

I know there are Republicans who are going to vote no. I know there are some Republicans who have a deep problem with the fact that the Congress is taking away from States the ability to innovate on the question of retirement.

I hope there are enough that this CRA goes down because the consequences to many of our States will be big. Frankly, it will chill any State's interest in trying to solve this problem because you are telegraphing that anytime a State tries to step in and deliver more access to retirement, if it slightly rubs the big retirement companies the wrong way, you are going to step in and take that power away from them. So why would a State step in ever again to try to do something for people who need access to retirement?

If my Republican friends are coming to this floor with a really sound plan to replace the plan that we developed in Connecticut—if Republicans said: Do you know what? I don't think that it makes sense to do this in a patchwork way, this State innovating this way, this State innovating that way; we are going to come in and pass a really comprehensive approach to giving people who work for small companies access to retirement. That is a reasonable conversation to have, but you are not.

Republicans are not offering the people of my State any alternative. All they are doing is robbing from 12 million Americans the ability to get access to retirement. This is a crisis. If we are not going to deal with it and the industry is not going to deal with it, let States deal with it.

This is a terrible, terrible thing that we are doing later today. I think it is going to be a really close vote because I think there are Republicans who know it. I hope there are a few more who think about the message being sent to the States. Think about the fact that on one day you are for State-based innovation, and the next day you are against it.

We have time to allow for States to continue these innovations. I hope we will take advantage of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Connecticut, who frames this exactly correctly on the vote that we are about to take on a motion to proceed to yet another CRA that will be another broken promise on the part of President Trump and Republicans. President Trump said that he would help workers and put them first. But the legislation we are about to move to will get in the way of our States' efforts to expand access to retirement savings programs, which is something that so many workers in this country really need.

President Trump said that he would drain the swamp, but by rolling back this rule in question, as Republicans are proposing today, President Trump and his party are sending yet another

very clear message, on top of many others in the last 100 days. They are listening to Wall Street rather than working families.

This rule—all it does is clarify an existing safe harbor that affords flexibility to States that want to give workers more options for their retirement. It is not complicated. It would do a lot of good for families across the country, including in my home State of Washington.

I will have a lot more to say this afternoon, as I know many of our colleagues will, but this is about taking away the options for people's retirement security. I hope the Senate will turn this down.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

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

Mr. McCONNELL. Mr. President, I move to proceed to H.J. Res. 66.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 66, disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) is necessarily absent.

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

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

[Rollcall Vote No. 119 Leg.]

YEAS—51

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

NAYS—48

Baldwin	Cantwell	Cortez Masto
Bennet	Cardin	Donnelly
Blumenthal	Carper	Duckworth
Booker	Casey	Feinstein
Brown	Coons	Franken

Gillibrand	Markey	Schumer
Harris	McCaskill	Shaheen
Hassan	Menendez	Stabenow
Heinrich	Merkley	Tester
Heitkamp	Murphy	Udall
Hirono	Murray	Van Hollen
Kaine	Nelson	Warner
King	Peters	Warren
Klobuchar	Reed	Whitehouse
Leahy	Sanders	Wyden
Manchin	Schatz	Young

NOT VOTING—1

Durbin

The motion was agreed to.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. The Republicans yield back 4 hours of the majority's time.

The PRESIDING OFFICER. The majority has 1 hour remaining.

Mr. PORTMAN. We have 1 hour remaining. We will keep our hour.

The PRESIDING OFFICER (Mrs. ERNST). If no one yields time, the time will be charged equally.

The Senator from Maine.

UPWARD BOUND PROGRAM

Mr. KING. Madam President, around here we often discuss bureaucracy and regulation and overreach and government getting out of the way. I want to point out and bring to the attention of the Senate and the American people one of the most ridiculous actions of any government at any level that I have ever encountered.

There is a wonderful program that provides support for students going on to college, particularly low-income students and particularly in rural areas. Every year our colleges and colleges across the country file applications for this program called Upward Bound. It is one of the most successful programs of the Federal Government that I have encountered. I have met the students in Maine and from other parts of the country. It is a program that helps these students make the transition from their communities to colleges and to gain a college education.

Applications are necessary, and applications have rules about the size of the paper and that kind of thing. What has happened in this case, on the application of the University of Maine at Presque Isle—affectionately called UMPI—the University of Maine at Presque filed its application, which was 65 pages. They met all the requirements, but they made a terrible mistake. The rules of the Department of Education say that the application must be double-spaced. Indeed, the application is double-spaced, except for

an exhibit on page 21, which is single-spaced. It is double-spaced in the body of the application, and there was one other infographic in the application which was a space and a half—1.5 instead of 2—and the application was rejected for that reason alone.

This is preposterous. This isn't a game. This isn't "gotcha." This is about real people. At the University of Maine at Presque Isle, it is 129 real people, and it is about their access to higher education, their access to a better life, their ability to achieve success. The application of their university was rejected because this little piece on one page and a similar piece on another page was 1½ spaces instead of 2. This is nonsense. This is the kind of thing that makes people hate government. This is the kind of thing that makes people say: What are they thinking down there? What is wrong with Washington? Why can't they get something so simple as looking at the substance of the application instead of applying what can only be characterized as a bureaucratic rule?

I am not one of these people who attack bureaucrats and Federal workers. In my experience, they are good people who are trying to do the right thing, and they make enormous contributions to our country. In this case, somebody somewhere in the Department of Education made a dumb decision, and it is one that is going to impact my people in Maine. I can't just keep quiet about it.

Last week, after letters from the Maine congressional delegation, which I will place into the RECORD, the Department of Education announced: Well, it probably wasn't the right thing to do. This wasn't a very good policy. I guess we made a mistake.

The problem is, it doesn't help UMPI; it only helps people in the future. I have worked with my colleague Senator COLLINS on this. She has done research. Her office has discovered precedents where indeed this kind of thing has happened before and they fixed it. They fixed it so that the application could be considered.

By the way, the decision on these applications around the country has not been made yet. We are not prejudicing anybody. We are not making a change after the fact. All they have to do is go to page 1 of the UMPI application and read it and forget about the fact that it is 1½ spaces in this little exhibit in the middle of the double-spaced application. In fact, we can fix it. We will make this double-spaced. I feel silly even coming to the floor of the U.S. Senate talking about this double-space, 1½ spaces. What are we doing here?

Again, the reason I am so passionate about this is that these are real people's lives. These are 129 young people who will not be able to take part in this program, and very likely their entire lives can be compromised by this. This is a big deal for them. It may be a little deal for the Department of Education, but it is a big deal for the Uni-

versity of Maine at Presque Isle and their students.

All I am asking is for the Department of Education and the Secretary of Education to look at this obvious, ridiculous bureaucratic mistake, correct it, and correct it for those who have been prejudiced by it. It is not just the University of Maine at Presque Isle; I understand there are a number of others across the country whose applications were kicked out for similar reasons.

I understand there has to be some uniformity. It has to be written in English. It has to be on reasonable paper that you can read, and it is not to be handwritten. To reject an application involving 129 young lives in my State because a little piece out of a 65-page application has 1½ spaces instead of 2—give me a break.

This is something that can and should be fixed, and I assume and believe the Secretary of Education and the people in charge at the Department of Education will find a way to fix it and prove to the people of Maine that the government in Washington is not crazy, that we can make reasonable decisions, and that when we make a mistake—and they acknowledged last week that it was a mistake, that it was not good policy, and they have rectified it going forward. But let's admit the mistake and relieve those who have been impacted by that mistake of its weight, of the obstacle that it places in the way of young people's opportunities.

I understand that this issue has arisen in Montana, Wisconsin, Arkansas, West Virginia, New Jersey, Ohio, Washington, Delaware, Alabama, Illinois, California, New York, Massachusetts, Florida, and Maine. It is time for it to be addressed. It ought to be very simple, and it ought to be taken care of in a matter of days—not weeks or months, but in a matter of days—so that those young people and our university can plan and implement and move forward in their mission to enrich and enable the lives of our citizens.

Madam President, I ask unanimous consent to have printed in the RECORD the letter submitted to the Department of Education by the Maine congressional delegation on this subject.

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

CONGRESS OF THE UNITED STATES,

Washington, DC, April 14, 2017.

Re University of Maine at Presque Isle's Upward Bound Grant Applications #P047A170346 and #P047A170352.

Hon. BETSY DEVOS,

Secretary, U.S. Department of Education,  
Washington, DC.

DEAR SECRETARY DEVOS: We are writing to support the applications submitted by the University of Maine at Presque Isle (UMPI) for two grants under the fiscal year 2017 Upward Bound Program competition and to express our strong concern that the Department of Education has determined that these applications are ineligible for consideration.

As strong supporters of the TRIO programs, we were particularly troubled to learn that UMPI's applications were ruled ineligible due to an unintentional, minor formatting oversight, which UMPI has not been given an opportunity to correct. According to UMPI, the Department's decision risks, over the next five years, denying 960 disadvantaged high school students the chance to fulfill their academic potentials.

The Notice Inviting Applications for New Awards (Notice) for the Upward Bound Program competition, published in the Federal Register on October 17, 2016, includes formatting criteria not mandated by Congress. They are arbitrarily drawn, entirely unrelated to the substance of the application, and do not provide any recourse for applicants to correct minor, unintentional, non-substantive mistakes.

UMPI has applied for two Upward Bound Program grants, and both have been deemed ineligible for the same reason. We understand that the Department has relayed to UMPI that a line-spacing error, appearing within two info-graphics on two of the application's 65 pages, is the cause of the ineligibility determination, as these two pages do not comply with the Notice's double-spacing requirement. These info-graphics are intended to help the reader review the application efficiently and more easily and contain text that is 1.5 line spaced instead of double spaced. It is obvious that the figures merely supplement a well-prepared narrative. Were they removed, or were UMPI permitted to adjust the line spacing on these two pages, the application would easily warrant the Department's review. Yet unbelievably, the Department refuses to review UMPI's application and has provided no opportunity for UMPI to correct this trivial mistake. We strongly urge the Department to reconsider its decision and to allow UMPI's application to be read and scored.

We appreciate that the formatting standards issued by the Department are intended to prevent applicants from attempting to gain an unfair advantage by using clever formatting strategies. When the application is reviewed as a whole, it is clear that UMPI is not seeking to mislead the Department or to gain any unfair advantage. In fact, the error was so insignificant that UMPI could not immediately identify it and had to seek additional guidance. Now, the Department's inflexible and bureaucratic decision could result in the elimination of a longstanding, successful, and greatly needed program on the basis of a non-substantive error before the application is even read.

The Department has not identified for UMPI any other errors in its application. To deny UMPI's application a reading because two figures do not meet an arbitrary typographical format ignores the spirit of the Upward Bound Program, is antithetical to congressional intent, and would seriously jeopardize the future success of hundreds of students in Maine.

The Upward Bound Program at UMPI serves 129 high school students across Aroostook County, Maine, and has a strong and long record of success in sending local low-income, first-generation students to college. Since 1980, it has helped students with great needs access the promise of higher education.

We strongly urge the Department to apply some common sense to the Upward Bound Program competition and read and score UMPI's applications.

Sincerely,

SUSAN M. COLLINS,

U.S. Senator.

BRUCE POLIQUIN,

Member of Congress.

ANGUS S. KING, Jr.

*U.S. Senator.*  
CHELLIE PINGREE,  
*Member of Congress.*

Mr. KING. Madam President, I believe this is a simple case that could be easily rectified, and I am confident—I am almost confident that it will be. I trust that common sense will prevail and the well-being of our students will be put above minor technical issues in an application that is so important.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### LAW DAY

Mr. KAINE. Madam President, I rise today in honor of Law Day earlier this week, May 1. Law Day is an annual tradition that is celebrated around the United States, usually at local bar association luncheons. It has been a tradition for over 40 years as a day to recognize the rule of law. The 2017 theme for Law Day was the 14th Amendment—a post-Civil War amendment, which for the first time in the Constitution defined what an American citizen was, the definition of citizenship, but it also provided a protection for all citizens as an entitlement to the privileges and immunities of all the laws in all the States, and all persons were entitled to equal protection of the laws, as well as no deprivation of life, liberty, and property without due process. It is a powerful and important amendment to the Constitution.

I want to talk about Law Day because there is a matter that is soon to be pending before the body: a proposal in President Trump's fiscal year 2018 budget to eliminate funding for the Legal Services Corporation, the effort that was begun more than four decades ago to try to provide free legal services for indigent people on matters in the civil courts that could affect their lives, liberty or property.

I will say, I am standing here as an attorney who practiced for 17 years and practiced with Central Virginia Legal Aid and saw the value of their work. I am familiar with their work across the Commonwealth and country, and I also have a bit of a personal bias that I have to disclose. My wife Anne was a Legal Aid lawyer from 1984 until 1998—14 years' worth of Central Virginia Legal Aid Society, trying cases, big and small, but also doing something I will use as a theme in my comments. She helped start an award-winning program at Central Virginia Legal Aid to get private lawyers to do voluntary work for indigent clients.

Legal Aid operates like small law firms in all these communities, but much of what they do is not just represent people in court. They bring private attorneys in who are willing to

volunteer and provide them the training in cases like housing cases and others that might not normally be part of their practice. The Legal Services Corporation is very critical to the vindication of rights. There is an engraving over the Supreme Court Building across the street: "Equal Justice Under Law." That is supposed to mean equal justice regardless of who you are, your gender, your race, your national origin but also whether or not you can pay. The article III branch, just like the article I or article II branches, is supposed to be open to all. So Legal Services Corporation is critical to providing legal services to people who otherwise wouldn't be able to pay it: elderly, veterans, low-income families, disabled Americans, victims of domestic violence. It does so on a fairly miniscule Federal budget.

The entire funding for legal services is less than one ten-thousandths of the Federal budget. Yet President Trump is proposing to eliminate it. Legal Services Corporation maintains 133 independent nonprofit programs in every State. My colleague from Maine was an attorney with one of those programs and is on the floor today. It funds the operation for 903 separate offices in the country. They served 1.8 million people in 2015. Of the nearly 756,000 cases that they successfully worked on and closed that year, 129,000 of the clients were people over age 60. More than 500,000 of the clients were females. Women comprised 70 percent of the Legal Services Corporation client base and 116,000 of the cases were cases about domestic violence. The offices around the country did as my wife's office did—they relied on these private attorneys, bringing in and training more than 91,000 private sector attorneys who volunteered during 2015 to help a Legal Aid client working with a local office, and they continue to do more.

They partnered recently with Microsoft to develop Pro Bono Net, a statewide legal portal for individuals to obtain direct legal assistance specific to their needs. They established the Leaders Council, comprised of leaders, not necessarily leaders in the legal community but others to promote the value of what they do. LSC in 2016 launched the Rural Summer Legal Corps—30 law students working in rural areas to address challenges these communities encounter.

It goes about its mission in an apolitical manner. Legal Services Corporation is not allowed to lobby. It works in blue and red States, works in urban and rural communities. It works everywhere and for everybody. The legal community is strongly in support of the continuance of the Legal Services Corporation—the American Bar Association and most State bars. In Virginia, just in Virginia, seven statewide bar associations have pledged their support for the continuation of Legal Aid. Many of them visited me in my office last week: Virginia State Bar, Vir-

ginia Bar Association, Virginia Trial Lawyers Association, Virginia Association of Defense Attorneys, Old Dominion Bar Association, Virginia Women's Attorneys Association, and the Virginia Hispanic Bar Association. And 160 of the Nation's top law firms have urged this body and urged the White House not to defund Legal Aid, and 185 general counsel's offices from pre-eminent American companies—Disney, HP, American Express, and GE—have weighed in and said we need Legal Aid.

Many of Legal Aid's clients in Virginia are veterans because we are home to such a huge number of Active-Duty servicemembers, their families, and veterans. LSC helps veterans, Active-Duty military and their families access housing, deal with consumer financial challenges, or deceptive trade practices. Central Virginia Legal Aid recently dealt with a client, an elderly disabled veteran, who received a notice of involuntary transfer or discharge because an insurance company determined that his health had stabilized, despite the fact he was not even ambulatory and incontinent as well. Central Virginia Legal Aid worked with his insurance company to demonstrate this veteran had continuing physical needs, and he needed to have in-home care without further burdening his family, and were able to find a resolution. This is the kind of case that Legal Aid works on every day.

In conclusion, I want to say this. The budget proposal that we will grapple with—my colleague from Maine, who is here, is on the Budget Committee, as well—proposes to eliminate funding for Legal Aid. That would be a very bad idea. It would not help the economy. It would hurt vulnerable people who have nowhere else to turn. I was in the Shenandoah Valley at a senior center about 10 days ago. This was the story that a local Legal Aid lawyer put on the table, as I conclude. A 90-year-old woman in Waynesboro, VA, was ripped off by a traveling salesman who sold her \$10,000 of frozen meat she could not afford—virtually all of her savings. She realized very quickly she had been bamboozled by a fast-talking salesman: Why did I do this? I can't afford it, but I have given him my money. What do I do? This is the kind of case no private lawyer will take. You are not going to be able to get a legal fee for this. This is the kind of case that involves knowledge of particular consumer protection statutes that Legal Aid is well trained to do. And the Legal Aid lawyer who was representing this 90-year-old woman who had been ripped off by somebody said: Look, if I wasn't here for this person, nobody would be here. And that is what you get when you get Legal Aid. That is what you would lose if the Legal Aid was defunded.

I just put it on the table to my colleagues. Many in this Chamber are attorneys. Many have worked directly with Legal Aid offices in their States around this country and know the value of the program. We need to make

sure this program continues. In honor of Law Day this week, I just want to say, I hope my colleagues will join me in my effort.

Mr. KING. Will the Senator yield for discussion?

Mr. KAINE. I will be glad to yield.

Mr. KING. I say to the Senator from Virginia, 48 years ago this summer I joined the national legal services program and went to the State of Maine, where I served people in a very rural area with a whole range of problems. What I came to realize during that time was that the promises of our democracy, the promises inherent in the American idea, are not self-executed.

Every morning we pledge allegiance to this flag, and the last phrase is critical: "with liberty and justice for all." That is a promise made to the people of this country. But the U.S. Supreme Court has found repeatedly, as the Senator knows, that you can't achieve justice if you don't have representation, particularly in an age of an overlapping and complex legal system.

So I believe this is not just another government program. This is part of the essence of the American idea. I remember being up in Maine in this small town of Skowhegan, ME. I met a woman who was visiting from England. She said: What do you do?

I said: Well, I work for this group that provides legal services to low-income people in this region.

She said: How is it funded?

I said: By the government.

She said: Do you ever have to sue the government?

I said: Yes, of course. That is one of the things that you occasionally have to do in order to protect the rights of your client.

She was amazed that in this country we would fund the legal support of people who might actually occasionally bring cases against the government itself. She thought that was wonderful and really epitomized the idealism of this country. So I commend the Senator for raising this issue during Law Day to talk about the importance of this in terms of its relationship to the overall idea of America.

We talk a lot about justice. As you point out, across the street it says: "Equal Justice Under Law." But that often means you have to have competent and professional advocacy and representation. The Legal Services Corporation is not a big part of the budget. It has not grown exponentially over the years. In fact, I suspect in real dollars, it is smaller today than when I entered the service 48 years ago.

But I know it is important. It is important in Maine, with the Pine Tree Legal Assistance, the Volunteer Lawyers Project, and the volunteers from law firms around our State who volunteer to give their time for pro bono legal assistance. But the hub of it is the National Legal Services Program. To me, it epitomizes our commitment to effectuate the promises of American life, not just to talk about them but to

make them real. So I commend the Senator for his comments.

Mr. KAINE. Madam President, might I respond to my colleague?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. I honor his service at Pine Tree Legal Assistance in Maine. We take a little bit of pride in it because he probably got a good orientation to be a great public servant by going to the University of Virginia Law School. None of the Virginia Senators were smart enough to get into the University of Virginia, but our Maine Senator was.

The Senator talks about it as related to our constitutional system. We have three branches. There is an article I branch, the legislative branch. People can participate in the article I branch by voting for Members of Congress or Senators. The article II branch is the executive branch. People can participate in the executive branch by voting. There used to be poll taxes. You could not participate if you could not pay something. Those were stricken down so everyone can participate.

The article III branch is supposed to be coequal, the judiciary. If you are on trial for a criminal offense, under many circumstances, you are entitled, constitutionally, to have an appointed attorney. But what about a civil case? What if you are threatened with the termination of your rights as a parent to ever see your child again? That is a civil case.

You are not entitled constitutionally to have an appointed attorney. But it is those kinds of cases where legal services comes in and provides an opportunity for people to participate in the article III branch.

We should not have a branch of government and block people from participating in it, without the ability to receive assistance of counsel on matters dear to your life. You are essentially blocked from participation in one of the three branches of government. That is why this is so important.

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

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

Mr. WYDEN. Madam President, for the second time in an administration that has just crossed the 100-day threshold, Republicans in the Congress have teed up legislation that is going to make it harder for working Americans to save. This time, there is a proposal in front of us that goes after a brandnew program that my home State of Oregon is just now getting ready to launch.

Let me make my views on this proposal clear, quickly. This legislation puts the special interests before working people, and it is just that simple.

We all understand there is a savings crisis in the country. The typical American who works hard and brings home a paycheck every week or two is struggling to get money set aside for their retirement.

Just think of the economic challenges these families are up against every day. Millions of young people are buried under student debt, so the prospect of saving for retirement feels like a dream and will remain so for years and years.

Parents raising kids are faced with steep home loans and everyday bills. At the same time, it can seem as if the sticker price of a 4-year college education can match the GDP of a small island nation.

The numbers on the savings crisis are just alarming. More than half of workers approaching retirement have nothing. That means zero set aside in retirement accounts like IRAs or 401(k) plans. Tens of millions of Americans do not have access to retirement plans at work. In my view, addressing these kinds of challenges ought to be a bipartisan priority, a priority where both sides of the aisle get together and respond.

In response to this crisis, my home State, along with a few others, has looked to find a fresh approach to deal with retirement savings. We want working people and middle-income families—particularly those who don't have access to a savings plan today—to have more opportunities in the future to set money aside.

My home State found a way to do it. Oregon found a way to do it in a kind of Oregon tradition that eliminates a lot of hassle. We are one of a handful of States that has passed what is called an auto-IRA law. At home, we call it OregonSaves, and we are going to be launching it in just a few months. What it means for Oregon workers is that when you get a job, you are going to get a retirement account, so that is not really complicated. When you get a job in Oregon, you are going to get a retirement account. You can start setting aside a little bit with every paycheck.

By the way—and I want to emphasize this—it is not mandatory. People have the right to opt out. So when people say: Oh, government is going to force people to do this and that and something else, the Oregon plan is just the opposite. It is voluntary in all particulars.

What it means for business owners—particularly small business owners—is that they can offer a savings plan without crippling fees or the hassle of dealing with redtape.

OregonSaves, what we are about to bring out of the starting gate, is simple. It is easy to understand. In my view, it is exactly the kind of innovative program we need to combat the savings crisis that has hit all parts of the country.

Over the years, I have often heard Members come to the floor and glowingly describe the States as the place

where the action is. They call them the laboratories of democracy. The theory, of course, is that States ought to be empowered to come up with new ways to tackle challenges.

I have to tell you, it is a head-scratcher why the majority here in the Senate would want to make it harder for innovative States like Oregon to put in place a savings program that is voluntary in nature.

So after all these speeches I hear about the States and States' rights and that the States are the laboratories of democracy, when it comes to a program that is voluntary in nature, the majority here still seems to think what we ought to do is say no.

I know the Presiding Officer cares deeply about how policies relate to rural areas. This is going to be especially hard on rural parts of the country.

I talked first about this issue during a debate a few weeks ago. Several employers had written my office to say how important OregonSaves would be for them. I shared a handful of those stories on the floor, and it was striking how many of those employers said that this would be a sea change for rural businesses in terms of recruiting workers. Thanks to OregonSaves, they would be able to compete when it comes to job benefits. The bill we are considering now would put in doubt that program that employers said could make a big difference, particularly in rural areas.

OregonSaves and programs like this involve years of discussion, years of effort to work with the Department of Labor. There has been a lot of consultation between the Federal Government and the States to get the legal roadblocks out of the way. Now that work is in danger with this vote.

So, colleagues, what I would like to do in wrapping up is to just step back for a minute and talk about what this body has been working on.

Even though the majority party has unified control of the government, we are not exactly at this point churning out bill after bill—certainly not landmark legislation that responds to the challenges facing American families. Mostly to this point, there have been votes on nominations and bills tossing out a bunch of Federal rules that protect the people who have no power or clout in America.

An awfully large share of the business of this Congress comes down to taking steps like the one we are looking at today, making it harder for the American people to save. I don't think this is just a step in the wrong direction; this is a sprint in the wrong direction. That is what we are dealing with today in the Senate.

Programs like OregonSaves are a commonsense response to a national savings crisis. The Congress should not be passing legislation threatening those programs, making the savings crisis even worse in communities across the land.

I urge my colleagues to oppose this legislation.

Madam President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

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

The clerk will call the roll.

The senior assistant legislative 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 (Mr. TILLIS). Without objection, it is so ordered.

#### OPIOID EPIDEMIC

Mr. PORTMAN. Mr. President, I rise to talk about an issue that affects every single Senator in this body and all of us as Americans, and that is this epidemic of drug use—opioids—which would be heroin, prescription drugs, the new synthetic heroins, like fentanyl, carfentanil, and U-4. It is devastating our communities. This is the worst drug crisis we have ever had in this country. That is my view, but it is also the view of a lot of experts. I have been involved in this issue for over 20 years, and I have never seen anything like it. That is why I have come to the floor to talk again today. This is the 34th time that I have spoken on this issue on the Senate floor in the last year or so.

I come with sadness in my heart because it is not getting better. Based on the statistics I have seen from my home State of Ohio and around the country for the first quarter of this year, it looks like the number of deaths and overdoses from drug abuse are increasing, not decreasing. Part of it is because of these new drugs coming in, particularly synthetic drugs, including fentanyl, carfentanil, and U-4—things that are produced in a laboratory by some evil scientist somewhere and shipped into our country.

So the need to act has grown only more urgent. Every day we are now losing 144 Americans to drug overdoses. Think about that. Every single day, 144 Americans are dying of drug overdoses. It has now far exceeded the number of people who are dying in car accidents in my home State of Ohio and it is exceeding that number around the country.

Millions more are not dying of overdoses but are seeing their lives and their futures ruined, and millions of us—those of us who are not drug addicted but who have friends, family, and neighbors who are—are watching loved ones as they fight this addiction. Maybe they have lost a job. Maybe they have broken relationships with families and friends. Maybe they have committed a crime like theft, shoplifting, or fraud to pay for their habit. Maybe they have just given up hope.

Just last week, I met with some community leaders from Dayton, OH. As it happens, no matter where I am in Ohio, this issue comes up and this is what

they want to talk to me about. They wanted to talk about the story of Nathan Wylie.

Nathan Wylie was a happy 13-year-old boy. He was a Cincinnati Bengals fan. His goal in life was to be a professional football player. He wanted to play for the Bengals one day. He had his whole life ahead of him.

Nathan's dad, according to police reports, is a heroin user. One day a few weeks ago, Nathan got into his dad's heroin, and he overdosed. His dad took him to the fire station and first responders did what they could. They took him to Dayton Children's Hospital, but it was too late. Nathan died of an overdose at age 13.

Two weeks ago, a 14-year-old girl in Dayton was mowing the lawn at the apartment complex owned by her grandparents, and she came upon a body on the ground. It turns out that it was a 25-year-old young man who had died of an overdose.

This is what is happening in our communities.

Just a few hours after this young man who died of an overdose was discovered by this girl, Dayton Police responded to a car accident on Route 35 where a man had driven through a barrier and knocked over a street light. Police arrived and found the driver passed out with a used needle on the floor of the car. In this case they saved his life. They used this miracle drug called naloxone, or Narcan, which reduces the loss of life because it reverses the effects of overdoses. It doesn't always work, but it works the vast majority of the time if you get there in time. He was revived, and he said that he not only just used heroin, but that he was on his way to get more when he overdosed and almost died.

So I could go on. We see these headlines every day, not just in Dayton, OH, where I talked about these three cases, but all throughout our State and our country. That is why people are starting to take action to turn the tide, and I commend them for it.

Last week, more than 500 religious leaders across northeast Ohio banded together and said: We are going to do something about this. They took to their pulpits all at once to speak about this issue. A lot of them talked about National Prescription Drug Take-Back Day, which was this past Saturday that it occurred. Father Bob Stec of St. Ambrose Parish in Brunswick, OH, gave his parishioners a three-part action plan. No. 1, get educated. Learn about these opioids. Learn about the connection between prescription drugs and heroin. With many heroin addicts, their use started with prescription drugs.

No. 2, throw out unnecessary medications from your medicine cabinets. It is unbelievable the number of people I have run into who have said they started because they took prescription drugs, and they got their prescription drugs—in one case, a young man told me—from his grandmother's medicine cabinet.

No. 3, he said, was to pray for our first responders. God bless them, because they do save lives every day—in Ohio, 16,000 lives last year. Without them, the death toll would be far higher and the damage to our community would be far greater. They are as frustrated as anybody, by the way, by this epidemic. They want to get to the bottom of it, to be able to focus more on prevention and treatment and recovery. They don't want to keep applying Narcan to the same person again and again.

So I want to thank Father Stec and all of the other religious leaders for being willing to roll up their sleeves and to get involved. If they prevented even one addiction from starting, then they have made a permanent impact on the community. I am convinced that those 500 pastors, ministers, and rabbis have saved lives.

People in Ohio are taking action in other ways too. People are forming groups, particularly parent groups. Those who have lost a child are banding together and talking about how they cannot just console one another and support one another but put in place plans to help others.

I was at a treatment center recently when there were a couple of families there, and they spoke up. They are involved in the center. They come every day. They are there because they lost a son or a daughter to overdose. God bless them for stepping forward.

The Federal Government needs to do more too. We need to take action because we can be a better partner with States, local communities, and families. It is not going to be solved in Washington. Washington is not the solution, but it is part of the solution by being a better partner. We can take best practices from around the country as an example, as we did in the Comprehensive Addiction and Recovery Act, which passed this Chamber last year, and spread those around the country so that every community has the opportunity to make a bigger difference.

Last week I met with Governor Chris Christie of New Jersey. He has a passion for this issue. He is leading the President's Commission on Combating Drug Addiction and the Opioid Crisis. I thought it was a very good meeting. Governor Christie is serious about this. I think he is going to be a constructive partner with the Congress and with our President to help turn this tide. I am glad he was selected, and I am glad he has the Commission going.

I will tell you, though, that my message to him was twofold. One, I am glad you are doing this, but, second, let's take action. We don't need another commission to study this problem to know that this is an area where Congress and the administration can work together to take action.

In fact, this agreement that we will vote on in the Senate this afternoon and again tomorrow to fund the government between now and the year's

end actually includes a lot of good legislation to help with this crisis. It fully funds the Comprehensive Addiction and Recovery Act I talked about earlier, or CARA. This legislation is the first comprehensive reform to Federal addiction policy in 20 years. It treats addiction like a disease, which it is. It focuses on prevention, education, treatment, and recovery and helping our first responders with Narcan. It is very comprehensive because that is the only way to get at this issue—to do it in a comprehensive way.

The legislation we will vote on today and tomorrow also fully funds the 21st Century Cures Act, which includes more funding that goes directly to the States to deal with opioid addiction.

In the funding bill, we have funded the CARA programs now at over \$200 million for this fiscal year. That is more than the bill authorizes, and that is good news because we need it.

It includes \$103 million in grants from the Department of Justice for drug courts, veterans courts, and prescription drug monitoring programs. It also includes \$114 million for Health and Human Services grants for Medicaid assistance treatment, treatment for pregnant and postpartum women, and for supplying naloxone—again, this miracle drug can actually reverse an overdose—also known as Narcan, and this will help our first responders. It also provides training for them to be able to use it effectively.

It also includes \$50 million authorized by CARA for the Department of Veterans Affairs to treat and prevent opioid addiction at the VA, as well as funding CARA's recovery services—the first time any Federal law has ever focused on recovery, not just for treatment but for longer term recovery.

By the way, when there is a good recovery program, the rate of success is dramatically increased—much improved. So it is important that Congress is being a better partner with regard to recovery.

Last week, the Department of Health and Human Services also announced that \$26 million will also go out as part of the Cures Act I spoke about to the State of Ohio. Every State in the Union applied for that money, and States are getting money, and it will be very helpful. I know our Governor and our legislature will put it to good use.

These are important steps. But I will tell my colleagues—and I said this to Governor Christie—that by my count, there are at least six provisions of the Comprehensive Addiction and Recovery Act that have not been implemented yet by either the previous administration or this administration. By the way, this is 9 months after CARA was signed into law. Let's get these programs all up and going.

We haven't set up the Pain Management Best Practices Interagency Task Force yet. What does that mean? We need a strategy for figuring out what the best practices are for pain manage-

ment, for opioid prescribing and alternatives to potentially addictive opioids.

This is really important. Think about it. Four to five heroin addicts started with prescription drugs. Still, when you go to the doctor and you have an injury or an accident, it is not unlikely they will give you some pills—prescription drugs—and they will be addictive.

We have to be sure we do everything we can to come up with nonaddictive forms of medication, right? If we don't do that, we will continue to have the problem. We need to stop overprescribing. We have made some progress, but not enough. When a young man or a young woman goes to get their wisdom teeth taken out, they should not be given opioids. This has happened too many times. I have met two families from Ohio, one whose loved one died from an overdose because as a teenager he went in to get his wisdom teeth taken out and was given a bunch of these pills—60 Percocets in 1 case—and then, because he got physically addicted, he ended up going to heroin as a cheaper and more accessible alternative and ended up overdosing. That shouldn't happen.

So this is an important part. It can be done right now. Let's get this up and going and let's push back on overprescribing. Let's find ways for the pharmaceutical companies to produce medication that actually is not addictive that can help with regard to pain management.

Second, we haven't started the public awareness campaign about the dangers of opioid abuse and the link between these prescription drugs and heroin and other synthetic drugs like fentanyl. Let's do it.

In the legislation we have authorized an amount of money for the Federal Government to do a national awareness campaign that lets people know about this, because most of my constituents don't know about it. When the doctor prescribes those pills, they think that because the doctor prescribed them, it must be the right thing to do. Instead of taking maybe one or two, they are fine with having their kid or their brother or sister or mother or father take the whole dose when they aren't needed, perhaps, because they don't know about the link. They don't know these pills are addictive. Just getting that information out there is going to save lives, and it is an important part of turning the tide. Let's do it. This public awareness campaign can be implemented now.

The Department of Health and Human Services has not yet released information on alternative treatment options for youth sports injuries and about how parents and kids can seek treatment if they become addicted as a result of a prescription. Why wouldn't that make sense? Let's do that. Let's do it now.

I have had, unfortunately, many instances of talking to parents about a

kid who was injured in high school through a sports injury and who was prescribed opioids and, again, the parents and the kids didn't have the information to know how dangerous this can be.

There is a guy I worked with a lot on prevention who goes to colleges and high schools and talks about this. He talks about his son Tyler. He was a football player. He must have been a great kid; I wish I had met him. He had an injury, and, of course, the coach said to play through it, and the doctor said: If you take these pills, you can play through it. He became physically addicted. Again, he later turned to heroin as a less expensive alternative because the pills were too expensive. He overdosed and died. His dad, by the way, is channeling his grief into something really constructive. God bless him.

The FDA has not yet announced its action plan on approving new opioids. The legislation we wrote, the Comprehensive Addiction and Recovery Act, says the FDA has to seek recommendations from an advisory committee before approving any new opioid, and they have to label any opioid that is going to be used by kids—label it. The FDA is also supposed to issue guidance to educate prescribers on this issue. They have not yet done that. Let's do it. That action plan of approving new opioids is something we can do. We don't need another study or a commission to do it. Let's do it.

The National Institutes of Health hasn't begun CARA's clinical research into alternatives to opioids for treating chronic pain. NIH should do that. Now, they may say after hearing this speech that they are starting to do it. That is great. Let's do it. Let's get that information out there. Let's use the NIH and all the great researchers we have there and the great tools we have there to come up with alternatives that are not addictive.

The Department of Justice has not yet expanded the prescription drug take-back program. As I mentioned, National Prescription Drug Take-Back Day was last Saturday. This is where you can dispose of your prescription drugs in a safe way. You know it is going to go into a safe receptacle where some trafficker is not going to take the drugs and spread them around our community, which, by the way, has happened. This is a really important program to get these painkillers off of the bathroom shelf. I mentioned the young man who got his grandmother's pain pills, and that is how he started his addiction.

So get them off your shelves. If you are listening today and you haven't taken this action, I urge you to do it. Somebody is going to be at your home, maybe fixing your plumbing, or somebody is helping to clean your home or something else; or kids might be in your home, or maybe some friends of your kids, and those pills are just too

darn tempting. The cost of one pill is about \$80 on the street. So think about that. Get rid of those pills. Take them to a drugstore where they have a receptacle now or take them to the police department where they have a receptacle. Be involved in these drug take-back programs.

Almost every community in America participated on Saturday. There were tons of drugs—and I mean tons—that were disposed of. That is a good thing and that is going to save lives, but, again, the Department of Justice can expand that program. Under our legislation, they are authorized to do it. Let's do it. This is something that can be done right now. These are steps that HHS, DOJ, and others can take right now under the authorities already given them. It will make a difference. Again, this crisis is getting worse, not better. To turn the tide, we have to do all these things and more.

I also wish to mention that in addition to these important parts of CARA and other actions the administration can take is that the Secretary of Housing and Urban Development, Dr. Ben Carson, can increase access to sober housing for people coming out of treatment. I know Dr. Carson well enough to know he has a passion for this issue and he wants to address it. This is one way to address it.

Under the previous Obama administration, sober living facilities lost priority if they had a zero tolerance drug policy. To me, that makes no sense. Dr. Carson has the authority to change that and to make it easier for folks who are in recovery to stay clean over the long term. Again, I hope the administration will take that step and these other important steps. Whether it is FDA, whether it is NIH, whether it is DOJ, whether it is HHS, whether it is Housing and Urban Development, we have opportunities without new legislation. This is either already authorized or actions they can take. Let's go ahead and do it. Let's do everything we can.

None of these individually is a silver bullet. There is no silver bullet. This issue is ultimately going to be decided in our communities, in our families, and in our hearts. We all have to get involved. All these will help. All these will help to ensure that we are responding to a true crisis in our community. If we do all these things, I believe next year can be better. This year is going to be worse. All the data shows that the number of overdoses and deaths—in my State of Ohio, in your State—are increasing this year compared to the last year.

It doesn't have to be this way. All these actions taken together on prevention and education, better treatment, longer term recovery, sober housing, ensuring that we are moving away from overprescribing and providing alternatives to addictive pain medication, ensuring that we do provide our first responders with the training they need on Narcan and

naloxone, to get people who are overdosing and save their lives and then get them into treatment—not just save their lives but get them into treatment. All of that together will make a difference.

I believe we can turn the tide. I believe we can save lives. I believe we cannot just save lives of those who otherwise may overdose and die as a result of their overdose, but we can help all those who are addicted—the hundreds of thousands of people in Ohio, the millions of people across our country—to be able to achieve their dreams by getting them into treatment programs.

There is good news here because there are so many examples of people who have gone into treatment and longer term recovery and turned their lives around, many of whom are now helping others to do the same, many of whom are back at work, back with their families, back being the kind of citizens who contribute to our society in so many ways. That is the hope, and that is what can happen if we work together to implement this legislation, to do everything possible to have this broad, comprehensive approach to turn the tide.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President, I come to the floor with a simple question for my colleagues, especially my Republican colleagues: Why is it that this Senate is working to pass a law which will deny millions of our fellow Americans access to the kind of retirement saving plans which we have access to as U.S. Senators? Why are we doing that?

I know all of us recognize that we have a retirement savings crisis in this country. Too many Americans are saving too little for their retirement years. We should be making it easier for people to put aside some savings for their retirement rather than making it harder. Yet this legislation will indisputably make it harder for millions of Americans to put aside the kind of savings for their retirement that Members of the U.S. Senate enjoy.

All of us know there are really about three legs to the retirement stool. The fundamental basic piece is the Social Security savings. That is the bedrock of the retirement system, but we all know that living off of a Social Security retirement benefit by itself is very difficult. After all, the average monthly Social Security benefit as of January of this year was \$1,360 a month. That is the average. That means there are a lot below it and a lot above it. I can tell you, \$1,360 a month and below is really difficult for somebody to get by on in terms of housing costs, medical costs, and other costs people are facing today. That is why we need to strengthen Social Security, not weaken it.

The second leg of the retirement stool for most Americans for much of our history in the postwar period was a defined benefit plan through our employers, where employers—especially

large employers—would provide their employees a retirement benefit of a set amount over a fixed period of time during retirement. So that was something people could rely on. As we all know, we have seen that leg of the three-legged stool be dramatically cut down. It is not the practice of most businesses today to offer defined benefit plans.

The third leg of that stool has been personal savings, the ability of people to put aside a little money for their future. Just a few years ago, we had a big wake-up call from the General Accountability Office, where they looked at retirement around the country and concluded that almost 50 percent of households of age 55 and older have no retirement savings in vehicles such as 401(k) plans and IRAs. That same GAO report found that 57 percent of workers' entire household savings and investments was less than \$25,000. More striking was that almost one-third of American workers had less than \$1,000 in total savings. One-third of American workers had less than \$1,000 in total savings.

We also know that 55 million Americans today do not have access to tax-benefited, tax-incentive retirement plans like 401(k)s enjoyed by those who work for major businesses. In fact, as all of us know, Members and employees of the U.S. Senate have access to 401(k) plans. If you work for a large business or a corporation of the United States, chances are you are going to get a 401(k)-type plan which allows you to deduct immediately through your paycheck funds for the purposes of your retirement savings. Of course, many businesses also have some matching and incentive for those savings.

So when we have a situation where 55 million Americans don't have access to those kind of savings plans—which are an increasingly important part of retirement security because of the fact that defined benefit retirement has gone down so dramatically—most people would ask: How do we incentivize? How do we incentivize more savings? One innovative solution is in a growing number of States, as of now, five States, including the State of Maryland. What the State of Maryland and other States determined was that it is not that small employers or medium-sized employers don't want to provide their employees with access to these plans. They do. They want to be able to offer that kind of benefit, but there is a cost, an infrastructure cost. There is a burden to providing those kind of tax-preferred vehicles for retirement savings to their employees. That is why they are not provided.

So what the States have done is, they have developed platforms which allow those small businesses or medium-sized businesses, on a totally voluntary basis, to sign up so their employees can benefit from these tax-preferred savings vehicles—just like Members of the U.S. Senate, just like most people who work for large corporations. In Mary-

land, we have hundreds of thousands of Marylanders who were signing up for these—a lot of people work for small businesses, a lot of people work for startups, a lot of younger workers who are mobile and going from one place to another—because this allows them, no matter which employer they go to, to make sure they can access that vehicle. All it requires is the employers to sign up for this platform which makes this retirement savings easier.

What is really strange here is that in Maryland, this has been a totally bipartisan exercise—totally bipartisan. We had Republican State senators, Democratic State senators, members of our house of delegates, our Republican Governor signing the bill because everyone recognized that this was kind of a good thing to encourage these savings opportunities to more Marylanders.

So why in the world would we, in the U.S. Senate, be passing a resolution which knocks down the ability of States to provide these kind of savings platforms? I have to say I have not heard an answer on the floor of the Senate. In fact, I have heard very few Senators coming to defend the vote we are apparently going to take at 5 o'clock.

I know for sure that Candidate Donald Trump did not campaign on the idea of making it more difficult for hard-working Americans to save for their retirement. That was not something he talked about on the campaign trail. In fact, I thought a lot of his campaign message was how he was identifying with struggling working families and wanted to make life easier for those working families. That is what States like Maryland are trying to do—make it easier for people who work for small businesses and medium-sized businesses to put aside a little bit of their savings for their retirement because, as I indicated, right now, if you look at the different pillars of retirement, you have Social Security and you have very little or a dwindling amount through a defined benefit. Really, what we are left with are personal savings.

It is pretty alarming to see people in this Senate charging ahead to try to eliminate the ability of States to do this. A few weeks ago, this Senate voted to deny municipalities the ability to do this. That was a very bad decision. Let's not compound a bad decision by taking this right away from the States. After all, I hear from my colleagues all the time that States are the laboratory of democracy. This is where experimentation should take place. This has been a successful experiment. It has been a successful experiment in five States. It also doesn't cost the Federal taxpayer one dime—not one dime. It is a very low-cost option for the States that enact these through their own democratic process in the States. As I said, this has been a bipartisan process in these States.

I really hope people will take a deeper look at what we are going to be vot-

ing on at 5 o'clock today because I have heard a lot of our colleagues on both sides of the aisle justifiably talk about the retirement crisis we have in this country. Yet this Senate is poised to vote on a piece of legislation that will make saving for retirement more difficult for tens of millions of Americans.

So exactly what is it we are going to vote on? Well, the Obama administration wanted to make it clear that States had the authority to establish these platforms to help with savings because there was some ambiguity under Federal retirement law whether States could do it. They adopted a rule that made it clear that States would have this option, and States have moved ahead. Now this Senate is talking about undoing the rule that provided clarity so the States could move forward and offer these retirement platforms.

I really hope this Senate will not vote today to take away this ability of States to help millions of our fellow Americans provide more money for their retirement savings.

I will close where I started. How can any Member of this Senate look their constituents in the face and say to their constituents that they voted to take away a retirement savings option from their constituents when they have that savings option here as Senators? In the U.S. Senate, like a lot of other large organizations, we have retirement savings plans and we have 401(k) plans. So it is difficult to understand how in good conscience Senators who enjoy the benefit of that kind of plan can pull the plug on the ability of States to offer that same kind of savings plan—in fact, not even as good, but at least that savings platform to millions of our fellow citizens and say to small- and medium-sized businesses that want to offer this benefit but find it a little too costly—to deny them the option of signing up for these State plans.

So I hope every Senator will examine his or her conscience on this and make the decision that they want to make sure their constituents can have access to at least some kind of the same benefit they have as a U.S. Senator.

I urge my colleagues to vote against the resolution.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, our Nation faces a retirement savings crisis. Too many seniors live in poverty after a lifetime of hard work, and too many people are facing retirement who have not been able to put away the adequate savings they will need. That is a problem not only on a human level and on a moral level but on an economic level.

When seniors are forced to live in poverty, that hurts all of us and is a strike against our Nation's values. As more people have to spend money to take care of their retired parents and relatives, that hurts our economy. Millions of seniors do not have family

members who can spend those resources, so it is taxpayers who will have to make sure seniors have a place to live, food to eat, and medicine to keep them healthy. That is why we must do everything we can to help people save for retirement themselves and not have to rely on the taxpayer, to help them put a little bit of money away while they still can.

At the very least, the Senate should stay out of the way of our States that are taking action to address this looming crisis, but that is not what the Senate is doing here today. Instead, we are debating a resolution that would make it harder for people to save for retirement. We are debating whether to limit the ability of State governments to help people save for their retirement.

While some Americans are fortunate enough to work at companies that offer their employees retirement plans, many more do not. That is significant because research shows that the best way for people to save for retirement is through a retirement plan at work. Without one, workers are less likely to invest in an IRA or a 401(k) savings plan. That is why it is so worrisome that there are 55 million Americans right now in this country who do not have access to a retirement plan through their jobs. As the baby boomer generation approaches retirement, that is a serious problem.

President Obama proposed establishing a national individual retirement account program to help these 55 million Americans, but Republicans said no. In the absence of congressional action, both red States and blue States took the lead. They did so by coming up with a way for Americans to better save for retirement. One solution that has gained momentum over the last few years is to establish retirement programs at the State level to give people the chance to have retirement contributions deducted out of their paychecks into that plan if their company doesn't already offer a retirement program. It would give every worker across this Nation the same access to the tax breaks those lucky enough to have access to an employer-sponsored plan receive.

In my home State of Illinois, we were one of the first to do this. A few years ago, our State created the Secure Choice Program. It is an innovative program that is poised to give 1.3 million Illinoisans the opportunity to save for retirement when it launches next year. It is important to note that not only is Secure Choice innovative, it does not impose any burdensome mandates. It is optional. People can deduct up to 3 percent of their wages, and it applies only to businesses with at least 25 employees that have been in existence for 2 years. Secure Choice is also portable, so people can take their savings with them if they switch jobs. It is estimated that it will save taxpayers almost \$243.8 million in the first 10 years because retirees will not need to rely as much on Medicaid spending.

It is a pragmatic solution to address a real-world problem. Other States have since followed our lead in establishing other similar programs. That is why I find it so ironic that my Republican colleagues, who frequently speak about the need to protect States' rights, are using this resolution we are voting on today to try to block States as culturally and politically different as Illinois and Arizona from offering or even having the freedom to offer these plans. Instead of allowing States to be the laboratories of democracy they so often talk about, Republicans are trying to limit States' flexibility and, in the process, increase regulatory burdens on employers. That is quite a role reversal.

Why is there this push to block the States from trying to help their residents better save for retirement? One reason could be that it would pad the financial industry's bottom line. That is because many investment brokers don't want increased competition, and they are worried that programs like Secure Choice that are run by States will offer people who are saving for retirement a better deal.

News reports have indicated that mutual fund companies are worried that they will lose customers to State-based plans, even though the entire purpose of efforts like Secure Choice is to help the millions of Americans who are not currently saving for retirement. Other news outlets have reported that financial analysts on Wall Street are worried that State plans will be transparent about hidden fees, which means that financial analysts may be forced to reveal that they are charging fees that are perhaps a little too high and will have to lower how much they charge.

Instead of encouraging greater competition that will help 55 million Americans save money for retirement, some of my colleagues are listening to Wall Street lobbyists who want less competition and who want to take away a retirement savings option from hard-working Americans. And here I was thinking that the conservatives believe competition produces better outcomes for the American people.

At the end of the day, we as Senators must do everything we can to make it easier for people to save for retirement, not harder. We must look out for the constituents who sent us here to represent them, not for Wall Street or for special interests. That is why I urge my colleagues to stand by the States that have led the Nation in creating retirement plans, States as different as Illinois, Arizona, California, Maryland, Oregon, Connecticut, Washington, and New Jersey. Please do not take the opportunity to save for retirement away from 55 million hard-working Americans.

The PRESIDING OFFICER. The Senator from Virginia.

COAL MINERS HEALTHCARE BENEFITS

Mr. WARNER. Mr. President, I rise today to join with a number of my col-

leagues, and I thank the Senator from Illinois for her comments on pensions, but there is another battle that a lot of us have been down here for a number of times over the last couple of years; that is, how do we make sure this country honors its promise and provides a permanent fix for our Nation's coal miners, particularly in terms of a promise that was made back in the late 1940s by then-President Truman in terms of healthcare for miners?

The last few months have been filled with an awful lot of uncertainty about whether the promise of healthcare for miners, retirees, widows, and others would be kept. As a matter of fact, earlier this year, 22,000 coal miners or their dependents received notices that their healthcare benefits would be terminated at the end of April.

After months of uncertainty and fighting, we stand ready later this week to pass a bill that would make sure America kept its promise. We have spent a lot of time on this floor arguing for causes, but rarely in the 8 years I have been here have I seen any Member of the Senate be more engaged, more obsessed, more of a pain in the neck—and a pain in other parts of bodies—on this issue than my great friend, the Senior Senator from West Virginia, JOE MANCHIN. The truth is, without JOE's tireless work and leadership, I am not sure the miners in West Virginia or Virginia or Pennsylvania or other States that were affected would be able to look at this piece of legislation and know that their healthcare benefits are going to be maintained.

This didn't come easily. If nothing else, this shows again the power of persistence. JOE first raised this issue in July of 2015, when he introduced the Miners Protection Act. Since then, he has brought it up—I ask my colleagues to contradict me if it is not the case—in every public meeting or private meeting. Whenever there were more than two or three Senators engaged in any topic, JOE would come bursting in and say: We have to take care of the miners.

Well, there are a lot of times here in this Chamber that those kinds of efforts are not recognized or rewarded. I just wanted to be one of the first to say on behalf of all the miners in Virginia—but more importantly to the 22,000 miners who otherwise would have lost their healthcare—that many of us played some small role, but we wouldn't be having a permanent fix to the law without the absolute leadership, dedication, and determination of JOE MANCHIN.

Before I turn it over to my colleague from Pennsylvania to make a comment or two, I know that at times Senator MANCHIN, as a former Governor, has wondered: Can you really get stuff done here? Well, there are a lot of issues we still have to work on; there are a lot of things we haven't gotten done. But for a whole lot of miners, their widows, and dependents, without the Senator's leadership, America wouldn't have

kept its promise. Because of his leadership and work, those miners, at least in terms of their healthcare, can rest easy.

With that, I yield the floor to my friend from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. I thank my colleague.

Mr. President, I rise to speak about what the Senior Senator from Virginia just spoke about, and that is the miners' healthcare. We have complete action at long last. This should have been done in December, when we were pleading with the majority leader at the time to get it done then.

But we are happy we are at this point now, where one of two—one promise has been fulfilled, and that is the promise of permanent, guaranteed healthcare for thousands, tens of thousands of miners across the country. In my home State, the last count was 1,955. Let's round it off to 2,000—a lot of families. We are grateful we are at this point.

I do want to reiterate what Senator WARNER said about our colleague from West Virginia, Senator MANCHIN. He is right. JOE MANCHIN brought this up at every meeting over the course of many, many months and several years. We are grateful for the leadership he demonstrated and grateful that he kept us all focused. I thank all of our colleagues who worked on this.

I think, initially, going back years ago, before Senator MANCHIN was in the Senate, Senator Rockefeller was raising this issue. This really has been around a long time—for at least 5 years. We heard this morning from Cecil Roberts, president of the United Mine Workers of America, who talked about this 5-year fight.

I commend and salute Senator MANCHIN. I also thank the committee dynamic here, the Finance Committee—several members on the committee—with Senator WYDEN helping us get this bill, the Miners Protection Act, through the Senate Finance Committee and the leadership of Senator SCHUMER, as well, in focusing our caucus on getting this done.

I just want to make two additional points. One is a negative note, but I think it is important to point this out. There was a story yesterday in the publication, ThinkProgress. Here is what the headline was: "Trump administration admits it used miners' healthcare as a bargaining chip." That was the headline. Then the subheadline was: "Coal miners were just pawns in a larger game." That is what the headline and subheadline said.

I am not sure I have read a more disturbing headline in a long time, where the healthcare of coal miners—retired coal miners, who were promised this decades ago, would be used as pawns in a debate about a spending bill. Unfortunately, that is at least what has been reported. I hope we don't ever see a headline like that again.

Going forward, the problem for us now is, as much as we are happy about

this current result on healthcare, we still have a lot of work to do for miners, especially when it comes to their pensions. That is the second half of the promise.

So I remind everyone again, these miners kept their promise. They kept their promise to their company to work in the darkness and danger of a coal mine, sometimes for decades, not just years. They kept their promise to their families to support them in the most difficult job imaginable. And many of them have served in combat or served in the military, in one war or another. They kept their promise to their country. It is time we fulfill the entire promise, and that means getting pensions done as well.

We are grateful to be part of this, and let's keep the momentum going for pensions for all of the retired miners.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, there is a question Americans should be asking all of us every day: Who are you fighting for? We should be asking ourselves that. Who are we fighting for?

Here is who JOE MANCHIN is fighting for—Senator MANCHIN, my colleague from West Virginia, and my other colleagues who are here on the floor: Billy Hull. He is a retired coal miner with 30 years of working at the Peabody Coal Mine near Montrose, MO. He wrote me a letter earlier, about 6 months ago, saying in part:

My wife and I, married 59 years fall under the Patriot Coal Companies Voluntary Employees Beneficial Association. My wife Earlene is a 2 time cancer survivor and I suffered a stroke in 2012. If we lose our benefits it will be hard for us to afford our medicine cost.

So these folks were made a promise by—I am accused of being a fan girl of this guy, and I am a fan girl of Harry Truman. I think he was plain-spoken. I think he was earnest, honest, and kept people like Billy Hull in the front of his mind 24/7—good, salt-of-the-earth, hard-working people who play by the rules. Mr. Hull played by the rules. Thousands of coal miners in our State played by the rules, and their widows played by the rules.

The promise made by Harry Truman deserved to be kept. The promise deserved to be kept. So my friend, Senator JOE MANCHIN, decided he wasn't going to go with the flow around here. He was going—I think he said at one point on the floor, I think his quote was: If you don't stand up for something, we don't stand for anything. And he decided that he was going to get this done.

Now, I have to tell you the truth. For about 2 years, everywhere you went, you would walk behind JOE, and JOE would be trying to talk to somebody about the miners. After he would walk off, people would whisper: You know, it is never going to happen. We are never going to get this done. It is not going to happen.

I can't tell you how fun it is to celebrate getting something done.

We bail out everybody around here. We bail out Wall Street. We bail out banks. We bail out corporations. We are busy figuring out how we can cut the wealthiest's taxes, as we speak. It is all about making it easier for folks who have plenty. Why is it so hard to help the people who don't have anything—who depended on a promise, just to have the basics in their lives, and put in long days of work for years as their part of that bargain?

I am so proud of JOE MANCHIN. I can't imagine how proud the coal miners in his State must be of him. I am glad we had an opportunity to stand with him as he stood for something. I am proud that we got it done.

Now we have another big task because there is another bunch of people out there; really, we are running roughshod over them, and that is a bunch of truck drivers, truck drivers in my State who have driven trucks for 35, 40, 45 years, understanding that at the end of that long period of time, they would have a pension. It is not their fault that the pension is not there for them.

I have to tell JOE that I have to sign him up. I want Senator MANCHIN as the captain of the team as we now go on to fight for the pensions these people have earned.

If we can bail out everybody we are bailing out, if we can cut taxes by \$7 trillion, surely, we can find the money to make good on these promises.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Thank you, Mr. President.

I join my colleague, Senator MCCASKILL from Missouri, in her comments about the Central States Pension Fund. We have over 14,000 workers and retirees in our State affected by this as well.

But I really stand here today to thank Senator MANCHIN for his work and to thank our leaders, Senator MCCONNELL and Senator SCHUMER, as well as Chairman COCHRAN and Vice Chairman LEAHY for their ability to put partisanship aside and get this deal done. It meant everything from funding for the COPS Program to helping to combat the opioid epidemic, Capital Investment Grants, and medical research.

But for one guy here, it was all personal, and that is JOE MANCHIN. He fought long and hard to protect healthcare benefits for his coal miners. Think about this: In October, 12,500 retired coal miners and widows received notices telling them that their healthcare benefits would be cut off at the end of the year. Then, in November, another 3,600 notices went out. That is over 16,000 people.

I don't have coal miners in my State, but do you know why I knew about those notices? Because JOE MANCHIN

made sure that I knew about those notices and because the other Senators who spoke here, who have coal miners in their States—they stood up and made sure we knew about those notices, and they worked tirelessly to get this done.

For me, mining is not about that black coal dust. It is about red dust. It is about iron ore. As Senator MANCHIN knows, my grandpa worked 1,500 feet underground in the mines in Minnesota. He got his first job as a teamster when he was only fifteen. He had to quit school and go to work and help raise his eight, nine brothers and sisters. One of them died. His parents died. He worked underground his whole life. He went down that shaft and that cage every single day, just to support his brothers and sisters. Then he married my grandma and supported my dad and his brother.

Do you know what? I wouldn't even be here in the Senate today if he didn't have the pension benefits that came out of the job he had—and healthcare. JOE MANCHIN understood that about the people he represents. Those miners earned those pensions, and they earned their retiree healthcare benefits. That is why what he did, and what all those Senators who represent the coal miners did, is more than just about those States and about those miners. It is about a promise we made to our workers.

As one former Congresswoman, Barbara Jordan from Texas, once said:

What Americans want is something simple. They want a country that is as good as its promise.

I thank Senator MANCHIN for fulfilling that promise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, I thank my colleague from Minnesota for her wonderful remarks and for her wonderful comments about those people who go down into the mines every day.

I acknowledge the permanent healthcare fix we have for our miners and their families that was included in the fiscal year 2017 appropriations legislation. This was a promise made by Harry Truman. It was a promise that was our obligation to keep, and the keeper of the flame for making sure it got done was my colleague, Senator JOE MANCHIN from West Virginia.

As he knows, my State, the State of Indiana, the Hoosier State, has thousands of miners as well. They go to work in the dark, and they come home in the dark. They work in grueling conditions and have done so for decades. Part of it was the promise that was made to them that they and their family would have healthcare, a promise made by Harry Truman that is our obligation to keep. When the lights were starting to flicker and it was getting dimmer on this promise that it would ever be kept, we fought for years. JOE MANCHIN led the fight, led the crew, and we got this done.

It is a good example of what Congress can do when we work in a bipartisan manner. I thank all of my colleagues on both sides for being part of this. Many people worked hard to secure the passage of this fix. Part of it was an amazing group of folks who came to visit us on a constant basis, our friends from back home, the miners from Virginia and from West Virginia and from Indiana and from Ohio and from all around this country who—if you remember, my colleague JOE MANCHIN was there that hot day this summer when it was 100 degrees outside.

All of these retired miners—many in their seventies, eighties, some in their nineties—were here on one of the hottest days of the year. Under extraordinarily difficult conditions, they stayed and sat in the Sun and in the heat because, they said: We are here for our brothers and sisters. They said: We know you are here for us too.

Our leader was JOE MANCHIN. He lived this every single day, every single conversation that we had. We were in it together. We told our miners: We will never stop until we get this done, and we have the permanent healthcare fix done. It was a wonderful team to work with, but there is no question that the captain of our team was a fellow from West Virginia.

To my colleague JOE MANCHIN, we are so proud of you and so proud of you for keeping us moving forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all, I cannot express how humbled I am and how proud I am of all of us, and my colleagues here, my dear friend Senator WARNER. We were Governors together. We split the Virginias—Virginia and West Virginia. We worked together. He has the same constituency base I have in West Virginia, in Southwest Virginia, and all of West Virginia. He knows the mining industry. He knows the hard-working people.

To Senator DONNELLY from Indiana, we have been there together with the coal miners and the people who moved the coal and do the hard lifting. To Senator MCCASKILL from Missouri, Senator CASEY from Pennsylvania—Pennsylvania has a rich tradition in coal mining—Senator KLOBUCHAR and everyone who has spoken, and I want to thank the Presiding Officer too. He was an original cosponsor from Arkansas. So this is truly bipartisan. From Arkansas, the Presiding Officer understands hard-working people. He signed on to the bill without hesitation. I want to thank him. So it was really a team effort.

People have been talking about all of the things and the passion we have for different things. My passion comes from the people I was born and raised and grew up with in the coal mining towns. So all I ever saw in my life was people around me who nurtured me and guided me and taught me who were truly coal miners or coal miner fami-

lies. That is all I knew. My Little League coach was a coal miner. My Boy Scout leader was a coal miner. A lot of my teachers were coal miners, basically, off and on, trying to supplement their incomes. My teammates whom I played ball with through high school became coal miners. My grandfather was a coal miner. My uncle was a coal miner who lost his life in a 1968 mine explosion. My next-door neighbor in 1954—I remember I was 7 years old, and I wanted to throw a ball all the time.

I would come home from school, and Pinchy would be there. He would throw a ball with me. I can still remember this so vividly. One day I was ready to play ball and Pinchy did not come home. I asked Mercia, his wife: Mercia, where is Pinchy?

She said: JOE, honey, he is going to be a little late today.

Well, we just had a mine explosion. I did not know anything about the mine explosion, but I knew there was no Pinchy to throw a ball with. So the second day, I asked: Mercia, where is Pinchy?

Well, they still didn't know the outcome. The rescue was going on. They did not know if they lost their lives or not or what had happened. So they were still in limbo.

She said: JOE, Pinchy has to work over again tonight.

That was her explanation to me, the little boy. The third day, she—by that time they knew. She had to tell me. So she is probably—I know Mercia had to labor with this. How is she going to tell this 7-year-old neighborhood kid who played ball with Pinchy?

She said—this is a tough one. She said: He is not going to come home.

When you think about the hard-working people who suffered—she never had anything. If it was not for healthcare and if it wasn't for a pension, Mercia would have had nothing. So I know the families and I know the sacrifices. What you all saw was my passion for the people I grew up with. So when I say thank you, I thank the President for supporting miners—President Trump—I thank my Republican colleagues, and I thank all 48 Democratic Senators who never wavered.

A lot of them don't even know a coal miner. What they know today, after 5 years that we have been talking about this and working toward this, is that you would not have the country you have today if it hadn't been for those people who sacrificed, who worked hard, never asked for a thing, gave everything they could back, took care of their families but took care of their country.

Basically, the energy they produced gave us the country. People, whether in California today, wherever they may be, understand that coal miners produced the energy that allowed us to win World War I, World War II, and every war we have been in, that supported the industrial might that we have that built the middle class.

I am so thankful for all of that. I get choked up when I think about it because that is what we were fighting for. They never asked for a thing. My grandfather was run out of the mines in 1927 because he was trying to organize and say: We can't make it.

If you have ever heard the song lyric, "I owe my soul to the company store," my grandfather owed his soul. He never had any money. He had script. He said: We have to do something different. We can't live like this.

They blackballed him. On Christmas Eve, 1927, my grandmother was pregnant with my uncle. She already had four children. My dad was the oldest. They came to the house and threw them out of a company house in the middle of a snowstorm. That happened in 1927.

So we know it. We lived it. In 1946, they talked about the history. In 1946, the Krug-Lewis amendment—Krug was Secretary of the Interior and John L. Lewis was at the United Mine Workers, and they said: You have to give those people something so they have something to live for. They have no health care. They have no pension. They have given you everything they have.

Harry Truman said: We are going to take care of them. You can't go on strike because if you do, our economy collapses. This is in 1946. So that is how this came about. Now, people said: Well, I have heard this. They are going to bail them out. We are not asking for a bailout. You understand, these people basically made an agreement that every ton of coal that was mined from 1946, the United Mine Workers basically, there would be an amount of money set aside that came from every sale of a ton of coal that went into this fund.

Every union contract negotiation, they contracted and they left money in their contract to pay for their benefits of healthcare and pensions and did not take money home to their families that they could have used. They made all of these sacrifices for all of these years. It wasn't their fault that the bankruptcy laws that were passed in Congress allowed companies to walk away and leave them high and dry.

It was not their fault. They did everything. So finally we have all come together to do the right thing that should have been done. It shouldn't be played politics with today. Everyone says we have winners and losers. We are all winners. If you can get something like this accomplished and be part of it, then you have to feel good about it. It gives you a reason to even be here.

That is what I am so appreciative of. I am so proud of everyone who has stood together on both sides, my colleague SHELLEY MOORE CAPITO, a dear friend of mine, a Republican. I am a Democrat. You know what, we are Americans and we are West Virginians. That is what we were fighting for. That is the winner today. The winner is this great country that basically stood up

and protected the people who gave them everything they needed to be the superpower of the world. That is what we fought for.

So there is enough praise and enough accolades for everyone to take home and say: We all did it, and we all did a job well done. We do have pensions now. These are not big pensions. These are \$300, \$400, \$500 pensions. It supplements the way of life that is not extravagant by any means. So we are going to start working as soon as this is finished this week, and next week we will start on that.

To the 22,600 miners and their families who say thank you—I have heard from most of them—to all of the people who came up here, they were coming up here, a lot of them every week driving just to be here, to be part of it and put a face, put a family, put basically the challenges they would have being able to even exist or live without this healthcare—they made it possible. I want to thank all of them.

To Cecil Roberts, president of United Mine Workers, who was so diligent on this, Phil Smith, all of the people who worked so hard, I thank them, but really thank all of our Senators and the Congressmen. My congressional delegation, I am appreciative of them, our Republicans and Democrats on the House side who voted. They are voting now as we speak. The Senate is poised tomorrow for us to vote and support this.

I know President Trump will sign it. People are saying they used it, played bargaining games with it. I am not going to get into that because I don't know how you could ever sincerely mean that you were using people's livelihoods and the healthcare for them and their families as a bargaining chip. I don't think anybody meant to do that. Maybe it came out in something that should have not been said, but with that, we have to forget all of that.

Let me just say thank you. To the Presiding Officer, to all of my colleagues, thank you. Thank you for a job not only well done but basically very appreciated that it was done, and people's lives will be different because of what we did. God bless each and every one of you. Thank you.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I came to the floor this afternoon to speak to the CRA legislation before us that would overturn the Department of Labor rule designed to help Americans save for retirement, but before I speak to that, I just want to join all of my colleagues on the floor in applauding what has happened to support the miners and to get them health benefits and to thank my colleague JOE MANCHIN for his leadership.

I know how personally he has fought for this, as so many people who spoke on the floor have. You know, we don't have any coal miners in New Hampshire, Joe, but we have hard workers. We have people who understand that

when you make a promise to them, you need to keep that promise. Thank you for leading this fight and to everyone who made this happen because we need to reassure Americans that when we say we are going to do something, we actually follow through and we do that. So thank you for making that happen.

Now, Mr. President, it is disappointing that actually on the issue that is before the Senate right now, this effort to change the labor rule on retirement, that we are actually going to take something away from Americans. States across America have been developing and implementing innovative, low-cost retirement savings options to improve their citizens' retirement security.

That is really important at a time when we have so many people who have not been able to save for retirement, who are worried about what might happen if something happens to them and they can't work into the retirement age. Sadly, the misguided legislation that is before us would shut down these efforts and effectively take away from States the right to establish retirement options for workers.

Now, across the country we have had Republican and Democratic State treasurers join with groups, including the AARP and the Small Business Majority, to oppose this effort. I want to join them in asking two what I think are obvious questions.

First, why do the sponsors of this resolution want to deny Americans new, attractive retirement savings options?

Second, why in the world are they doing this at a time when the United States faces a growing retirement savings crisis—a crisis that threatens to strand millions of seniors without any personal savings and at risk of falling into poverty? And why do this when it doesn't include any mandates and there is no cost to taxpayers either at the Federal level or, in most States, at the State level? This is something that is paid for by people who are looking to get a pension.

Facts matter, and we shouldn't ignore them. Some 55 million Americans lack access to a workplace retirement plan, and 45 percent of households don't have any retirement account assets—zero savings. Polls show that more than three-quarters of private sector workers fear not having enough money to live comfortably in retirement.

To address this nationwide crisis, many States have stepped up to the plate, experimenting with public-private partnerships to help small businesses provide low-cost, turn-key payroll deduction options. The legislation being debated today would abruptly compromise the future of these State initiatives.

In my State of New Hampshire, nearly 99 percent of our employers are considered small businesses. That number is hard to believe. They employ over 50 percent of New Hampshire's workers.

Nearly 43 percent of Granite Staters work for an employer that does not offer a retirement plan.

As the ranking member of the Small Business Committee, I talk to small business owners regularly, and as a former small business owner myself, I understand the challenges they face. For many, it is a challenge just to meet payroll and to keep the doors of their businesses open. I know that many of them would like to offer a company retirement plan because they want to do right by their employees, but they just can't afford it.

A Pew Foundation survey found that three-quarters of owners of small and medium-sized businesses across the country support the idea of these State-run options because they offer a way for employees to save for retirement at little or no cost to the employer.

So these programs are sort of like starter plans for small businesses. A company that is still trying to gain its financial footing can offer this option to its employees. Then, once the company gets on more solid ground and it needs to attract and retain talent, it can transition to a more ambitious retirement plan that allows it to contribute to its employees' retirement savings.

It is especially troubling to me that the Senate is even considering whether to deny Americans this retirement option at the same time that we are seeing leaders on the House side trying to pass a healthcare bill that would make it more expensive for many preretirement seniors and for people with pre-existing conditions to purchase health coverage.

Again, I would ask: Why would we want to deny this new, innovative retirement option to millions of employees who work for small businesses without retirement plans? Why would we want to deny small businesses the choice of offering these options? Why should the Federal Government stand in the way of States and small businesses that want to take positive steps to address the retirement crisis and help their citizens?

I think this legislation is misguided. It is legislation in search of a problem, and, worse than that, it would put a massive roadblock in the way of States and small businesses that are striving to solve the real and growing problem of inadequate retirement savings.

So I urge my colleagues to really take a look at what would happen in their home States. I urge them to stand up for America's small businesses, to vote no on this legislation. Let's ensure that Americans have more, not fewer, options to save for retirement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, Congress has spent the first 4 months of this year using an arcane, expedited procedure to roll back policies from

the previous administration, while disregarding the impact these changes will have on American workers and families.

When you hold a belief that anything done by a Federal agency is bad, cutting programs seems like progress, but, unfortunately, it is not that simple.

I am all for streamlining government and making the process of doing business easier, but some rules—rules that keep workers safe, for example, or to protect consumers or to keep our air and water clean—are protections that make sense.

In their ideological zeal, the majority has time and again made the decision to roll back important policies regardless of the impact on American people.

So far this year, just to name a few, the majority has rolled back environmental protections for clean water and allowed internet service providers to sell your personal browsing history to the highest bidder. The majority has also reversed rules that make workplaces safer and has even made it easier for corporations to bribe the governments of developing countries.

Now today, as the window closes on the majority's ability to rush through legislation under the Congressional Review Act, we are again facing a vote that could harm American families and make it harder for people to save for retirement.

As I have said on this topic before, for the people of Michigan, the American dream can take on many forms. But no matter who you are, there are a few fundamentals that I truly believe cut across the entire American society. One small piece of the American dream is the ability to retire with dignity and save enough to be able to pass along something to the next generation.

The measure under consideration today, which would repeal the Department of Labor's safe harbor for States developing retirement plans, would be a step backward, and it would make it harder for people to save for a secure retirement.

It is no secret that the American economy has changed in the last generation. One of the most profound changes for working families has been the dramatic shift from defined benefit pension plans to defined contribution plans. Our current system of IRAs and 401(k)s work well for many people, but it is unfortunately leaving millions of Americans behind.

If you work for a large, stable employer—like those of us privileged to work for the U.S. Senate—you will more than likely have access to a retirement plan. Americans, when they have access to these types of plans, make smart, prudent financial decisions.

Over 90 percent of Americans with access to a workplace plan report saving for their retirement. But not everyone works for a large employer, and for those who do not, the system has very large, gaping holes.

Nearly 60 million working Americans do not have access to a workplace retirement plan. These are workers who are trying to put something away for a comfortable retirement and build a stable financial future for their families. They simply demand some solutions, and they certainly deserve them. Families don't care if it is a Democratic solution or a Republican solution, nor do they care if it is a Federal Government idea or their local State's idea. They simply want and need access to a plan that allows them to build a better future.

So this leads to a very important question. If the States are working to do their part to find solutions to this problem, why would we in the U.S. Senate work to block them?

These safe harbors provided by the Department of Labor are the perfect example of allowing the States to do what they do best, which is taking an active role as laboratories of democracy.

As I have said, we need big ideas, we need small ideas, and, frankly, we need all of the ideas that we can get. But I am saying here today that I am willing to work with any of my colleagues on a plan—big or small—to help Americans move toward a secure retirement.

A secure retirement cannot become a relic of the past, but this piece of the American dream will only be true for this generation of workers if we start working on these solutions now. We certainly should not stand in the way of States working on innovative ways to help the citizens of their respective States.

I urge my colleagues to vote no on the resolution.

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. HASSAN. 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. HASSAN. Mr. President, I rise in opposition to the Congressional Review Act measure to overturn the Department of Labor's rule that gives States the flexibility to help small business workers save for retirement.

Every American who has worked hard throughout their life deserves the ability to retire, knowing that they will be financially secure. But it is clear that we are on the verge of a retirement crisis. More and more Americans are retiring every day without the economic security they need, and we are beginning to see the harmful impacts of what happens to a generation that was not afforded the opportunity to participate in a traditional pension plan.

The AARP has estimated that 55 million Americans, including roughly 230,000 Granite Staters, do not have access to a retirement plan at their workplace, and participation in retirement plans has dropped over the past

several years. Few low- and middle-income families have retirement accounts. For families who fall into the lowest 25 percent of household incomes, fewer than 10 percent have retirement savings accounts. Even among families where the primary wage earners are between the ages of 56 and 61, those who are nearing retirement, the median retirement account balance for all families, regardless of income, was only \$17,000—far less than what those families will need to live on in retirement. Therefore, we should be doing everything possible to support these future retirees and to look for opportunities to help them save now.

The Department of Labor rule that we are debating today supports States' efforts to enter into innovative public-private partnerships that would increase personal savings rates for employees of small businesses. The rule makes clear that small businesses will experience no operational burden for these plans, and workers have the opportunity to opt out of these plans if they choose. Already we have seen five States adopt their own plans based on this guidance, and additional States are considering similar programs that best match the retirement needs of their citizens. We are starting to see results. Research has suggested that employees with access to retirement plans from their employers are 15 times more likely to save for retirement.

Unfortunately, too many of my colleagues on the other side of the aisle are pushing this Congressional Review Act measure to roll back the progress States are making and to limit a State's ability to decide to facilitate a critical service to their citizens. If this measure passes today, the 12 million Americans who have already benefited from their States entering these partnerships will see their retirement plans impacted, and the other States considering these measures will have to stop.

As a former Governor, I understand how decisions made here in Congress have the ability to impact a State's ability to innovate and grow, and it is unacceptable that Republicans would vote to limit a State's authority to help their citizens save.

In States across this country, there is broad bipartisan support for State-facilitated retirement plans. Recent surveys have found that 80 percent of private sector workers support State-facilitated plans to help them save for retirement, and 80 percent of small business owners say they support the basic concept behind these plans. The bipartisan National Council of State Legislatures said passage of the CRA will "result in an unwarranted preemption of state innovation" and will "restrict the ability of millions of hard-working Americans to save for retirement." The AARP has written that "a Congressional Review Act resolution to overturn this rulemaking represents significant overreach by the federal government."

I find great irony in the fact that many of my Republican colleagues are

voting to limit the ability of States and localities to innovate and craft policies—something they often say they support in other areas.

Additionally, retirement plans sponsored by States help save taxpayer dollars. Greater retirement security would result in fewer older Americans falling into poverty, reducing the number of citizens who would be forced to access social safety net programs.

This Department of Labor rule is exactly the type of commonsense, bipartisan proposal we should all support, and I am willing to work with my colleagues on both sides of the aisle in order to address the retirement needs of Granite Staters and all Americans. Undoing the States' progress on this front by voting in favor of this measure would limit the ability of more Americans to save for their retirement.

I will vote against this measure, and I urge my colleagues to do the same.

Thank you, Mr. President.

Mrs. FEINSTEIN. Mr. President, today I rise to express my strong opposition to H.J. Res. 66. This resolution would overturn a rule issued by the Department of Labor that is essential to providing increased access to retirement savings programs.

Among all working families in America ages 32 to 61, the median family in America had only \$5,000 saved in 2013. This indicates to me that we are clearly facing a retirement savings crisis.

In California, 7.5 million workers don't have access to a retirement savings plan through their jobs, including 3.4 million women. Of those without a workplace retirement savings plan, almost 5 million are individuals of Color and over 3.5 million are Latino.

The good news is that, when a person has access to a retirement savings program through their workplace, they are 15 times more likely to save for retirement.

In California, legislators have been working for more than 4 years to create the Secure Choice program as a way of addressing the retirement crisis we face. This program allows workers to easily save for retirement through a deduction made directly from their paycheck.

Those who need access to a workplace retirement program the most, individuals with lower incomes, are far less likely to have that access. These are the people who stand to gain the most from the Secure Choice program and lose the most by Congress halting its progress.

Let me share some examples of the people who would be impacted. Most eligible employees work for small businesses that might not be able to offer retirement savings plans on their own. Nearly half of eligible workers work in the retail, hospitality, healthcare, and manufacturing industries.

This program supports lower and middle-class workers by providing access to the tools they need to control their financial future. The average wage of workers eligible for this pro-

gram is \$35,000, and 80 percent of eligible workers earn less than \$50,000.

We are in a time of deep income inequality and must stand up for programs that support the middle class, like Secure Choice. Nationwide, the bottom 90 percent of households have seen their income drop compared to what it was in 1970. Meanwhile, the top 1 percent has seen their household income triple.

As workers struggle to make ends meet, it is appalling to me that Congress would actively take away a key resource for financial planning.

Californians want to ensure that all employees have access to a retirement savings program. The Department of Labor's rule clears the way for California to set up programs like Secure Choice by clarifying employers' obligations to the accounts.

This rule would also help small businesses compete for qualified workers who expect and deserve access to a workplace retirement savings program. Small Business California supports the Department of Labor's rule paving the way for these programs, and opposes this resolution.

Finally, in California, our State chapter of the Chamber of Commerce specifically asked for an opinion from the Department of Labor on employer obligations. Once the Department of Labor's rule was issued, CalChamber no longer opposed the California bill.

In fact, the legislation that passed in California requires the State board to report a finalized rule from the Department of Labor. Overturning the Department of Labor's rule ignores the effort and care taken in California to craft a program that works for both employees and employers.

Nationally, almost half of working-age households do not have retirement savings accounts, and 55 million people don't have access to a workplace retirement plan. This is shocking.

According to the Economic Policy Institute, the median retirement account savings for families ages 56 to 61 was only \$17,000 in 2013. This is only slightly higher than the 2016 poverty threshold for a household of two people aged 65 and older. It is inconceivable that a family could afford to finance their retirement with only \$17,000 in savings.

Supporting retirement savings is not a partisan issue. In fact a bipartisan group of State treasurers oppose this resolution, as does the National Conference of State Legislatures.

We are facing a retirement savings crisis in our country, and the Department of Labor's rule is a commonsense guideline that makes it easier for individuals to save for retirement.

I strongly urge my colleagues to stand up for American workers and support their access to retirement savings programs by opposing this resolution.

Thank you.

Mr. ENZI. Mr. President, while the Senate is on the topic of retirement savings, I would like to call attention

to a policy that I have worked to advance for many years. I believe policies permitting the existence of pooled provider plans, which passed the Senate Finance Committee to this past September by a vote of 26 to 0, should be enacted as soon as possible to ensure the ability of Americans working for small businesses to have quality access to retirement savings.

A critical challenge in enhancing the retirement security for all Americans is expanding plan coverage among small businesses. To address this, I believe we need to make retirement plans less complicated, less intimidating, and less expensive for those entities. That is exactly what pooled provider plans accomplish.

This proposal is nonpartisan. In the past Congress alone, I held bipartisan HELP Committee roundtables with the junior Senator from Vermont and the senior Senator from Massachusetts, and in a prior Congress, I worked with Senator Harkin—all to discuss the best way to craft and implement this proposal. I am very proud of the bipartisan work that has been done to this point, and I thank my colleagues on both the HELP and Finance Committees for their support, but now it is time for the full Senate to pass the measures allowing the existence of such plans.

I look forward to the day in which the retirement gap in America is closed. I believe we will take a very large step towards closing that gap with the passage of policies that permit pooled provider plans.

Thank you.

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

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

THE PRESIDENT'S FIRST ONE HUNDRED DAYS

Mr. BENNET. Mr. President, reflecting on his accomplishments to date in his administration, President Trump recently said: "I think we've done more than, perhaps, any President in the first 100 days." Throughout the campaign and since coming to office, President Trump has repeatedly attacked politicians who are "all talk, no action." It seems to be appropriate that, now that the first 100 days have passed, we should apply the President's standard.

Over the course of the campaign, Candidate Trump promised to replace the "very stupid people" in our government who "don't know how to win" with the "greatest minds" and the "best people."

He said that the Presidency was "going to be easy" and that the "jobs are coming back, folks; that's going to be easy."

He promised a "beautiful," "terrific" plan to provide "such great health care

at a tiny fraction of the cost, and it's going to be so easy."

He promised to build a wall so fast that "your head will spin" and that Mexico would pay for it. "Just rely on me," he said.

He promised to be the "greatest jobs President that God ever created," to "bring us all together," and to create a "unified Nation—a Nation of love," he said.

He predicted: "We're gonna win so much that you may even get tired of winning, and you'll say, please, please, it's too much winning, we can't take it anymore. Mr. President, it's too much."

He outlined that winning plan in no other place than Gettysburg last October. There, on that hallowed ground, where Lincoln reflected on his own "poor power" and wondered whether the world would little note nor long remember what he said there, President Trump—the man who said: "I alone can fix it"—outlined his 100-day action plan to make America great again and restore honesty, accountability, and change to Washington. On that day, he promised that, on his first day, 18 different accomplishments would be achieved. He delivered just two of those.

Over his first 100 days, he promised to introduce and fight to pass 10 major pieces of legislation. That included a bill to "grow the economy 4 percent per year and create at least 25 million new jobs." It included a bill to "spur \$1 trillion in infrastructure investment over 10 years." It included a bill to "make 2- and 4-year college more affordable" as well as bills to "clean up corruption in Washington" and "discourage companies from laying off their workers."

Today, more than 100 days into the Trump Presidency, where are we?

So far, the President's "great" team has not yet been assembled. There are 465 vacancies for which there are not even nominees yet. You cannot blame that on anything going on around here. There are 465 slots that still do not have nominees. Of the 10 pieces of legislation that he proposed on that day in Gettysburg, he has passed zero—none.

In his first 100 days, amidst the Great Depression, FDR stabilized the banks and put 250,000 Americans to work through a new Civilian Conservation Corps. Ronald Reagan rallied the country behind his agenda for taxes and spending. Facing an economic collapse—the likes of which we had not seen since the Great Depression—Barack Obama cut taxes and made historic investments in infrastructure, clean energy, and education in 100 days.

Notwithstanding this history—these facts—President Trump has repeatedly claimed in interviews and broadcasts how well the administration has done during the first 100 days. In fact, on day 90—he did not even need to get to 100—he said: "No administration has

accomplished more." As evidence for this claim, the President referred to the 28 bills that he has signed into law—laws to rename a VA clinic in American Samoa, laws to make it easier to hunt bears out of helicopters, to improve weather forecasts, to appoint members of the Smithsonian Board of Regents. Those were in the 28 laws. Missing from that list, however, is any legislation that fulfills a single campaign promise that he made, including his promise to repeal ObamaCare.

In the absence of fulfilling the promises that he made at Gettysburg and on the campaign trail, he has also taken credit for a series of Executive orders even though, during the campaign, he railed against President Obama for using them. Candidate Trump said: "We have a President that can't get anything done, so he just keeps signing executive orders all over the place." In fact, history shows that President Obama turned to Executive orders only after years of unprecedented obstruction and after he passed legislation through this Chamber and through the House.

President Trump turned to executive orders in the first 100 days despite controlling both Houses of Congress. With a Republican President, a Republican majority in the Senate, and a Republican majority in the House, he has to revert to the very same instrument that he was so appalled by in the hands of President Obama, and he still has no major legislative accomplishments to show for it. That is not fake news. That is the truth.

While we are on the subject, it bears noting, I think, that President Obama used his Executive orders to advance rights and opportunity for the American people. President Trump has used them to discriminate against refugees and immigrants in an unconstitutional travel ban, to weaken American competitiveness by reversing fuel efficiency standards for our cars, to weaken protections for our national monuments and endanger our economy and our environment by undoing the Clean Power Plan.

Not only has President Trump failed to keep his promises—it is actually worse than that—but he has actually proposed or supported legislation that would do just the opposite of what he has promised.

Look at healthcare. I hope I am not in need of any right now. Over the course of the campaign—I do not need to tell anybody in America this; we all saw it—Candidate Trump attacked ObamaCare over and over. He described it as a "disaster" that is "imploding." So he promised: "On day one, we will ask Congress to immediately deliver a full repeal of ObamaCare" and replace it with "something terrific." He pledged to "take care of everybody," to champion what he called the "forgotten man," and he assured America that "everybody's going to be taken care of much better than they're taken care of now."

More than 100 days after taking office, President Trump has not only failed to fulfill that promise, failed to repeal ObamaCare—the House has not yet even had a vote on it, as far as I know—but the White House has actually helped to write—and he endorsed—a proposal that would throw 24 million people, many of them poor and middle class folks, off of their health insurance, while slashing \$300 billion in taxes for the top 2 percent.

That is what is in the bill that they are considering in the House right now. That is not a healthcare bill. That is a tax cut for the wealthiest Americans that is masquerading as a healthcare bill. That is not the promise that he made to the people who voted for him. That is not the promise that he made to the forgotten man. It seems that in the first 100 days the forgotten man remains forgotten, unless by “forgotten” President Trump meant millionaires who can avoid dealing with America’s health insurance system by paying cash for their medical expenses with their having the benefit of the tax cut that President Trump has proposed to give them.

My point—and I want to be clear about it—is not to ask the President to fulfill these promises, most of which I opposed when he was running. I am simply pointing out that what he has said is not what he has done, including his promise to build a “great, great wall on our southern border” and force Mexico to pay for that wall. Instead, he asked Congress for \$1.4 billion in taxpayer money to start construction.

I was part of the Gang of Eight in the Senate that negotiated the immigration bill—four Democrats and four Republicans—over 8 months. We had \$11 billion of border security. By the time we passed the bill in the Senate, there was \$40 billion of border security in that bill. It was paid for, unlike a lot of stuff we do, and it was not the taxpayers who were paying for it. It was the immigrants who were paying for it in their fees to this country.

Why is that not a better way of doing it?

Mexico is not going to pay for it. It has said it is not going to pay for it. He continues to say that it is going to happen, but it is just another broken promise. Instead, he went to the taxpayers and hoped nobody would notice that he was asking for \$1.4 billion for the wall. Fortunately, both Republicans and Democrats alike in the House of Representatives and in the Senate rejected it—in particular, Members of the House of Representatives who represent border States or represent the border, who actually know what is going on down there.

I am sad to say that this inconsistent and erratic approach has spilled over to our foreign relations. On North Korea, President Trump bragged that the United States would easily “solve the problem”—his language—without China, which he called a currency manipulator and on which, he said, every-

body in Washington was soft, and he was going to fix it. Then he sat down with Chinese President Xi for 10 minutes and “realized it’s not so easy.”

When he was running, the President said: “Maybe NATO will dissolve, and that’s OK.” He called it “obsolete.” Then he sat down with the NATO Secretary General and realized that it was, in fact, “not obsolete”—his words.

At a time when NATO faces new pressure from Russian aggression and American troops are deployed to Eastern Europe to support our partners and our allies in the region, including the soldiers whom I met 2 weeks ago from Colorado’s Fourth Infantry Division, they need a steady voice and a clear vision from Washington.

We need an administration that can face reality instead of one that spins its own. This is not a campaign anymore. This is governing.

During the campaign, Donald Trump promised: “There will be no lies. We will honor the American people with the truth and nothing else.” Over its first 100 days, the administration has honored the American people—it has been recorded—with 488 false or misleading claims, nearly 5 a day. Some people have actually lost count. It has honored them with 100 days of dog-and-pony shows of CEOs, campaign rallies, and photo-ops in semi-trucks on the South Lawn. It has honored the American people with empty theatrics where Donald Trump, the President, donates a portion of his salary to the National Park Service, hoping no one would notice his proposal to slash \$1.4 billion in funding for the Department of the Interior.

This administration needs a reset for the next 100 days and the next 100 after that. The President needs to focus on what the American people need and what he said he would provide them instead of attacking the independent judiciary and the free press and blaming “fake news”—his so-called fake news—in an effort to obscure a reality that he doesn’t want to deal with. He needs to focus on the next generation instead of his daily approval ratings. He needs to focus on the future instead of complaining about how unexpectedly hard the job is or how great his previous life was.

And one more thing—a small thing. Candidate Trump loved to criticize President Obama for playing golf. He tweeted about it at least 26 times with lines like “Can you believe that, with all the problems and difficulties facing the U.S., President Obama spent the day playing golf.” Well, President Trump has spent 19 days playing golf so far—even with all of these vacancies in this administration—more than Presidents Obama, Bush, or Clinton. But that is not the only record he has broken for the first 100 days, which includes an average of more than five tweets a day, over a month he spent in this 100 days at Trump properties, and over \$20 million in taxpayer dollars to finance his personal travel, which is on

pace to exceed in his first year what the previous administration cost the American taxpayer in eight.

A better idea than repeating this next 100 days for the 100 days that are coming would be to actually drain the swamp, as he said during the campaign. He could start by releasing his tax returns, which during the campaign he falsely claimed he could not release because of a “routine audit.” There was no prohibition on his doing the same thing that every candidate in the history of America for the Presidency has done.

Now that he has put out a healthcare bill that slashes taxes by hundreds of billions of dollars for the wealthiest Americans and proposed tax reforms that would further deepen income inequality in this country, the least he could do is show the “laid-off factory workers, and the communities crushed by our horrible and unfair trade deals” what the President stands to gain and what they stand to lose from his proposals.

While he is doing that, he should focus on dealing with Americans’ rising healthcare costs instead of trying to take health insurance away from millions of Americans, making it harder for them to see a doctor and take care of their families. He should focus on expanding opportunities in our communities with investments in infrastructure and on helping people compete in the global economy and reducing the national debt crushing the next generation of Americans. That is why he was elected President. To some degree, that is why all of us are here.

At the start of his first 100 days, President Trump promised in his inaugural address that “America will start winning again, winning like never before.” More than 100 days later, it is really not clear what we have won, but it is clear what we have lost—civility in our politics, facts in our policy, confidence in ourselves, and 100 days that should have been used to bring this country together to confront our great challenges.

The next 100 days must be better than the last because, as our President once said, the American people are “tired of being ripped off by politicians that don’t know what they’re doing.” On this, at least, I completely agree.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Idaho.

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

NATIONAL SMALL BUSINESS WEEK

Mrs. SHAHEEN. Mr. President, I am pleased to come to the floor today to join my colleague, who is the chair of the Small Business Committee—and I am the ranking member—to celebrate National Small Business Week.

This is an opportunity for all Americans, regardless of party affiliation or geography, to come together and support the small businesses that drive

the American economy and make such an enormous contribution to our local communities and culture.

I am pleased to be able to work with Senator RISCH. We have enjoyed a terrific working relationship. We are there, at this moment in the committee, to try to make a difference for the small businesses of not only our States of New Hampshire and Idaho but throughout the entire country.

I ask my chairman if he would like to start out and then turn it back to me, and we can talk a little bit about what we see happening on the Small Business Committee.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, first of all, I want to return the sentiments of Senator SHAHEEN. There was so much written and talked about today in the meeting about the poisoned atmosphere and the lack of bipartisanship, but I can tell my colleagues that working with Senator SHAHEEN on the Small Business Committee has been an honor and a privilege, and it certainly has been anything but troublesome. We work together closely. Both of us having been Governors, we understand how important small businesses are to our States—in fact, to all the States.

With that, I would like to take a few minutes, with the concurrence of the ranking member, to honor America's small businesses and their owners and the impact they have on our economy and our communities and the vital role small businesses play in America today.

America's small businesses are truly the engine that keeps our economy running. They create two out of every three jobs in America. Let me say that again. Small businesses create two out of every three new jobs that are created in America today. Our Committee on Small Business and Entrepreneurship knows that Congress has a responsibility to help this engine roar by getting the government out of the way of our Nation's small businesses and thus providing small businesses with the opportunity to do what they have done to make this the greatest country in the world for the last 240 years.

We know that small businesses are vital to our economy, employing nearly half the American workforce and making up 99.7 percent of all employers in this country. It is because small businesses are so important to our economy that Washington needs to do all we can for businesses to start and, more importantly, to survive and grow.

We have seen a steady and well-documented decline in startups and a persistently low GDP over the past decade. Despite this, small businesses' optimism has hit record-high levels in recent months. Small business owners are more confident than ever. National Small Business Week—this week—is a fitting time to not only celebrate our Nation's small businesses but also to assure them that greater relief is coming.

Congress and the new administration are working hand in hand to undo the regulatory burden that has been hampering small business growth. It is no secret that the excessive regulatory burdens our Nation's entrepreneurs face places them at a disadvantage. We hear this every day from our position on the Small Business Committee. When asked what the biggest challenge they face is, it is almost always the regulatory burdens they are operating under.

America's small business owners want to comply with a reasonable and appropriate regulatory structure; however, the time and money they spend complying with layers of regulations from a myriad of agencies hampers their ability to focus on what truly matters, and that, of course, is running their business.

My Senate colleagues and I will continue to work with the administration on rolling back regulations that don't make sense. We will take a closer look at other issues facing the diverse small business community. Just last week, Senator SHAHEEN and I held a hearing on the many challenges that exist for rural entrepreneurs. As it turns out, these challenges are not much different from those that exist for entrepreneurs in more populous areas, except the challenges are amplified for business owners who operate without broadband internet or a traditional storefront on Main Street.

The shared challenges amongst most entrepreneurs, such as access to capital, trade opportunities, and cyber security threats, among others, are at the forefront of the minds of those of us in Congress who are committed to delivering the relief small business owners have been waiting for.

Despite these challenges, America's 28 million small business owners and their employees set out every day to pursue their dreams and contribute to their communities. Their entrepreneurial spirit is nothing short of inspiring.

I want to give an example from Idaho—in fact, more than one example from Idaho—but I yield to Senator SHAHEEN at this moment for her comments and perhaps to tell us a little bit about what she took away from the meeting we recently had on rural small businesses.

Mrs. SHAHEEN. Mr. President, I thank Senator RISCH.

As you point out, we were both Governors, so we had a chance to see small businesses from the perspective of the States and how States can be involved in supporting small businesses. But we also have been small business owners and operators ourselves. My husband and I had a family-owned seasonal retail business, and you operated a family-run ranch in Idaho. So I am sure you share with me the challenges of small business owners, the things that kept me awake at night and that I know keep other small business owners awake: meeting payroll, balancing

budgets, attracting workers, finding customers, and complying with local, State, and Federal regulations.

As you pointed out, and I certainly agree, our committee works in a bipartisan way not only on supporting public policy to help small businesses but also supporting the Small Business Administration, which has programs that help nurture our small businesses and address their unique concerns.

On Monday, I visited one of those small businesses. I was kicking off Small Business Week in New Hampshire, and I visited a company in Dover, which is a neighboring community to where I live. The company is called Popzup, spelled just like it sounds. It is a family-owned business that created an innovative microwave popcorn box without harsh chemicals, plastic, or silicon. The company's popcorn that goes in that box is environmentally friendly. It comes from American farms that don't use GMO products. It is great. They also have all of these seasonings that go on the popcorn, everything from a seasoning called Everything Bagel to one that is maple syrup. So it is a unique company.

Its founders, Julie and Marty Lapham, launched the company in 2015. They have received a lot of support from the Small Business Development Center in New Hampshire. In fact, Julie told me about preparing for a "Shark Tank"-style competition she was participating in and how she got tremendous help from the SBDC in her presentation. She said: Without that help, I wouldn't have been able to do it. She actually won first prize in the competition—\$10,000—because the SBDC had helped her sort through financing options, and she and her husband continue to work with them as they grow the company.

As we look at Small Business Week this week, it is important to also recognize the great work SBA does with outstanding entrepreneurs from all 50 States and territories.

I know you have some similar examples of small businesses in Idaho.

Mr. RISCH. Mr. President, I thank Senator SHAHEEN.

We do, and I want to tell a story of an example of the inspiring spirit small businesses bring to us. This is the story of a small family business in Idaho Falls, ID, called Fin Fun. It began when its founder, Karen Browning, was asked to make a mermaid costume for her granddaughter. That doesn't sound like a very ostentatious beginning, but it was the beginning. This simple request was the catalyst of a much larger operation that experienced over a 3,000-percent growth over a 3-year period, now employing 75 full- and part-time employees in Eastern Idaho. The Browning family contributes greatly to the community and makes all of us in Idaho proud with their continued success, having been named by the SBA as Idaho's Small Business of the Year.

Stories like Fin Fun underscore the optimism that can be found in all corners of our country as small business owners everywhere take the large leap into the American dream.

I ask all Senators to join me this week in supporting and thanking the small businesses in our home States all across America. Senator SHAHEEN and I, of course, as part of the jurisdiction of our committee, have oversight responsibilities with the SBA. I have been very impressed over the years as to the focus of the SBA on small businesses.

One of the things I think Senator SHAHEEN shares with me is supporting an increase in the Office of Advocacy. We all know the Federal Government passes regulations at a stunning rate, which most people really don't completely understand. But the job of the Office of Advocacy is to act as an independent voice for small businesses when the Federal Government actually proposes a regulation. The Office of Advocacy is supposed to stand up and say: Wait a minute. Let me tell you how this is going to affect small businesses.

We all know that if the Federal Government, in any one of the agencies, enacts a regulation, it does affect businesses of different sizes differently. Indeed, if it is a large business, they generally have an army of lawyers, compliance officers, and accountants who can deal with the regulations relatively easily and absorb the cost. On the other hand, if it is a one-, two-, or three-person business, just filling out the forms the agencies require is sometimes a real burden. It is important that this Office of Advocacy in the SBA be encouraged, be expanded where possible, and be a real, true independent voice for small business in America. And I know Senator SHAHEEN shares my enthusiasm for continuing to support that enterprise within the SBA. I am always happy to work with any of my colleagues to make it easier for Americans to start and grow a business.

Happy National Small Business Week, and thank you to our Nation's entrepreneurs and small business owners who are the real backbone of our Nation and our economy.

I yield to Senator SHAHEEN.

Mrs. SHAHEEN. Mr. President, I very much thank Senator Risch. I share his enthusiasm for the Office of Advocacy and all of the programs SBA administers and appreciate the good work of the new Administrator there, Linda McMahon.

You bragged a little bit on your Small Business of the Year in Idaho, and I would like to do the same. Our New Hampshire Small Business Person of the Year is Dr. Jake Reder, who is the cofounder and CEO of Celdara Medical in Lebanon, NH.

I think it is important to point out that small businesses create 16 times per employee the number of patents that large businesses do, and Celdara Medical is a great example of that.

They were founded in 2008. They are a biotech startup that identifies early-stage medical technologies and provides financing and business guidance to move lifesaving products from university laboratories to high-potential medical companies. They really show that entrepreneurship can be a positive force to cure disease and save lives.

During their startup, Celdara secured funding through the SBA's SBIR Program, the Small Business Innovation Research Program, which was extended last year—thanks in large part to the work of the committee—for 5 years because of its great track record, enabling entrepreneurs across the country to participate in R&D to keep us at the vanguard of innovation. They were also assisted by the SCORE counseling network, which provides mentors to small businesses.

There are so many things we can do to support our small businesses, and that is the goal of the Small Business Committee. We also want to continue to support a modern and flexible SBA that can respond quickly to economic conditions that confront small businesses in this global economy.

Like you, I thank all of our colleagues who are going to help us recognize small businesses throughout the country. I also thank the Appropriations Committee for its bipartisan work on the omnibus bill to fund the SBA and our critical rural development programs. We have heard about many of them at the rural hearing you talked about. Hopefully the spirit of cooperation we share on the committee will spread throughout the Congress.

So happy Small Business Week to all of our small businesses, and I thank all of the entrepreneurs in New Hampshire and Idaho and across the country for their hard work, for their innovation, and for their grit. They have our gratitude and our respect.

Thank you, Mr. Chairman. I look forward to the good work we will continue to do for small businesses in this country.

Mr. Risch. Likewise.

Mrs. SHAHEEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, we have a retirement crisis in this country. Today, among working families on the verge of retirement, about a third have no retirement savings of any kind and another third have total savings that are less than one year's annual income.

Let's be blunt. Social Security alone is not enough for a secure retirement. Hitting retirement with little or no savings means spending those last years hovering around the poverty line, with little or no money for important purchases, like dental care or hearing aids, or extras, like buying a birthday gift for a grandchild.

There are a lot of different reasons people hit retirement with no savings, but one big reason is that 55 million Americans don't have the ability to

save for retirement through a workplace retirement account. For years, the Republican-controlled Congress has done nothing to help the 55 million Americans who don't have an employer-provided retirement plan to save for their retirement—nothing—so seven States have actually stepped up. They passed legislation to provide retirement accounts to their constituents, and 23 more States are currently considering proposals like this. Massachusetts has stepped up, too, passing legislation to allow workers in small, nonprofit organizations to save for retirement in a State-administered plan.

These State efforts are a big deal. The actions of just those first seven States could expand coverage to 15 million Americans who don't currently have an employer-sponsored retirement account. These efforts would go a long way toward starting to chip away at the retirement crisis in our country, and both Republicans and Democrats should be applauding the efforts of the Governors, State treasurers, and State legislatures who are doing this important work. But instead of passing legislation to incentivize States to continue their innovative work or instead of bringing up a bill on their own encouraging companies to offer retirement accounts to their workers, Republicans are voting on a bill that would pull the rug out from underneath these State plans, jeopardizing all of the States' recent progress.

Republicans are constantly saying they are the party of federalism, deregulation, and State flexibility. Over and over again for the past several months, my colleagues across the aisle have come down to the floor to overturn regulation after regulation because they claim those regulations "limit the role of State and local governments." So why on Earth are they now passing a bill to run roughshod over the States?

The States certainly aren't asking them to take it up. The National Conference of State Legislatures—the bipartisan organization representing the legislatures of all 50 States—sent a letter urging Congress not to pass this bill because "it will result in an unwarranted preemption of state innovation, will restrict the ability of millions of hardworking Americans to save for retirement, and will prove costly to federal and state budgets." And 23 State treasurers and top budget officials, both Democrats and Republicans, from Idaho to Mississippi, wrote urging Republican leadership to "protect the rights of states and large municipalities to implement their own, unique approaches . . . to address this growing retirement savings crisis."

No, the State legislatures didn't ask the Republican Congress for this bill, and the American people are certainly not calling their Senators asking that they overturn the rules to help them save for their retirement either. Seventy-two percent of Republicans and 83 percent of Democrats support the work the States are doing.

If it is not the State legislatures and it is not the State regulators and it is not the American people who want this bill passed, why are Republicans pushing it forward? Why are we voting for this legislation?

Four words—national chamber of commerce. The national chamber of commerce has been fighting tooth and nail to kill these retirement initiatives. Their armies of lobbyists are swarming over Capitol Hill. They are peddling misinformation about what these plans do, all because the giant financial firms that pump money into the national chamber of commerce are worried that the State plans will offer better investment products with lower fees for customers.

Yes, the giant financial firms are right to be worried. States probably will not award investment contracts to the companies with the highest fees or to the companies offering kickbacks and prizes to make the sale. They are going to award contracts to companies that can provide the best product at the lowest cost. That is how a competitive bidding process works.

The financial firms hiding behind the chamber of commerce don't want competitive bidding, they don't want transparency, they don't want to fight on a level playing field, and they are willing to spend a whole lot of money to make sure they don't have to. In fact, the Chamber is so serious about keeping the system rigged that they have sent letter after letter to every Member of Congress and their staff, letting them know they are watching this vote.

Just in case you can't read between the lines, for extra emphasis, in bold and underlined typeface, their letters warned that they will be "consider[ing] . . . votes on, or in relation to, [this] resolution[] in our annual How They Voted scorecard." Whoa. The chamber of commerce is going to score who votes to help the big financial corporations and who doesn't, and they are going to make sure that all those potential campaign contributors know about the vote.

This is what gives Washington such a terrible reputation. The American people didn't send us here to work for giant financial institutions and their armies of lobbyists and lawyers. I don't care what kind of threats the chamber of commerce puts out; it is wrong to pass a law to kick people in the teeth when they are trying to save for their retirements. The lobbyists may be watching this vote, but the American people are watching, too, and they are ready to fight back.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, like so many, I spent the weekend reflecting on what the past 100 days have meant. And from President Trump—aided by congressional Republicans—it has been 100 days of broken promises, 100 days of far too much division, and 100 days of attacks on women and workers and seniors. It has been 100 painful days for many, no doubt about it.

It is not surprising then that to kick off their next 100 days, President Trump and Republicans have prioritized today, sending a clear message to Wall Street that the Trump administration remains open for business and is committed to standing with them and not with working families. That can be the only possible message, since today, Senate Republicans have advanced another one of their favorite tools this Congress—yet another CRA—to thwart efforts by States to simply provide their workers access to retirement savings program.

In March, Senate Republicans voted to overturn a rule that would allow major cities the flexibility to start their own retirement savings programs. No doubt, the negative impact of this reversal has already been felt across the country. Today's effort by Republicans to target State programs would have even more far-reaching consequences now and in the long term.

If Senate Republicans jam through this CRA that is on the floor today, they will be pulling the rug out from numerous States nationwide, leaving over 15 million workers, which includes nearly 2 million workers in my home State of Washington, without any easy option to save for their retirement.

This is going to have a significant, chilling effect across our retirement system for our workers, for our Governors, for State legislators, and State treasurers.

As AARP said this week, it would send the political message that Congress is opposed to State flexibility to increase retirement savings. We would likely see a number of States delay action or legislation to offer workers more savings options because of the perceived congressional prohibition. This cannot and it should not happen.

Fifty-five million workers today in our country lack access to a workplace retirement plan through their employer. That is about one-third of all of our workers in this country. Our retirement savings gap has continued to worsen, and it is true for most States across this country. It is true for my home State of Washington, despite progress and steps in the right direction over the past few years.

Today, fewer than half of all Washington State workers participate in a retirement plan at work, and nearly 90,000 Washington small businesses offer no retirement arrangement. This is too common all across our country. Because Congress has been unable to come together to address this retirement savings crisis, States have now

begun to step up to help workers save for retirement through savings programs.

As I previously talked about on the floor, these savings programs simply allow employers to automatically enroll workers while giving workers the opportunity to opt out. These programs only apply to businesses that do not currently offer retirement plans. They in no way limit an employers' ability to seek out and offer their own employer-sponsored plan.

These plans are worker and business friendly. There is little paperwork required for workers to participate in the program, and there are no added burdens to small businesses. In fact, in these programs, employers are strictly required only to serve in administrative capacity.

Last year, Democrats working with the Obama administration pushed for guidance to provide certainty to States that have launched their own retirement programs. This guidance simply clarifies an existing safe harbor allowing employers to establish payroll deduction IRAs, which gives States clarity they need that these programs will not be preempted by Federal retirement law.

This guidance merely provides flexibility to cities and States to move forward with these programs, and in fact it was requested by the States and local officials. This is pretty common sense. In fact, it is the kind of proposal that Democrats and Republicans have agreed on for several years.

As much as my colleagues on the other side of the aisle may not like to recall now, many of them have been on the record previously supporting just these kinds of efforts. Really, it is not hard to understand why. As I have said, it is very clear who President Trump and Republicans are standing with on this. Working families across our country are seeing clearly that on any chance to move the ball forward for them and their retirements, Republicans are now standing in the way and choosing instead to put the interests of Wall Street first.

This is a critical vote. Families are watching. If you say you stand with working families, you vote against this resolution. If you want to meaningfully address our retirement crisis, vote against this resolution.

I urge our colleagues to reject this harmful repeal. I urge them to stand with our States and our working families who just want to provide economic retirement security for the families in their States.

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. CORNYN. 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. CORNYN. Mr. President, seeing none of my Democratic colleagues on the floor seeking to speak, I ask unanimous consent to speak on the Democratic time.

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

GOVERNMENT FUNDING LEGISLATION

Mr. CORNYN. Mr. President, this week the Senate continues to consider the government funding bill, which I hope we will decide to vote on tomorrow afternoon. I want to highlight a few ways that this legislation is good for America. It addresses important priorities, and it is particularly good for those 28 million people I have the privilege of representing in Texas.

I know people say we don't want to do an omnibus appropriations bill, and frankly this is not the best way to do business, but when our Democratic colleagues objected to us processing individual appropriations bills, this is the only alternative, other than perhaps a continuing resolution.

A continuing resolution would continue Obama-era policies and frankly wouldn't end up saving any money because both of them are subject to the same spending caps under the Budget Control Act.

Here we are. The House will undoubtedly pass this agreed-upon bill, the first negotiated bill with the Trump White House, with a Republican majority in the House and the Senate, and with Democratic participation and input as well.

First, as I mentioned yesterday, this bill provides significant funding to shore up security at our international border with Mexico. This is a particularly important Texas issue because obviously we share a 1,200-mile common border with Mexico, but it is also a national issue. It is an important issue President Trump ran on and one of the reasons I believe he was elected.

Attention to securing the border is long overdue. I have always contended that border security is first and foremost a matter of political will because we know how to do it. The question is, Do we have the political will to accomplish it? Rio Grande Valley Border Patrol chief Manny Padilla likes to say—he served in numerous capacities all across the border, from Arizona, California, and now in the Rio Grande Valley in Texas. He likes to say that there are really three legs to the stool of border security. There is technology, there is personnel, and then there is infrastructure, what some people like to call fencing or walls. Each area along the border depends—the mixture will depend on what makes sense, what is actually effective. It is obviously important to get the advice and input of professionals of Border Patrol who work day in and day out to secure the border. With this omnibus bill, we will see the strongest increase in border security funding in nearly a decade. That means more resources to help Customs and Border Patrol, among other agencies, to enforce our laws, keep trade

flowing, and stem the tide of contraband and illegal immigration.

When we talk about border security, it is also important to recognize the important economic and trading relationship we have with Mexico. Roughly 5 million American jobs depend on binational trade with Mexico, which is another reason I have been paying such close attention to the administration's discussion about updating NAFTA and other important trading agreements. More than half of the entire border between the United States and Mexico is in Texas so this is critical to Texas and to Texans and necessary to keep our people safe.

Fortunately, this funding deal will also strengthen our Nation's defense at a time when, under the Obama administration, we saw a 20-percent cut in defense spending. As former Director of National Intelligence James Clapper liked to say—well, maybe he didn't like to say it, but he did say it: In 50 years in the intelligence community, he had never seen a more diverse array of threats in his entire career. So our country does face multiple threats all over the world.

This legislation includes more than \$20 billion for defense—a real important plus-up in defense spending for the first time in a long time. This bill also includes new funding to support our military men and women deployed abroad in the fight against ISIS, for example, and it includes a pay raise for our troops as well. We have an All-Volunteer military that has been stressed—really, unlike any other time in our Nation's history—with the longest continuous time at war, particularly in Afghanistan and Iraq and now in other places around the world. So in an All-Volunteer military, it is really important for us to make sure that we treat our troops right when it comes to pay and living conditions in an All-Volunteer military.

Fortunately, this bill will also begin to tackle a major problem that I spoke about just last week; that is, our readiness—readiness of our military to face the new and evolving threats around the globe.

I would just pause here to note that some people have said we can solve the disparity in our needs or the threats and the amount we have been able to fund for national security by just tweaking the Budget Control Act of 2011. Well, the fact is, Congress only appropriates about 30 percent of the money that the Federal Government spends. Well, 70 percent is on autopilot because of the Budget Control Act. We have been able to keep discretionary spending, which includes defense spending, relatively flat since 2011, when the Budget Control Act was passed, but the fact is, mandatory spending is growing at a rate of about 5.5 percent. In my own view, we are never going to be able to fund our priorities—including national security—adequately, unless we revisit all of that 100 percent of Federal spending, which is going to take an act

of political courage on the part of the President and those of us in the Congress but something we really cannot continue to put off day after day, week after week, year after year.

This Omnibus appropriation bill funds the procurement of new warships and aircraft and increases funding to help modernize our ancient nuclear deterrent programs and includes resources to counter radicalism and instability in the developing world.

I am also glad this legislation includes funds to help our veterans and their families transition into the civilian workforce, and it will better equip Texans working in military installations across the State, keep our military ready, and funds resources for the battlefield.

So while there is a finger-pointing and blame game or credit-seeking game going on here in Washington—and I guess if the blame game were an Olympic sport, Washington would win that—but this is too important to be talking about in terms of political winners and losers. The truth is, the American people will be the winner if we keep the government running, if we do our job, and particularly if those of us who are fortunate enough to be in the majority after this last election will simply govern. That is what they elected us to do, along with the President of the United States.

On a different note—I want to close on this. Yesterday, I spoke about the terrible storms and tornadoes that whipped through East Texas over the weekend. Fortunately, we were able to secure additional disaster relief funding in this omnibus package that will play a big part in helping communities rebuild, not only from floods and bad weather we have had in the past but also this current tragedy with loss of life and loss of property. It will help our communities rebuild, recover, and prepare for the next storm.

This legislation will also bring us closer to a solution to mitigate damage from hurricanes and storm surges along the gulf coast in the Gulf of Mexico. This is particularly an important issue in Houston and along that gulf coast region, which is a huge, vital economic center for our country. By funding an Army Corps of Engineer study, we can best find a way forward that keeps more Texans safe from the next big hurricane, which we know is coming, and the question is just a matter of when.

This bill also dedicates resources to improve and strengthen waterways that will help maintain Texas ship channels so they can handle more commerce and provide better flood control for susceptible areas.

I will close by pointing out that this legislation also appropriates funds for bipartisan bills we passed last year. I know frequently—if you read the newspaper or if you watch cable news—you may think that nothing ever happens here, but actually even under the Obama administration, Republicans

worked in a bipartisan way to accomplish important things like the Every Student Succeeds Act, the follow-on from No Child Left Behind, and one that actually does things that conservatives think is important and pushes more authority back down to the States and out of Washington when it comes to our schools. It makes sure that the States, local school districts, parents, and teachers have a say when it comes to the best quality and the best way to teach our children in K–12 schools. So we will fund much of that effort in this legislation.

I know many of our colleagues represent areas of the country that have been devastated by the opioid crisis, as well as heroin crisis, which unfortunately seem to go hand in hand. We worked closely together, in a bipartisan way, to fund the Comprehensive Addiction and Recovery Act signed into law last year under President Obama to help tackle the opioid epidemic running rampant throughout many parts of the country. It also includes resources that help eliminate the rape kit backlog, one that I have been working on for some time, to make sure—the Debbie Smith Act, which is in excess of \$100 million that is available in funding to forensic labs all across the country to eliminate the rape kit backlog. The power of DNA testing through these rape kits to identify the perpetrator of sexual assault, as well as to exonerate the innocent, is really something to behold. So in this funding, the rape kit backlog will be reduced and we will bring to justice victims of crimes and vindicate those who were accused but who are in fact innocent.

This legislation will also help provide funds for victims of human trafficking to recover, and it will help train law enforcement to handle an active shooter situation via something we passed last year, on a bipartisan basis, called the POLICE Act. As the Presiding Officer knows, police changed their tactics when it comes to active shooters. I believe it was Columbine where the tactic was still used to surround an area near a school and to make sure nobody comes in or goes out, but our police and first responders learned to be very resourceful and innovative and indeed are training now. According to the POLICE Act, Federal funds go to State and local law enforcement and first responders to help the police train to engage an active shooter to stop the killing but also to train the first responders, typically the EMS officials, to stop the dying. So you can stop the killer, but unless you have EMS or emergency medical service personnel trained along with the police department, you may stop the killing, but you will not stop the dying, and that is the goal of this important bill. This legislation helps fund that.

So here is the bottom line. Legislation is always a compromise, so it never ever meets anybody's individual expectations in terms of what they

would want as the perfect bill, but I know people are frustrated by that because they say: Why couldn't we do more? Why couldn't we get more of what we wanted, and why did we have to give up something that other people wanted in order to agree to pass this legislation? Well, that is the way our system was designed. That is the way our Founding Fathers created the legislative branch and made it a requirement that in a country as big and diverse as ours, that we needed to build consensus in order to pass legislation, and that means Democrats and Republicans, Congress and the White House, working together to come up with an acceptable consensus product. That is what this is. It is a product of bipartisan give-and-take. It includes many conservative priorities that I like—that we have been talking about for a year—that benefit communities across my State. It provides for our national defense, and it will make our country healthier and safer, and it does that at the same time as we consolidate or eliminate more than 150 outdated and unnecessary programs and initiatives.

That is why it is important we pass this omnibus, as opposed to another continuing resolution, which, by the way, makes it nearly impossible for our national security agencies and our intelligence community to actually plan. When we fund government for a 6-month period of time, they don't know what is going to happen after that. So it is really important that we put our shoulders to the wheel and we work together, on a bipartisan basis, to give them some more certainty, to give them a longer flow of revenue, so they can do planning and spend the tax dollars that are appropriated efficiently.

An important point that has been lost as we discussed and debated this bill is, it finally sets the country in a new direction—one that leads away from the Obama administration's priorities, which existed under the continuing resolution and was reflected by endless cycles of continuing resolutions. That is the past. We entered a new era of a stronger defense, less regulations for job creators, and a more streamlined and efficient government.

This is the first major piece of bipartisan legislation negotiated with the new White House, and it proves that we can come together when we must, that we can govern, and that we can deliver results. It will also serve as a good blueprint moving forward with a carefully thought-out strategic budget as we look ahead to the fall.

This legislation isn't perfect, but it does represent progress. It does represent an important watershed with this new administration, where we have all come together and reached agreement on a piece of legislation that we feel is beneficial to the entire country. If we are not going to engage in that sort of activity, but we are just going to vote no on everything because it is not perfect, we are not going to be able to make that kind of progress that

we are all, I believe, committed to making on behalf of the people we represent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Mr. President, I am here to talk about 55 million Americans who presently lack the authority to save for retirement directly from their paychecks. I am here to talk about preserving, protecting, strengthening retirement savings for all Americans, and I am here to talk about providing State and local governments with the tools they need to expand access to retirement savings accounts in order to reach that goal.

I am here to oppose H.J. Res. 66. This misguided proposal would tear down ongoing efforts at the State and local levels to help families achieve financial stability in retirement after years of hard work and sacrifice. These ongoing efforts at the State level should be encouraged, not deterred.

The numbers here tell a dramatic story. Many private sector employees have the option to set up and contribute to their own individual retirement accounts, often called IRAs. We know them well. But fewer than 10 percent of workers without access to a workplace plan contribute to a retirement savings account. This lack of retirement savings often leads to ruins—life-transforming disasters at ages when nobody deserves them, jeopardizing access to adequate meals, housing, healthcare, and other necessities for older Americans across the country.

In response to this catastrophic possibility for so many Americans, in August of 2016, the Department of Labor promulgated what has become known as the State-sponsored auto-IRA rule. This rule provides basic, critical guidance for States on how to administer programs designed to improve access to retirement accounts among private sector employees. These State-facilitated programs allow State governments to provide automatic enrollment in State-sponsored IRAs, with the opportunity, importantly, to opt out at any time.

The rule that has been promulgated by the Department of Labor, which was also expanded to include a limited number of larger cities and counties, made it clear that any auto-IRA program established by a State or municipal authority must limit the employer's role in the program. In addition, the rule clarifies any ambiguity regarding the application of the Employment Retirement Income Security Act. It makes clear the conditions under which ERISA does not apply.

The misguided proposal before us today seeks to overturn all of this critical rulemaking, carefully devised and developed. If it is passed, the resolution will cripple efforts at the State level to ensure that retirement savings opportunities are more readily available for all workers.

I have always assumed that my colleagues across the aisle were in favor of State initiatives and State authority and State experiments and States addressing the issues of their citizens directly. These are basic States' rights—but not so much in this case.

H.J. Res. 66, in fact, will be particularly harmful in States like Connecticut, which has already begun to bridge the retirement savings gap for nearly 600,000 people who lack access to employer-based savings for retirement in our State. The Connecticut Retirement Security Authority has pioneered this effort. I am very proud to say, Connecticut is among several States that have made real progress toward expanding secure pathways to retirement savings for their private sector employees.

By leveraging State facilitation with private providers, these plans allow workers access to secure, low-cost retirement savings which, in turn, allow more workers to adequately prepare for retirement, improving life for those workers and also reducing the burden on taxpayer-funded services. In fact, encouraging increased retirement savings yields important savings for Federal and State budgets in the future, not just now.

Studies have shown that expanded retirement savings programs could potentially reduce Medicaid expenditures in Connecticut by over \$65 million in the first 10 years after implementation. That \$65 million in savings on Medicaid is for Connecticut alone. Think of the whole country. Think of the savings in Medicaid and other critical service programs that go to aid our seniors. They would much rather save for themselves.

I ask my Senate colleagues who believe we ought to be spending our time expanding, not limiting, access to secure retirement solutions to join me in opposing this legislation. There are many of our Republican colleagues who have long called for reduced government spending and in increased autonomy for State governments. They should be joining in opposing H.J. Res. 66.

There are many of our Republican colleagues who have long advocated giving people the freedom and the opportunity to plan for their own future. They ought to be joining in opposing H.J. Res. 66.

I ask all of us now to join me in voting no on H.J. Res. 66 because States ought to have the flexibility and the opportunity to implement proven strategies to support hard-working Americans who wish to prepare themselves for retirement. Give them that opportunity. Do not destroy it in H.J. Res. 66.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, it looks as though we are at it again. Instead of fighting to make things even a little bit better for hard-working, middle-class Americans, Members of this body just want to make life harder for those hard-working, middle-class Americans.

We have had the debate on Capitol Hill about how to strip healthcare from 24 million Americans. We have had a conversation on Capitol Hill on how to reduce the taxes phenomenally on the very richest Americans. We have seen the President's one-page description of a tax plan that consisted of a goody bag for the richest Americans, the multimillionaires and the billionaires. But here we have another provision just trying to sucker punch hard-working Americans because those hard-working Americans work for companies that often don't have a retirement plan, so they do not have a convenient way to put funds away to prepare for retirement.

Along came the States. The States said: You know, for those workers who don't have a retirement plan at their work, why don't we design one, present one, so that they could automatically sign up and have their wages—a small amount of them—put away for retirement automatically?

Then they would go to a different job, and that job would not have a retirement plan. Well, then, in that new job, they could have a little bit of their wages put away automatically for retirement—not in a manner that requires people to save. They could “unsign” themselves up. This is called automatic opt in. They could say: I don't want that 3 percent put into a retirement plan. Make it 2 percent, make it 1 percent, make it 5 percent, or make it 0 percent. They would have the control, but when they first start the job, it automatically puts away a little bit for retirement.

I think about my son and daughter—my son who is 21 and my daughter who is 19—and they have worked a whole series of modest little jobs, from pouring coffee to coaching sports teams to working as a lifesaver and so on and so forth.

What if for every single job in those companies that were not providing those retirement plans, workers automatically had 3 percent of their funds put away toward retirement in a low-cost option—the same kinds of low-cost options that U.S. Senators have when they come here to the Senate, the same types of low-cost options that every Federal employee has? Why not give that same opportunity to ordinary working Americans? That is what we are here talking about.

We already made it harder to set up such stand-in plans—plans that stand in when there is no retirement plan provided by the employer. In March, we passed another CRA making it difficult

to impossible for municipalities to create such a plan for their citizens, but the plans probably made more sense at the State level.

Now come my friends across the aisle to say: It is not enough. It is not enough that we hit them once by stopping the municipalities from providing a plan. We are going to hit them again—kick them while they are down. That is the attitude of this provision that is before the Senate.

What we are really talking about is denying the American dream to millions of citizens across the land who work for employers that don't have retirement plans or who run small businesses and don't have the administrative overhead to be able to set up a plan. This rips away the certainty that comes with knowing that if you work hard and play by the rules, you automatically save through one of these plans and you get a certain level of security and a certain level of dignity in your golden years.

Isn't it our job here in the Senate, as representatives of our citizens and our States, to do everything we can to provide a ladder of opportunity, to lift up the men and women of this country?

It isn't our job to say: Well, the States provided a ladder of opportunity; so let's go tear it down. Let's take a buzz saw and saw up that ladder of opportunity, because, wow, why would we want the States to help out our citizens? Isn't that not our job—to try to destroy opportunity?

But here we are with my colleagues saying: Well, as to these folks who don't have a retirement plan set up by their employer, we are going to make it as hard as possible for them to save money for retirement.

I hear the same folks come down here and say: Well, you know what; wouldn't it be wonderful if everyone saved more for retirement?

Well, yes, it would be. So why don't we make it easier for them to do so, not harder. A plan that puts no imposition on the small business—doesn't that make a lot of sense? Isn't that a win-win? Isn't that a blow in favor of helping out working people, rather than a blow that knocks them down?

Today, apparently, we have a slim majority that says: No, knock them down.

Furthermore, there is apparently a slim majority that likes to preach on States' rights. But when it comes to States trying to address a problem, you have a powerful special interest come to Capitol Hill and say: Don't let it happen because, after all, maybe one of them someday will be a customer of ours, and we wouldn't want them to be able to get help from their State while they are waiting for us to help them.

A powerful special interest comes here, and suddenly States' right are out the door, States' rights are out the window.

The conversation during the Presidential campaign was that we heard about electing a President who will

fight for workers. Well, that was yesterday, because today we are passing a bill that Members of the Senate expect the President himself to sign to take a buzz saw to the ladder of opportunity for working people—the President of the United States, I am talking about, to take an ax to the program that makes it easier for Americans to save money for their retirement.

Now, don't we know that public pensions are disappearing and private pensions are disappearing? What we are left with is Social Security. If workers don't have pensions through their jobs, and all they have is Social Security, it is going to be pretty rough in retirement.

There is another option: to make it easier for workers to save. According to one study from 2013, 40 percent of small business owners had no retirement savings, 75 percent had no plans for funding their retirement, and 55 million Americans—nearly half of the private sector workers in America—are employed in jobs that do not offer any form of retirement savings or pension plan.

Well, that is a lot of Americans who are only going to have Social Security unless they save.

We know that it is much easier for them to save if they have a workplace plan and funds go into that plan automatically, and the individual worker can change the amount, the set-asides. They can increase it. They can decrease it. They can stop it. They can reactivate it. But because it is set up automatically, most workers choose to stay in it once they are there.

Workers don't want to have a different retirement plan for when they worked at this company and then another one at this company and another one at that company, or companies that didn't have a plan so they had to set up something on their own.

The idea is that this plan is portable, that you can take it from employer to employer. These are the things that are appealing to our State governments, which are saying: That is what will work well for the citizens of our State.

Shouldn't we enable the States to be a laboratory of invention, a laboratory of innovation? Shouldn't we enable them to test run whether this works or doesn't work, instead of our taking and destroying that pilot project, destroying that laboratory of innovation, destroying that experiment at the State level to see if this would help make American citizens better off?

This would all be done at the State level at no cost to businesses. In fact, that is what businesses have liked about it. That is why they have lobbied their State legislatures to say: Hey, maybe you would like to do this. We are too small. It is too difficult for us to set up a retirement plan. Maybe you all would like to design one that would be available.

At this moment, 25 States are considering legislation to create retirement

savings accounts for small business employees that currently aren't able to participate in a workplace retirement plan because the workplace doesn't have one. Twenty-five States are looking at this. Even if only one State were looking at it, shouldn't we give that State the opportunity? Five States are looking at it—and power to them because maybe one of the five will figure out a way to make it work and the other States will learn from that.

Twenty-five States are looking at this because there is such an urgent need for their citizens. Seven of those 25 States are already at work implementing plans.

I am very proud that Oregon, my State, is one of those seven. It plans to launch a voluntary pilot group later this summer. If that goes well, it was planning to expand that plan over the next 2 years, and if that goes well, it was planning to make it available to individuals working in any job in Oregon where there wasn't a retirement plan.

That is very thoughtful. Start with a little group, expand it to a few more, and see if it is still working. If it is a good model and the feedback is good and you need to make some changes, you can make it on a small scale. When it is ready to roll, if it is doing a good thing for America's workers, for Oregon's workers, give every Oregon worker that opportunity to easily save for retirement.

There is so much interest from the States, so much interest from the businesses in those States for the possibility of experimenting with these plans. Last year, the Department of Labor set up the safe harbor rule that helps to clarify a piece of ERISA, our Federal retirement law, to make it possible for States to pursue this. That is what is before us today. Are we going to undo the protection to let States experiment?

The AARP likes to point out that these State-sponsored plans would likely increase the number of workers saving for retirement. That is because, as they enter the workforce, they would be automatically enrolled. They would be able to continue using that plan even if they change jobs within the State. That would be helping them from their very first day of employment in the workforce.

Imagine your son or daughter, age 15 or 16, getting that first summer job or evening job or early morning job, and already they are starting to save for retirement. It makes a big difference over their working years, which might cover four decades or more. It makes a big difference, whether they have anything to back them up other than Social Security.

It is good for small businesses because not only does it free them from feeling badly that they hadn't set up a plan, but it makes their workers happier, more productive employees, and the businesses get to have all that by bearing no additional costs.

It is good for taxpayers. It is good for States. It is good for business. It is good for the workers. The only thing it is not good for is for some powerful special interest that has failed to offer plans to these workers but says someday it might and it doesn't want the competition—a powerful special interest coming here to Capitol Hill to rip down a ladder of opportunity for workers.

Is the President going to sign that after he campaigned on helping workers? Well, yes, apparently he is because that was yesterday in a campaign, and today is the reality of governing. Apparently, a powerful special interest is talking to the President of the United States, and he is helping that interest, rather than the workers of America.

He is fighting for a Federal blockade rather than for States to be the laboratory of innovation and experimentation. He is fighting for the billionaires, rather than for the working people of our Nation, and that is just a terrible development to see.

Colleagues, you can change that right here. We are going to have a close vote. So come down to this floor and place your vote with States' rights. Come down to this floor and place your vote in ladders of opportunity. Come down to this floor and place your vote on the side of an average working American.

You might live in a bubble. You might live in a gated community. You might live in a fancy world as a Senator, but these are the workers of America who have employers who provide no retirement plan. That is who we are talking about here.

So get out of your bubble. Get out of your elite frame of mind. Come down to this floor and fight for the workers of America. Vote no on this blockade to the States' addressing a fundamental need, providing a fundamental opportunity for the workers of America to save for their retirement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. MANCHIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from West Virginia, my friend and colleague, Senator CAPITO.

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

#### COAL MINER HEALTHCARE BENEFITS

Mr. MANCHIN. Mr. President, I wish to thank my friend from West Virginia, my colleague, Senator CAPITO, for her support and leadership in our fight to keep the promise made in President Truman's White House more than 70 years ago.

For the past two Congresses, Senator CAPITO has been an original cosponsor

of the Miners Protection Act with me, and I am proud to say that the healthcare portion of that bill is included in the Omnibus appropriations bill that we are set to vote on later this week. Before sending this permanent fix to the President's desk for his signature, I want to confirm our specific understanding of how the language would apply to the eligibility for benefits of the former employees of Patriot Coal, Alpha Natural Resources, and Walter Energy.

Mrs. CAPITO. Mr. President, I certainly appreciate the kind comments from my friend and fellow Senator from West Virginia, Mr. MANCHIN, who has been a champion of this issue. It has been a pleasure to work together and to have it all work out. We have worked closely together for the past several years to advance a permanent solution for the retirement benefits of thousands of miners in our State and across the Nation. I appreciate Senator MANCHIN's hard work and leadership on this; I really do.

I would be happy to discuss what I believe is our shared understanding of the intent behind miners' healthcare language in the omnibus bill that originated in the Miners Protection Act.

Mr. MANCHIN. The language states that anyone who would have received retiree healthcare coverage from one of these three companies, but for the orders entered in their bankruptcy proceedings terminating the employer's obligations to provide these benefits, becomes a participant in the UMWA 1993 Benefit Plan.

I understand that the language encompasses anyone who would have received such coverage from the bankrupt employers and not just those who meet the 1993 plan's general eligibility requirements. This includes miners or widows who might have been specifically bargained into the plan, such as the miners who worked at the ill-fated Upper Big Branch Mine. We all know the drastic situation of those great miners.

Also included are miners who do not meet the 1993 plan's general eligibility requirements because their employers rejected their collectively bargained obligations and withdrew from the UMWA 1974 Pension Plan but who would have become eligible if their service for the bankrupt employer or its successor were included in determining their eligibility.

Mrs. CAPITO. I wholly share Senator MANCHIN's understanding of this key provision of the legislation.

By adopting the language from the Miners Protection Act that is included in the Omnibus appropriations bill, we intended to cover any miners, survivors, and dependents who would have received or continued to receive Federal retiree healthcare benefits from one of these bankrupt employers had it not gone through the bankruptcy process, without regard to the 1993 plan's usual eligibility rules.

I understand that these individuals are eligible under the rules as applied

by the Patriot VEBA, and I expect that these rules will continue to be applied in the same manner by the 1993 plan.

Mr. MANCHIN. Let me say that both of us representing the great State of West Virginia from both sides of the aisle—a main purpose has been protecting the people who did all the heavy lifting in this great country and gave us the energy we needed to be the superpower of the world.

I know that Senator CAPITO is as proud as I am. I am proud to be working with her to make this happen. This is truly a bipartisan effort. It is the way legislation used to be done, and it is the way it should be done, and hopefully we can start something anew here. I thank my colleague.

Mrs. CAPITO. There is nothing like seeing the faces of our miners as we did in our offices the other day and I have seen in my office throughout this time—or when it was at the 100-degree rally out on the lawn last fall—to realize the human faces behind what we are talking about.

Senator MANCHIN is right. It is a bipartisan issue, and it is the right and fair thing to do.

It has been a pleasure to work with Senator MANCHIN and with the UMWA and our other colleagues to see this legislation through.

Mr. MANCHIN. I think we have both been able to educate not only our fellow colleagues, our Senators, but basically the entire country on the hard work the miners have done and what they have provided for this country for us to be the superpower of the world—to respect the work they have done and continue to do.

With that, I am so proud of everybody who worked so diligently on this issue and this effort, for the Republicans, our President, and our leaders on both sides, Democratic and Republican, making sure this was first and foremost the main obligation for us to accomplish. I thank my colleagues.

Mrs. CAPITO. I thank my colleagues. Mr. MANCHIN. With that, Mr. President, I yield the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) is necessarily absent.

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

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Durbin

The joint resolution (H.J. Res. 66) was passed.

The PRESIDING OFFICER. The majority leader.

HIRE VETS ACT

Mr. MCCONNELL. Mr. President, I ask the Chair to lay before the body the message to accompany H.R. 244.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendments numbered 2 and 3 of the Senate to the bill (H.R. 244) entitled "An Act to encourage effective, voluntary investments to recruit, employ, and retain men and women who have served in the United States military with annual Federal awards to employers recognizing such efforts, and for other purposes." and be it further

*Resolved*, That the House agree to the amendment numbered 1 of the Senate to the aforementioned bill, with an amendment.

MOTION TO CONCUR

Mr. MCCONNELL. I move to concur in the House amendment to the Senate amendment to H.R. 244.

CLOTURE MOTION

I send a cloture motion to the desk on the motion to concur.

The PRESIDING OFFICER. The cloture motion having been presented