an agency’s ability to be efficient and flexible, and they prevent the establishment of new programs and the retiring of the old and obsolete programs.

At the end of the day, the only way we can rein in spending, get a handle on our debt, and ensure our military stays ready for the threats facing it every day is to clearly articulate our country’s needs and how we plan to meet them. That way, we can restore constitutional oversight responsibilities to Congress.

Finally, Congress has a tremendous opportunity, working with the Trump administration, to propose a strategy to modernize our military and prepare for the next generation of warfighting. Both readiness and modernization have been hampered by the lack of a coherent national security and foreign
policy strategy in recent years, in addition to the blanket restrictions placed on defense spending.

Too frequently, modernization has simply been pushed aside by myopic views of how to deal with our financial challenges. We have grown more risk averse in the warfighter and our collective security. You had better believe that, not hamstringed by red tape and regulations or continuing resolutions or deep cuts in defense spending or national security spending, we, in fact, merely extend the service life of outdated and ancient weapons.

Clearly, we need a coherent national security strategy from President Trump and his Cabinet to do that. I know we are committed to working with them to make that happen. By doing away with the Budget Control Act, putting the Pentagon on a dependable and predictable budget and developing a coherent national security strategy, we can maintain our status as the top military in the world. Along the way, we can deter our enemies and reassure our allies. We don’t need to rewrite the playbook. We need to go back to the basics of government, providing for our national defense and keeping our fiscal house in order, all in light of the challenges and threats these times present.

My hope is that we will get out of the rut with an agreement in the Senate and in the Congress for the last few years and we will actually capitalize on this moment—and rally around a bipartisan commitment that a strong, modern, and ready military is really a nonnegotiable item—to lay the foundation for a modern military that will continue to keep our Nation safe for generations. I am committed to working with the administration and all of my colleagues in order to accomplish these goals.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, I enjoyed hearing my friend and gym colleague talking about defense. I agree with him; we need a strong defense. I agree with him that deficits are an enemy of getting the defense spending that we need. I hope when we consider tax cuts, we will hear that same view that we can’t go deeply into deficit. I appreciate my colleague’s great comments.

GOVERNMENT FUNDING BILL

Mr. President, I wish to talk first about some good news: the appropriation process—our negotiations to keep the government open. The President has backed off his threat to hold government funding hostage over the wall and over cutting healthcare funding for millions of Americans. This healthcare funding is essential to ensuring that millions of Americans don’t lose their premiums skyrocket and that they will not be kicked off their plans. Make no mistake, we will watch the administration like a hawk to make sure they follow through on their promises and promises they are making.

We are very happy that they have seen the light that Democrats have tried to show them for weeks. Threatening to hurt Americans for political gain is a loser.

Much like the administration’s withdrawal of their demand for wall funding, which Democrats laid out a month ago as a condition for successful bipartisan negotiations on the appropriations bills, this decision brings us closer to a final agreement and the end of the government shutdown. It is good news for the American people.

The tendency of this administration has been to go at it alone. What these negotiations show is that when the President talks a game into account the Democratic position and is willing to move in our direction, they can make progress on issues as we have on the appropriations bills.

On those appropriations bills, of course, there are many remaining issues to be settled. The most vexing are poison pill riders. We will not accept them, but I believe we are close to final agreement. Our side will continue to work in good faith to see that an agreement is reached to keep the government open by tomorrow’s deadline. I hope that this is something of a metaphor for the future, that the administration will not put together its plan and say that bipartisanship means you support our plan without any Democratic consultation, input, and, more importantly, taking into account our values, which we believe are close to where American values are—much closer than some on the other side.

THE PRESIDENT’S TAX PLAN

Mr. President, yesterday the President released—and this is not as good news, unfortunately—a one-page outline of his plan to change the U.S. Tax Code. Even from the very limited details that were released, the President’s proposal is a massive tax breaks to folks like himself—the very, very wealthy in America. The top rate would come down; taxes that disproportionately affect the very wealthy would go away, while middle-class and working families would be denied some of the most useful deductions. This isn’t simply the Trump plan to lower taxes. It is the plan to lower the taxes of Trump and those with enormous wealth, similar to his.

The president’s tax plan would be his Cabinet. Secretary Mnuchin, one of the architects of the plan, could not guarantee this morning that the middle class will not pay more under the Trump tax plan. If, on one sheet of paper, you can guarantee that corporations pay less and you can guarantee that the wealthiest Americans pay less but you can’t guarantee that hard-working, middle-class Americans have had a good recipe for changing our Tax Code. And, for the good of America, you are to go back to the drawing board.

This proposal falls short, far short of the mark in several ways. And it is forecast, it mostly benefits the very wealthy. In the Trump tax plan, corporations and the very wealthy get a huge tax break through lower rates and the elimination of things like the estate tax. In fact, the proposal the President put out yesterday is actually even more of a giveaway on the estate tax than his proposal in his campaign.

In the campaign, President Trump promised to repeal the estate tax for estates up to $10 million, retaining it only for the wealthiest of estates. This proposal would eliminate the tax completely, particularly on those multimillion- and even billion-dollar estates. The result would be that the 5,200 wealthiest families in America would receive a $3 million windfall, and many would receive much, much more than that.

Also, because the Trump plan lowers the tax rate on the so-called pass-through entities to 15 percent, wealthy business owners, like President Trump, will be able to use pass-through entities to pay 15 percent in taxes while everyone else pays in the twenties and thirties. This has implications for something we don’t need—the carried interest loophole. President Trump promised to get rid of this in his campaign. Instead of using the carried interest loophole under the President’s bill, Wall Street funds could file their taxes at a new passthrough rate of 15 percent, which is even lower than the present rate on carried interest.

Ironically, the President’s tax plan would indeed get rid of the carried interest loophole only by making it lower than the present rate and making it permanent—a total, total reversal of what he pledged in his campaign. It all goes to show that those who stand to benefit most from this proposal are folks like the President and those at his level of wealth, while tens of millions of American middle-class, working families are hurt and could very well pay more. This brings me to my second point, which is that the Trump plan hurts middle-class and working Americans by eliminating their most important and useful deductions. Take the elimination of the State and local tax deduction, for instance, which is used by so many middle-class families in my home State of New York. As it was cited in the Syracuse Post Standard:

The cost of the deduction will cost New Yorkers an average of $4,500 per year for those who file itemized returns, totaling about $88 billion per
year that State residents will no longer be allowed to deduct from Federal
returns.”

I saw in Newsday this morning that a number of our Long Island Republican colleagues said they couldn’t be for this. And yet they will still vote against anything that gets rid of State and local
deductibility because, let me repeat, that is $4,500 a year that New
Yorkers would no longer be able to deduct on average—massive tax cuts for
the very wealthy, crumbs at best for everyone else.

Third, the Republican plan is steeped in hypocrisy. Even without filling in
the details, Trump’s plan is already impossible to pay for. The Committee for
a Responsible Federal Budget estimates that “Trump’s tax cuts will cost
about $5.5 trillion over 10 years, as much as $7 trillion. That is a huge
amount of money in our economy.”

CRFB projects that “no plausible amount of economic growth will suc-
cede the tax plan.” The Republican plan would explode the deficit.

For the last 8 years, all we heard from our Republican colleagues was
that Obama was raising the deficit and we needed to cut programs that benefit
the poor and the middle class: cut the entitlements, Social Security, Medi-
care because of the deficit. All of a sud-
non, now with a Republican President and a proposed tax cut for the wealthy, we are cut on the other side of the aisle that deficits don’t matter.

Our Republican colleagues certainly believe the admonition that “consis-
tency is the hobgoblin of little minds.”

Fourth, the Trump tax plan would explode the deficit and, thus, endanger Social Security and Medicare, which may well be the nefarious, ultimate
goal of the hard right.

Sadly, I know it can happen. I have seen it before with the Bush tax cuts. President Bush pushed a big tax break for the wealthy. It blew a hole in the deficit and racked up debt, and then he and his Republican colleagues tried to
pursue deep cuts to the social safety net to balance the ledger.

If Trump’s tax plan were to pass, you can be sure, America, that a few years
down the line—maybe even not that long—the deficit will be so large that
our Republican colleagues will throw up their hands and say: We have no choice, but to come after Social Secu-
rities and Medicare and other important
programs for the middle class as a way
to address the deficit they created by
showering tax breaks on the very rich.

They will resume the cry they had in the Obama years: Cut the deficit—
which seems to apply to the programs
that help the middle class but never to
the ones that benefit the wealthy.

Just from the bare-bones skeleton the administration outlined yesterday,
we can already surmise that this plan is not much more than a thinly veiled
ruse to give away trillions to the wealthiest among us, starve the gov-
ernment of resources, balloon the deficit,
and then cut Social Security, Medi-
caid, and Medicare to make up the dif-

This plan will roundly be rejected by taxpayers of all stripes. The American
people are once again learning that the promise to work America in his campaign and what he is doing are totally at odds.

TRUMPCARE

Mr. President, on TRUMPCARE, very
briefly—on the new version of Trumpcare that may soon be headed for a vote in the House, let’s not forget the reason that Americans were
against the first version of TRUMPCARE. They are still in the second version. This version is worse, and there has been a lot of focus on a few of the changes.

The fundamental nastiness of the TrumpCare proposal—raising the rates
on people 50 to 65, 24 million people un-
covered, difficulty in covering pre-
existing conditions—is still in this bill. In fact, it is even worse. The new
TrumpCare will allow States to decide
whether insurers have to cover Ameri-
cans with preexisting conditions. It is
hard to come up with a crueler bill than one that would have resulted in 24
million more Americans without Medicare coverage, but this new TrumpCare manages to do it. It would
hurt even more Americans and bring us
back to the days when an insurance company could deny you coverage ex-
actly as it felt was just.

I say to the more moderate Repub-
licans in the House: If you didn’t like the first version, you surely shouldn’t like this version. Frankly, you will pay a huge consequence in the 2018 elec-
tions if you vote for it. We hope you don’t vote for it because we know how
many people it would hurt. Even if it passed the House, the chances for sur-
vival in the Senate are small. We don’t even know if the new version would
survive the Senate reconciliation process. The ful-
crum of the new changes very possibly violates the Byrd rule and would be
dropped here and need 60 votes, which will mean they won’t get for such a nasty
provision.

A warning to all those voting for it in the House: It may well be a chimera, all to save face for the President in his
first hundred days.

TRUMPCARE—ABOUT ONE HUNDRED DAYS

Finally, Mr. President, we are only a few days from President Trump’s 100th
day in office, and by all accounts, this has been a vastly different Presidency
than was promised during his campaign. So far this week, we Democrats have highlighted how this President has broken or not fulfilled promise after promise to the working men and
women of America.

Today, I would like to focus on a par-
ticularly stunning reversal this Presi-
dent made in the first 100 days on one of the central pillars of his campaign:
his promise to drain the swamp. Presi-
dent Trump repeated this phrase at
every campaign rally. In many ways, it
summed up his “outsider” campaign. Make no mistake about it—the Presi-
dent ran as a populist outsider, not as a
traditional, hard-right, conservative
Republican. He challenged the estab-
ilishments of both parties and pitched himself as a change agent, someone
who could shake up the status quo.

“Drain the swamp” was his tag line.

We Democrats disagree with this President on many things, but we agree with him that the very wealthy, powerful special interests have far too much
power in Washington. Large corpora-
tions that have the resources to make unlimited, undisclosed campaign contributions, that have resources to hire lobbyists on issue after issue, hold far too much power in this Nation’s
Capital, and that structure has created a system where the wealthy and power-
ful are advantaged in DC, while aver-
sing hard-working Americans have a
much smaller voice.

Draining the swamp would be a good thing, but unfortunately, despite the
many times he pledged radically to the power structure in Washing-
ton the first 100 days, the Presi-
dent has abandoned the mission. He
filled his government with billionaires
and bankers laden with conflicts of in-
terests. He has broken with the prac-
tices of the Obama administration by
ending the publishing of visitor logs to the White House, so the press and the
American people don’t know who has
the ear of the President and his top
people. He has even granted waivers to
lobbyists to come on to the White
House on the very same issues they
were just lobbying on, and he has kept those waivers secret.

A President who truly wanted to
drain the swamp wouldn’t have taken a
sing hand—of those actions. What are
the American people going to think? He campaigned on this and totally re-
versed himself within the first 100 days. What are they going to think of him?
It is no wonder his popularity ratings are low and sinking.

President Trump ran as a populist, but at the 100-day mark, he hasn’t even
tried to change the power structure in Washington and has in many ways
rigged the government even more to benefit corporate special interests.

This is one of the biggest broken prom-
ises he made to the working men and
women of America. That is how we
Democrats sum up the first 100 days—
broken and unfulfilled promises to the
working people of America. And when it comes to draining the swamp, he has
done it not.

One final point. The events yesterday
have further proven our point. The President promised to “drain the swamp”
his campaign and is now doing another. On his new healthcare proposal, he has
shown his hand: Promise something for the working people but deliver legisla-
tion that only helps the very wealthy.

On his new tax plan, which will bene-
fits the rich: Promise the working peo-
ple; deliver for the wealthy. The Presi-
dent has made our point better than we
GUN VIOLENCE

Mr. President, I rise today because tomorrow President Trump is going to become the first President in about 30 years to address the National Rifle Association. He will address the NRA tomorrow, and I thought it would be appropriate for me to come down to the floor to talk a little bit about the epidemic of gun violence in the context of this speech.

A lot of us were thrown off by the tone of the President’s inaugural address. It was different from a lot of the inaugurals we have heard—not uplifting, really. There was much more of a dark, dystopian picture of America, one that was frankly unfamiliar to a lot of us. Maybe the most memorable line from the President’s inaugural address was: “Donald J. Trump is your president.”

The President is going to address the NRA—a group that is increasingly the face of American carnage. The central focus of the President’s inaugural address. I commend to my colleagues an article that appeared earlier this week—propelled late last week—called “What Bullets Do to Bodies.”

We don’t like to talk about that a lot because today the popular image of a gun is almost divorced from its actual function. People collect them. People buy them in order to convey a certain image. I have certainly have weapons to protect themselves, but very few Americans actually understand what these guns are designed to do. They are designed to kill people. They are designed to gravely hurt people. AR–15 variants are dedicated to killing people as fast and as gruesomely as possible.

This article, “What Bullets Do to Bodies,” follows a trauma surgeon in Philadelphia. I want to read a few paragraphs from this article. It says:

“The main thing that people get wrong when they imagine being shot is that they think the bullet itself is the problem. The lump of metal lodged in the body. The action-movie heart stop; he limps to a safe house; he takes off his shirt, removes the bullet with a tweezer, and now he is better. This is not trauma surgery. The surgeon says that when the bullet causes as it rips through muscle and vessel and organ and bone. The bullet can stay in the body just fine. But the bleeding has to be contained, even if the patient is awake and screaming because a tube has just been pushed into his chest through a deep incision without the aid of general anesthesia (no time; the patient gets an injection of lidocaine). And if the heart has stopped, it must be restarted before the heart can pump oxygen. It is not a gentle process. Some of the surgeon’s tools look like things you’d buy at Home Depot. In especially serious cases, 70 times just at Temple last year, the surgeons will crack a chest right there in the trauma area. The technical name is a thoracotomy. A patient comes in unconscious, maybe in cardiac arrest, and Goldberg has to get into the cavity to see what is going on. With a scalpel, she makes an incision below the nipple and cuts 6 to 10 inches down the torso, through the skin and the ribcage, through the muscle. Into the opening she inserts a rib-spread, a large metal instrument with a hand crank. It pulls open the ribcage, and it is a sort of area. The surgeons can reach the inner organs. Every so often, she may have to break the patient’s sternum—a bilateral thoracotomy. This is done with a tool called a Lebsche knife. It’s a metal rod with a sharp blade on the end that hooks under the breastbone.”

The surgeon in this case is Dr. Goldberg.

Goldberg takes out a silver hammer. It looks like—a hammer. She hits the top of a Lebsche knife with the hammer until it cuts through the sternum. “You never forget one of the Temple nurses told me. ‘It’s like a tink, tink, tink. And it sounds like metal, but you know it’s bone.’ You know like when you see on television, when the-ahead worker on the railroad, hammering the ties?”

“It’s just the worst,” one nurse told the writer of this story. “They’re breaking bone. And everybody—everyone—has its own kind of quality. And sometimes there’s a big guy you’ll hear, and it’s the echo—the sound that comes out of the room. There’s some times it doesn’t affect me, and there are some times when it makes my knees shake, when I know what’s going on there.”

The article goes on to talk about what happens to those who survive. The price of survival is often lasting disability. Some patients, often young guys, wind up carrying around colostomy bags the rest of their lives.

They go to the bathroom through a stoma, a hole in their abdomen.

“They’re so angry,” Goldberg said. “They should be angry.” Some are paralyzed by bullets that sever the spinal column. Some lose limbs entirely.

AR–15s are designed by the military in order to kill people even more quickly so that you don’t even have the chance of going to an emergency room. That is what happened at Sandy Hook. What is remarkable is that not a single one of those kids ever made it to a trauma surgeon. All of those kids died on the spot—20 of them.

You sort of have to think about bullets like running fingers through the water. When you run your fingers through the water, it causes ripples, it causes disruptions in the water around them. Well, a bullet coming out of an AR–15 rifle moves three times faster than a bullet coming out of a handgun. So just look what happens when you run your hand through water. You run it through at this speed versus running it through at that speed. The ripples and the disruptions get bigger, right? And they spread further. That is what is going on in your head when the brain enters the body of anyone, but it certainly does something different when it enters the body of a 6-year-old. One trauma surgeon said that when it hits bone, it will likely just turn it to dust. If a bullet from an AR–15 hits the liver, well, this surgeon says that, “the liver looks like a Jell-o mold has been dropped on the floor.”

I know some people think AR–15s are fun. They are fun to show off to your friends. They are neat to fire. But that is not sport; that is American carnage. Do you know what? A lot
of gun owners get this. A lot of gun owners understand that this has gotten out of hand.

There was a poll that was conducted just about 2 weeks ago of gun owners across the country. Eighty percent of them support requiring a background check for someone who wants to buy a gun. It is pretty similar to the number you would find when you ask gun owners and nongun owners, but the gun owners in my State were frankly just as shocked and horrified at what happened at Sandy Hook as my nongun owners were.

Gun owners in this country increasingly are not represented by the National Rifle Association, the group Donald Trump is going to go talk to this week, because the National Rifle Association, which claims to be speaking for gun owners, opposes background checks. They don’t want a single additional gun sale to go through a background check. They are just fine with the fact that almost half of all guns sales in this country occur without a background check, meaning criminals and people with serious mental illness can get a gun so easily in this country that they don’t even have to make an effort.

Eighty-six percent of gun owners in this poll support prohibiting anyone who is convicted of stalking or domestic abuse from buying a gun. The NRA opposes that. Eighty-five percent of gun owners support prohibiting those who are on the Federal terror watch list or no fly list from buying a gun. The NRA opposes that.

Eighty-eight percent of gun owners believe you should have a permit to make much of an effort.

Every President’s foreign policy should secure America’s national interests and demonstrate America’s leadership around the world. That was not the case under President Obama. The last President’s foreign policies—what has been called strategic patience—strategic patience—when dealing with hostile countries all around the world: Iran, North Korea, Syria, Yemen, Lebanon. The Obama administration actually thought the American people were naive enough to believe it was just a coincidence in timing. Well, you can bet the Iranians did not believe it was a coincidence because they actually said it was not a coincidence.

The Iranians described the money as for the release of the hostages. We know from experience that the Iranians see hostage-taking as a valid way of conducting their own foreign policy. Right now, North Korea also has taken hostages—three American hostages—ransom payment to free the hostages. The Obama administration actually thought the American people were naive enough to believe it was just a coincidence in timing. Well, you can bet the Iranians did not believe it was a coincidence because they actually said it was not a coincidence.

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the “hidden deal giveaway.” Around the same time President Obama was sending cash to Iran, he also released seven Iranians who had been arrested by the United States. The President downplayed the crimes these individuals committed. He’s said that it was a “one-time gesture” to help grease the skids for his Iran deal.

Now, according to the documents obtained by Politico, the Obama administration also dropped charges and international sanctions against other individuals. Some of them were wanted for serious threats to our own American national security. One man was charged with trying to buy thousands of assault weapons—thousands of assault weapons—and send them to Iran.

Another was charged with conspiring to get from Iran thousands of pieces of equipment with nuclear applications. The nuclear-fueled, homemade sensors for uranium enrichment centrifuges in Iran. Centrifuges were a big reason we were concerned about Iran’s nuclear program in the first place. Yet, according to President Obama, this doesn’t seem to be a problem.

According to the article that came out Monday, “As far back as the fall of 2014, Obama administration officials began slow-walking some significant investigations and prosecutions of Iranian procurement networks operating right here within the United States.”

As one expert told Politico, “This is a scandal.” She said: “It’s stunning and hard to understand why we would do this.” Republicans in Congress warned about this kind of thing from the very beginning. President Obama was so interested in getting a deal that he got one that in my opinion, has been very bad for the United States—not just for the United States, bad for the world because Iran with a nuclear weapon makes the world less safe, less secure, and less stable.

President Obama has this as part of his legacy, but I will tell you strategic patience has failed. Secretary of State Tillerson said so last week, and I agree with him completely. I am glad to hear our top diplomat recognized this, and I am glad to see the Trump administration doing a comprehensive review of the Iran nuclear agreement.

The last President put international opinion first when it came to foreign policy. We see this all around the world. The President, that President Trump, is showing that we will put America’s interests first. It is not just Iran where we have the problem. I was recently in Asia over the break, along with a group of Senators. We went to Tokyo and went to Beijing to meet with the leaders in China. We went around that region. We met with the Premier of China, who is the No. 2 person in China, and we met with the No. 3 and the No. 4 to talk specifically about the problems of North Korea and the region.

For a long time, North Korea has been called the land of lousy options, but there is new urgency as we see the increasing capacity of North Korea now with their rockets not just propelled with liquid fuel but now with solid fuel that allows for quicker launches. The launch vehicles are no longer on wheels limited to the roads in North Korea to now on tracks and they can go anywhere.

North Korea has increased their nuclear capacity as well as their missile deliverability, and they are working on intercontinental ballistic missiles that can hit the United States. This is why we were at the White House yesterday for this secure briefing. That is why it is so critical that we focus on North Korea and we have a President who is focused on a peaceful resolution but is not afraid to use force, as we have seen in Syria and in Afghanistan, because if you want to use deterrence, you have to have a capacity—which we have had in the United States, which is incredible—through the Presidents over the last several years. We have to use that capacity, and we have seen from President Trump a commitment to use that capacity in Syria, in Afghanistan. You have to communicate a willingness to use that capacity, as President Trump is doing today.

Last week, Vice President Pence traveled to the demilitarized zone between South Korea and North Korea. He said very clearly that when it comes to North Korea’s nuclear weapons program, “the era of strategic patience is over.”

North Korea has been allowed to get away with too much for too long. It continues to test nuclear weapons. It continues to issue missiles. It continues to use hostages as a way of getting what it wants from other countries.

Over the weekend, we learned that North Korea arrested an American professor who was in that country. North Korea, like Iran, has a history of taking hostages and using them as leverage to get what it wants from other countries.

On the other hand, we learned that they are now in the process of building multiple ICBMs. ICBMs that are armed with multiple warheads. They are now on a path to develop ICBMs that can hit the United States. These are ICBMs that can hit the United States. That is why we have to be concerned.

Mr. President, a little background: For a long time, North Korea has been a bitter enemy of this country. The names of 55,000 men and women who served in the military—686, the Marine Corps; the Navy salutes the Marine Corps. I am a retired Navy captain, three tours in Southeast Asia in the Vietnam war. I served as a P-3 aircraft mission commander right at the end of the Cold War. The month I stepped down as a Navy captain, I led a congressional delegation back into Vietnam. Six of us—Democrats, Republicans—went at the behest of former President George Herbert Walker Bush’s administration to find out what happened to thousands of people. To see if we could get information about them and to provide that information to their families for closure. That was the beginning of an effort in the House, mirrored by the one over here led by John McCain and John Kerry, to move us toward normalized relations to see if the Vietnamese would cooperate with us in providing information that we wanted and the families wanted and deserve.

In fact, a year ago, I learned, along with President Obama, that we are there to kind of close the circle on our relationship with Vietnam, which has changed a lot over the last 30 years. Interestingly enough, we are Vietnam’s best trading partner, and they are a very good trading partner to us.

When we were there, they announced they were going to buy something like $10, $12, $14 billion worth of our aircraft—not fighter aircraft, not military aircraft, but civilian aircraft from Boeing.

I learned about some polling data. They had taken two polls, two surveys of the Vietnamese people early last year, and the question asked of Vietnamese people was: How do you feel about other countries, the people from other countries? How do you feel about other countries, the people from other countries? How do you feel about other countries, the people from other countries? How do you feel about other countries, the people from other countries? How do you feel about other countries, the people from other countries?

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We are now close trading partners. We don’t agree with them on every single thing, but they like us a lot. We have much more of a relationship than we have ever had in the past, and it is a much better economic relationship than it was in the past.

The reason I mention Vietnam is that there are some corollaries here with Iran. In 1978, that was when some will recall—the pages are too young to remember this. But in 1978, Iranians, led by their religious leader, captured, took over the U.S. Embassy in Tehran. They held our folks for a year or two as part of their cultural revolution or religious revolution.

When they did that, do you know what we did? We seized a lot of their assets in this country, in other countries as best we could. And that was not just a couple of dollars, not just a couple million dollars; it was hundreds of millions of dollars, and, man, maybe even more. Maybe it was even billions of dollars.

We held those assets, and we kept the Iranians from reclaiming those assets for, gosh, over 30 years—maybe close to 40 years. They have litigated in court. They say that they feel they should have access to what is theirs, what was theirs.

We are told by lawyers—I am not a lawyer—but we are told by some pretty smart lawyers on our side and others that they had a very good chance of getting all that and more in court if we didn’t settle.

What we did, at the end of the day, when the Iranians agreed to the Joint Comprehensive Plan of Action agreement, which was reached with not just the United States but with the Germans, the French, the Brits, the Chinese, and the Russians—the idea was to make sure that Iran didn’t have a quick path, a fast track to continuing their development of nuclear weapons. They are doing lots of things have already done: buying a lot of American-made aircraft, passenger aircraft by Boeing. We are not talking about just a couple billion dollars’ worth but certainly more than $10 billion worth.

I think they have already taken orders on one and have made one of the very first ones, and there is more to come. I think they are also going to buy a bunch of airbuses. I think more than just a couple of million dollars’ worth.

When they did that, do you know who said it, but a Chinese military leader once said: The greatest victory of all is the one that you win without firing a shot. That is what he said: The greatest victory of all is the one we win without firing a shot.

Well, for a Navy guy who has seen some time in a combat area and the Presiding Officer, who knows a little bit about this stuff as well—I think he probably agrees with me that if you can win one without shooting anybody or getting anybody killed, I think that is worth doing.

The other thing I would say is, that doesn’t mean we just trust Iran that they are going to do what they said they are going to do in the deal. There is an agency—I think it is called the International Atomic Energy Agency. They are all over them in terms of monitoring the deal and making sure that what the Iranians agreed to do, they actually do. What is it, trust but verify? That is really what the Iranian deal is all about verify. We will see how it all works out.

Color me hopeful. A lot of times when we vote on stuff, we vote our fears, as opposed to our hopes. Sometimes we vote our fears, as opposed to our hopes. On the Iran deal, I voted my hopes. We will see how it goes, and I am hopeful.

**Border Wall**

Mr. President, that is not why I came to the floor. There is a lot of talk about a wall. I think it is a song by Pink Floyd the other day: “All in all was just a brick in the wall.”

The President wants us to build a wall on our southern border with Mexico. It is about where he stands on the Pacific Ocean and the Gulf Coast. I have been down there any number of times as the chairman of the Homeland Security Committee and still as the senior Democrat on the Homeland Security Committee. The ranking member is CLAIRE MCCASKILL of Missouri. I have not been on every square mile of the border with Mexico, but I can tell you that there are some places on the border where a wall makes some sense, and there are frankly a lot of places where it doesn’t, including where you have hundreds of miles of river where it doesn’t make any sense.

There are people who have come from Yuma down there, where the Border Patrol told me—where they had an area where they had some wall. I think the wall was maybe 15 feet high, and they kept finding like 18-, 19-foot ladders on the other side of the wall, where people would climb a ladder to the wall and go over and above the wall. You can go over a wall. You can even go over a high wall with a ladder that is high enough. A lot of that has been done.

You can go under a wall, tunnel under. A lot of people tried to get out of Mexico into the United States by tunneling under the wall.

As it turns out, walls in some places make sense. Fences in some places make sense. Boats—like on the river that happens to be our border, the Rio Grande border with Mexico—boats make sense. Sometimes fast boats, really fast boats make sense. Sometimes it makes sense to build a road, so you can transport the water in different places. Sometimes it makes sense to build a road on our side of the border to give us mobility. Sometimes it makes sense to put surveillance equipment in drones. Sometimes it makes sense to put surveillance equipment in fixed-wing aircraft.

What is so special about this? It can see at night. It allows us to see dozens of miles into Mexico at night—through fog, through rain. We have a system and if we need to, rather than just send out aircraft or drones or whatever without that, kind of surveillance equipment, let’s put the surveillance equipment on it. That makes far more sense than building a 2,000-mile wall.

Other things that make sense are surveillance towers, towers to get to 100 feet up in the air. 200, 300 feet. Some of them are mobile. Some of them are stationary. We have motion detectors. In some places, that makes a lot of sense.

There is no shortage of ideas that make sense. What I like to do is figure out what to do is I ask people like the Border Patrol: What do you think makes sense? And what they pretty much say is an “all of the above” approach.

We have an “all of the above” approach in energy. If we are smart about securing our border with Mexico, I think we have gotten smarter as we
have gone on. We certainly have a lot more people down there than we had before that. We have 20,000 people, our men and women in the Border Patrol. They work hard and do a good job.

It is an “all of the above” approach. So I would love to say that if my chest.

Does it make sense to spend $25 billion to build a wall that we may need less than 100 miles? Probably not. Absolutely not.

The people who are coming across our border with Mexico are not Mexicans. They used to be. There are more Mexicans going back into Mexico from the United States than are coming into the United States from Mexico. The places where a lot of illegal immigration is coming from are three countries: Honduras, Guatemala, and El Salvador. They certainly don’t head over here and try to make a life. They live lives of desperation, lives with drug rivalries, gun violence, murder, mayhem, some of the highest murder rates in the world. I think El Salvador—I don’t know if we have the numbers here. They have a number of different routes they take from the three countries of Honduras, Guatemala, and El Salvador. They come into the United States right here. They don’t go much over to El Paso. They certainly don’t head over here on land to get in on the western side of our border. Some try to come by air. It seems they come by air. It seems the only way they can be to by train, now mostly it is by land, and they are dangerous missions. The reason they come is because there is not much hope there.

Frankly, the reason there is not much hope there, in part, is because of us. There used to be a comic strip called “Pogo.” The Presiding Officer remembers “Pogo.” One of the lines from “Pogo” is, “I found the enemy, and it is me.”

We are the enemy. The chairman of the Homeland Security Committee said many times, the root cause of what is going on down there is our addiction to drugs in this country. The drugs are trafficked through here, they come into the United States, are sold, and the money from the drugs goes back there along with guns. When we deport the bad guys, what do we do? We take the bad guys who were selling the drugs, and we put them right back down here. It is a toxic mix of guns, weapons, and bad guys. These live life down there miserable for people.

As it turns out, Colombia, a few years ago, was a miserable place to live too. One time, about 20 years ago, a bunch of gunmen in Colombia rounded up the supreme court, were trying to take over the Colombian supreme court, took them into a room and shot them to death—shot them to death.

There was a time when the FARC, the rebel groups, the leftist groups, and the drug gangs were trying to take down the Government of Colombia, and it looked like they could. And some great people in Colombia stood up and said: Not on my watch. This is not going to happen on my watch. They came up with Plan Colombia in order to make sure this didn’t happen. President Clinton and a guy named Joe Biden, who was chairman of the Foreign Relations Committee, made an effort to—not for us to fully fund Plan Colombia, but they basically said: This is on you. You can do it like at Home Depot. You can do it. We can help. They did the heavy lifting. They did most of the raising of revenues, and we played our role. We continued to play our role for 20 years and Colombia is a different place today.

The same thing can happen to these three countries down here. Joe Biden was playing a significant role as Vice President. I was helpful, as was Jeh Johnson, former Secretary of Homeland Security, and others as well. These folks, along with these three countries, came up with something they are calling the Alliance for Prosperity. It is really like Plan Colombia—find out what works, do more of that. Plan Colombia worked, and they are trying an approach like this down here. The idea is to restore the rule of law, to focus on infrastructure, to focus on training law enforcement and be effective, to really ramp down on the corruption they have there, the obstruction that goes on with small businesses. The idea is to create a safer, better place. Most people don’t want to leave their communities. They want to stay there. Some of them want to come up here and work but then go home. This is their country, and they love their country, like we love ours.

Finally, as we have been joined on the floor by one of my colleagues, I ask him to allow me just maybe another minute or two. NAFTA

Mr. President, there has been talk about NAFTA. There has been talk— and I don’t know if these are alternative facts coming out of the White House or what—that the President is going to pull out of NAFTA.

I would just state this. I met with Robert Lighthizer, who is going to be our Trade Rep—and I understand that he will be a good one. He will succeed Michael Froman, who was an excellent Trade Rep for a number of years. When I met with Mr. Lighthizer in my office and discussed this thing, he talked about renegotiating NAFTA. When we negotiated the Trans-Pacific Partnership with 11 other countries around the world—40 percent of the world’s markets—we did that over the last couple of years, we were renegotiating NAFTA. We fixed a lot of things in NAFTA that needed to be fixed, not just in the Mexico part of NAFTA but also Canada.

One of the things that needed to be fixed was in our top market. We raise a lot of chickens in Georgia, Delaware, Maryland, Virginia, and other places. Our top market for poultry is Mexico. Canada doesn’t buy our chickens. They keep us out. The Trans-Pacific Partnership renegotiated NAFTA, not just for poultry but for a variety of other commodities we want to sell.

So my friendly advice to the President is, before he goes ahead and pulls out of NAFTA, why doesn’t he and the administration take a closer look at what we renegotiated in the Trans-Pacific Partnership when we renegotiated NAFTA. I think we will find a lot of what we need to do, want to do, and what we can agree to do.

Mr. President, I want to talk about healthcare reform. The Republicans came up with a really good idea in 1993. It was introduced by John Chafee, the Senator from Rhode Island, and co-sponsored by 23 Senators. It was an alternative plan to HillaryCare in 1993. The Republicans got the ideas from the Heritage Foundation, and they turned out to be good ideas.

One provision they included was that every State would have an exchange. If people couldn’t get healthcare, they could buy their healthcare coverage as a part of a large purchasing pool called an exchange. The Republican idea from Chafee and others not only had exchanges but had sliding-scale tax credits for buying down the healthcare for lower income folks to buy down the cost of coverage for lower income people. When their income reached a certain level, the tax credit went away. That was in 1993, the alternative plan to HillaryCare, with the individual mandate. Basically, many folks had to be covered, and there would be a fine if they didn’t get coverage. We can’t make people get coverage, but the idea was to get people to get coverage. The employer mandate was the fourth concept. The fourth concept said employers of a certain size—I think it was employers with 50 to 100 employees—were to provide healthcare to their employees.

The last piece was that insurance companies could not deny coverage to people because of preexisting conditions. That was the 1993 proposal, courtesy of the Heritage Foundation.

When Mitt Romney was Governor of Massachusetts, he took that game plan, lock, stock, and barrel, and established RomneyCare and it worked out pretty well. When we did the Affordable Care Act, we took RomneyCare and built on that. I agree with this. The piece that needs to be fixed, and not repealed but fixed, out of the original Republican idea is the idea that the insurance companies need a stable insurance pool of healthy people, not just old people and sick people but healthy people and younger people as well. There are some ways we can fix that. It is one of the fixes we need to make. It isn’t all that hard. It isn’t all that hard, and I will talk about that some other day. I appreciate the work of those Dakotas—South Dakota—for being patient and waiting. Thank you. I yield the floor.
Mr. ROUNDS. Thank you, Mr. President.

My colleague and friend, the Senator from South Dakota, often talks about the regulatory reform that we are undertaking. The Republican-led Congress in place ready to help him advance policies that grow our economy and allow hard-working Americans to keep more of their paycheck each week.

We are going to be talking a lot about tax reform, but we shouldn’t forget about regulatory reform as well.

One of the items with tax reform, some folks actually suggested a tax on items being brought into the United States—a border adjustment tax. One of the reasons for that was they thought we would be buying more American goods if we made those goods from other countries more expensive. They put tax on things which would be passed on to the consumers. I think that is the wrong approach.

What we should be doing is allowing our consumers the availability of a less expensive American product, and the way you do that is through competitive, and overreaching.

We believe that creating an atmosphere in the United States for products to be produced at a cost that is less in the first place. We shouldn’t have to increase the cost of other people’s products coming into the United States. We should be making it less expensive for our producers to compete with them. The way we accomplish this, first and foremost, is by reducing the regulatory environment in America, which is way too intrusive, duplicative, and overreaching.

If anyone is wondering how bad the regulatory environment is in the United States today, well, regulations cost the American people $1.9 trillion annually, the bulk of which is handed down to consumers. Businesses don’t absorb it, they pass it on.

How are the consumers paying for it? Through higher prices on products and goods produced in the United States. If you are wondering why it is such a big deal, it is because we want our manufacturers and our businesses in the United States to be able to compete with our competitors overseas, the ones that don’t have the crippling regulatory environment we have here at home. Right now, our businesses and job creators are crippled by Federal regulations that limit their ability to expand and grow, to create more job opportunities, and pay higher wages.

If the $1.9 trillion we spend annually on regulations were a country, it would be the 10th largest economy in the world, about the size of India or Russia’s economy. Get this. We pay more as consumers for the cost of regulations at $1.9 trillion than we as taxpayers pay in personal income taxes on April 15. On April 15, we pay about $1.4 trillion in personal income taxes, and yet we pay $1.9 trillion—one-half trillion more in the costs of regulations.

No other country even comes close to this sort of unhealthy, costly regulatory environment. It is putting us at a competitive disadvantage in the international arena. While there has been a lot of focus this week on reforming our tax policy to get us back to the level of global competitiveness that we need, we must not lose sight of the need to reform our regulatory environment to one that invites growth and innovation. Both are needed. We have to reform our tax policy, and we absolutely have to reform our regulatory policies.

Already in the first 3 months that President Trump has been in office, we have made progress in stopping harmful regulations from taking effect. Under the Congressional Review Act, the Senate has passed 13 resolutions so far this year to undo Obama-era regulations. The Congressional Review Act allows us to disapprove certain regulations that basically were approved by the previous administration or created by the administration over the last 6 months. The reason we are able to do it is because we can do it with just a majority vote. It is a privileged motion in the U.S. Senate. It is a majority vote in the House and takes a majority vote in the Senate. It doesn’t require 60 votes, so we are actually able to, with a majority vote, undo these regulations that were going to be imposed on the American public over the last 6 months. I think that is a step in the right direction. This is a program which in the past has been used only one time since it was created in the 1990s. We have done it 13 times in just these first 3 months. The Congressional Review Act, or CRA, is truly an important oversight tool that allows us to undo Federal regulations issued by unelected bureaucrats at Federal agencies by this simple majority vote.

For example, we have been able to reverse the Obama administration’s education mandate which would have imposed Federal education standards to assess schools at the State and local level. We think that should be done at the State and local level.

We also stopped the Obama regulation that would have imposed burdensome new restrictions on internet service providers that would do nothing to increase privacy protections for consumers. If you follow some of the mis-information that has been put out there, some people have suggested that we were taking away privacy that had been put in place by the last administration. Not true. Actually, what happened was that the courts had already struck down portions of it that before they were even put into effect.

So, for the people who like the policy protections that are in place today, the REGULATORY REFORM
they are still there. This was a new regulation that they were going to impose that took an entirely different approach to managing privacy. We were able to stop it. We have told the agencies to go back, to start over again, and we started following a similar course of action to what has already gone in place and that people already liked.

The savings that come from undoing these and other regulations that we have stopped under the Congressional Review Act are significant. In the first 100 days of office, President Trump has wasted no time in fulfilling one of his key promises and one of those promises is that hard to appreciate because, if bad things do not happen to you, it is hard to realize that they did not happen. There were many bad things in store for the American people and frankly a lot of bad things that have happened through the very kinds of regulations, over the last 8 years, that Senator ROUNDS was talking about.

Over the last 8 years, any time I had been traveling in Missouri, one of the top-of-mind issues with group after group had always been a different and more troublesome and more burdensome recent regulation by the Federal Government. One of the things I have heard about healthcare, but often I had heard about healthcare with regard to the irrational regulations that were being put out as part of the bill, and I had heard about taxes. Yet I would say that the No. 1 issue I heard about for the whole 8 years was that of out-of-control regulators who were clearly also not responsive to anybody and did not need to be. Frankly, in the second 4 years of that Presidency, the regulators were even less responsive than they were in the first 4 years, and I think that is something that happens way too often.

I hear from families, farmers, and job creators who tell me that the biggest barrier to job creation and economic growth is exactly what we are hearing about here this morning: that people do not think out the real consequences of the regulations.

According to regulations.gov, Federal agencies finalized more than 4,000 new regulations in 2016 alone. That was an average of 11 new regulations a day in the final year of the Obama Presidency. Let’s think about that. Every one of those 4,000 regulations was a regulation that the country had lived without for the entire history of the country and that the Obama administration had lived without for 7 years.

A number of those regulations had been done so late that we had had a chance to look at them through the Congressional Review Act because they were still available to the new Congress. That is how late they happened. One of them went into effect on January 18, and the Obama administration was over at noon on January 20. They handed down a record-breaking 600 major new regulations that imposed more than $700 billion in costs on our economy. Senator ROUNDS just mentioned the estimated total annual compliance costs for regulations of $1.9 billion—almost $2 trillion. Imagine. If half of those regulations are either duplicative or unnecessary, talk about a stimulus, if somehow we go back and figure out how to eliminate the half that does not need to be done so one can really focus on the half that needs to be done, I am for every regulation that we absolutely have to have, but I am not for regulations that we do not absolutely have to have.

What is worse is that the completely unnecessary aim of these regulations is frankly the amount of effort some of them require.

That is a $12.3 billion regulation on efficiency standards for central air conditioners. Now, one has to find a lot of efficiency to find $12.3 billion in savings. That is a lot of efficiency. There is a $4.4 billion regulation that sets standards for ceiling fans. I like ceiling fans as much as the next person, but when you add $4.4 billion to standards, that has to be paid for by somebody just like the $3.6 billion in regulations on the control of commercial vehicle operators.

What the regulators often do not seem to understand is that ultimately the consumers have to pay for the costs of these regulations. The cost of regulations is not really a reflection of the government’s cost of being the regulator, it is the economic cost of having the regulations.

That is why I have been particularly encouraged to see President Trump taking the steps he has taken to roll back many of the late efforts by the Obama administration. Since taking office, President Trump has signed 13 Congressional Review Act resolutions which, according to CRAs and Executive orders—Congressional Review Act resolutions, will save $10 billion in regulatory costs over a 10-year period of time. With regard to the Congressional Review Act, the Congress’s passing a rejection of the rule and the President’s agreeing to it happened exactly one time in 25 years prior to this administration. It has happened 13 times this year. It will happen. I am confident, a few more times, and it will have a real impact.

When you look at the regulations that have been delayed or repealed by CRAs and Executive orders—Congressional Review Act resolutions or Executive orders—the American Action Forum estimates that $18 billion worth could be saved annually. Now, the President is not going to get much credit for that, and the Congress is not either, but if in the last few weeks we figured out how to take an $18.8 billion burden off of people by not moving forward with regulations that the country had not had prior to just a few weeks ago, in some cases, that is a good thing.
Many of the Missourians from whom I have heard are particularly thrilled that the President is also moving back from a couple of rules—the power rule and the waters of the United States rule—that Federal courts, fortunately, up until now had said to President Obama's administration that they did not have the authority to do what they were trying to do in either of these rules. The rules would have had devastating impacts on job opportunities and on families in our State. The power rule would have doubled the utility bills in 10 or 12 years.

I have been reminding Missourians over the last several months that if you do not think that is going to impact you when you pay your electric bill the next time, just write it right out of your checkbook one more time—write it—because that is what you would be doing sometime in the next decade and see what impact that has on the kinds of things you and your family have been doing with the money that you would have been spending on twice your utility bill.

A week ago, EPA Administrator Scott Pruitt was in our State, at the Thomas Hill powerplant, to talk about how we would have allowed the State and how one can still fulfill the mission of the EPA for clean air and clean water and a better environment without having rules that devastate families as well as deal with problems which have never been on the priority list for 10 years and longer and have never been dealt with, while the EPA has been coming up with something else to do. They would have driven up the cost of groceries. They would have driven up the cost of the utility bill itself. Of course, when the utility bill goes up, the utility bill work goes up, too, and work might not be there at double the utility bill.

The combined cost savings is estimated to be as high as $67.3 billion over the very foreseeable future of the Congressional Review Act, the President's Executive orders, the annulled decisions that they have made about things like the clean power rule and the waters of the United States rule. Even in Washington, $67.3 billion is a lot of money, not to mention the 52 million hours of paperwork that will be needed to comply with rules that were not necessary to be there and that Senator Rounds mentioned.

Our economy cannot grow and thrive with billions of dollars' worth of regulations dragging it down. Let me say again that I am for every regulation that we absolutely have to have—there is no argument about that—but we need to have a process by which we know whether we have to have them. That is why, in the next few weeks, I plan to reintroduce the bipartisan Regulatory Improvement Act, which the Congress worked on last year.

This bill would create a Regulatory Improvement Commission that would review outdated regulations with the goal of bringing the list back to the Congress and saying that we think that these can all be eliminated.

I have also cosponsored an act called the REINS Act, which would give me and the rest of the Congress the obligation to vote on any regulation that has more than $10 million in impact on the economy so that if we need it, we are going to go home and justify it, and the American people—where I live and the Presiding Officer lives—can get their hands on us if we cannot explain why we thought it was a good idea to do that.

I believe the government should work for the American people, not the other way around, and I believe the President and the Congress have taken advantage of this historic opportunity to drive that peg a little deeper in the ground.

I look forward to continuing to work on these issues. I think we need to take more responsibility for these issues. I know some of our colleagues have said: Well why did we repeal these late regulations? Well, they were late regulations for a reason, and the country had done just fine without them up until now.

So I look forward to working with the Presiding Officer and others to continue working on this effort to have regulations that make sense when we need them and not to have regulations when we don't need them.

Mr. President, I would also like to mention one more topic quickly. This is a very Missouri topic.

The Northwest Missouri State University Bearcats this year, in NCAA Division II, won both the football championship and the men's basketball championship. It has been a long time since those championships back to their campus.

When I was a college president, we were in that conference, the MIAA, which is a competitive conference, and competitive enough that in that Division II level, the Bearcats brought home both of those championships.

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

The PRESIDING OFFICER. The clerk will 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 have spoken a lot in recent years about how Arizona is quickly becoming one of our country's major tech hubs. From entrepreneurial startups to major technology companies, Arizona is surging, innovative, and stronger than ever before. In fact, it was just announced that Waymo, Google's self-driving car project, will be launching its first public trials of self-driving vehicles in the greater Phoenix area.

But, today, the biggest news in tech isn't coming from publicly traded Silicon Valley companies. No, today, the talk of the tech world is the students from my alma mater, Snowflake Junior High School. These students from my small hometown of Snowflake, AZ, just won the Samsung Solve for Tomorrow contest.

This national contest tasks students from across the country who are creating something to improve their local communities by using STEAM skills—Science, Technology, Engineering, Art, and Math.

The winning project from Mr. Eilertsen's students is something special. Snowflake students designed and constructed a low-cost animal detection system to prevent fatalities from vehicle collisions with wild animals. They were motivated by the fact that an estimated 200 people lose their lives on our roads each year. These durable, affordable sensors can be placed atop existing fence posts like the thousands that line roads all over rural Arizona.

I had the opportunity to meet with these very bright students—2 of them are in the Gallery today, along with their teacher Mr. Eilertsen. I had the opportunity to meet with them yesterday in my office and to hear all about this winning project. Let me tell my colleagues that they blew me away with their creativity, their knowledge, and, most of all, their desire to use the STEAM discipline to save lives.

Think about how remarkable this project is. Here is a device that can actually save hundreds of lives and prevent harm to wildlife and to livestock. With the grit and ingenuity of a great startup, these students at Snowflake Junior High have shown the country that big ideas come from small towns.

In recognition of their innovative project, the students won $150,000 in technology for their school and an additional $20,000 for having the most popular project on social media and with the public—not bad for some kids from Snowflake.

Before I yield the floor, I would like to thank Mr. Eilertsen for all that he has done to inspire his students to think big and for making a victory in this Samsung competition possible.

I would also like to thank all of the faculty and staff at Snowflake for their tireless work as educators.

Finally, I would like to congratulate the students of Snowflake Junior High for their victory. I am confident that your project will save lives, and by winning this competition, you have provided your school with educational resources that will help students for years to come.
To the winning students from Snowflake Junior High School: Congratulations.
You make me proud to be a Lobo, and, as always, proud to come from Snowflake and proud to be an Arizonan.

NAFTA

Mr. President, we can’t simply ignore the benefits of NAFTA for the U.S. economy. Experts have said that more than one-quarter of global GDP—some $20.5 trillion—is produced in NAFTA’s combined markets of the United States, Canada, and Mexico. And Mexico and Canada are the largest export markets for the United States. U.S. trade with Canada and Mexico has more than tripled since 1993, and that was before NAFTA came into effect.

In 1993, U.S. foreign direct investment in Mexico was slightly more than $15 billion. In 2016, it was more than $92 billion in foreign direct investment.

NAFTA increased U.S. agricultural exports to Canada and Mexico by 350 percent. U.S. farmers and ranchers like those back in Arizona. NAFTA has resulted in an integrated supply chain between the United States and other countries.

For example, the Wall Street Journal reports of thousands of parts that make up a vehicle often come from multiple producers in different countries and travel back and forth across borders several times.” Abandoning NAFTA would destroy these supply chains, making it harder for U.S. farmers and employers to grow and to do business.

Arizona has certainly benefited from NAFTA. In 2016, Arizona’s trade with Mexico exceeded $15 billion. Total trade between Arizona and NAFTA countries reached nearly $20 billion last year.

The Arizona Daily Star noted back in November that “trade with Mexico supports about 100,000 jobs in Arizona and millions of dollars depend on roughly $8 million Mexican shoppers spend daily in Arizona.”

The bottom line is that trade is good for American businesses, it is good for American workers, and it is good for American consumers.

Trade deals like NAFTA make inputs available to U.S. manufacturing cheaper than they would be otherwise. Cheaper inputs mean lower production costs for U.S.-based businesses, which, in turn, allow U.S. firms to expand production and to reduce prices. That means everyday consumer products are more affordable for middle-class families.

If the protectionist trade policies of the past have taught us anything, it is that when we increase trade barriers, nobody wins. Do I agree that we should work to make U.S. businesses more competitive? Absolutely. Do I agree that we can modernize NAFTA? You bet. Pro-growth trade policies have been one of my top list of priorities since I came to Congress. But any efforts to impose new restrictions on our ability to trade with Mexico and Canada will have serious consequences for Arizona, leading to jobs being lost and higher costs for consumers.

If we just think, in 2003 total U.S. trade with Mexico was just around $50 billion. Today, it is between $300 billion and $600 billion.

What is not to like about NAFTA? It is good for Americans. It is good for the Mexican economy. It is good for Canada.

We have noted many times that with regard to border security, the net flow of Mexican migrant workers has been south, not north, over the past couple of years. One of the biggest reasons for that, obviously, is the Mexican economy is doing better, and part of the biggest reason for that is because of NAFTA and their ability to trade. That is good for the United States. It is good for Mexico.

Trade is not a zero sum game where one party wins and the other party loses. Free trade benefits everyone. I hope that we remember this as we look toward NAFTA’s future. We need to improve it and to modernize it, certainly, but we shouldn’t abandon it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, before I begin my remarks, I just want to say, while the Senator from Arizona is still here, what a privilege it is to hear toward NAFTA’s future. We need to improve it and to modernize it, certainly, but we shouldn’t abandon it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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tanks and politicians in Washington instead of the real-world interests of western communities.

Worse, if the administration ultimately repeals national monument designations—which I hope they will not—this order would cause real economic pain to Western States, especially in rural areas. A recent study found that rural counties in the West with protected public lands saw jobs grow at a rate more than three times faster compared to areas without protected lands. It just makes sense. Just ask outfitters and guides near Browns Canyon, a national monument, or local business owners around Chimney Rock, a national monument, what the effect has been on their businesses. In fact, those businesses were huge champions of both those national monuments. You can go buy a beer in Pagosa Springs from a brewery that is brewing it and putting a label on it that says “Chimney Rock National Monument” and buy the product, and take it rafting through Browns Canyon with outfitters who strongly support the monument.

National monuments not only preserve our heritage, they strengthen rural economies by supporting outdoor economies and attracting visitors from around the country and around the world. We should be more encouraging of that. Let’s do more of that. Instead, this Executive order takes aim directly at our rural economies in the West.

Look at this. As we can see here, nationwide, Americans spend $387 billion on the outdoor economy each year, supporting $65 billion in Federal tax revenue and 7.6 million American jobs which can’t be exported anywhere. There is not a country in the world that has a system of public lands like the United States of America and in particular the Western United States of America. There is not a country in the world that has what we have.

If this administration really is serious about creating jobs, strengthening our economy, and remaining faithful to the bipartisan legacy of Roosevelt, it should keep our national monuments intact and uphold the traditions honored by every President since 1906.

These are treasured places. Even though they have a huge value in dollars and cents, their value goes far beyond the economic value. It goes to the heart of who we are as a nation. It goes to our cultural heritage and to the legacy we want to pass on from our grandparents to our grandchildren.

“Teddy Roosevelt called conservation ‘a great moral issue for it involves the patriotic duty of ensuring the safety and continuance of the nation.’” We must do our duty, our patriotic duty, and I will use every tool at my disposal to protect the Antiquities Act and our national monuments because in the end, what we are, as a nation, is revealed in what we choose to preserve now and for generations to come.

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.

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

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

Ms. CANTWELL. Mr. President, yesterday President Trump issued an Executive order that would unwind the protection of dozens of our national monuments that were established over the past two decades by three different Presidents. In continuing his administration’s war on our public lands, President Trump and Secretary of the Interior Zinke have attacked one of our Nation’s most prized conservation laws—the Antiquities Act, which gives the President the authority to protect our nationally important lands and waters on Federal land by designating them as national monuments.

In the 111 years since the Antiquities Act was signed into law by President Teddy Roosevelt, 16 Presidents—8 Republicans and 8 Democrats—have used the law to appropriately designate over 150 national monuments. President Trump is trying to undo over 100 years of conservation in just a few days.

Many of our Nation’s iconic national parks were first protected by using the authorities of the Antiquities Act, including the Grand Canyon, Acadia, Glacier Bay, Joshua Tree, Zion, and in my home State of Washington, Mount Olympus National Monument, which later became Olympic National Park.

No doubt Presidents of both parties have used the Antiquities Act to preserve the most beautiful places in our country. However, President Trump appears to be very uninformed on the history or the importance of the Antiquities Act. In his remarks signing the Executive order, he described the designation of national monuments as an “egregious use of federal power” and vowed he would “give that power back to the States.” He truly does not understand the Antiquities Act, nor does he appreciate the bold leadership of all of those Presidents, both Democrats and Republicans, over a period of time—eight Republicans and eight Democrats—who have used this authority in an appropriate way for all Americans in the future and those in the past who have enjoyed these beautiful places—and to preserve our access to public lands.

“I can’t tell you how important access to public lands is for our children, our returning veterans, our families, hunters, fishermen, and hikers. Putting the Antiquities Act and the millions of acres of national monuments that have been protected back into the hands of a few who are more aligned with oil, gas, and coal companies instead of the American people is antithetical to what the Antiquities Act is all about.”

We plan to continue to emphasize how wrong the President’s Executive order is.

First and foremost, in the Executive order, the President directed the Secretary of the Interior to review the designation or expansion of national monuments under the Antiquities Act where the Secretary deems that the designation or expansion was made without adequate public comment or consultation with stakeholders. That literally gives the Secretary of the Interior broad authority to look at all the land that has previously been designated since 1996 and potentially open it up to saying they are going to try to reverse that.

There have been many discussions about the last 20 years of the designation of some unbelievable, beautiful places in America that are so special—National Monument in Utah, which is 1.7 million acres; the Grand Canyon—Parashant National Monument in Arizona; the Giant Sequoia National Monument in California; the Canyon of Ancients National Monument in Colorado—I know my colleague Senator BENNET from Colorado was speaking about it earlier; Hanford Reach National Monument in Washington, which covers 185,000 acres; the Ironwood Forest National Monument in Arizona; the Vermilion Cliffs National Monument in Arizona; the Carrizo Plain National Monument in California; the Sonoran Desert National Monument in Arizona; the Upper Missouri River Breaks National Monument in Montana; the Rio Grande del Norte National Monument in New Mexico, on which my colleague Senator HEINRICH worked so hard; the Organ Mountains—Desert Peaks National Monument in New Mexico; the San Gabriel Mountains National Monument in California; the Berryessa Snow Mountain National Monument in California; the Basin and Range National Monument in Nevada; the Modoc National Forest in California; the Sand to Snow National Monument in California; Bears Ears, as I have mentioned, in Utah; and the Gold Butte National Monument in Nevada. That sounds like a lot of designations that we have made over the last 20 years. Presidents were very judicious about those designations. It took a lot of public comment, many community meetings, and a lot of scientific analysis about the preservation of these places. The end result is that for these generations and future generations, national monuments have been designated on public lands that are in our national interests.

This has been so important to us as a nation. As I said, places like the Grand Canyon, Olympic National Park in my State—many places have created what has become an outdoor recreation economy. That outdoor recreation economy is now over $86 billion of annual revenue and dwarfs what the oil and gas industry represents as an economy of the future. In fact, this industry sector is on par to compete with
other large sectors of our economy—the financial service sector and the healthcare sector. So why are we taking away the very tool that has launched so much outdoor activity and a burgeoning job economy, with 7 million outdoor industry workers? Why are we making away national monument designations that have been the priority of past Presidents and trying to return them because someone doesn’t understand what the Antiquities Act is all about?

In addition to those large monuments that I just mentioned, also under review will be a group of other monuments that are marine national monuments. Yes, according to the definition I mentioned earlier, Secretary Zinke could review all of these monuments. In fact, I noticed that there were several people at the President’s signing who represented some of these monuments. I don’t know if they are urging the President to remove their areas, but it raises great concern about how important these marine monuments have been.

There is the Papahānaumokuākea marine national monument in the Hawaiian islands that was established in 2006; the Pacific Remote Islands National Monument in Hawaii; the Marianas Trench National Monument in the Mariana Islands; and the Northeast Canyons and Seamounts Marine National Monument in the Atlantic.

In addition to all of those maritime national monuments of grand scale, these also under consideration are an additional two dozen or so—I think it looks like 25—smaller national monuments that could also be reviewed by the Secretary of the Interior. Even though they were designated with this President’s authority, in previous administrations after great review, they could, by this President and this Interior Secretary, be wiped away very quickly.

We definitely do not believe the President has this legal authority, and we will pursue a vigorous fight. Why should we be wasting taxpayers’ money when taxpayers’ money was already spent to make these designations, and the taxpayer is getting the huge economic benefit of having these outdoor areas?

What else could be on the President’s list according to this Executive order? The California Coastal National Monument; Cascade-Siskiyou National Monument; President Lincoln and Soldier’s Home National Monument in Washington, DC; Kash-Katwe Tent Rocks National Monument in New Mexico; Minidoka National Historic Site in Idaho; Pompeys Pillar National Monument in Montana; Virgin Islands Coral Reef National Monument; Brown’s Island National Monument in New York; the African Burial Ground National Monument in New York; Fort Monroe National Monument in Virginia; Fort Ord National Monument in California; Chimney Rock National Monument in Colorado; the Cesar Chavez National Monument in California; San Juan Islands National Monument in Washington; the Harriet Tubman Underground Railroad National Monument; the First State National Historic Park in Delaware; the Charles Young Buffalo Soldiers Monument; the Honoluluuli National Monument in Hawaii; the San Juan National Monument in Illinois; Browns Canyon National Monument in Colorado; Waco Mammoth National Monument in Texas; Castle Mountains National Monument in California; the Belmont–Paul Women’s Equality National Monument; Stonewall National Monument in New York; the Birmingham Civil Rights Monument in Alabama; the Freedom Riders National Monument in Alabama; and the Reconstruction Era National Monument in South Carolina.

The Executive order says the Secretary of the Interior can review any national monument designation since 1996 “Where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders.”

The Executive order says that for any national monument on the list I just mentioned, the Secretary of the Interior could decide there wasn’t enough and recommend to undo any of these monuments and eliminate access to the public for the purposes of recreation and enjoyment.

So this administration has it dead wrong. He is no Teddy Roosevelt. In fact, I saw he had a press conference the other day that said people should be eating turtles behind him. Teddy Roosevelt would be appalled because his concept of preserving Federal land was so important. Teddy Roosevelt was an outdoorsman who spent many a time in these great places of our Nation and understood their great significance. That is why we have the Antiquities Act. He knew that these resources strengthened our country. They made us strong as a nation. They show the crown jewels of the United States in all their glory and beauty. He knew it was important to protect them for future generations to enjoy, not just for the special interests to take advantage of in the near term.

We have a lot of Federal land and offshore land that is used for resource exploration and development. As people now know, natural gas is at an all-time high in the United States and driving an all-time low price. It is not as if you need access to Bears Ears National Monument to drive down the price of natural gas or other fossil fuel. What you are going to do by pursuing this wrongheaded approach on Bears Ears is take away one of the historic and beautiful archaeological histories of Native Americans and early Americans in the United States—and an area that has excellent outdoor recreation opportunities—and throw it, along with the concept of the Antiquities Act, over the side just because some petitioners want to try to reverse what our previous Presidents, starting with Teddy Roosevelt, have done to protect these monuments in our national interest.

So I am big believer in making sure that what are called PILT payments and the Secure Rural School Program are well funded and financed to make sure that these communities can be there to help us support these public lands. But the same thing that Teddy Roosevelt would throw in Teddy Roosevelt’s face of all these national monuments and now say that we are going to try to use it in reverse to review the work in the near term, of 3 different Presidents who used this authority is simply wrongheaded.

What we need to do is embrace the outdoor economy. As I said, it is 7 million jobs with over $800 billion of economic activity. In fact, since the last time they did their report, there has been a $200 billion annual increase in the economic impact in the United States of America. What great news. An industry and sector, particularly in retail, is growing by leaps and bounds. It is an industry that is providing people with more tools and opportunity to enjoy our beautiful places. The only thing we can do to screw that up is start taking away the beautiful places where people go to recreate. I would suggest that with one act we would throw away the beautiful places where these areas we have protected are being used and figure out how we can continue to communicate to the general public about these wonderful experiences.

Do not think for one minute that the American people in their souls are not connected to the spiritual nature of these beautiful lands. They are. And that is what Teddy Roosevelt knew. He knew this is where we go to rejuvenate. Let’s not take it away for some oil and gas exploration. I yield the floor.

The PRESIDING OFFICER (Mr. Sasse). The Senator from Nebraska.
do their job. Washington, DC, is the only place I can think of where people believe it is OK not to do their job, miss their deadlines, make up a new deadline, and then repeat that same process year after year after year.

I am continually having to remind everyone in Congress that the most basic responsibility that we have is to pass a budget and all of the appropriations bills and we should do it on time. It seems like Members of Congress now depend on the countdown clock of every channel to remind them to do their job.

Here we are, 4 months into 2017, and we still have not completed the appropriations process that was supposed to have been done half a year ago. If that is not bad enough, we only have 15 legislative weeks left to finish funding for the next fiscal year. My colleagues, I believe we are setting ourselves up for failure.

Washington is a consequence-free zone. That is why I will continue to advocate for my No Budget, No Pay Act. I have personally never seen Congress pass all 12 appropriations bills on time, on their own, without an omnibus or a COnnibus. Regardless of who is in the majority, my No Budget, No Pay legislation says that if Members of Congress do not pass an annual concurrent bipartisan budget resolution and all 12 spending bills on time, each year, then, they should not get paid.

Let me repeat that last part. If Congress fails to pass all 12 spending bills on time each year, then, they should not get paid. The American public is just as frustrated as I am. Since I have introduced No Budget, No Pay, I have been getting some much positive support for this idea. A woman by the name of Patricia from Fernley, NV, wrote to say No Budget, No Pay is long overdue.

Dorothy from Henderson, NV, wrote to me to say No Budget, No Pay is a wonderful solution. Just last week, speaking in Reno, NV, I was asked when Congress is going to finally pass the No Budget, No Pay Act. Until the No Budget, No Pay Act is passed into law, I don’t see any other way to motivate Members of Congress to do their job and avoid these continuing resolutions in the future.

I cannot support a CR that just boots our problem to another day without enacting the principles that are outlined in my No Budget, No Pay Act. There are important issues that need to be addressed through the appropriations process. For my home State of Nevada, we are looking at proposals from this new administration to cut funding to vitally important programs, such as the Southern Nevada Public Lands Management Act, better known as SNPLMA, or payments in lieu of taxes, better known as the PILT program.

While these programs may not mean much to some of my colleagues, for Nevada they are vitally important to ensuring economic viability and competitiveness for our State. Moreover, Nevada has been a good steward of these dollars by utilizing them for job-creating projects within my State.

By taking up individual appropriations bills and engaging in debate on programs important to particular agencies, Members have the opportunity to fight for priorities that are important to their State. Right now, I am fighting to fund these programs. Once the funds have been invested, in certain programs are not funded because they are a waste of taxpayer dollars, like Yucca Mountain. I cannot say it enough times for my colleagues: Congress should not provide any funding to the failed project that has already wasted so many taxpayer dollars.

Nevada will not be a federally subsidized national nuclear waste dump, plain and simple. If I can repeat that. Nevada will not be a federally subsidized national nuclear waste dump, plain and simple. Without exercising the power of the purse, which my No Budget, No Pay legislation ensures, we will all be right back here in a week, a month, or several months, making the same speeches, taking the same votes over and over.

So I would like to say to any of my colleagues who are tired of these continuing resolutions, regardless of what specific issues they are fighting for, to support the No Budget, No Pay Act. I believe the Congress can work again, but it will take some of that accountability—like the No Budget, No Pay Act—to get us there.

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

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

REGULATORY ACCOUNTABILITY ACT

Mr. PORTMAN. Mr. President, I rise today to talk about legislation to give our economy a shot in the arm and to help raise wages for Americans all across our country.

When I am back home, whether it is at a small auto body shop or whether it is a big steel plant or whether it is at a soybean farm, I hear the same thing. Too often, there is no consequences for the government going about writing regulations. People don’t feel like they have any influence over it.

By keeping new businesses from starting and small businesses from growing, regulations are just making it harder for people to be able to make a living.

So how did we get here? Why are regulations so expensive and so burdensome on workers and jobs? I think a big reason is the way the Federal Government goes about writing regulations. Too often the process is unaccountable to the people. Too often it is based on sloppy or even bad information.

The current law that gives us the basic framework for all this process is called the Administrative Procedure Act. This has been around for a long time. But guess what. It has not been reformed in any significant way in 70 years.

The APA, or the Administrative Procedure Act, is something I have studied
in law school, as did other people here in this Chamber. It is something that you would expect to sort of change with the times, but it simply hasn’t. That doesn’t make sense.

Imagine if we didn’t update our healthcare laws for 70 years. We are talking right now about updating the healthcare laws that were passed 7 years ago. Imagine if we didn’t update our immigration laws for 70 years. Imagine if we didn’t update our criminal laws for 70 years. You know, the world has moved on.

During the Obama administration, just doesn’t make any sense not to update our regulation policy because we live in a growing and dynamic economy. Things are changing, and we have changed a lot in the last 70 years.

We didn’t have things like microwave ovens or color TVs, and our economy was 10 percent the size of what it is today. Yet we are still using the same regulatory process that was put in place for a totally different kind of economy.

By the way, in 70 years, we have also learned a lot about how to regulate in a way that it is more cost effective and more efficient, and we need to put that into practice. So a reform of our regulatory process, in my view, is long overdue.

So far this year, we have taken some steps here in the Congress to give small businesses very specific regulatory relief by rescinding some of the recent regulations that the Obama administration had promulgated. We have done this about 10 times now with what is called the congressional review process. It is estimated that this has saved the economy a total of $65 billion in regulatory costs and about 45 million hours of paperwork.

I have supported most of these Congressional Review Act bills because I think they make sense. But this is just a handful of recent regulations. We have only addressed a few of the symptoms, not the underlying cause. We still have to deal with the underlying problem of the way regulations get made. If we don’t do that, the regulatory burden will just continue to increase.

By the way, this should be true whether it is a Republican administration or a Democratic administration. The same rules ought to apply.

All of this is why yesterday Senator Heidi Heitkamp from North Dakota and I introduced bipartisan legislation called the Regulatory Accountability Act, or the RAA, which would put in place some really important and very reasonable safeguards on the regulatory process to get better outcomes.

Every President since Ronald Reagan—Republican and Democrat alike—has agreed with the idea that regulatory agencies should estimate the costs and the benefits of something that we all accept. So they put this into what was called Executive orders saying that they have to go through the cost-benefit analysis the same way that your family does and that families in Ohio do when they make a decision as to whether to buy that car or whether they can afford to send their kids to college. They figure out what it will cost and what the benefit will be. That has to go into regulations. Although every President from Ronald Reagan to Barack Obama agreed on the need for that, it has never been put into law.

The first thing this legislation does is very simple. The Regulatory Accountability Act—the RAA—says that there should be a law that will codify this practice so that businesses have the predictability of knowing that regulations are going to continue to use that commonsense cost-benefit practice.

The Regulatory Accountability Act would then take the next step of requiring regulatory agencies, once they have figured out the costs and benefits of these proposals, to choose the most cost-effective way to achieve their policy objectives. That is common sense, and there are some Democrats who would agree with this. This is a big change and an important part of the legislation. Again, it is the same thing people do every day with their families. When they are deciding where they are going to go to school or what brands of shoes they choose, they go through that kind of analysis. Let’s find the most cost-effective way to accomplish the goal, one that costs less and has the least impact on the ability to create jobs.

As I said before, a lot of regulations are expensive. According to the nonpartisan Congressional Budget Office, from 2009 to 2014, in those 5 years, the Federal Government published more than 80 major rules a year, every year. A major rule costs the economy more than $100 million a year, and there have been 80 a year.

For these major rules, the RAA would let stakeholders ask a court to review the cost-benefit analysis used by the regulatory agencies so that we ensure that agencies are using the best information available, not relying on faulty information or making mistakes. That seems fair to me, that we should have some process to make sure they are doing the right thing. This is going to have a huge impact on regulations.

The RAA makes regulators more accountable by bringing the public into the process. When folks talk about regulations, a lot of the time, their concerns aren’t cut out of the process. Although they can come to me or their other elected officials and state their concerns about this or that law, they have no access to the regulators. They are not elected; they don’t feel as if they are accountable. They can’t complain to them, and there is no influence if they do.

So under the RAA, agencies would have to listen to public comments and proposals before making a decision. Again, this is an important change. Instead of waiting until after the decision has been made and potentially triggering years of litigation, the RAA would move up that process. An ounce of prevention, my colleagues, is worth at least a pound of cure. It is a lot better for our companies and for job creation to put some time into the effort upfront to get it right than to have to fix it later. I think it is better for the regulatory process and better for a Democratic or Republican administration in terms of taking our laws and putting them into practice.

So the RAA requires agencies to choose the most cost-effective regulatory alternatives by involving the public, ensuring that they are using better information, and takes existing practice and puts it into law. Ultimately, this is going to make smarter rules with better outcomes and will give us a better environment for creating more jobs with better wages. The RAA will free up more resources for small businesses to hire more people, raise wages, and purchase more equipment. That will boost economic growth and benefit all of us.

I know some critics who have suggested that this bill will kill the regulatory process and prevent new regulations from being issued, but clearly they have not read the bill. The reason this bill is bipartisan is because it is the American people a voice in the regulatory process and it makes it more effective for both our economy and for our health and safety. That is the kind of commonsense regulatory process that hard-working taxpayers expect and deserve from their government.

We have a lot of support for this bill from workers all over the country and from a wide variety of industries, including organizations representing truckers, farmers, electricians, and manufacturers. It is a bipartisan bill because it is a common-ground bill. It is a middle-ground bill.

I first introduced the RAA 6 years ago, and it has passed the House of Representatives five times. Last year, on one of those stand-alone votes, 19 Democrats in the House supported it. Some Democrats who serve in the Senate today have supported it in the past; they were House Members then. By the way, that was when the regulatory burden was less of a problem than it is today. I have always had Democratic cosponsors of the RAA when I have introduced it here in the Senate.

I am happy to have Senator Heidi Heitkamp, Senator Manchin, and Senator Hatch as the original cosponsors to this legislation because this idea is needed now more than ever. It is a great opportunity to break through the partisan gridlock and get something that creates more jobs, raises wages, and makes a difference in people’s lives. I think that is what the American people are looking for. That is what my neighbors in Ohio tell me. They want us to get stuff done to help people and to cut through the gridlock. That is why I urge my colleagues to join Senator Heidi Heitkamp, Senator Hatch, Senator Manchin, and me in supporting this legislation that will create
The PRESIDING OFFICER. The Senator from Colorado, Mr. GARDNER, Mr. President, in Denver today, the Colorado General Assembly will gather to pay tribute to Colorado State University professor John Straayer, whose 50-year teaching career included 37 years of managing the legislative intern program during the spring semester. Every Tuesday and Thursday, rain or snow, Dr. Straayer, a van or two, and an overcaffeinated, sleep-deprived, ambitious crew of college juniors and seniors would travel to Denver from Fort Collins under the tutelage of Dr. Straayer to learn the "art of legislation."

After publishing several seminal books on Colorado politics, accumulating roughly 140,000 miles back and forth to the State capitol, and supervising over 1,000 interns over the years, he is retiring from his service as Colorado’s legislative professor emeritus.

Dr. Straayer has a true love of politics—of policy, people, and the place. He has a passion for every ounce of it, the kind of healthy obsession with a place that means so much to the lives of its citizens. He has seen it all—the good and the bad, the fights and the enduring moments. He watched the impacts of constitutional battles, term limits, and reforms, and 50 years later, has never lost his passion.

To be a part of his intern program, students were required to take this class on the legislative process. As a young CSU Ram myself, I remember his class vividly, absorbing his drive and drawn into the intrigue of policy. We talked about the cowboy coalition and the Colorado Rebellions about Speaker Bev Bledsoe and Roy Romer; Secretary Perdue to listen to his agency and to high electoral office or become key legislative lobbyists—and not just in Colorado; one of his former students is a city alderman in Chicago. I remember visiting Dr. Straayer when I first joined the program and was getting ready to be assigned to a legislator. When I received the assignment, I was disappointed to learn that I hadn’t been appointed to the legislator I was hoping to be assigned to. Instead, I was assigned to a legislator I am from the Eastern Plains, and I wasn’t used to the Western Slope issues. Soon I would discover that Dr. Straayer had placed me with an incredible legislator named Russell George, who went on to become Colorado’s speaker of the house—an individual who Dr. Straayer knew would be an incredible tutor and an inspiration to me. Dr. Straayer was right. Speaker George taught me about issues I work on every day in the U.S. Senate—about public lands, water, and the West. He was and is an inspiration to me, and it is because Dr. Straayer had the discernment to go above and beyond for his students.

After spending 10 years in Colorado, Straayer invited me to speak to his class and later would tease me in the State legislature that perhaps I talked too much from the well. He provided me internships from the very same program I was a part of 10 years before. Most of all, he reminded me of the good that comes from our teachers and mentors, those who look out for us because, from a special place in their heart, they know that through the gift of their teaching, they will have a lasting impact for generations to come.

Congratulations, Dr. Straayer. Thank you for your service to Colorado State University and to the State of Colorado, and thank you for impacting the lives of so many people. From this U.S. Senator thanks for being that life-changing spark.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island, Mr. WHITEHOUSE, Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, on Monday night we confirmed former Georgia Governor Sonny Perdue to be President Trump’s Secretary of Agriculture, and I am here for my 164th "Time to Wake Up" speech to urge Secretary Perdue to listen to his agency’s scientists and to farmers, foresters, ranchers, and foresters about the serious and growing effects of climate change.

Carbon dioxide from burning fossil fuels is changing the atmosphere and the oceans. We see it everywhere. We see it on drought-stricken farms and in raging wildfires. We see it in fish that are disappearing from warming, acidifying waters. We see it in our drying pine forests. We see it in extreme weather events.

Secretary Perdue is making the helm of the very agency in charge of mitigating those very effects. The USDA provides farmers, foresters, commodities markets, and State and local officials with analyses of trends and emerging issues affecting agriculture, the food supply, the environment, and rural communities.

In a recent National Climate Change Adaptation Plan, the Department notes: "Climate change has the potential to confound USDA efforts to meet these core obligations and responsibilities to the Nation."

During his tenure as Governor, Secretary Perdue issued a State energy strategy, stating: "Strong scientific evidence exists that increasing emissions of carbon dioxide and other greenhouse gases are affecting Earth’s climate." That is encouraging. Yet, when asked by Senator LEAHY about climate change during the Secretary’s confirmation process, he backpedaled and said: "It is clear that the climate has been changing," but there is "significant debate within the scientific community" on whether human activities play a role in that.

Whoops, that is the classic denier dodge, and it is just not true.

Mr. President, repeated times during his confirmation process that he will use the "best scientific and statistical data available" to make decisions. The National Climate Assessment uses the "best scientific and statistical data" to conclude this: "In the long term, combined stresses associated with climate change are expected to decrease agricultural productivity."

In the Midwest, for instance, the National Climate Assessment reports that temperature increases are increasing, and the rate of warming tripled between 1980 and 2010. Under the assessment’s worst-case scenarios, temperatures across the Midwest are projected to rise 8.5 degrees Fahrenheit by the year 2100. If you are a farmer, 8.5 degrees changes everything.

In the western mountains, massive forests stand dead on the mountainsides as warmer winters allow the killer bark beetle to swarm into higher latitudes and higher altitudes. Over 82 million acres of national forests are under stress from fires, these insects, or both. Ominously, the assessment says that the combined effect of increasing wildfire, insect outbreaks, and disease is expected to cause an "almost complete loss of subalpine forests."

The cost to taxpayers of fighting fires in those dead and dying forests is growing dramatically. Firefighting has gone from just 19 percent of the Forest Service’s budget in 2004 to over 50 percent in 2015. The Forest Service estimates that by 2025 fighting fires will take up to two-thirds of its budget.

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Forest Service Chief Tom Tidwell testified to the Senate: “This increase in the cost of wildland fire suppression is consuming the agency’s budget and jeopardizing its ability to implement its full mission.”

One place Secretary Perdue can go to find out a little bit about this is from our State universities.

The University of Wyoming’s Center for Environmental Hydrology and Geophysics, for example, reports:“Many of the most pressing issues facing the Western United States hinge on the fate and transport of water and its response to diverse disturbances, including climate change.”

At Kansas State University, professor of agronomy Charles Rice is using climate modeling to help anticipate climate effects in the Great Plains and to help the region mitigate and adapt to those effects.

In Wisconsin, Victor Cabrera, an assistant professor in the University of Wisconsin-Madison Dairy Science Department, says that higher summer temperatures and increasing drought will affect both livestock fertility and milk production, and dairy cows could give as much as 10 percent less milk. Secretary Perdue’s own Department of Agriculture predicts that by 2030 climate change will cost the United States’ dairy sector between $79 million and $199 million per year in lost production.

South Dakota State University professor Mark Cochrane is working with the Forest Service to better understand how changing climate is affecting our forests. Professor Cochrane reported:“Forest fire seasons worldwide increased by 18.7 percent due to more rain-free days and hotter temperatures.”

Secretary Perdue could travel to Iowa and hear from Gene Tackle, an Iowa State University professor of agronomy and geological and atmospheric sciences, who told a United Nations conference recently that climate change is affecting Iowa farmers. “This isn’t just about the distant future,” he said. At Iowa State’s Leopold Center for Sustainable Agriculture, Secretary Perdue could also hear about what the center calls “aggravated and unpredictable risk that will challenge the security of our agricultural and biological systems.”

I am from the Ocean State. So let’s turn to the oceans, where the National Ocean Acidification Research Center warns that ocean acidification “has the potential to disrupt (the Alaskan seafood) industry from top to bottom”—a top-to-bottom disruption of one of Alaska’s major industries, and we must guard against climate change out of the Republican side of the aisle in this building.

It is, of course, not just scientists. Some of the largest agriculture and food companies are speaking out as well and saying that climate change is not a partisan issue. It is not even a political issue. It is a business survival issue. It is their new reality.

In 2015, major food and beverage companies visited Congress to tell us how climate change is affecting their industry.

“Climate really matters to our business,” said Kim Nelson, of General Mills. “We fundamentally rely on Mother Nature.” The choices we make today are the problems of the future, she said, will be “important to the long-term viability of our company and our industry.”

Paul Bakus, of Nestle, agreed, saying that climate change “is impacting our business today.” His company cans pumpkin soup under the brand, They have seen pumpkin yields crash in the United States. Mr. Bakus told us: “We have never seen growing and harvesting conditions like this in the Midwest.”

Chief sustainability officer for the Mars Corporation, Barry Parkin, was blunter in his assessment: “We are on a path to a dangerous place.”

Greg Page, the former CEO of Cargill, has publicly stated that climate change must be addressed to prevent future food shortages. Specifically, he said:

U.S. production of corn, soybeans, wheat, and cotton could decline by 14 percent by mid-century, and by as much as 25 percent by late century. From an agricultural standpoint, we have to prepare ourselves for a different climate than we have today.

In advance of the Paris climate conference, the heads of Mars, General Mills, Nestle USA, Unilever, Kellogg Company, New Belgium Brewing, Ben & Jerry’s, Cliff Bar, Stonyfield Farm, Danone Dairy, PepsiCo, Coca-Cola, Hershey, and Hain Celestial signed a public letter—this one here—that said: Climate change is bad for farmers and agribusiness, and by as much as 25 percent by late century. From an agricultural standpoint, we have to prepare ourselves for a different climate than we have today.

In New Hampshire, Jamey French, President of Northland Forest Products, has seen hardwood tree species begin to migrate, with less valuable timber trees like oak and hickory beginning to take the place of sugar maple and yellow birch.

I hope Secretary Perdue will travel to New Hampshire, and see for himself the effects climate change is having on the forests.

In Alaska, the University of Alaska has an Ocean Acidification Research Center. That is how seriously they take it. The Ocean Acidification Research Center warns that ocean acidification “has the potential to disrupt (the Alaskan seafood) industry from top to bottom”—a top-to-bottom disruption of one of Alaska’s major industries, and we must guard against climate change out of the Republican side of the aisle in this building.

It is, of course, not just scientists. Some of the largest agriculture and food companies are speaking out as well and saying that climate change is not a partisan issue. It is not even a political issue. It is a business survival issue. It is their new reality.

In New Hampshire, Jamey French, President of Northland Forest Products, has seen hardwood tree species begin to migrate, with less valuable timber trees like oak and hickory beginning to take the place of sugar maple and yellow birch.

I hope Secretary Perdue will hear the message of our farmers, foresters, ranchers, and fishermen. They are sending this message loud and clear. Climate change is happening now, and they count on us to face the challenge. The problem, of course, is the fossil fuel-funded denial machine that has so much influence over the Republican Party in Congress today. That fossil fuel-funded denial machine will do its best to change the subject, to muddy the waters, to create artificial doubt, and to use its anonymous dark political money to break up and thwart any signs of progress, but all the dark money in the world can’t change the things that Iowa farmers, Wyoming ranchers, South Dakota forest managers, and Rhode Island fishermen see.

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If this body—if our Republican friends here—will not listen to Mars Corporation, to General Mills, to Nestle USA, to Unilever, to Kellogg, to Coke and Pepsi and Hershey, it is really time to wake up. I have been told by other fishermen that it is getting weird out there in Rhode Island’s waters, that this is not our grandparents’ ocean. These changes are serious for this industry.

I hope Secretary Perdue will hear the message of our farmers, foresters, ranchers, and fishermen. They are sending this message loud and clear. Climate change is happening now, and they count on us to face the challenge. The problem, of course, is the fossil fuel-funded denial machine that has so much influence over the Republican Party in Congress today. That fossil fuel-funded denial machine will do its best to change the subject, to muddy the waters, to create artificial doubt, and to use its anonymous dark political money to break up and thwart any signs of progress, but all the dark money in the world can’t change the things that Iowa farmers, Wyoming ranchers, South Dakota forest managers, and Rhode Island fishermen see.

If this body—if our Republican friends here—will not listen to Mars Corporation, to General Mills, to Nestle USA, to Unilever, to Kellogg, to Coke and Pepsi and Hershey, it is really time to wake up.

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

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. MORAN. 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. MORAN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business.

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

INCREASING THE DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY TO VETERANS ACT

Mr. MORAN. Mr. President, this afternoon, the President will be signing an Executive order to increase accountability within the Department of Veterans Affairs. For several years, I have been calling on the VA to hold bad actors within the VA accountable. In my view, in too many instances, that has not occurred. There are far too many examples of those who commit wrongdoing while working at the VA, and even crimes against veterans and other VA employees have occurred without any consequence.

On his first day in office, I wrote the President to make accountability within the Department of Veterans Affairs one of his top priorities. We see too many examples, and unfortunately one of those examples—one of those egregious examples—is in my home state of Kansas, where we face a terrible example of a VA employee violating the trust of veterans. Yet the VA seems to have no real sense of urgency in holding this person accountable or committing to fix the process by which he got into the position that he could commit the acts he did.

In 2015, we learned from local newspaper reports—not from the VA—that a physician’s assistant at the Leavenworth VA hospital had been sexually abusing veterans. Shortly after that news broke, Leavenworth County prosecutors charged this individual with multiple counts of sexual assault and abuse against numerous veterans. He is currently awaiting trial.

The VA has a duty to come into our office and to the prosecutor about other victims. Veterans who sought services at the VA—the place they would expect to be cared for, respected, and the place they certainly should find safe—found something exactly the opposite.

As the story unfolded, we learned that Mr. Wisner—the person now opposite.

We want to protect our veterans. We also want to make sure that those who work at the Department of Veterans Affairs know that their profession is honorable and that they are doing the right thing. It is difficult to reach that conclusion when surrounded by individuals who have not fulfilled that responsibility.

In light of the situation with Mr. Wisner—and other cases of wrongdoing so awful that they have been found guilty of a felony—we will not tolerate crimes against veterans that cause harm to their personal safety or that involve corrupt, backroom dealings with senior VA executives.

That legislation passed the U.S. Senate on the final day of our session last year. It passed unanimously. Unfortunately, that legislation did not then pass the House of Representatives, despite what we were told was significant support for it. It just didn’t work in the scheduling race on the Senate floor. A hotline request is pending in which we ask—I ask—that legislation unanimously passed by the U.S. Senate on the final day of the previous session would pass today. That will then give the House of Representatives the time and the mechanics to see that this legislation becomes law.

In fact, the very first piece of legislation I introduced in this session, the 115th, was Increasing the Accountability of the Department of Veterans Affairs Act of 2017. We today call for its swift passage. I am hopeful this legislation will provide an ounce of justice to those victims who have suffered at the hands of this VA employee, and I call on my colleagues to once again stand with me in passing this legislation.

In addition to the issues of accountability of wrongdoing employees of the Department, this legislation also has additional provisions. Those provisions include holding VA leaders accountable for Department mismanagement, hiring well-qualified people and addressing employee performance, preventing employees from conflicts of interest, and improving manager training.

We have a duty. Of all people in this country, whom should we pay respect and honor to? Whom should we care for? For whom should we make certain the lives that were made? One would think that those who served in our military, who protected our freedoms and liberties are the ones we would put on a high pedestal and make sure everything possible to protect them is done.

Do we have a duty to serve veterans, as well, to make sure funds are not going to employees who are convicted of crimes against those veterans that they are charged to protect and to serve.

There have been a number of VA scandals, corruption, and illegality activity in nearly every State. Whether it has been a secret wait-list in a hospital that delayed critical care, opioid overmedication that led to death or suicide, or physical abuse and neglect, crimes come to an end. There must be accountability for us to be able to say we are doing everything possible to bring those crimes to an end.

This legislation is an important step in making the VA worthy of the service and honor that we have sacrificed for this Nation. Given the previous unanimous support, I can’t imagine—I hope there is no reason this legislation should not again pass today. I call upon my colleagues in the U.S. Senate to stand with me and Senator BLUMENTHAL and others as we work to make certain the VA is a department worthy of the veterans it serves.

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. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

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

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

Mr. ALEXANDER. Mr. President, later this afternoon the Senate will vote on the President’s nomination of Alexander Acosta to serve as the U.S. Secretary of Labor. Mr. Acosta has excellent credentials and is well qualified for the position. He understands that a good-paying job is critical to helping workers realize the American dream for themselves and for their families.

After immigrating to the United States from Cuba, Mr. Acosta’s parents worked hard to create more opportunities for their son. Alexander Acosta became the first person in his family to go to college, and from there he has had quite an impressive career.

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served as Assistant Attorney General for the U.S. Justice Department’s Civil Rights Division, and he served as U.S. Attorney for the Southern District of Florida.

Mr. Acosta’s most recent role was serving as dean of Florida International University’s law school. The school’s president told the Miami Herald recently, “Alex has a destiny in public service. . . . He’s a person of integrity, conscientious, thoughtful, he doesn’t overreach.”

On April 30, 2017, Mr. Acosta had a hearing in the Senate Labor Committee that lasted two and a half hours. Following his hearing, he answered 380 follow-up questions for the record — 604 questions if you count the sub-questions. Then, on March 30, our committee approved Mr. Acosta’s nomination, readying the nomination for consideration by the full Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of 140 groups, which includes business groups and labor unions, which support Mr. Acosta’s nomination.

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

**10 GROUPS THAT SUPPORT MR. ACOSTA’S NOMINATION**

Aeronautical Repair Station Association; Air Conditioning Contractors of America; Alaska Chamber; Alliance of Wyoming Manufacturers; American Apparel & Footwear Association; American Bakers Association; American Beverage Association; American Coatings Association; American Coke and Coal Chemicals Institute; American Concrete Pressure Pipe Association; American Fiber Manufacturers Association; American Fire Sprinkler Association; American Foundry Society; American Fuel & Petrochemical Manufacturers; American Home Furnishings Alliance; American Hotel & Lodging Association; American Iron & Steel; American Moving & Storage Association; American Staffing Association; American Supply Association; American Trucking Associations; AmericanRetail; American Soybean Association.

Arizona Chamber of Commerce and Industry; Arizona Manufacturers Council; Arkansas State Chamber/Associated Industries of Arkansas; Asian American Hotel Owners Association; Associated Builders and Contractors, Inc.; Associated Equipment Distributors; Associated General Contractors of America; Associations of Mist; Auto Care Association; Brick Industry Association; Can Industry Association; Center for Worker Freedom; Coalition of Franchise Associations; Community Auto Dealers and Industry (CADI); Council of Industries of Southeastern New York; Corry & Associates; Delta Industries, Inc.

Fabricators and Manufacturers Association International; Fiber Reinforcement and Manufacturing Technologies; Forging and Nonwoven Fabrics Industry; Independent Electrical Contractors; Independent Lubricant Manufacturers Association; Insured Retiree Organizations; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; International Association of Fire Fighters; International Foodservice Distributors Association; International Franchise Association; International Houseswares Association; International Sign Association; International Sleep Products Association; International Warehouse Logistics Association; Investment Company Institute; Join The World; Labor Market Institute; Landscape Alliance; Laborers' International Union of North America; Latino Coalition; Leading Builders of America; League of Latin Citizens; The Linen, Uniform and Facility Services Association (TRSA); Manufacturer & Business Association; Metal Powder Industries Federation; Michigan Independent Center Institute; Michigan Manufacturers Association; Miles Sand & gravel; Missouri Association of Manufacturers; MMC Materials, Inc.; Montana Retailers Association; Motor & Equipment Manufacturers Association (MEMA); MSPA Americas; National Association of Home Builders; National Association of Manufacturers (NAM); National Association of Printing Ink Manufacturers (NAPIM); National Association of Professional Employer Organizations; National Automobile Dealers Association; National Christmas Tree Association; National Club Association; National Council of Chain Restaurants; National Federation of Independent Business; National Franchise Association; National Grocers Association; National Lumber & Building Materials Association; National Oiled Seed Processors Association; National Precast Concrete Association; National Ready Mixed Concrete Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Stone, Sand & Gravel Association; National Wood Pallet and Container Association; National Chamber of Commerce & Industry; Nevada Manufacturers Association; New Mexico Business Coalition; North American Building Trades Union; North American Concrete Alliance; Pennsylvania Manufacturers’ Association; Plastics Industry Association; Port Aggregates, Inc.; Precast/Prestressed Concrete Institute; Private Care Association.

Puerto Rico Manufacturers Association; Retail Industry Leaders Association; Rhode Island Advisory Council; San Juan Business Council; Police Officers’ Association; Seafarers International Union of North America; Sergeants Benevolent Association, Police Department, City of New York; Society of Camera Operators of America; Sioux Corporation; Small Business & Entrepreneurship Council; SNAC International; The Society of Chemical Manufacturers & Affiliates; South Carolina Business Resource Management; South Carolina Chamber of Commerce; Southeastern Lumber Manufacturers Association; Specialty Equipment Market Association; Spurino Materials.

Technology & Manufacturing Association; Texas Association of Business; Texas Association of Nonprofit Organizations; Texas Farm Bureau; Texas State Chamber of Commerce; Texas State Society; Texas State Society of Professional Engineers; United Brotherhood of Carpenters and Joiners; United States Chamber of Commerce; United States Hispanic Chamber of Commerce; The Vinly Institute; Water & Sewer Distributors of America; Wine & Spirit Merchants of America; Workforce Fairness Institute.

Mr. ALEXANDER. Mr. President, the supporters include the U.S. Chamber of Commerce, the National Retail Federation, the National Federation of Independent Associations of Manufacturers, the International Franchise Association, the Associated Builders and Contractors, and the American Beverage Association.

Here are some examples of what these groups had to say about Mr. Acosta. The International Franchise Association said, “Franchise owners are responsible stewards of a great deal of regulatory uncertainty as a result of the wreckage created by the previous administration’s out-of-control Department of Labor. Mr. Acosta’s exemplary record handling labor issues as a member of the NLRB has shown that he has the balance needed to protect the interests of employees and employers.”

The National Federation of Independent Business said, “Alexander Acosta is an experienced public servant with a distinguished record. His knowledge of labor issues and his service as U.S. Attorney make him an especially strong candidate to take on the entrenched bureaucracy, which has imposed unbelievably severe and costly regulations on small business in the recent years.”

The National Retail Federation said, “Mr. Acosta’s diverse experiences in both public service and the private sector position him well to be an effective and pragmatic leader at the Department of Labor.”

Why is this nomination so important? In his new book, New York Times columnist Thomas Friedman uses the term “Great Acceleration” for all of the accelerating forces shaping the workplace. He argues that we are now “living through one of the greatest inflection points in history” as a result. Add Ball State University’s finding that automation is responsible for the loss of 88 percent of our manufacturing jobs. Add globalization. Add social, cultural, climate changes, and terrorism, and you get a big mismatch between the change of pace and the ability of the average American worker to keep up and fit in the accelerating forces shaping the workplace.

Earlier this year, after a group of senators listened to a group of scientists talk about the advances in artificial intelligence, one Senator asked, “Where are we all going to work?”

Tom Friedman says that probably the most important governance challenge is a great need “to develop the learning systems, training systems, management systems, safety nets, and government regulations that would enable citizens to get the most out of these accelerations and cushion their worst impacts.”

One of the federal government’s chief actors in this drama should be the U.S. Secretary of Labor. In fact, as many have suggested and the House of Representatives has done, the title of the job for which Alexander Acosta has been nominated should be changed to the Secretary of Workforce, not Secretary of Labor.

Labor union membership in the private sector today is down to less than
7 percent. The issue for workers today is not whether they belong to a union. It is whether they have the skills to adapt to the changing workplace and to find and keep a job. To be accurate, to create and keep a job. My generation found jobs. This generation is more likely to have to create their own jobs.

In his inaugural address, President Trump said he heard “forgotten men and women” who are struggling to keep up and fit into today’s changing workplace. But to many of our constituents, a different reality exists: mothers and children trapped in poverty in our inner cities; rusted out factories scattered like tombstones across the landscape of our nation . . . .” That is what President Trump said in his inaugural address.

Ten days earlier, in his farewell address, President Obama said he, too, heard those same voices: “[T]oo many families, in inner cities and in rural counties, left behind—nativity, sometimes pay low wages in January 1, 2018.

One rule after another from the Obama administration has stacked a big wet blanket of costs and time-consuming mandates on job creators, causing them to create fewer jobs. The Equal Employment Opportunity Commission’s EEO-1 form will require employers to provide to the government 20 times as much information as they now pay. Earlier this month, the Senator from Kansas, Senator Pat Roberts, and I asked the Office of Management and Budget to rescind this time-wasting mandate.

What is at stake in this? The most important thing is to work with employers and community colleges and technical institutes and find ways to increase the number of Americans earning post-secondary certificates and two-year degrees or more.

Georgetown University’s Center on Education and the Workforce says that by 2020—3 years from now—65 percent of the jobs in this country will require some college or more. And at the rate we are going, Georgetown predicts the United States will lack 5 million workers with an adequate post-secondary education by 2020.

Unfortunately, too many of the federal government’s actions over the last few years have made it harder for American workers to keep up, to adjust to the changing world, and to create, find, or keep a job.

President Obama’s Department of Labor issued 130 percent more final rules than the previous administration’s labor department. Overall, the Obama Administration issued an average of 85 major rules. These are rules that may have an impact of $100 million or more a year on the economy. Eight years is a long time.

The Affordable Care Act defined full-time work as only 30 hours, forcing employers to cut their workers’ hours or reduce hiring altogether in order to escape the law’s mandate and its unaffordable penalties. Many of these rules, like the persuader rule, which chills the ability of employers to retain legal advice during union organizing activities, seemed designed for the purpose of strengthening the membership and the power of labor unions.

We are fortunate to have a nominee in Mr. Acosta who can use his good judgment to reevaluate labor policies that make it much harder to create jobs and to find jobs.

We know that Mr. Acosta has support from members of both political parties, and that raises a question for me: Why did the Senate yesterday have to vote to invoke cloture on Mr. Acosta’s nomination? The motion to end debate on Thursday, July 6, was defeated on a 54-46 vote because of the six senators who voted to end debate so Mr. Acosta could have had an up or down vote. He could have been approved by majority vote yesterday. That has been the tradition in the U.S. Senate for 230 years. This never has been a Cabinet member denied his or her position by requiring them to get more than 51 votes. There have been some cloture votes for delay or to take some extra time, but no one has ever been denied the position by requiring more than 51 votes.

During most of the 20th century, when one party controlled the White House and the Senate seventy percent of the time, the minority never filibustered to death a single presidential nominee. The practice in the Senate since the Senate’s beginning has been that the President nominates and the Senate decides by majority vote whether to approve the nomination. Why are we getting into more and more of a difficult situation with these votes? It is a bad habit and both sides, Republicans and Democrats, have caused the problem.

During the Obama administration, over the 8 years, there were 173 cloture votes on nominations, and I voted to invoke cloture 41 of those times. For 10 of those nominees, I voted to end debate so that their nomination could have an up or down vote even though I opposed their confirmation.

No one has ever disputed our right in the Senate, regardless of who was in charge, to use our constitutional duty of advice and consent to delay and extend for cloture votes on presidential nominees—cabinet members and others—that may work fine as long as we have a president and a Senate of the same political party, but if we have a president and a Senate of different political parties and everybody has become accustomed to voting no on cloture votes to prevent a cloture vote and voting no, the Senate may never be able to confirm any cabinet members or any sub-cabinet members when the Senate and the president are of different political parties.

I would suggest to my friends on the other side of the aisle that the Senate is a body of precedent, and I think it would be wise for us to stop and think, as we proceed, about whether it is wise to require cloture votes for presidential nominees. Why don’t we simply go ahead and approve them or not approve them by majority vote?

We have an excellent nominee in Mr. Acosta. We are fortunate that someone of his intelligence and experience is willing to serve as our U.S. Secretary of Labor. I look forward to voting for and to the Senate approving his confirmation later today.

I yield the floor.
Unfortunately, Mr. Acosta’s testimony on these points at his confirmation hearing was disappointing. He would not commit to support updating overtime rules to make sure that employees get fair pay for the hours they work. He would not commit to prioritizing claims that gender paygap. He would not commit to keeping workplace safety inspectors on the job.

Moreover, when Mr. Acosta led the Civil Rights Division of the Department of Justice during the George W. Bush Administration, the GAO reported that there was a “significant drop in the enforcement of several major antidiscrimination and voting rights laws.” The Secretary of Labor must be a vigilant defender of the rights of workers.

In a Cabinet where too many department heads are looking out for millionaires and billionaires, we need a Secretary of Labor who will look out for the American worker. I am not convinced that Mr. Acosta will do that job.

Mr. SANDERS. Mr. President, it is no great secret that the American people do not have a great deal of confidence in their government. It is no secret that the American people think the Congress is out of touch with their needs and aspirations. In fact, just last week, a poll appeared in the Washington Post and ABC News, and it found that 58 percent of the American people believe that President Trump is out of touch with the concerns of most people in the country. I also believe that the American people believe that the Republican Party is out of touch with the concerns of most people in the United States today. Those are numbers that should cause a great deal of concern to Members of the Senate and the House, to Democrats and Republicans, to everybody.

I think one of the reasons is that there is a world outside of Capitol Hill where people are in pain; where people are working longer hours for lower wages; where people are scared to death; where retirement benefits that they have, in many cases, no money in the bank; where people today are paying 40 percent, 50 percent of limited incomes for affordable housing; where single moms can’t afford childcare for their kids; where young people can’t afford to go to college; where other people are leaving college deeply in debt. And all of that is taking place within the context of almost all new wealth and income going to the top 1 percent.

We have the absurd situation today where the top one-tenth of 1 percent owns almost as much wealth as the bottom 90 percent, and 52 percent of all new income is going to the top 1 percent. The middle class is shrinking. There are 43 million Americans living in poverty, and the very wealthy are getting wealthier.

In the midst of all that, my Republican colleagues and President Trump are desperately trying to provide hundreds of billions of dollars in tax breaks for the top 1 percent and cut back on programs that working families desperately need, whether it is Pell grants to make it easier for kids to go to college, whether it is the Head Start programs, whether it is the Meals on Wheels program, whether it is affordable housing, or whatnot—tax breaks for billionaires, cutbacks on programs that people desperately need.

The American people will not regain confidence in the U.S. Congress unless we keep promises that were made to them. Today I want to talk about promises that were made to coal miners. For decades, coal miners contributed to their pension funds with the expectation that when they retired, they would receive a pension and retiree health benefits that would last for a lifetime. Those were the promises to the people who went underneath the ground, who worked incredibly difficult jobs, who died of black lung disease or a myriad of other diseases or injuries. Promises were made to those workers, and those promises were broken.

If Congress does not act by tomorrow, the retiree health benefits of more than 22,000 coal miners will be eliminated. We cannot allow that to happen. It is not only unfair to the retired coal miners and their families, it once again will tell the American people that they cannot trust their government. Promises were made, but they were not carried out.

My understanding is that an agreement to protect these retiree health benefits may be included in the continuing resolution to keep the government open. I applaud them for their persistence.

Let us hope that, in fact, the continuing resolution does contain an agreement to protect those retiree health benefits. It is absolutely imperative that the agreement contain those benefits and that those promises be kept.

Even if we do put that provision in the CR, it still does not address another problem faced by retirees in the coal industry and retirees all over the country, and that is the fact that we are doing nothing to protect the pension benefits of coal miners and tens and thousands of other workers. This is an issue that is of major crisis proportions all across this country, and it is an issue that is very personal. That is why I am a proud cosponsor of the Miners Protection Act. That is also why I will be introducing legislation on May 9 to protect the pensions of not only 90,000 coal miners throughout this country, but the retirement benefits of 10 million workers in multiemployer pension plans—10 million workers.

Over 40 years ago, the Federal Government made a commitment to the workers of this country. If a retiree is promised a certain pension benefit after a lifetime of hard work, a company could not renege on that promise. Making that commitment 40 years ago was the right thing to do. When someone works for their entire life, when they give up pay raises, when they work overtime, when they work weekends in order to make sure that he or she has a secure retirement, it is absolutely unacceptable to pull the plug from that worker’s benefit.

Guarantees were made, and those guarantees must be kept. This is not the negotiating of wage increases. This is not the negotiating of overtime. This is a promise made to people paid for by workers, which simply cannot be nullified if people are to have any faith in our political system.

But more than 2 years ago behind closed doors, a provision was slipped into the budget process that now makes it legal to cut the pension benefits of about 10 million workers and retirees in multiemployer pension plans. As a result, retirees all over this country are waking up to the unacceptable reality that the promises made to them could be broken and that the pension benefits they are receiving today may soon be cut by 30, 40 or even 65 percent. What this means is that retirees who are currently receiving a pension benefit of $18,000 a year are in danger of seeing their benefits cut by $3,843, a 21 percent cut. Retirees who are currently receiving a pension benefit of $36,000 a year could see their pension benefits cut by up to $21,000, a 60 percent cut.

To other words, tens of thousands of retirees all over this country who today are in the middle class, who worked hard their entire lives, who gave up on wage increases, who worked overtime in order to protect those benefits may be seeing significant reductions in what they anticipated. We are talking about retirees who will no longer be able to pay their mortgages. We are talking about retirees who will not be able to pay their utility bills. We are talking about families who may have to go on food stamps to feed their families after working their entire lives. That is unconscionable. We cannot allow that to happen.

In my view, we have to send a very loud and very clear message to the Republican leadership in Congress and to the President of the United States, and that is when a promise is made to the working people of this country with respect to their pensions and retiree health benefits, that promise must be kept.

Today, about 150 multiemployer pension plans are in trouble financially, but let’s be clear. The retirees are not
The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection.

REGULATORY REFORM AND THE BUDGET PROCESS

Mr. LANKFORD. Mr. President, there is a lot of conversation about all that is moving this week in the Senate and the House and the executive branch. There is a lot of conversation about 100 days. It is somewhat of a look back, and it is reasonable for Americans to be able to look back and say the beginning of a new Presidency or the beginning of a new session of Congress has begun and what has already happened. There has been quite a bit that has actually happened, but let me highlight one specific area. I want to highlight an area that has moved and to, quite frankly, highlight an area that has not.

What has moved has been a lot of conversation about regulation. When I walked into Congress just a few years ago, I had a lot of people in my State who would call and ask for one specific thing. They said: I don’t want anything other than to make it stop. Because every time they get news, every time they open up something from an association or try to be able to track something, all they got was a new regulation. They crammed in a form. Whether they are a school or the business or to submit some new form. Whether they are a school or a hospital or a small business or a large business, whether they are doing manufacturing or are service-oriented or technology, the flood of regulations within the Department of Labor or the Department of Transportation or the Department of Education in Washington, DC, caused people around my State to say: Make it stop; we are trying to catch up. And literally they are hiring more people for compliance than they are to actually do what their business is designed to do. At some point, they want to hire somebody to actually do their business.

A dramatic shift happened, starting January 20 of this year when the administration stepped in and for a moment said: Pause on regulations. And literally they took a deep breath. They didn’t turn anything back. They didn’t turn anything off. America didn’t become less safe. They asked a simple question: How can people actually get involved in the process? And before a regulation comes out, we make sure that it is consistent with the law, and No. 2, that the people who are affected by it actually get a chance to raise their hands and say: When you do a regulation, make sure you consider this.

It doesn’t seem unreasonable. If we are going to be a nation of the people, by the people, and for the people, it is a good idea to have people involved in the process of the regulations that affect them. The government should not be their enemy. The government should be their ally. It should be the way to make sure that we have fair rules, that everyone has a consistent set of guidelines and that those guidelines don’t change all the time.

Before this year, there had been only one time in the past decade that the Congressional Review Act was actually used. The Congressional Review Act was actually due to a fellow Oklahoman named Don Nickles who, in the Senate years ago, passed a simple piece of legislation to say that if a regulation is promulgated by an administration—any administration—that is not consistent with the desires of Congress, that Congress can pull it back out in the first few days after it was passed, and most of the time, it was legislative days—it is actually months in calendar time. In the first few months it is in Congress, Congress regulation and look at it and say: Is this consistent with what Congress passed? If it is not, Congress would have a fast-track process to be able to look at it and say: This is inconsistent with what Congress desired when it was the law. So we go through the House, the Senate, and then to the White House to be signed. That has happened only one time.

In the past few months, Congress has passed now 13 Congressional Review Acts—13 different reviews of different regulations that were put down by the previous administration in their final months, some of them in their final days of the administration—an administration that lasted 8 full years. These were the things they crammed into the very end, what are called midnight regulations. Those regulations could be billions of dollars, they had very little review. Thirteen different times this Congress has pulled those out. It is literally billions of dollars in regulations that were laid on the economy and millions of hours of work on people filling out compliance forms and submitting things to Washington, DC, that most likely no one will ever read.

Those thirteen bills that have now been signed into law have helped free up our economy, and it has started a process that is very simple: What do we do to make sure that we have good regulations as a nation, that they stay consistent and have the maximum number of people involved?

The administration has also laid out something that many called a radical idea; that is, for every one regulation that goes in, an agency would pull two out; to go back and review old regulations and submitting things to Washington, DC, that most likely no one will ever read.

Those bills that have now been signed into law have helped free up our economy, and it has started a process that is very simple: What do we do to make sure that we have good regulations as a nation, that they stay consistent and have the maximum number of people involved?

The administration has also laid out something that many called a radical idea; that is, for every one regulation that goes in, an agency would pull two out; to go back and review old regulations and say: Are there other regulations that need to come out? For those who have called this a radical idea, I have had to smile and say: You realize the United Kingdom has done that for years. Canada has done that for years. Australia has done that for years.
It is not a radical, crazy idea; it is a simple statement to say that when regulations go in, we need to have consideration for those who are already regulated and say: Are we burying them in new compliance requirements? Is there an area where we can help free them of things that we don't need anymore, that are old, that are not used or not even appropriate anymore? It is a reasonable thing to be able to look at. It is not in statute, it is an Executive order, but it is one of those things that I think is good and for agencies to be able to take a look at.

Every administration over the past several decades has said they are going to do what is called a retrospective review—go back and look at it. This administration has said: We are really going to look at it. If a new regulation goes in, we have to go back and review and see if two can come out at the same time, to force that retrospective review.

Many other areas of regulations are coming out, but the primary issue that has come out is very simple; that is, slowing down the process and making sure it is wise to be able to impose new regulations. We should have them in healthy areas, but we shouldn't do regulations just because someone in Washington, DC, thinks it is a good idea to be able to run everyone else's business.

With any set of decisions made by the executive branch, we should resolve many of these things in law. The Congressional Review Act—those are all in law. Those have all been settled. The executive actions like the "one in, two out"—that is an executive action. A future executive can flip it back around and say: We are not going to go back and review it at all.

I proposed a whole series of issues that we need to deal with on regulatory actions. I chair the Regulatory Affairs Subcommittee, in fact. We have had very bipartisan conversations to say: Where can we find common ground, and what do we need to do to be able to resolve this issue of regulations just showing up?

So we have set out a simple set of ideas, one beginning in small business. If we are going to start with regulatory issues, let's start in the area where we have the greatest amount of agreement; that is, on small businesses. Small businesses have the greatest amount of agreement from science when we put science in our Nation. I could not agree less. There are towns saying: We need to have great engagement from science when we put science in our Nation. We should use "or" or "and" in a section, and if you are not a trained attorney, you can't even understand what it means. So just plain-language description of words, just a 100-word description of what it is, that is science-based, it has good transparency and it is peer-reviewed. We have agreed that the EPA should do it and on a voice vote from everyone in this body, we agreed that is the best way to handle science on chemicals.

First-time paperwork forgiveness is a simple idea. To actually be engaged where the Federal Government can go to a small business and say "Hey, you missed one," and if they are not health and safety related issues, we give them forgiveness for that first-time offense. Many of them didn’t even know there was a certain amount of paperwork that had to be turned in. It showed up as a requirement in the Federal Register. They are running their small business and have not tracked it. Someone comes in and evaluates and says "There is a piece of paper you haven’t turned in" and drops a $5,000, $10,000, $15,000 fine on them for not submitting something, and they had no idea what it was.

First-time paperwork forgiveness is a simple idea. To actually be engaged where the Federal Government can go to a small business and say "Hey, you missed one," and if they are not health and safety related issues, we give them forgiveness in the process—why should that be so hard for us to do?

We have another piece of legislation we proposed called early participation in regulations. Before a regulation is written by an agency, this would require that they actually put out the word that they are thinking about writing a regulation on a certain topic and get as much input as they can, so before they even write the regulation and we are fighting over whether we should do it, or not, and if we actually talk about whether it is needed at all, or if they are going to write it, make sure it has these certain issues in it—again, getting more people involved in the process.

Just a week ago there was a march through this town and through many towns saying: We need to have great science in our Nation. I could not agree more. We should have quality science in our research. We should have engagement from science when we put policy papers together.

One of the challenges we currently have and one of the things we are trying to correct with another piece of legislation is just on using best science, just requiring agencies, when they make a decision about something in a regulation, to actually use peer-reviewed, good science that can be shared with other people. We bump into issues where they say they have made a decision on some of the regulations, and we ask for the science behind it, and they say that the science is proprietary and they can't share it with us or the American people.

I think are wise for agencies to be able to resolve this issue of regulation executive can flip it back around and say: Where can we find common ground, and what do we need to do to make sure science is not needed anymore, that is science that is not used or not even appropriate anymore? It is a reasonable thing to be able to look at. It is not in statute, it is an Executive order, but it is one of those things that I think is good and for agencies to be able to take a look at.

We have a simple bill, as odd as this may sound, that just says that for whatever regulation is out there, the agencies also have to put a description out on it in plain language that a non-attorney can understand in just 100 words, a just 100-word description of what it is. Right now there are folks who actually do try to research things, and if you are not a trained attorney, you can't even understand what it means. So just plain-language description of regulations are called for.

These should all be areas of common ground. These should all be straightforward issues that aren't partisan issues but are commonsense issues. We have made progress on regulations over the past 100 days. The American people have now been able to take a breath as regulations are not coming
out at rapid speed. We still need them, though. In the days ahead, we need to do good regulations, so let’s figure out a good way to do it.

Let me make one more note on the opposite side. We have made progress in regulations, with a ways to go. Where we have made them, we’ve made them in the past 100 days on how we do budgeting.

There is a group of us who have talked for several years now and have said we have to change the way we do budgeting. Year after year, the American people have said: Are we going to have another continuing resolution? Are we going to have another omnibus bill? Are we going to be late again on budgeting?

Year after year, Congress has said: Yes, we are.

Folks around my State occasionally catch me and say: This is different. I smile at them and say: No, it is not different.

The way we do budgeting was created right after Watergate in 1974 to create a more transparent process. What they actually created was a process so difficult that it has only worked four times since 1974—four times. So if it feels like every year you are saying “How come the budget process didn’t work again?” it is because every year but four, since 1974, the budget process didn’t work.

At some point, we have to say: The budget process is not in the Constitution. Let’s change the way we are doing the process. They were well-meaning in 1974 when they made that process; it just didn’t work. So let’s fix it instead of saying that once again it didn’t work.

We will never get a better product on our budget until we fix the process of our budget. We will never be able to solve the budget debt and deficit issues we have with this continuing resolution system and with an omnibus system that seems to just perpetuate the same issues over and over again.

We have made specific proposals: doing the budget every 2 years, getting time to get more predictability, to get more time to be able to walk through the research of it; eliminating budget gimmicks, and there are a mess of budget gimmicks that are out there; and getting a better long-term view. The budget has what is called a 10-year window now, where we have to budget over 10 years. So what happens? Congress creates a budget that blows up in the 11th year. Well, that has been done year after year after year, and we have a lot of eleventh-hour years now stacking up a lot of major problems that are out there.

We need to find a way to prevent us from ever having to get in a conversation about a government shutdown. We have a bill called the government shutdown prevention bill that would keep us from ever having that, and it would put the pressure back on Congress and the White House to resolve the issues but would prevent us from ever having a government shutdown fight. We shouldn’t argue about whether the government is going to be opened or closed. We should argue about how we are going to handle the issue of budgeting and how we are going to actually be able to do budgeting.

There are a lot of simple, commonsense things that are out there that we can do, but we as a body have agreed that we are going to actually tackle the way we do budgeting. That is going to involve some focus and some time commitment and a risk to say: How it was done in the 1970s is not the way we should do it now. It didn’t work. Let’s change the system so we can actually get us back on track and bring some predictability again to what we are doing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I rise to address the urgent crisis taking place in Sudan, but, first, I wish to take just a moment to remember former Congressman Jay Dickey, who, as many in Washington and Arkansas now know, passed away last week.

Jay was a native of Pine Bluff and represented Southern Arkansas in the Fourth Congressional District for four terms between 1993 and 2001. Jay was known as a fierce advocate for Arkansans and as someone who our State had a strong voice in Washington.

A successful business owner and attorney, Jay was a well-respected member of the Pine Bluff community. He served as Pine Bluff city attorney and had a brief tenure on the Arkansas Supreme Court. Jay was a friend to many and built a warm relationship with almost everyone he met—even those who disagreed with him politically. He also wore his faith on his sleeve as a proud born-again Christian.

I will always appreciate Jay’s kindness to me when I first started serving in Congress and truly valued his friendship. He was a loving father, a dedicated public servant, and he will be missed by many.

My thoughts and prayers are with his loved ones and the community he served, the family he leaves behind, which will continue to have an impact on us all in the years ahead.

SOUTH SUDAN

Mr. President, the Trump administration has stated it will pursue a foreign policy focused on American interests that put our national security first. I appreciate the President’s commitment to a stronger and more respected America and stand ready to work with him to achieve that goal.

A stronger, more respected America does not mean we disengage with the international community. In fact, it means just the opposite. While there are many important issues we must address here at home, we cannot lose sight of the places around the globe that are in need of American engagement.

As we have seen with Syria and North Korea, it makes a difference if the United States acts, but not every international crisis gets front page headlines like Syria and North Korea do. One such crisis with little attention but in desperate need of U.S. leadership is South Sudan. Hunger and malnutrition are on the rise across Africa, but the situation in South Sudan is so grim that it has led the U.N. to use the word “famine” for the first time since 2011.

“Famine” is not a word the U.N. or the international community throws around lightly. In order for the U.N. to officially declare a famine, a population must reach certain death rate, malnutrition, and food shortage thresholds. In blunt terms, a formal famine declaration means that many people have already started dying of hunger.

The famine in South Sudan is almost entirely manmade. The much heralded August 2015 peace agreement has failed to bring peace to South Sudan, which has been mired in a civil war almost entirely throughout the young nation’s lifetime.

Thousands of civilians have been killed and millions more were displaced as a result of the civil war in South Sudan. Millions of those who are left in the country are facing a severe hunger crisis. Fighting between rival factions has left an estimated 4.9 million people—more than 40 percent of the country—in urgent need of food. That total is expected to rise to over 5.5 million people—5.5 million people—by summer if the international community doesn’t act quickly. These innocent civilians are victims of competing groups that use hunger as a weapon of war while accumulating wealth by exploiting South Sudan’s resources. Millions are suffering in South Sudan, but that is not due to shortage of food. It is because they are being denied food by a small few getting rich off the country’s oil, gold, and livestock.

Meanwhile, humanitarian aid workers trying to reach the hungry are being kidnapped and held for ransom. Some have even been killed. Food ships trying to reach those being blocked, crops are being torched, farmers and herders are being forced from the land, and civilians so fear for their lives, they have been driven away from the violence in population centers to remote locations where aid workers can’t reach them to provide the relief they need.

There is plenty of evidence to show that when people don’t have enough to eat, they get desperate. Desperation fuels conflict. Conflict in a young country, in an unstable region, poses the risk of sparking war across the neighboring countries, further exacerbating human suffering. This is why U.S. leadership is needed.
By that, I don’t mean throwing money or military personnel into a conflict zone. In fact, that would likely exacerbate the situation as the structural causes will remain once the money dries out and the troops head home.

The approach I am advocating is two-pronged. First and foremost, there absolutely is a need for the United States to take a lead in coordinating relief with NGOs and our international partners, while World Food Program—aid which has proven effective channels, the dedication and compassion of doers, not takers.

Along with helping those who desperately need humanitarian aid, the international community must also take action to end the unchecked corruption that fuels the conflict in South Sudan. This is the structural cause of the crisis. We have to address this problem at its root. If we want to have any hope for peace and stability in South Sudan, we must seriously consider options that would end the corruption which enriches those in power at the expense of the citizens.

I believe Trump would support these efforts. The President understands how dire the situation in South Sudan is. The administration recently announced the continuation of the national emergency declaration for South Sudan, which was set to expire earlier this month.

Earlier this week, Ambassador Haley rightfully called out the warring parties in South Sudan and urged the U.N. Security Council to move forward with further sanctions and an arms embargo. The Ambassador’s words urging the Council to take action to break the cycle of violence in South Sudan are extremely encouraging. They show the administration understands that the United States remain engaged in corners of the world that need our leadership. It is my hope that Congress and the President can work together to exert that leadership and put an end to the corruption that is causing so much suffering in this country.

There is a role for soft power in a hard-powered administration. Human suffering is never in our national interest, no matter where it is happening. U.S. leadership, through diplomacy and smart foreign aid programs, help prevent situations which lead to serious threats to our national security.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

Mr. LANKFORD. The clerk will call the roll.

The senior assistant 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. (Mr. LANKFORD.) The clerk will call the roll.

The senior assistant 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.

REPUBLICAN HEALTHCARE BILL

Mr. DURBIN. Mr. President, House Republicans have revived their efforts to repeal the Affordable Care Act.

As a reminder, the original effort to repeal the Affordable Care Act—characterized by some as the TrumpCare bill—was so unpopular that it had to be withdrawn from the floor of the U.S. House of Representatives. That is because, after the Congressional Budget Office took a look, it would have taken away health insurance from 24 million Americans.

Think about that for a moment. The Republican answer to ObamaCare—the Affordable Care Act—was to remove health insurance protection and coverage from 24 million Americans. It would have devastated the Medicaid Program. The Medicaid Program, of course, is one that is easily characterized as a health insurance program for those who are in low-income categories, but that statement doesn’t tell the real story.

For example, in my State, half of the children who are born in Illinois are covered by Medicaid. Their mothers and the kids are covered by Medicaid. So when it comes to new babies, particularly children, Medicaid provides the prenatal care, delivery, and care after the child is born, but the most expensive part of the Medicaid Program is the help it gives to senior citizens—mothers and grandmothers. The people who have only a little bit of savings, Social Security, Medicare, and Medicaid cover their medical expenses. The Republican plan to repeal the Affordable Care Act would have decimated the Medicaid Program across the United States. It would have increased costs for the average person for health insurance by $3,000, and particularly for people in upper ages—I guess I fit in that category—these folks would have seen a change in the calculation of premiums.

The Affordable Care Act protects premiums so they cannot be more than three times the lowest premium for any individual. The Republican approach said: Let’s make that five times the lowest premium. It can mean almost doubling the premiums paid by many senior citizens—those approaching, I should say, being senior citizens, from 50 to age 65.

It also would have cut off funding for women’s health centers, all while providing a massive tax cut for upper income, wealthy people and big businesses, including tax cuts for drug companies. What a deal—to eliminate health insurance for 24 million Americans, to decimate the Medicaid Program, to increase the cost of health insurance for the average individual, to cut off funding for women’s health centers in order to give a tax cut to wealthy people and drug companies.

The new bill does all those things as well—and then something I didn’t think was possible. The new version of the Affordable Care Act repeal Republicans are now considering in the House allows insurance companies to impose—get this—an age tax and charge seniors significantly higher premiums than younger people. It says that insurance plans do not have to cover hospital visits, prescription drugs, maternity care, substance abuse treatment, or mental health services.

The Affordable Care Act defined these as essential services so, if you are buying health insurance, you know you are buying that kind of protection. Republicans think that is too much insurance for people. We ought to let them buy stripped-down versions of health insurance that may be cheaper. The obvious question, What happens to those people when they need coverage for substance abuse treatment? What if your daughter in high school begins an addiction to opioids, leading to heroin, and now your health insurance plan saved you money by not covering it or didn’t cover mental health counseling?

It guts protections for people with preexisting conditions. Is there a person alive who doesn’t know someone or have someone in their family with a preexisting condition? That used to be grounds for denying insurance coverage. The Republicans want to do that. We did away with it with the Affordable Care Act.

It is back, my friends, with the new Republican approach to the repeal of affordable care. It allows insurance companies to once again charge unaffordable premiums if someone in your family has a history of asthma, cancer, high blood pressure, or diabet.

Republicans made these changes to win the votes of the most extreme conservative Members of the U.S. House, the so-called Freedom Caucus. What they are fighting for is for freedom from individuals getting protection when it comes to healthcare. These changes may appeal to a handful of extreme people who conveniently see their health insurance policies—their personal policies—protected under their bill, but these sorts of approaches don’t appeal to anyone in the medical community.

Who opposes the new Republican repeal of the Affordable Care Act? The American Medical Association—that would be the doctors—the American Heart Association, the American Nurses Association, the American Association of Retired Persons, as well as every major medical and patient group out there. Every one of them opposes the changes proposed by the Republicans in the House to our healthcare system.

Of course, we have a bottom line that we measure proposals against. We go to the Congressional Budget Office, and we say to them: What impact will this have?

No one has sent this bill to the Congressional Budget Office, and no report has been given. So we don’t know the impact on premiums of this new version. What is going to happen to seniors, to middle-income families?

Ramming through a bad bill that will harm Americans just because the President wants to have something to say on the 100th day of his Presidency is a bad idea. It is time to stop this
madness. It is time for Democrats and Republicans to sit down and talk seriously about improving our current system.

The Presiding Officer is from the State of Louisiana and is a medical doctor. He has joined on the Republican side with Senator Collins of Maine to open this conversation. Thank you. We should have this bipartisan conversation—not about repeal but repair, what we can do to make this better and fairer and more affordable while preserving quality healthcare for Americans. Thank you for your leadership in this. We have talked about it, and I want to continue the conversation.

This notion coming over from the House is unacceptable. I hope that many people will tell the President and tell those who support that this is no way to celebrate 100 days—by taking health insurance away from 24 million people.

FOR PROFIT COLLEGES AND UNIVERSITIES

Mr. President, during the Senate’s consideration of Betsy DeVos to be Secretary of Education, I asked a basic question: As Secretary of Education, would she side with corporate and other for-profit interests or would she be on the side of the students and their families?

I was concerned that the record of Secretary DeVos indicated that she was on the side of corporate interests, looking for opportunities to profit off of students and often exploiting them in the process.

Months into the job, now that she was approved by a historic tiebreaking vote by the Vice President, we are beginning to see which side the Secretary is on. A recent Chicago Tribune article entitled “Targeted by Obama, DeVry and other for-profit colleges rebounding under Trump” put it this way:

Less than 100 days into Trump’s presidency, the Department of Education under Secretary Betsy DeVos has delayed implementation of gainful employment rules . . . withheld key federal student loan servicing reforms . . . and signaled a less onerous regulatory environment for the essentially tax-exempt and unregulated for-profit education sector.

In addition to driving the increase in student loan default, for-profit institutions also have significantly more loan defaults than other types of institutions. Since 2015, for-profit institutions accounted for 35% of all federal student loan defaults, but only 12% of all borrowers. Many for-profit schools are almost entirely dependent on federal grants and loans. In December 2016, the U.S. Department of Education published a new regulation that would limit for-profit schools’ access to federal money, but the final rule was rolled back.

The absence of policies in place to protect borrowers from for-profit education providers is necessary to avoid harm to both students and taxpayers. Without these protections, for-profit education providers can make millions of dollars per year while students are saddled with debt they cannot repay, defaulting on their student loans. Without these policies, for-profit providers are not likely to provide the kind of education and training that students need to gain the skills to succeed in the workforce.

A group of State attorneys general, including Lisa Madigan of Illinois, warned of a return to “open season” on students in a letter to Secretary DeVos if she rolled back all of these protections.

I ask unanimous consent that the full text of that letter from the State attorneys general be printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL

February 22, 2017

Re: How for-profit Schools Have Harmed Student Borrowers: the Need for the Gainful Employment Rule; Federal Oversight of Accreditors; and the Borrower Defense to Repayment Rule

Hon. ELISABETH DEVOS,
Secretary, U.S. Department of Education, Washington, DC.

Speaker PAUL RYAN,
Speaker of the House, House of Representatives, Washington, DC.

Hon. MITCH MCCONNELL,
Senate Majority Leader, U.S. Senate, Washington, DC.

Hon. NANCY PELOSI,
House Minority Leader, House of Representatives, Washington, DC.

Hon. CHARLES E. SCHUMER,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SECRETARY DEVOS, SPEAKER RYAN, SENATOR MCCONNELL, CONGRESSIONWOMAN PELOSI, SENATOR SCHUMER:

We, the undersigned attorneys General of Illinois, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maryland, Maine, Massachusetts, Minnesota, Nebraska, Nevada, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Washington and the District of Columbia, as well as the Executive Director of the Office of Consumer Protection of Hawaii, write to express our support for recent federal protections for students and taxpayers in higher education. We are deeply concerned that the DeVos administration is signaling an “open season” on students for the worst actors among for-profit post-secondary schools. As the chief consumer law enforcer among our states, our offices handle thousands of complaints concerning higher education every year. We also enforce laws to protect consumers from unfair and deceptive practices perpetrated by higher education providers.

I. BACKGROUND: THE NEED FOR RULES TO PROTECT STUDENTS AND TAXPAYERS FROM UNFAIR AND DECEPTIVE PRACTICES BY FOR-PROFIT HIGHER EDUCATION PROVIDERS

Over the last ten years, student loan debt has soared from $450 billion to nearly $1.4 trillion. A major driver of this increase has been for-profit post-secondary schools that use a “no-fail” merger of student loan default rates with debt-to-income ratio would have shown that the schools weren’t producing jobs for students would have been shut down because the median debt-to-income ratio would have shown that students were not making enough money to pay down their loans. Had Corinthian’s accreditors reviewed the school’s self-reported placement rates on this basis, the fraud would have been discovered and stopped much earlier, saving students and taxpayers billions of dollars.

The presence of policymakers in place to protect prospective students from Corinthian’s fraudulent practices also demonstrates the

Congressional Record — Senate April 27, 2017
need for an effective process for students to assert a defense to loan repayment. This defense was established in the 1990s when Congress passed legislation allowing students to assert a defense against their obligations to repay their federal student loans. There was little detail, however, on the process for asserting such claims. The regulations implementing the defense were written to have the effect of creating an orderly borrower defense process, we face the need for an effective process for students to assert a defense to repayment of their federal student loans. A program that provides value, but for which every student may borrow tens of thousands of dollars in student loans, that are nearly impossible to discharge in bankruptcy.

A prime example of the harm that stems from lack of meaningful borrower protection is the recent student loan debt. The Illinois Attorney General’s Office sued Westwood College for systematically misrepresenting the graduation and job placement outcomes of criminal-justice graduates to pursue careers in law enforcement. Thousands of Westwood students in Illinois borrowed up to $75,000 each for careers that were unpromising because many police departments in Illinois, including the Chicago Police Department and the Illinois State Police, did not accept credits from nationally-accredited schools. Graduate of Westwood’s criminal justice program have a median salary below the median salary of a 25-year old with a high school diploma. Graduates were unable to find work in the career they were promised. This combination of high debt and limited job prospects is a crushing blow not only to students, but to taxpayers who bear the burden of defaults on these loans. Despite the Illinois Attorney General’s January 2012 suit against Westwood, ACICS accredited Westwood up to the day it closed its doors in March 2016.

Similarly, on September 8, 2016, a Hennepin County Court found that the Minnesota School of Business and Globe University systematically misrepresented their criminal-justice program as allowing students to pursue careers as Minnesota police officers. The Minnesota School of Business and Globe University were accredited by ACICS throughout the time period of the fraud determined by the court, and their Chief Operating Officer during that time was in fact the Chair of ACICS’s board of directors. Terminating ACICS’s recognition is a responsible action that will protect students and taxpayers for years to come.

V. THE BORROWER DEFENSE TO REPAYMENT RULE

In order to fairly and efficiently redress the harm suffered by college students, the borrower defense to repayment rule promulgated by ED must be allowed to take effect on July 1, 2017. As we noted in our April 8, 2016 comment to the National Advisory Committee on Institutional Quality and Integrity (NACIQI) opposing ACICS’s application for recognition, an NACIQI survey found that only 35% of students enrolled in ACICS accredited programs graduate, the lowest rate for any accreditor.

ACICS appealed the decision to the Secretary of Education, and in December 2016, the Secretary denied ACICS’s appeal. An accreditation body’s program quality at its accredited institutions jeopardizes the effectiveness of state enforcement efforts and regulations, exposing each state’s students to subpar educational programs that provide little value, but for which every student may borrow tens of thousands of dollars in student loans, that are nearly impossible to discharge in bankruptcy.

VIGOROUS OVERSIGHT OF ACCREDITORS BY ED

The federal government and states need strong partners with specialized knowledge of higher education to provide proper quality assurance of schools in order to protect students and taxpayers. Accreditors are the organizations tasked with this role. Our experience has shown that without substantive oversight by the federal government, some accreditors are negligent in their role.

The exemplary example of this dereliction of duty to students and taxpayers is the Accrediting Council for Independent Colleges and Schools (ACICS). As noted in our April 8, 2016 comment to the National Advisory Committee on Institutional Quality and Integrity (NACIQI) opposing ACICS’s application for recognition, an NACIQI survey found that only 35% of students enrolled in ACICS accredited programs graduate, the lowest rate for any accreditor.

The senior Department Official at ED agreed with NACIQI and revoked ACICS’s recognition as of July 1, 2016. ACICS appealed the decision to the Secretary of Education, and in December 2016, the Secretary denied ACICS’s appeal. An accreditation body’s program quality at its accredited institutions jeopardizes the effectiveness of state enforcement efforts and regulations, exposing each state’s students to subpar educational programs that provide little value, but for which every student may borrow tens of thousands of dollars in student loans, that are nearly impossible to discharge in bankruptcy.

Without the Gainful Employment Rule, ED’s gainful employment regulations are designed to further a simple idea—that students who attend career training programs should be able to repay their federal student loans once they graduate. The Rule allows prospective students to compare debt-to-income and loan-to-earnings ratios across schools. By doing this, the Rule creates an incentive for schools to make good on their promises to students, and protects students from programs that will leave them saddled with debt and without job prospects in the careers for which they trained.

The Rule generally applies to vocational programs at for-profit institutions and to non-degree programs at community colleges. If graduates’ annual loan payments exceed 30% of discretionary income and 12% of total earnings, over a three consecutive years, the program loses access to Title IV federal student loans and grants. A program can also lose access if graduates’ annual loan payments equal or exceed 30% of discretionary income and 8% of total earnings for four consecutive years.

Data released on January 9, 2017 indicate that over 800 programs fail the Department’s Gainful Employment metics. For-profit institutions are responsible for 98% of the failing programs. But these 800 programs are only for-profit school programs that have failed their students. With the Gainful Employment Rule pending, for-profit institutions have already eliminated hundreds of programs. As students did not make enough money to cover their debt obligations, sometimes closing entire institutions that would have failed to provide students with a gainful employment under the regulations.

It is essential that the Gainful Employment Rule be kept in place. Removing the Rule would open students and taxpayers up to the worst excesses of the for-profit higher education sector. It would greatly increase the regulatory and enforcement burden on states and accreditors by removing a central oversight and accountability is a mistake that student loan money to for-profit schools received worthless degrees or none at all. Federal student loan debt is non-dischargeable in bankruptcy. These students cannot be left without a clear recourse. The new borrower defense to repayment rules provide that recourse and should be allowed to take effect.

Our extensive experience in the higher education field, and our participation in the process of developing these recent policies and regulations, gives us unique insight into the care and diligence of for-profit schools over the last ten years. We cannot overemphasize the harm to students and taxpayers that a rollback of federal protections would cause. Our offices hear from former for-profit students on a daily basis; sadly, many are hopeless. They have little hope of paying off their student loans without the career prospects promised by their schools. They have little hope of continuing their educations without the ability to borrow the money they need. This ill-conceived, regionally-accredited-for-profits to more rigorous regionally-accredited schools. Allowing for-profit schools unfettered access to federal student loan money without reasonable oversight and accountability is a mistake that American students and taxpayers should not be made to pay for again.


Mr. DURBIN. Mr. President, we know what open season means when it comes to these students. Gilbert Carbo of Chicago can tell us. He was profiled in the Chicago Tribune article that I mentioned. Gilbert received his master of business administration degree from DeVry University. It is possibly the second largest for-profit college in the United States.
He took on nearly $100,000 in debt for his master of business administration degree. He believed that debt was worth it because it was going to unlock the door to a high-paying job and financial security.

Do you have any idea what Gilbert Caro is doing now with his DeVry master of business administration degree? He is a prison guard in Joliet, IL.

While Gilbert has a good job, he certainly didn’t need $100,000 in debt to be a prison guard. It is far from what he was promised by DeVry when he signed up. Gilbert, like so many other students who go to for-profit colleges, was lured in by an amazing marketing campaign, flashy advertisements and empty promises.

In 2016, DeVry University, a for-profit school, agreed to a $100 million settlement with the Federal Trade Commission for misleading “prospective students with ads that touted high employment success rates and income levels upon graduation.”

DeVry is not alone. For-profit college giants like Corinthian and ITT Tech collapsed after they were caught engaging in similar deceptive, disgusting practices. The predatory practices of these and other for-profit colleges have left tens of thousands of students across the country, just like Gilbert Caro, with worthless degrees and a mountain of debt.

In fact, during the early part of this century, when for-profit colleges acted with near impunity, just the students from the for-profit colleges and universities accounted for 47 percent of all student loan defaults. Ten percent of the students coming out of high school went to for-profit colleges, and 47 percent of the student loan defaults were those same students—10 and 47. Why? Because they were overcharged for worthless degrees. That is why.

The University of Phoenix students held $6.5 billion in cumulative debt. When I look at their flashy advertising and the commercials about how life is going to be perfect if you sign up at the University of Phoenix, it is hard for me to imagine how many of those students are burdened with debt they will never be able to repay.

We also know what open season means for the for-profit college industry and its executives and investors. Between 1998 and 2008, enrollment at for-profit colleges exploded by 25 percent, a lot of advertising, a lot of marketing, a lot of recruiting. With it came exploding profits for these schools.

By 2009, the seven largest publicly traded for-profit college companies were worth a combined $51 billion—$31 billion in 2012, for-profit colleges had grown to take in an incredible $32 billion a year in Federal taxpayer dollars, 25 percent of all Federal aid in education, despite enrolling only 10 percent of the students that went to college after high school.

For-profit colleges and universities are the most heavily subsidized private businesses in America that exist. No one rivals them. No other industry is even close, and 85, 86, 90, 95 percent of the revenue of these so-called private, for-profit universities ends up coming out of the Federal Treasury.

John Murphy, the cofounder of the University of Phoenix, talks about those days by saying that what started off as a serious venture to educate students soon became too focused on “chasing stock prices.”

To pump up those stock prices, companies needed students and they needed Fede student aid dollars. They proved that they would do and promise nearly anything to get “the juice,” as Mr. Murphy, the cofounder of the University of Phoenix, called it.

Boy, is this industry itching for the Boy, is this industry itching for the Trump administration to return to those bad old days. The Chicago Tribune reports that since the November 8 election, the stock prices of DeVry University, a for-profit college, have increased 52 percent.

In a recent New York Times article by Patricia Cohen entitled “For-Profit Schools, an Obama Target, See New Day Under Trump,” the paid spokesman for the for-profit college industry, former Congressman Gunderson, said he “has repeatedly spoken with members of Trump’s transition team . . . White House domestic policy advisers . . . and congressional Republicans.” He is truly an insider. Mr. Gunderson promised: “We’re going to get some regulatory relief.”

Sadly, it looks like he is right. Take for example the delay of the gainful employment rule. The Obama administration spent years writing and rewriting regulations to ensure that career training programs meet the statutory requirement to prepare students for “gainful employment.”

Is that a radical idea—that if the Federal Government is going to provide grants and loans for a student to go to a school, the school should provide education and training that would lead to “gainful employment”? My constituent, John Murphy, in Oklahoma was on the floor a little while ago talking about overregulation, too many rules, and the impacts on small business. I would say that I am prepared to stand up and defend what the Obama administration spent years writing and rewriting regulations so that if you were going to lure a young man like Gilbert Caro into a school and put him $100,000 in debt for a master’s of business administration, he ought to at least end up with a job that is consistent with his education.

Today, Mr. Caro is a prison guard with $100,000 of debt and a business administration degree of no value to him.

The gainful employment rule cuts off title IV funding for programs where graduates’ ratio of student debt to earnings is too high. Literally, the students are too deeply in debt.

Prior to leaving office, the Obama Department of Education released the first set of gainful employment data. It showed that the graduates of public undergraduate certificate programs, like community colleges, earn $9,000 more than their for-profit counterparts on average.

Think about that. You go to the virtually free community college, get a certificate, and you are going to earn $9,000 more than if you get deeply in debt at one of the for-profit schools seeking the same degree. Of the programs that saddle students with too much debt compared to the income its students receive after their program, 98 percent of the violators were for-profit colleges.

This is not just a chance occurrence. It is a pattern. The rule is meant to protect students from taking on debt to attend programs that don’t lead to a good-paying job. The rule is also meant to prevent billions in taxpayers’ dollars on worthless programs.

For-profit colleges receive more than 90 percent of the revenue straight from Federal taxpayers. My Republican colleagues are committed to the free market system. So am I. I am committed to capitalism. I believe in it. Though, I think there is need for us to have regulation when it gets out of hand. That is why we have an antitrust division, for example.

In this circumstance, to argue that these are just private companies that are doing what ordinary people do when they start a business is to ignore the obvious. These for-profit colleges could not exist if they weren’t receiving 80, 85, 90, and 95 percent of their revenue directly from the Federal Treasury.

In recent testimony before a House subcommittee, the Department of Education inspector general agreed that the gainful employment regulation “is a good rule in terms of protecting [students] and protecting taxpayers.”

I sent a letter—along with Senators Patty Murray, Elizabeth Warren, and nine other colleagues—expressing our concerns to Secretary DeVos about her delaying this rule. In our letter, we made clear that these delays undermine the rule and are going to be a danger to students and taxpayers.

It is also a betrayal of students not to ensure that they are treated fairly after they have been taken advantage of by for-profit schools.

Today, POLITICO reported that the Trump administration has dramatically slowed, if not stopped, processing applications from tens of thousands of students seeking to have their Federal student loans discharged after they have been defrauded by for-profit colleges.

Think about that. A student is about to sign up for a for-profit school.
Maybe he doesn’t know much about higher education. His parents say: Listen, if you can get a Pell grant and a Federal student loan, this must be a really good school.

He is defrauded into signing up for a school that is too expensive and offers a worthless degree, and then they turn around and that school goes bankrupt. Now the student has the debt, no degree, and we are left holding the bag. What has happened in previous cases is the Federal Government stepped in and discharged the students from the debt if they were defrauded into signing up for the college.

Secretary Betsy DeVos has decided to slow that down—to slow down the discharge of these students’ debt. Students who were misled or defrauded by their schools are eligible for discharge of their Federal student loans under the Higher Education Act—the law as it now exists. Yet during her confirmation process, Secretary DeVos would not commit to the right of these students—relief already specified in law—and has now effectively stopped processing the claims.

On the day before President Trump took office, more than 3,200 Illinois students wrote to the Department of Education for relief. While the Department fails to process these claims, these students are left in the lurch. It adds insult to injury that students taken advantage of by for-profit colleges, predominantly supervised and regulated by the Federal Government, are now being ignored by the Federal Government’s Department of Education. That is unacceptable. It is unfair, and the Trump administration should change it.

We’ve started to see the true colors of the administration and Secretary DeVos when it comes to these students who have been victimized. As feared, the Department has thus far put for-profit colleges, primarily supervised and regulated by the Federal Government, at the very head of student and commercial interests ahead of students and taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUNT). The Senator from Mississippi.

Mr. WICKER. Mr. President, I come to the floor to speak about a troubling issue for our Navy, our national defense, and a problem that should be of concern to Members of this body. Our Navy pilot training installations, including Naval Air Station Meridian in my home State of Mississippi, produce some of the finest pilots on the planet. They trained on the T–45 Goshawk.

On Friday, March 31, a significant number of T–45 instructor pilots at NAS Meridian, NAS Kingsville in Texas, and NAS Pensacola in Florida decided not to fly because of safety concerns. As you can imagine, this was an almost unprecedented act and brought considerable attention to a problem plaguing the Navy’s tactical flight training community. A dramatic and sustained increase in so-called physiological episodes, or PE events, across the FA–18 Hornet, the EA–18 Growler, and the training jet T–45 Goshawk fleets.

Physiological episodes occur when air crew experience diminished flight performance related to loss or contamination of oxygen, depressurization in the cockpit, or other factors. There are some technical terms I am going to mention to my colleagues. Hypoxic hypoxia occurs when pilots are getting insufficient oxygen. A more serious phenomenon called histotoxic hypoxia occurs when they are breathing contaminated oxygen, and of course depressurization occurs when the cabin pressure drops.

I have been assured that solving this physiological episode problem is now a top priority. As chairman of the Armed Services Committee’s Seapower Subcommittee, I intend to continue the committee’s oversight on this issue and, if necessary, include provisions in the upcoming Defense authorization bill to address any additional work of our full committee chairman, Senator McCaIN, on his efforts so far. In fact, Senator McCaIN knows NAS Meridian very well, having served there as an instructor pilot. The airfield named for my predecessor’s grandfather Senator McCain’s grandfatherADM John McCain.

The Navy has told Congress and the American people repeatedly that its effort to mitigate and solve this problem of hypoxia is proceeding. While the department is correct that this histotoxic hypoxia, or as resource unconstrained,” in other words, the Navy has told us that money is no object in solving this problem, time is no object, and personnel is no object. As chairman of the Seapower Subcommittee, I intend to put that claim to test.

I would like to update my colleagues on the situation—my fact-finding trip to Meridian, the state of play, and the plan going forward.

Beginning in 2010, a significant increase in reported PE events occurred, which led to the establishment of a Physiological Episode Team to identify root causes, develop mitigation efforts and solutions. This team mainly addressed the less serious problem of hypoxic hypoxia, but in recent months, there has been an alarming uptick in histotoxic hypoxia, a relatively new phenomenon involving contaminated oxygen in the cockpit. This has presented new challenges. The Navy has not identified a root cause for either type of hypoxia but has taken steps to mitigate effects through new maintenance rules, equipment changes and redesigns, and by adding data collection tools. However, there is currently not adequate mitigation for the more serious type of hypoxia, which has led to this halt in training.

As a search for the root causes continues, data collection is worth stressing. These aircraft do not have automatic sensors. In effect, the pilot is the sensor. Maximizing data collection on every training flight is critical. The collection of more data can help in the analytical effort, which will get us closer to finding the root cause. After the instructor pilots’ boycott—which I stress they had every right to do—the Navy issued a safety standdown and stopped all training flights for a period of 15 days. This was at the insistence of the full committee chairman, Senator McCain. The Navy then told senior leadership to visit the training installations and hear directly from the instructor pilots and students. I respect the considered decisions of both of these groups, the instructor pilots who chose to fly and the ones who engaged in the boycott.

After meeting with Pentagon experts on this matter, I then made a fact-finding trip to NAS Meridian on April 8. I met with VADM Mike Shoemaker, the commander of Naval Air Forces. Admiral Shoemaker is the air boss who commands operational naval aviation forces. I also met with RADM Dell Bull, who is the chief of Naval Air Training, and I met with NAS Meridian’s excellent installation leadership. Perhaps most important, I convened two focus groups: one group of instructor pilots who chose to fly and another group who chose not to fly. Both groups agree that a serious communication problem existed. The meetings with pilots demonstrated that some in the Navy hierarchy did not fully appreciate that this histotoxic hypoxia, contaminated oxygen, was a new and different phenomenon. In addition, the efforts of the Navy leadership were not being communicated effectively to the instructors and the students. In other words, the message of getting down to the flight line, and the people on the flight line did not feel the message was getting back up to the hierarchy. Many felt their concerns were being ignored. The lack of action on the part of the Navy leadership was a very different phenomenon. In addition, the efforts of the Navy leadership were not being communicated effectively to the instructors and the students. In other words, the message of getting down to the flight line, and the people on the flight line did not feel the message was getting back up to the hierarchy. Many felt their concerns were being ignored. The lack of action on the part of the Navy leadership was a very different phenomenon.
Naval Air Station Patuxent River, MD, for extensive engineering investigation and analysis. They are taking the airplanes apart at Pax River. I applaud this action. Initial results of the testing should be available next week with more information to follow that the data is processed. The teams, engineers have teamed up with pilots from both the test community and the training command, including at least one Meridian instructor pilot. They are investigating possible mitigations, such as altering masks. This will allow our instructors and student pilots to get back to what they want to do most; that is, to fly and train new pilots to fly.

In addition, on April 21, Vice Chief of Naval Operations, Admiral Moran, directed Admiral Scott Swift, commander of the U.S. Pacific Fleet, to lead a month-long review of the facts, circumstances, and processes surrounding the recent episodes and how the Navy has addressed them. The Swift review will evaluate the Navy's organizational structures and processes and make recommendations for additional action. These efforts are desperately needed. Still, we have no real diagnosis. Still, we have no real solution in the works. Senators should know this: As of 3 weeks ago, problems with histotoxic hypoxia at our naval training bases have earned the full attention of the top in the Navy. These problems also have the full attention and oversight of the Senate Armed Services Committee and the Seapower Subcommittee.

I look forward to continued interaction with the Navy leadership on this very important issue.

Mr. President, I yield the floor. The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise to commemorate an important day for Utah and the western way of life. Just yesterday, the President signed an Executive order calling for review of monument designations across the United States, with a specific focus on two national monuments that have caused significant damage in my home State of Utah: Bears Ears and the Grand Staircase-Escalante.

Yesterday's Executive action is the culmination of years of hard work and close coordination with the White House. When I first spoke with President Trump in the Oval Office during his first week on the job, I asked for his help in addressing the Bears Ears debacle. From day one, our President has been committed to helping us fix this disaster and ensuring that our smallest counties get a fair shake.

Throughout my Senate service, I have fought to give voice to the needs of our smallest communities in the debate over public lands. Too often, past Presidents have ignored the concerns of Utah's families in declaring massive monuments that threaten the western way of life. Too often, Presidents have abused the authority under the Antiquities Act to satisfy the demands of an extreme environmental agenda but no more.

Following yesterday's Executive order, I look forward to working with the Trump administration to address past abuses and restore the original meaning of the Antiquities Act. The Executive order directs Secretary of Interior Ryan Zinke to review the dozens of national monuments. This is a welcomed opportunity to set a new precedent for the responsible use of the Antiquities Act—a precedent that will take into account the needs of locals and foster greater trust between the States and the Federal Government as we work toward a shared goal of preserving our cultural antiquities.

For decades, I have sought to rein in Executive abuse under the Antiquities Act. That is why Bears Ears just last week to hear firsthand from the local residents and Tribal members who have been hurt most by this monument designation. That is why, in the opening days of his Presidency, I met personally with President Trump to discuss the public lands issue at length. I made clear to the President that Utahns have had enough of monument designations that come down unilaterally with zero support from locals, State officials, and the entire Utah congressional delegation. Our constituents have had their lives upended by this abuse of Executive power.

For too long, Utahns—many of whom depend on public lands for their very livelihood—have been at the mercy of out-of-touch bureaucrats who have little knowledge or personal connection to the land. President Obama only made their situation worse when he spurned the men and women of San Juan County to declare the Bears Ears National Monument last December. In doing so, he defied the will of the State legislature, the Governor, and the entire Utah congressional delegation. President Obama's last-minute monument designation imposed even greater land use restrictions on a region that is already predominately controlled by the Federal Government. As I have said before, in opposing the Bears Ears National Monument designation, I was in line with the law's original purpose, which requires the President to set the minimum acreage necessary in order to designate special landmarks, such as a unique national arch or the site of old cliff dwellings.

We desperately need a new process for creating national monuments. Congress and impacted local communities, not the President alone, should have a say in decisions that restrict access to millions of acres of federally owned land. In making such decisions, the voice of the people is paramount. Let me be clear: Abusing the Antiquities Act at the expense of local communities is not a sustainable public lands strategy. This strategy is counterproductive because it puts Antiquities Act authority at great risk. The Antiquities Act was designed to provide specific protections for objects of antiquity, but out West, particularly in Utah, the law has become synonymous with land grabs and Federal overreach.

Restoring the legitimacy of Antiquities Act authority in the eyes of westerners requires a more measured approach to monument designations, an approach that takes into account the needs of locals and restores trust between States and the Federal Government.

To be clear, I have no objection when Presidents use the Antiquities Act according to its original purpose, which was to protect cultural antiquities by declaring federal land off-limits. Still, it is necessary. Take, for example, the great State of Washington, which is home to several national monuments that were created in line with the law's original intent. The State's beautiful San Juan Islands are dominated by the Hanford Reach encompasses 195,000 acres. At first glance, this amount of acreage may seem large, but compared to Utah's two most prominent national monuments, it is a tiny speck on the map. In fact, the total acreage of the San Juan Islands and Hanford Reach combined is only 6 percent of the size of Bears Ears and Grand Staircase-Escalante National Monuments.

In the State of Washington, Presidents have used the Antiquities Act within reason. Unfortunately, the same cannot be said for my home State of Utah, where Presidents have repeatedly abused their authority under the law to declare eight national monuments that together span more than 3.3 million acres. In Utah, national monuments cover roughly 10 percent of all Federal land in a State where 67 percent of the land is already owned and dominated by the Federal Government. Of that Federal land, only 1.6 percent is locked away as a national monument. It is no wonder, then, that Utahns feel more threatened by the Antiquities Act than Washingtonians.

This is a law that past Presidents have branded as a weapon to cut up entire sections of our State. This is far from the first time I have taken to the floor to speak out against Antiquities Act authority; it certainly won't be the last. But I am encouraged by yesterday's Executive order with President Trump and Secretary Zinke...
on our side. I believe we can plot a path forward to correct past abuses and forge a new precedent for future monument designations.

The President’s Executive action signifies a critical milestone in the effort to include local voices in the management of our public lands. As the Trump administration reviews various national monuments, we must replace the top-down approach of past administrations with a grassroots strategy that engages local leaders, State officials, and members of Congress in the decision-making process. Bringing all stakeholders to the table is essential to establish a new precedent that will undo the decades of abuse we have endured under. I think, false interpretations of the Antiquities Act.

I am eager to continue working with the President and the Secretary of the Interior to preserve our Nation’s cultural treasures in a way that honors the original meaning of the Antiquities Act. The President has a moral obligation to work with locals in that process. With all parties working together, I firmly believe we can restore a relationship of trust between the States and the Federal Government in the management of public lands.

I am grateful for a President who is willing to work with us to reset the status quo. Better than any of his predecessors, President Trump understands the lasting damage wrought by past Presidents under the Antiquities Act. Indeed, in all my years of public service, I have never seen a President so committed to reining in the Federal Government and so eager to address the problems caused by these overreaching monument designations.

I wish to thank President Trump and Secretary Zinke for taking concrete steps to rein in abuse through yesterday’s Executive order.

I also wish to thank the President’s Chief of Staff, Reince Priebus, who helped make yesterday’s victory possible. Reince has done exceptionally well in one of the toughest jobs in all of Washington. The President is lucky to have Reince in the White House. I am lucky to call him a friend.

I also wish to thank my former chief of staff, Ron Porter, who is now a special assistant to the President and the Staff Secretary at the White House. Rob is an invaluable asset to the President’s team and our staff. Without him, the Executive order would never have come to fruition, at least in my opinion. Rob was among the finest men ever to serve as my chief of staff.

I have enjoyed watching him succeed at the White House.

Yesterday we took a meaningful first step to fix past abuses under the Antiquities Act. Yet there is still much work to be done, and I look forward to working with the White House every step of the way.

With that, I am grateful for all those who have participated in helping us to right the wrongs that have been going on for far too long, as some of the Presidents have played pure politics with public lands at the expense of the States involved, especially my State. It is easy to pick on a State that is 67 percent owned by the Federal Government and up to well over 70 percent owned by the Federal and State government to pick on these States—a small State indeed. But our State is resilient. We have some of the better people in Congress, and we also have the ability to be able to raise all kinds of hell here.

All I want to say is that I just want my State treated fairly. I want to make sure the bureaucrats here in Washington don’t walk all over the West because they think they can because of the wide expanses of territory and the many, many other aspects of the Western States that make them vulnerable to this type of inappropriate activity. I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT pro tem. The clerk will call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order of the day be the adoption of the motion to proceed. The PRESIDING OFFICER. Without objection, it is so ordered.

VA ACCOUNTABILITY

Mr. BLUMENTHAL. Mr. President, one goal we share in this body, which is a very bipartisan goal, is keeping faith with our veterans, making sure no veteran is left behind.

I had the great honor to work as ranking member with Senator Isakson, the chairman of the Veterans’ Affairs Committee, on a bill called the Veterans First Act that unfortunately failed to cross the finish line during the last session. One of the major goals of that bill was to ensure accountability at the Department of Veterans Affairs so employees of the VA who fail to do their job are held accountable. That goal of accountability is one of a number that must be pursued and will be sought during this session, including ending the backlog of appeals and providing better healthcare, ensuring skills training and job opportunities for our veterans.

Today the President signed an Executive order at the Department of Veterans Affairs to designate an individual responsible for accountability and whistleblower protection, a worthwhile first step. It is a commendable step toward accountability. But that individual and the Office of Accountability and Whistleblower Protection must have real responsibility and power and must be insulated from any kind of political interference through establishment of the merit. That office should be established by statutory authority. That is why I will be advocating and likely introducing legislation that includes supporting and training employees and listening to veterans about what they want from the VA through that Office of Accountability and Whistleblower Protection, to provide real accountability to the Congress by requiring reporting to Congress about what it finds and real whistleblower protection, so that anybody who complains about the VA’s misdirected or misguided action is assured protection against antitrust kind of interference.

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My hope is that the Senate and House will adopt that provision, one that was contained in the Veterans First bill that Senator Isakson and I championed during the last Senate and which I hope we will pursue again in a very bipartisan way.

I also hope that the Senate will take up and pass S. 12, the Increasing the Department of Veterans Affairs Accountability to Veterans Act of 2017. My colleague, Senator Moran, a co-sponsor with me, spoke about it earlier today. It would provide reduction of benefits for senior executives and certain healthcare employees of the Department of Veterans Affairs if they have been convicted of a felony in connection with their job. VA employees who commit serious crimes in connection with their employment should not be receiving pensions. That is one of the key provisions to activate a deterrent to misconduct and also to assure that misconduct is adequately punished.

Accountability for leaders who manage the Department of Veterans Affairs Employee Affairs would be another goal of this legislation, S. 12, so that the men and women who hire and fire are themselves evaluated when they do those jobs.

These kinds of details are important—as important as any new office with an individual whose unspecified powers may include them or not. Right now they do not, under the Executive order, specifically include such enumerated powers. That is our job, to make sure that this office of accountability is real in its responsibility, is clearly assigned in its functions, is held accountable for its performance and has real teeth, not just rhetoric.

I am hopeful that we will move ahead with this very, very important office to make sure that our veterans receive the care that they deserve—real accountability, a genuine assurance that the people who serve them will do their jobs, not just adequately but excellently. That is the goal that I believe we will share.

I welcome this Executive order. I believe we can and must do more to make sure that the VA keeps faith with our veterans and leaves no veterans behind.

Thank you, 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. BARRASSO. Mr. President, I ask unanimous consent that the order for the yeas and nays.

The result was announced—yeas 60, nays 38, as follows:

[Rolcall Vote No. 116 Ex.]

YEAS—60

Alexander
Barrasso
Blunt
Boozman
Burr
Capito
Cassidy
Cochrane
Collins
Corker
Collins
Cochran
Capito
Burr

NOT VOTING—2

Peters
Toomey

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—JOINT RESOLUTION

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. COYNE. The following Senator is a new member: the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Michigan (Mr. PETERS) is necessarily absent.

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

The result was announced—yeas 60, nays 38, as follows:

Alexander Gordon
Barrasso Graham Nelsen
Blunt Grassley Paul
Boozman Hatch Perdue
Burr Hohkamp Portman
Collins Holler Risch
Cassidy Hoeven Roberts
Cochran Inhofe Rounds
Collins Isakson Rubio
Corker Johnson Sasse
Cornyn Kennedy Scott
Cortez Masto King Shelby
Cotton Lankford Strange
Crapo Lee Sullivan
Cruz Manchin Tester
Daines Markey Thune
Enzi McCaskill Tillis
Ernst McConnell Warner
Fischer Menendez Wicker
Flake Moran Young

NAYES—38

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

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

The motion was agreed to.