United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *115th* CONGRESS, FIRST SESSION

*Vol. 163* WASHINGTON, THURSDAY, NOVEMBER 9, 2017 *No. 183*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEAN HELLER, a Senator from the State of Nevada.

## PRAYER

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

Let us pray.

Eternal God, thank You for the gift of our veterans, those on Capitol Hill and beyond. May our veterans make us mindful of the price of our freedom.

Lord, infuse us with a spirit of gratitude for those who have offered their lives on the field of battle that we might live in peace. Let not one of our veterans feel forgotten, neglected, or unappreciated. May they know by experience the deep and enduring gratitude of a grateful nation.

Lord, You know the burdens that many of our veterans must bear. Some feel isolated and alone; others feel misunderstood. Bring physical, emotional, and spiritual healing to their lives, providing them with the wisdom to trust You with their future.

Lord, we ask Your particular blessings upon the Senators who in military service have sacrificially given their time, comfort, strength, ambition, and health. Reward them one hundredfold for their sacrifice and service, blessing them more than they can ask or imagine.

We pray in Your merciful Name. Amen.

## PLEDGE OF ALLEGIANCE

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

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, November 9, 2017.*

*To the Senate:*

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

ORRIN G. HATCH,
*President pro tempore.*

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

## RESERVATION OF LEADER TIME

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

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the Wehrum nomination, which the clerk will report.

The legislative clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

### RECOGNITION OF THE MAJORITY LEADER

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

Mr. McCONNELL. Mr. President, this has been another important week here in the Senate. We are moving forward on multiple aspects of the President's agenda.

Later today, the Senate Finance Committee will release its plan for tax reform. I will have more to say on this in a moment, but I would once again like to commend Chairman HATCH for his leadership to get us to this point.

The Senate is also focusing on confirming the President's nominees so they can finally get to work. We have built strong momentum from last week, when we confirmed four circuit court nominees. This week we have confirmed nominees for the Department of Defense, the Department of Justice, and the National Labor Relations Board.

Soon we will also confirm the head of a critical office at the EPA. William Wehrum will put his experience to good use as Assistant Administrator for the EPA's Office of Air and Radiation. This office is one of the EPA's most important but, unfortunately, under the Obama administration, was also among the offices with the most significant overreach. Obviously it was in desperate need of new leadership from someone who understands how to implement clean air policies in a balanced way. That is William Wehrum. I look forward to advancing his nomination shortly.

Confirming President Trump's talented nominees to the Federal Government will continue to be a priority of this Senate, and I look forward to working with my colleagues to get this done.

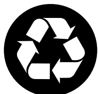
### TAX REFORM

Now on another matter, Mr. President, today Chairman HATCH will lay out his legislative proposal for tax reform. It is the product of a lot of hard work, dozens of hearings, and member input, and I look forward to its release later today.

The release of this plan is another critical step toward providing relief to the middle class. Once it is unveiled,

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




Printed on recycled paper.

the proposal will go through regular order in the committee. Senators on both sides will have the opportunity to offer amendments and work together to help hard-working families all across our country.

This is our once-in-a-generation opportunity to lower taxes and shift the economy into high gear. In fact, tax reform represents the single most important thing we can do to spur growth and to help American families. With this tax reform plan, the American people will know that relief is on the way. For you and your family, we want to make taxes lower, simpler, and fairer. For small businesses, we want to make it easier to navigate the Tax Code, grow, and hire workers. And for all businesses, we want to make it an easy decision for them to bring investment and jobs home and to keep them here.

As the Finance Committee continues to work on tax reform, both Republicans and Democrats will have the chance to offer their own ideas to make the bill better. I certainly hope they take it. The process isn't behind closed doors; it is out in the open for everyone to see and for everyone to take part.

The House Ways and Means Committee is expected to finish their work on their legislative proposal soon. Under Chairman BRADY's leadership, they have put a lot of good work into this.

I look forward to continuing to work with colleagues in both the House and the Senate, along with President Trump and his team, on our mutual tax reform goals. Our main goal is this—this is what it is all about—we want to take more money out of Washington's pockets and put more money in the pockets of the middle class.

In addition to the great work being done by Chairman HATCH in the Finance Committee, the Senate Energy and Natural Resources Committee, under the leadership of Chairman MURKOWSKI, is taking important steps as well. The recent budget resolution gave the committee instructions to generate $1 billion of new revenue for the Federal Government. The committee has now unveiled legislation to do just that by further developing the oil and gas potential in Alaska in an environmentally responsible way. Their good efforts can produce important benefits to both the people of Alaska and to our entire country. I commend Chairman MURKOWSKI for her efforts to support our Nation's energy security. This plan is a limited, responsible effort that can result in new jobs, a strong source of energy, and a boost to our economy, all while being responsible stewards of Alaska's environment. I look forward to the committee reporting this legislation next week as well.

The Senate has many important items before it. Let's work together to get them done, fulfilling our commitments to the American people.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, later today the Senate Republicans will release their version of the tax bill. The bill will not include a single idea of Democrats in the Senate. Not a single Democrat has had any input into this bill. It was constructed entirely behind closed doors by the majority party, who have no intention of negotiating with Democrats because they locked themselves into a partisan process that only requires a majority vote.

They are trying to rush it through this Chamber with reckless speed. Why? Because my friends on the other side know that the longer their bill is out there for the public to see, the less the public likes it. Their only hopes of passing it are to rush it through before anyone can grapple with the stunning hypocrisy at the center of their plan.

The Republican majority has repeatedly promised a middle-class tax bill, but instead, they have concocted a bill grounded in tax cuts for big corporations and the very rich. They actually hurt middle-class people because they need to give those big breaks for the wealthiest.

While promising that their plan gives ''everyone a tax cut''—that is what Speaker RYAN said again today—multiple independent analyses conclude that the House Republican tax plan would increase taxes on millions of middle-class families, contrary to what Republicans promised and what Donald Trump has promised. They said: No middle-class people will get an increase. This is aimed at helping the middle class.

But the vast majority of the help goes to the wealthiest and biggest corporations. A New York Times analysis found that next year the House Republican plan would cause taxes to go up on one-third of all middle-class families. By 2026 taxes will go up on nearly half of all middle-class families.

So even if you come from a State with a lower tax rate—a red State—it is probably a good bet that a quarter of the middle-class families will get a tax increase. I think the lowest I saw was 17 percent for West Virginia.

So this hurts middle-class people, and it hurts certain middle-class people much more than others—people who have student loans, people who have high medical expenses, people who come from States where there are large property taxes, people who have big mortgages. These are middle-class people. They should not get a tax increase.

Mark Mazer, director of the independent Tax Policy Center, said:

> You could create a plan that just cuts taxes for middle-class people. That's not what this is.

That is him, not me. It is what Republicans promised people.

Now, we will see what the Senate comes up with today. But several Republican Senators have already confirmed that the Senate bill has the same structure as the House bill, and, in at least one way, we know it is worse for middle-class families than the House bill because the House bill will reduce the value of State and local deductions by 70 percent, while the Senate bill eliminates it entirely. My friend from Ohio, Senator PORTMAN, confirmed that a few days ago on FOX Business.

This should be a three-alarm fire for every House Republican in California, New York, New Jersey, Virginia, Washington, Illinois, Colorado, and Minnesota. Senate Republicans are telling House Republicans there will be no compromise on State and local deductibility. It is full repeal or bust because Senate Republicans need the revenue raised by ending this popular middle-class deduction.

There are several deficit hawks in the Senate. We have stricter budget rules for reconciliation. If the Senate tax plan includes cuts to the corporate rate, the pass-through rate, and on upper tax brackets—which dramatically increase the deficit—they will need the revenue from the full repeal of State and local to make the numbers work.

So I say to every one of my Republican colleagues in the House who comes from a suburban district: This bill could be your political doom. Don't let the special interests, don't let the party leadership push you into doing something that is bad for so many of your constituents. You will pay a price.

House Republicans should kill the bill now if they want to have any hope of stopping the full repeal of the State and local deduction. They can't hide behind the so-called compromise in the House bill. It is nothing more than a temporary fig leaf for full and permanent repeal.

As I said, if House Republicans don't kill it now, it will come back to haunt them. The overwhelming Democratic turnout in suburban districts in Virginia, New Jersey, and Pennsylvania should send shivers down the spine of House Republicans who represent those districts. Voting to repeal the State and local deduction—walloping the middle-class and upper middle-class suburbs—would be political suicide, all this to bow down to the special big interests of large corporations.

Even with the compromise, the House numbers are devastating. Representative MACARTHUR said he was shown information that shows the compromise is good for his district, and he went from a no to a ''leans'' yes, according to POLITICO.

Representative MACARTHUR, go look at the real numbers.

Forty-three percent of taxpayers in Representative MACARTHUR's district take the State and local deduction, for an average of $11,987 per deduction. Over half of the value of these deductions is not the property tax at all. It is State and local income taxes, which will be taken away under the plan.

Then, according to IRS data, there are a good number for whom the property taxes are over $10,000, meaning the compromise still wouldn't help them. So I would not, if I were Representative MACARTHUR, listen to the numbers the Republican leadership is giving him. I would do my own independent analysis because I believe he would find them to be a lot worse than what the leadership is telling him.

I say to my other Republican colleagues: Don't fall for those quick numbers. Go do your own looking at this. It is a lot worse than your leadership is telling you.

One final point here on taxes, for some reason the conventional wisdom on the Republican side is that because of the stunning depth of their losses in the recent elections, there is even a greater need to pass the tax plan. We have to do this or we will fall apart, they said. It makes no sense. They are misreading the public.

Ed Gillespie, for all of his divisive ads, also ran a traditional establishment campaign. The linchpin of his campaign was the $1,000 tax cut for everybody. It got him nowhere. Exit polls from the Virginia election showed that the No. 1 issue on voters' minds was healthcare, and they voted overwhelmingly Democratic. Yet, amazingly, Republicans may repeal the individual mandate as part of their tax bill. How do they think that is going to fly?

Despite the spin from Republican leaders, passing this plan will not help Republicans climb out of the hole they are in. It will bury them deeper. Maybe if they pass the bill, they will not say they are in disarray for the moment, but already this bill has had a miserable rollout. You know that when a party rolls out their No. 1 legislative plan, there should be trumpets and bands, but the public knows already that the bill favors the wealthy. The public knows that middle-class people get a tax increase.

So at best, the rollout of this bill has been mixed. I would say it has been negative, and the American people agree because many more people are against this bill than are for it, according to all of the polls. Passing a partisan tax plan that favors the wealthy and raises taxes on millions of middle-class and upper middle-class families in the suburbs is no political cure. It is political poison.

The real way to win back the esteem of the American people would be to put partisanship aside, put a giant tax cut for the wealthy on the shelf, and come work with Democrats on real bipartisan reform.

Mr. President, I would also like to just announce my strong opposition to Mr. Wehrum to the EPA's Office of Air and Radiation.

While working in senior roles at the Office during the Bush administration, Mr. Wehrum led the efforts to weaken clean air protections. During his tenure, courts ruled that the Agency violated the Clean Air Act 30 times. Mr. Wehrum represented industry clients against the EPA 31 times since 2008.

He does not deserve to be in this position. Anyone who cares about the lungs of their children should not want Mr. Wehrum in that position. I hope we will get some bipartisan support to reject this really awful nomination.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to continue to share with our colleagues the reasons I oppose the nomination of Bill Wehrum to be EPA's Assistant Administrator for Air and Radiation. Throughout his career, Mr. Wehrum has clearly shown he is dismissive of the science that is the core of EPA's actions to protect public health. Nothing during this confirmation process has convinced me that Mr. Wehrum's approach will change going forward.

I have said this before, and I will say it again because it makes Mr. Wehrum's priorities clear, our courts have overturned regulations that Mr. Wehrum helped craft while at EPA a staggering 27 times. That is 27 times that the courts determined the rules Mr. Wehrum put in place did not follow the law or did not adequately protect public safety—27 times.

In one of those instances, the courts faulted EPA's lack of action to reduce mercury and toxic air pollution emissions from electric powerplants.

I have worked on controlling mercury pollution since I became a Member of this body 17 years ago, so I would like to spend some time talking about this issue, mercury.

Much of our country's ongoing efforts to clean up air pollution hinge on making sure every State plays by the rules and does their fair share to reduce air pollution. That includes dangerous toxic pollution like mercury. Toxic air pollution gets into the air we breathe, gets into the food we eat, builds up in our bodies without our knowledge and can lead to cancer, to mental impairment, and even to death.

Unfortunately, Mr. Wehrum has spent much of his career fighting to dismantle the Federal environmental protections on which any State—my State, your State, so many other States—depends in order to clean up toxic air pollution.

Twenty-seven is also the number of years ago that President George Herbert Walker Bush signed the Clean Air Act Amendments of 1990 into law. Nearly three decades ago, Congress had enough scientific data to know that mercury and other air toxics, such as lead and arsenic, were hazardous air pollutants that harmed people's health and, as a result, should be regulated by the EPA.

The lawmakers—including myself—who sent the Clean Air Act Amendments of 1990 to the desk of a Republican President thought that the Nation's largest emitters of mercury and air toxics would soon be required to do their part and clean up. Unfortunately, it took 22 additional years for the EPA to issue the Mercury and Air Toxic Rule, which finally, 5 years ago, called for reducing mercury and other air toxics from coal-fired plants, our Nation's largest source of mercury emissions.

The EPA modeled the rule after successful steps that States across our country had already taken. The Agency required coal plants to install existing affordable technology that could reduce mercury and toxic emissions by 90 percent.

Today our Nation's power utilities are meeting the mercury and air toxics standards—they are meeting it—and electricity prices have not gone up; they have gone down. Some of you might find that hard to believe, but it is true. They have actually gone down.

You might ask why it took the EPA 22 years to address our Nation's largest source of mercury and air toxics emissions. That is a fair question. The answer, in part, is that Mr. Wehrum was working at the EPA and had the responsibility to assume this life-enhancing—if not lifesaving—task, a responsibility, sadly, he largely chose to ignore.

In the early 2000s, under Mr. Wehrum's leadership, the EPA decided to take a detour when it came to regulating mercury and air toxics from powerplants. Mr. Wehrum refused to follow the recommendation from the National Academy of Sciences and instead reversed an earlier EPA decision. He determined it was neither appropriate nor necessary to regulate powerplants under the air toxics section of the Clean Air Act. Instead, he chose a different path, helping to write a rule allowing powerplants to pollute more and for a longer time under a mercury cap-and-trade program.

In his push to make regulations on mercury emissions less protective, Mr. Wehrum promulgated a rule that industry not only supported but helped to write. In January 2004, the Washington Post reported that language written for industry by Mr. Wehrum's old law firm—Latham & Watkins—appeared word for word in the proposed rule published in the Federal Register—word for word.

The story reported that ''a side-by-side comparison of one of the three proposed rules and the memorandums prepared by Latham & Watkins shows that at least a dozen paragraphs were lifted, sometimes verbatim, from the industry suggestions.''

After Mr. Wehrum's mercury rule was finalized, the Federal courts found that EPA had exaggerated the rule's benefits and, as a result, the rule was

overturned. In fact, the EPA lost so badly that the deciding judge said that under the leadership of Mr. Wehrum, the Agency deployed ''the logic of the Queen of Hearts, substituting the EPA's desires for the plain text of the law.''

So EPA had to start all over again because Mr. Wehrum ignored science and deferred to industry. What makes that delay process so egregious is that our Nation's children were exposed to toxic air emissions from powerplants for an additional decade for no good reason.

In 2011, the Obama administration finally issued a new rule—the mercury and air toxic standard rule—that protects our children, protects our health, and protects our lakes and our rivers. What is more, industry is easily able to meet the rule's targets, and our Nation is already seeing the benefits, but these health benefits do not seem to matter to Mr. Wehrum, who is still fighting for delays in mercury and air toxic emission reductions.

In fact, while representing his industry clients, he has supported a lawsuit against the mercury and air toxic rule. Under his leadership, Mr. Wehrum's law firm has been arguing that it is not ''appropriate and necessary'' for the EPA to regulate mercury and other air toxic emissions. Not appropriate and necessary? That is what he says.

When I asked Mr. Wehrum about his time at the EPA and his work to delay mercury regulations, he was elusive. He seemed to have a selective memory with respect to the actions he did or did not take when he last served at the EPA.

When I asked him if he would commit not to weaken the mercury and air toxic rule if confirmed, he basically refused to answer. However, to his colleagues, he is very clear regarding his thoughts on the mercury and air toxic rule. In a trade press article published just 1 year ago, Mr. Wehrum said: ''From our perspective, it's a regulation that made no sense and wasn't justified.''

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxic pollution—pollution that pediatricians tell us damage children's brains and could affect up to 600,000 newborns every year—600,000 newborns every year.

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxics pollution—pollution that settles in our lakes, our rivers, streams, accumulates in our fish, and makes them too dangerous to eat.

Mr. Wehrum believes there is no justification for EPA to regulate the largest source of mercury and air toxics pollution, even though power companies have already bought, paid for, and installed the control technology on all powerplants without hiking electricity rates.

This information should be quite concerning to all of us, to all of our colleagues—I don't care where we come from—especially those who have supported the mercury and air toxic rule, as many of us have.

If confirmed, Mr. Wehrum would be part of the review of the mercury and air toxic rule that Mr. Pruitt promises to undertake. Think about that.

This is just one of the many clear examples in which Mr. Wehrum continues to support polluters over science and doctors, even going so far as to give polluters the pen to write the regulations they would have to follow. Unfortunately, there are many more.

Mr. Wehrum also spearheaded regulations when he was last at EPA that weakened air protections for national parks. The courts threw out those efforts to weaken the so-called regional haze rule, compelling the Obama administration to clean up his mess and provide this protection for iconic parks like the Grand Canyon and the Great Smoky Mountains National Park because, again, Mr. Wehrum did not follow science or the law.

Nonetheless, Mr. Wehrum continues to pursue ongoing litigation against EPA's efforts to reduce national park pollution. Last year, Mr. Wehrum declared in an article: ''EPA used the regional haze programs to impose very stringent, and from our perspective, unwarranted emissions requirements.''

Mr. Wehrum also has a long history of ignoring climate change science and the laws that regulate carbon emissions. While at the EPA, Mr. Wehrum was critical of the Agency's decision to deny the State of California a waiver to impose stricter vehicle standards to reduce greenhouse gas emissions as well as costs for consumers. Mr. Wehrum personally pushed for this action against recommendations of the career staff who did not believe the George W. Bush administration political appointee had a legal basis to deny California's request.

I am here today to remind Mr. Wehrum and all those who continue to delay action to control greenhouse gas emissions under the premise that more information about how the climate is changing or whether or not human beings are exacerbating the effects of climate change—the facts are in. The science is clear.

Even if he doesn't want to believe the numbers and the data—Mr. Wehrum lives in Delaware, as do I. We run races together, sometimes ride the same trains back and forth between Wilmington and Washington. However, in the State in which we both reside, for us, the effects of climate change are evident. In our State, we are the Nation's lowest lying State. Parts of our State are sinking while at the same time the waters are rising along our shores.

By his own admission, while at the EPA, Mr. Wehrum provided support to the government litigation team in a famous case: Massachusetts v. EPA. That team argued that greenhouse gases are not pollutants that could be regulated under the Clean Air Act. It is not just me who disagreed with Mr. Wehrum in this instance, the Supreme Court of the United States disagreed as well.

Unfortunately, Mr. Wehrum's views on climate change seem to be the same as they were 15 years ago. Despite the Supreme Court's ruling in Massachusetts v. EPA, which affirmed EPA's authority to regulate greenhouse gases under the Clean Air Act, Mr. Wehrum insisted in 2013 that he ''continues to believe, that Congress never intended the EPA to address an issue such as climate change under the Clean Air Act.''

In his nomination hearing before the EPW Committee, Mr. Wehrum claimed that the climate is changing, but much is unknown—much is unknown—about why and how fast those changes are occurring.

I could go on for a while, as you can imagine, but suffice it to say, these views of Mr. Wehrum are not just curious, they are dangerous. They are dangerous. Ignoring environmental health science just because you would rather not put protections in place hurts all of us in the end but especially the most vulnerable among us. Mr. Wehrum's time at EPA is at odds with the public health mission of that Agency.

All of the failed regulations Mr. Wehrum worked on created greater uncertainty for business and left the lives of the most vulnerable populations at risk.

I would like to close by reflecting on why I think today's vote is so important. My wife Martha and I go to a Presbyterian Church in Wilmington most Sundays. Earlier this year, on an especially lovely spring morning—a morning I had gone out for a run—we joined our congregation in singing a number of hymns, and one of them began with these words:

For the beauty of the Earth,
For the glory of the skies,
For the love which from our birth
Over and around us lies,
Lord of all, to Thee we raise
This our hymn of grateful praise.

It is a powerful passage, and we should let these words really and truly resonate, especially on this morning.

Scripture reminds us repeatedly to love our neighbors as ourselves. We know that and call that the Golden Rule. It appears in every major religion in the world—I don't care if you are Christian, Jewish, Muslim, Hindu, Buddhist. I don't care what your faith is, there is a Golden Rule in your Sacred Scriptures. In our faith, we call it the Golden Rule.

Also found in those pages is another sacred obligation that we are to serve as stewards of this planet to which we have been entrusted, and we have a moral obligation to do so. I know a great many of our colleagues here in the Senate agree that we have a responsibility to care for the world around us and the people who live in it. Most Americans believe that. We all have an obligation to protect the health of our children and our families

and the world in which we live. We have an obligation to ensure that we have clean air to breathe—perhaps the most basic, most important right of all. For me, this is not only my responsibility as a parent and as an official elected to serve the people of Delaware; it is a moral imperative, a moral calling.

Americans deserve EPA leaders who believe in sound science. Americans need EPA leaders who will listen to the medical experts when it comes to our health and who will be able to strike a balance that ensures both a cleaner environment and a stronger economy—something we have done for the past 27 years since the adoption of the Clean Air Act Amendments of 1990.

Moving forward with this nominee and thus allowing him to execute his extreme agenda once again at the EPA, especially when we have seen how poorly he handled that authority before, would be, in my mind, simply irresponsible. I do not believe Mr. Wehrum is the right fit for this position. I encourage my colleagues, Democrat and Republican, to vote no on his nomination to be EPA's Assistant Administrator for Air.

Mr. President, I reserve the remainder of my time.

Mr. President, I ask unanimous consent that prior to the vote on confirmation on the Wehrum nomination, there be an additional 2 minutes of debate, equally divided.

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

The Senator from Massachusetts.

Ms. WARREN. Mr. President, I rise today to oppose the nomination of William Wehrum to be the next Assistant Administrator for Air and Radiation at the Environmental Protection Agency. This job is really pretty straightforward. The person in this job must fight for the right of every American to breathe clean air. But here is the problem: Mr. Wehrum has dedicated his career to the service of corporate polluters. Like President Trump and Administrator Pruitt, in a fight between hard-working families and well-paid corporate polluters, Mr. Wehrum sides with the corporate polluters every single time.

President Trump promised to ''drain the swamp'' in DC. But, seemingly, with every week, this Republican-controlled Senate approves yet another one of the President's corporate insiders to advance Big Oil and Big Coal's dirty wish list. The decision to nominate Mr. Wehrum is no exception. He is another conflict-ridden, climate-dismissing Trump nominee who has made a career of putting corporate profits ahead of hard-working families who depend on the EPA to have their backs.

Some of my Republican colleagues have argued that Mr. Wehrum has extensive experience serving at the EPA under the Bush administration, and that is true. Let's take a look at his experience. Mr. Wehrum fought to keep States from setting their own higher vehicle emissions standards in order to try to keep the air cleaner. He played a key role in the Bush administration's insistence that the EPA has no responsibility to combat climate change—a view that the Supreme Court rejected in 2007 in Massachusetts v. EPA. When the Bush EPA was required by law to propose a rule limiting mercury emissions from powerplants, Mr. Wehrum's influence helped tilt the rule to benefit big coal. In fact, several paragraphs of the proposed rule were lifted verbatim from memos provided by the same procoal lobbying firm that Mr. Wehrum had worked at before joining the EPA.

The egregious inadequacy of the proposed rule and its blatant disregard for rulemaking processes led to 8 years of unnecessary delay in limiting toxic mercury emissions. There were 8 additional years of an estimated 130,000 asthma attacks, 8 years of 11,000 premature deaths—all potentially avoidable if Mr. Wehrum and his colleagues had just listened to the science and made the protection of human life more important than the protection of corporate interests.

During his tenure at the EPA, looking out for big corporate polluters was standard practice for Mr. Wehrum. In 27 separate cases—27 cases—Federal courts found that the regulations that Mr. Wehrum helped write contradicted or violated the Clean Air Act and failed to protect public health.

Mr. Wehrum has a lot of experience—the weak-kneed experience of someone kissing up to big corporate interests.

In reflecting on his time at the EPA, Mr. Wehrum said: ''I'm a much better lawyer now than when I first joined the agency. To really get to know how the agency works and how it ticks, I think that is very valuable.''

Yes, valuable, sure, but valuable for whom? Valuable for small towns across America that desperately need more champions fighting in their corner? Valuable for our coastal communities and farmers dealing with the tangible effects of climate change? No. He meant valuable for his own bank account.

Mr. Wehrum describes his time working at the EPA as being ''very valuable'' because it allowed him to ''be effective in generating business and clients.''

I guess he thinks this latest trip through the revolving door will be even better for helping him drum up business from future polluters.

And why wouldn't he? Since leaving the EPA in 2007, Mr. Wehrum has been one of the go-to lawyers for big corporate polluters looking to get off easy or to save a buck at the public's expense. In at least 31 lawsuits against the EPA, Mr. Wehrum has fought to diminish Federal climate policy, to roll back limits on toxic mercury emissions, and to undermine public health protections. From what I can tell, not once has he chosen to use his valuable experience at the EPA to fight for stronger clean air protections that benefit our children and our seniors who suffer the most from toxic emissions.

When deciding whether someone is qualified for public service, sure, experience matters. But it matters who you fight for—whether it is a lawyer before the courts or as a senior appointee in the administration. It matters whether you have a demonstrated commitment to serving the public interest or the narrow corporate interests of rich companies.

Mr. Wehrum is not a person who fights for the moms and dads who know the terror of a child having an asthma attack. He is not a person who fights for the low-income and often minority communities that are literally choking under a cloud of industry toxins. He is not a person who fights for our communities that are suffering from the growing impact of climate change. No, he is a person who does the lucrative bidding of corporate DC insiders, both in government and outside government, and then he leaves American families to just suffer the consequences.

This administration, this Republican Congress, and nominees like Mr. Wehrum are experts at ignoring the facts, but they can't change those facts. Our planet is getting hotter. Our seas are rising at an alarming rate. Our coasts and islands are threatened by devastating storms. Our farms and forests are threatened by droughts and wildfires that are becoming so common across this country that they barely even make the evening news.

The effects of man-made climate change are all around us. Things will only get worse if we don't do something about it. We should never hand our government over to wealthy and powerful companies that put their own profits ahead of people. We certainly shouldn't put someone in charge of our clean air program that will not put the health, the safety, and the future of the American people ahead of short-term corporate profits.

Make no mistake, President Trump wants a fight. Administrator Pruitt wants a fight. William Wehrum wants a fight. And we will give them that fight because the American people will fight to protect the health of our children and our grandchildren, to build a clean energy economy, and to safeguard the future of our planet.

The American people deserve someone who will fight in their corner, and that is not William Wehrum.

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. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, it has been a sorry spectacle for Americans to witness what the polluting industries are doing, with the full connivance of the Trump administration,

to the Environmental Protection Agency—an Agency that enjoys broad popularity among the American people but is obviously a thorn in the side of big polluters who make very big campaign contributions and therefore have inordinately big influence here in Congress.

The creep show parade of nominees to the offices responsible for protecting the public's health at EPA is nothing short of astounding. It is an array of cranks, charlatans, hacks, lobbyists, and toadies in really unprecedented measure in the history of our country. It seems that at this point the key and only credential for appointment to the Environmental Protection Agency is that you are reliably pro-industry and reliably anti-public health.

We are facing a nomination for one of these characters, whose name is William Wehrum. He was previously nominated to the EPA Office of Air and Radiation in 2006, but even back then, his record was such a scandal that the White House withdrew his nomination. Now, that was 2006. That was before Citizens United. That was before the flood of political power to the big polluting industries. Now, on this new political field, he is back, he is just as bad, and there is no hint that the Trump administration has any intention of withdrawing his nomination. He has a real problem dealing with environmental issues, and I think it relates to his record.

In recent years, Mr. Wehrum has represented industry in 39 Federal appellate cases opposing cleaner air protection. He is 39 to 0 in terms of taking the side of industry against clean air protections, and 31 of those cases involved lawsuits against EPA. So he will now be defending and judging cases of the type that he brought against the EPA on behalf of industry. Again, not one of those cases argued for better clean air protections. Many of them questioned air toxic standards that had been established by EPA. Some of the lawsuits were against rules that had to be rewritten by the Obama administration when EPA failed to follow the Clean Air Act, when a rule was thrown out by the courts for failing to be true to the law. So this is not a great moment for the integrity of government in this particular case.

When we asked Mr. Wehrum questions—for instance, I asked him about carbon dioxide's role in the observable effects of climate change, and he replied: ''The degree to which manmade [greenhouse gas] emissions are contributing to climate change has not been conclusively determined.''

That entire sentence hangs on one word: ''conclusively.'' So if 999 scientists said that this is indeed conclusive but you had 1 outlier—1 against 999—then you could argue that the degree to which manmade greenhouse gas emissions are contributing to climate change has not been conclusively determined. But in the world in which Mr. Wehrum is going to be making decisions, that is not a relevant standard. That is a standard that comes from the climate-denial talking points; it is not a standard that arises from the law or from the way administrative agencies are required to review scientific evidence.

The distinguished Presiding Officer was an attorney general and knows very well that the standard for getting scientific evidence admitted in a court proceeding is whether it is accurate to a reasonable degree of certainty. There is no standard that it has to be conclusive; that is an imaginary prop of the fossil fuel industry to be able to address the fact that it is virtually unanimous science against them and there are only a few payroll scientists floating around to keep it from being conclusive.

To a reasonable degree of scientific certainty, are manmade greenhouse gas emissions contributing to climate change? Without a doubt. Indeed, NOAA and EPA have concluded that ''carbon dioxide is the primary greenhouse gas that is contributing to recent climate change.'' That is it. And rules at an administrative agency have to pass the test of being based on substantial evidence, as the Presiding Officer knows, and not being arbitrary or capricious. In any rational world, it would be arbitrary and capricious to deny the vast weight of science because it is not 100 percent conclusive. Nobody makes decisions on that basis in real life.

This, right in this individual's testimony, is a direct echo of fossil fuel industry talking points, fossil fuel industry propaganda, and it is a preview of coming attractions as to whose message he will be mouthing in a position of public responsibility.

Similarly, I asked him about ozone. One of the goals of the Clean Air Act itself is to set standards for how much ozone there can be in the air. This makes a big difference to Rhode Island because Rhode Island is a downwind State from most of the industrial and powerplant emissions through the Ohio Valley, in the Midwest, and through West Virginia. We actually have ozone alert days in Rhode Island—ozone alert days, when you drive in in the morning and the drive-time radio is warning you that this is not a good day to be outside. It looks sunny. Ozone is transparent. It looks fine. It is usually warm because ozone is propagated in warm air. So on a warm, sunny day, you are driving in, it looks as if everything is fine, and you are warned that the elderly, small children, and people who have breathing difficulties or disabilities should stay indoors. That is the price Rhode Islanders are asked to pay for this ozone pollution we have to live with—stay indoors.

Ozone standards have been in place at EPA for 45 years. For 45 years, EPA has regulated ozone. What did Wehrum answer when I asked him about ozone? ''I am not familiar with the current science on the health effects of ozone, so I cannot comment on your question as to the appropriate level of the standard.'' Really? He wants to run this office—the office which has been handling ozone regulation for 45 years—and he is not familiar with the current science on the health effects of ozone? I think he is quite familiar with the current science on ozone, and in this position, he is going to be looking for ways to get around that science to help the ozone-emitting clients of his private practice.

I asked him about the endangerment finding. The background of the endangerment finding is this: In Massachusetts v. Environmental Protection Agency, the Supreme Court of the United States decided that carbon pollution was, in fact, a pollutant under the Clean Air Act. They decided that in the Supreme Court, and that is now the law of the land.

Then, pursuant to that Supreme Court determination, the EPA had to take a look at whether it is a dangerous pollutant. And they did. Their determination as to whether it is a dangerous pollutant is called an endangerment finding. Sure enough, EPA found that carbon dioxide being emitted by these fossil fuel plants is, in fact, a danger to present and future Americans, to this generation and to generations to come.

Mr. Pruitt, who is one of the slyer rascals around out there, said in the Environment and Public Works Committee that he would not contest or seek to review the endangerment finding. There is an obvious reason why somebody who is completely in tow to the fossil fuel industry would not wish to revisit the endangerment finding; that is, because you would drop an avalanche of scientific fact on your own head. You would be obliged to put the phony little scrapes of climate denial that the fossil fuel industry funds and propagates through a whole bunch of front groups up against the real science that is agreed to by essentially every legitimate scientific organization in America, that is taught at every American State university in all 50 of our States, that has formed the basis of our Defense Department's Quadrennial Defense Review pointing out that climate change is a catalyst of conflict and a national security risk, and that is recognized and tracked by the National Laboratories of the United States that we fund.

Up against the phony-baloney nonsense that is propagated by the fossil fuel industry, that is a rout. Of course, the last thing the fossil fuel industry wants is a fair contest in a fair and factual forum between the real science and their phony science denial. So, of course, Pruitt doesn't want to kick that fight off, and, therefore, he is now stuck with the endangerment finding.

I asked Mr. Wehrum about the endangerment finding, since it is a finding related to greenhouse gases, which are subject to the Clean Air Act, which would be his responsibility in

this position at EPA. He said: I currently do not have a view on the endangerment finding.

I bet he had a view when he was being paid by the Rubber Manufacturers Association to consider emissions of carbon dioxide; I bet he had a view when he was being paid by the American Forest & Paper Association; and I am pretty sure he had a view when he was being paid by the American Petroleum Institute. So this new, sudden absence of a view seems improbable in the extreme. It looks like the best thing he can say to not have to admit the real science, knowing perfectly well that if he actually tried to deny it, that same avalanche of real science would fall around his head.

In some respects, it is tragic that we are now in a situation in which an agency of the U.S. Government has been handed over to the polluters lock, stock, and barrel. They have been given absolute sway to drive an industry agenda through the Agency that is supposed to be protecting us.

In the balance of Pruitt and all of his little minions in this creep show array of appointees, all you can expect from them is the industry point of view, as close as they can deliver it, without stepping on any of the factual or legal traps that will snap shut on them if they go a little bit too far and actually step into a forum like a courtroom or a contested proceeding where they are obliged to be under oath, where there is a prospect of discovery, and where you have to meet the proper standards for administrative rulemaking, such as based on ''substantial evidence'' or not ''arbitrary and capricious.''

There have been two recent descriptions that have come out that put the climate change problem into perspective. The first is the ''U.S. Global Change Research Program Climate Science Special Report,'' which is part of the ''National Climate Assessment'' that Congress mandated some years ago. The best scientists from 13 different agencies got together, and over many, many months they put together a comprehensive review of the science and of what is going on. The opening sentence is: ''The climate of the United States is strongly connected to the changing global climate.''

A little sidebar on that—what is happening on climate change in the United States is strongly connected to the change in global climate. When you dump carbon emissions into the atmosphere, it is not just our atmosphere; it is everybody's atmosphere. When China or Russia or India dump carbon emissions into the atmosphere, they are not just hurting their atmosphere; they are hurting our common atmosphere of the planet.

A little trick that Administrator Pruitt has developed is—in calculating the harms of climate change—to look only at U.S. emissions and look only at U.S. effects.

If you have an international problem, as our scientists say, strongly connected to the change in global climate, what happens when you look only at the American effects and look only at the American emissions? What that means is that when you are scoring the harm of climate change, you are cutting it down to a mere fraction of what actually exists. You are cutting out the harm that other nations cause to us with their emissions, scrubbing it right off the books, and you are scrubbing off the harm that our emissions do to other nations, scrubbing it right off the books. It doesn't change the harm, of course; it just tweaks the accounting with a piece of rhetorical trickery to help the fossil fuel industry not have to be accountable for the actual harm it causes. That is what we have learned to expect from the EPA—nothing about the actual harm that climate change causes but accounting trickery to try to dial the number down so that a huge majority fraction of the harm never even gets counted.

''This assessment concludes, based on extensive evidence, that it is extremely likely''—which is the highest level of scientific certainty—''that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.''

It goes on. It is not only that the evidence entirely shows ''that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause,'' but when you look at what the alternatives might be, here is what the next sentence says: ''For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence.''

Not only is there an avalanche of evidence supporting the determination that carbon dioxide and other greenhouse gases are causing the climate change we have observed, but when you look to see, well, maybe there is another explanation, there is none, zero. It does not exist. Why not? Because it has never been real—the phony science on the other side. It has always been propaganda. That is why it is featured on talk shows instead of peer-reviewed scientific publications. That is why it comes through phony industry front groups like the George C. Marshall Institute rather than real scientific organizations. We have known that for a long time.

I see that another speaker has come to the floor. Let me conclude with the recent statement, just in the last few days, of the Pontifical Academy of Sciences. One of the strongest voices for addressing climate change has been Pope Francis. Pope Francis not only sees it as a real problem for our planet and for our care of God's creation, but he also sees it as a justice issue, as a moral issue. The wealthier societies are degrading the quality of life in poorer societies, shifting costs and harm to them, which they are much more vulnerable to than we are, in a cocoon of wealth and air conditioning and supermarkets and all of that. He has been a remarkable voice for this.

One of the things he did was to set up this panel to take a look at climate change and what it means for the planet. The document is called ''Declaration of the Health of People, Health of Planet and Our Responsibility Climate Change, Air Pollution and Health Workshop.''

Here is its opening statement, which it calls the ''Statement of the Problem.'' ''With unchecked climate change and air pollution, the very fabric of life on Earth, including that of humans, is at grave risk.''

If you align the science that comes through the ''National Climate Assessment'' and align the universities of our great country, the national labs of our great country, the military experts in this area in our great country, and now this international body pulled together by Pope Francis, they all come to the same place. It is just here in Congress, where the fossil fuel industry, through massive amounts of political spending, has shut down responsible conversation about this problem that there is any window for climate denial to creep back in—and, of course, the ability of this administration, in tow to the fossil fuel industry, to stick climate-denying fossil fuel operatives into positions of public responsibility. This is a disgrace. The fact that this body cannot stand up to them, cannot find patently conflicted, patently unqualified nominations to be beyond the pale for us is a terrible testament as to how the power of the fossil fuel industry has corrupted our ability to perform our function in the Senate.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I thank my colleague from Rhode Island, Senator WHITEHOUSE, for his leadership. He has never given up on this, and he will never give up. We have many important issues ahead, one of which I am going to address—climate change—about this nominee and the fact that every country in the world now, including Nicaragua and Syria, have pledged to be part of this international climate change agreement, which is so important for reducing greenhouse gases. I thank Senator WHITEHOUSE for carrying the torch on this for so long.

I join him today in rising to speak about the nominee who the Senate is currently considering to lead the Environmental Protection Agency's Office of Air and Radiation. If confirmed, Mr. William Wehrum will be tasked with carrying out and managing critical Agency functions related to controlling airborne pollution, improving air quality, monitoring greenhouse gases, and overseeing energy efficiency standards.

By the way, I was always proud that the first bill I introduced to the U.S. Senate when I got here was a bill with Olympia Snowe, who is my Republican mentor. That bill required the Agency to start collecting data on greenhouse

gas emissions. I take this very personally. The Agency ended up deciding to do it itself, as Senator WHITEHOUSE is aware. But it was my first bill, and I decided that was a good first bill. It was bipartisan, and it got to the core of this issue that our country needs to take responsibility, that we need to work with the rest of the world. But most importantly, this is a long-term issue, shared by my businesses in Minnesota, shared by everyone from hunters to snowmobilers, to ice skaters in our State—the concern of our changing climate and the effect it will have on our way of life.

There are two specific issues that Mr. Wehrum will be involved in directing from the EPA that I wish to discuss: first, the renewable fuel standards and, then, circle back to this issue of climate change.

Minnesota's agriculture is very important to me. We are the fifth biggest ag State in the country. It is why I sought a seat on the Senate Agriculture Committee and why I have consistently pushed for a strong renewable standard. I believe we should be working in this body to help the farmers and the workers of the Midwest, not the oil sheikhs of the Middle East.

Recently, I led a letter with Senator CHUCK GRASSLEY, which was signed by 38 Senators, calling on Administrator Pruitt to ensure that the final rule for 2018 and 2019 sets blending targets that promote growth in the biofuel sector and in our economy.

The final rule for 2017 followed congressional intent and required a record amount of biofuel to be mixed into our transportation fuel supply. The final rule this year should do the same. Reducing the blend targets of advanced biofuels could shortchange the growth of clean energy innovation and stifle the growth of the market for new biofuels.

So far the response from the administration in backing off these plans, thanks to Senator GRASSLEY's leadership, has been encouraging, but the proof will be in the pudding when the rule is released before the end of the month. I appreciate the work of Senator GRASSLEY, Senator ERNST, Senator THUNE, and Senator DURBIN—who is here with us right now in the Chamber—and others who have worked on this Renewable Fuel Standard, as well as my colleague Senator FRANKEN.

Renewable fuels have become a homegrown economic generator for our country. They reduce the environmental impact of our transportation and energy sectors and cut our reliance on foreign oil. Every time a new study is released on this subject, I become more and more convinced that investments in renewable fuels are investments in our economy and in the health of rural America.

Last year, a study conducted by ABF Economics showed that the ethanol industry generated $7.37 billion in gross sales in 2015 for Minnesota businesses and $1.6 billion in income for Minnesota households. Here is a big one: The ethanol industry also supports over 18,000 full-time jobs in Minnesota. I see the Presiding Officer is from the State of Alaska. Just as he knows that the oil industry is important in our State, the ethanol industry is important in the Midwest, and I believe they can both coexist.

Just last weekend, I visited the Green Plains ethanol plant in Minnesota to see one of the operations behind these impressive figures and meet firsthand with some of the 60 people who are employed there. One of the things I heard while in Fairmont was how policy instability and delays have chilled investment over the years. Delays in releasing the RFS rule in previous years has undercut the Green Plains' ability to acquire necessary investments and create new employment opportunities. The need for stable policy and the forward-looking administration of the RFS is key to providing certainty for producers, employees, and manufacturers, while unlocking billions of dollars of investment in the biofuel sector.

We have to continue to build on the progress we have made of expanding production capacity more than threefold since 2005 with biodiesel, cellulosic ethanol, recycled waste, and other advanced biofuels. This is no longer some kind of a niche industry. This is 10 percent of our fuel supply. That is why I am concerned with some of the statements that Mr. Wehrum has made and some of the clients he has represented in lawsuits against the EPA, many of whom sought to undermine and weaken the RFS.

He was the counsel of record in several challenges to the RFS, including the E15 waiver, which allows for blends of up to 15 percent of ethanol in gasoline, something Senator THUNE and I have worked on. Yet most concerning was his role in a 2015 challenge to the requirement that diesel fuel sold in my State of Minnesota contain at least 10 percent of biodiesel, or B10.

Let me say that this kind of principle and this policy were supported by Democratic, Republican, and Independent Governors in Minnesota—from Tim Pawlenty to Jesse Ventura to Mark Dayton. My State has been a leader when it comes to the use of renewable fuels. We were the first State in the Nation to pass a biodiesel blending law and the first State in the Nation to require gasoline to be blended with 10 percent of ethanol. We continue to be a national leader in the use of E85.

In 2008 the State legislature amended the Minnesota mandate—that is when Tim Pawlenty was Governor—to gradually step up the required biodiesel blend from 2 percent to 5 percent and eventually to 20 percent from 2012 to 2018. Now, according to the statute, the B10 mandate will double to B20 starting on May 1, 2018. With bipartisan support and individual State responsibility, it is something that our State did because we knew it could work.

Despite Mr. Wehrum's best efforts, the U.S. district court upheld Minnesota's mandate on renewable biodiesel, which has been in the best interest of rural economies and consumers. These advances are going to help ag producers and rural manufacturing plants do even more for the regional economy. The further ethanol and biodiesel take us the less dependent we will be on foreign oil and the less of an impact our transportation and energy sectors will have on the environment.

I have already discussed the climate change issue, and I see that Senator DURBIN is here.

Again, I will just reiterate that I am a former prosecutor. I believe in evidence, and every week seems to bring fresh evidence of the damage that climate change is already causing. Minnesota may be miles away from the rising oceans, but the impacts are no less of a real threat to my State. I did not like Mr. Wehrum's answers that he gave to these questions during his hearing before the Environment and Public Works Committee, especially when I asked if he believed that human activities were the main driver of climate change and his response was: ''I believe that's an open question.''

I do not think this nominee should be running this part of the Agency, and we cannot sit back and ignore the evidence. We need to wake up, take action, and turn the corner on the devastating effects of climate change before it is too late.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The minority whip.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business until 11:15 a.m.

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

VETERANS DAY

Mr. DURBIN. Mr. President, I would like to speak for a moment about Veterans Day, which is just 2 days away.

On Saturday, November 11, Americans will pause to honor the courage and sacrifice of America's veterans. More than 40 million Americans have served our Nation in uniform, in battles from Bunker Hill to Baghdad, and beyond.

Mr. President, as this Veterans Day approaches, I have been thinking about the words of one of those brave patriots. He is the son and grandson of military leaders. When his time came, he too went to war and suffered horrific deprivation and excruciating injuries.

Years later, he said: ''Few veterans cherish a romantic remembrance of war.'' When wars are fought, he said, ''a million tragedies ensue.''

''War is wretched beyond description,'' he added, ''and only a fool or a fraud could sentimentalize its cruel reality.''

Those are the words of a man whom I am privileged to call a colleague and a friend, the senior Senator from Arizona, JOHN MCCAIN. We owe him and all of our Nation's veterans and their families our profound gratitude and respect for their courage, sacrifices, and

the hardships they endured for all of us.

Senator MCCAIN endured more than 5½ years of torture as a prisoner of war during the Vietnam conflict. When he finally came home, JOHN MCCAIN found another way to serve our Nation with honor. We thank him for that.

Mr. President, this week, the Congress dedicated a commemorative chair to honor all Americans ever held as prisoners of war and to honor the more than 83,000 servicemembers who remain missing in action.

The antique, empty chair will stand in Emancipation Hall in the Capitol as a solemn reminder of the servicemembers who were missing for years in captivity and those who remain missing today.

Mr. President, as we prepare to celebrate this Veterans Day, I want to tell you about another veteran, another patriot, who was also a prisoner of war. His war was World War II.

Like Senator MCCAIN, he survived, came home, married, raised a family, and spent decades in public service. His name is Richard Lockhart. Everybody calls him Dick Lockhart. He is 93 years old, almost 94. He is a lobbyist in Springfield, IL, the capital of my State and my hometown.

Dick Lockhart does not represent the big, monied interests. He represents the little guys—the nonprofit groups, the public workers, the mental health providers and the families who need them, among others.

He is the senior practicing lobbyist in Illinois, maybe in all of America. He will be giving up that title soon because, on December 31, Dick Lockhart is retiring at the age of 93 from the firm he founded 60 years ago. He is not stepping down because he is tired. He still works 7 days a week, most weeks. He is still physically strong and is as sharp as a tack mentally. No, Dick Lockhart is retiring because there are other things to do, he says. He wants to travel more and write the book that he has always wanted to write and explain to ordinary citizens how to make their government work better.

Dick's life would make a fascinating book, itself.

Born in Ohio in 1924 as an only child, his family moved to Indiana when he was young. The Great Depression hit the Lockhart family hard. Dick's dad lost his job. Sometimes the electricity was shut off at home for nonpayment. The family never owned a car, never took a vacation, and never ate a meal in a restaurant. Dick delivered newspapers and worked as a soda jerk during high school to help pay for expenses.

He was a student at Purdue University when Japan bombed Pearl Harbor. Exactly 1 year later, on December 7, 1942, he enlisted in the U.S. Army infantry.

He was assigned to the Army's 106th Division, the Golden Lions. In October of 1944, the 106th shipped out to England. In early December they arrived in a quiet area of southeastern Belgium, near the German border. Military higher-ups assured the men of the 106th to expect an uneventful few weeks and that Germany would probably surrender before Christmas.

History had another plan.

In the predawn hours of December 16, German forces launched their last major offensive of the war, the Battle of the Bulge. The U.S. forces were outnumbered. Lockhart's regiment, the 423rd, fought for days. Finally—out of food, out of water, and out of ammunition—they surrendered.

In all, some 8,000 U.S. soldiers were captured at the Battle of the Bulge.

They were packed into railroad boxcars, crammed in so tightly that soldiers had to take turns sitting and standing. After 2 days of being in those boxcars, they arrived at a prisoner-of-war camp in Germany, known as Stalag IX-B.

Camp life was brutal. Medical care was nonexistent. Men died every day. Meals consisted of only thin ''grass soup.'' On one bitterly cold day, Dick Lockhart was beaten savagely by a German prison guard. Decades later, he still experiences back pain from that beating.

One memory still haunts him.

One day, the prison guards demanded that any Jewish prisoners of war identify themselves. For several hours, no one stepped forward. After more threats, Jewish American soldiers began to step forward, apparently thinking that their U.S. citizenship would protect them. They were wrong. They were shipped off to a notorious hard-labor camp in another part of Germany.

On January 20, 1945, Dick Lockhart turned 21 while a prisoner of war in Stalag IX-B.

On April 2, 1945, American soldiers liberated the camp, Dick Lockhart, and the other prisoners. The Army sent Dick Lockhart home on a 60-day furlough with instructions to get some rest and to gain back some of the weight that he had lost in the prisoner-of-war camp.

He arrived home in Fort Wayne. He knocked at the door and was stunned to see a stranger open it. Months before, his parents had received a cable that read that their only child was missing in the war and was presumed dead. His mother, overcome with grief, went to Ohio to stay with her family. His father moved away to look for another factory job. Fortunately, they left forwarding addresses, and Dick found them soon and was reunited with his parents.

A month later, while Dick was still on leave, Germany surrendered. The war in Europe was finally over.

Dick had always loved Chicago. So he decided to use his GI bill to go to Northwestern University. He became involved in reform politics in Chicago—a battle of a different sort. He married and had two children, a son and a daughter.

In 1958 he founded his own lobbying firm to try to advance democracy through good policies and laws rather than through tanks and bombs.

He is honest, hard-working, modest, empathetic, and always an optimist. He has earned the respect of both sides of the aisle for decades of ethical and professional service in the Illinois General Assembly. Laws he has helped to pass have made life better for countless people in my home State. In recognition of that fact, the Illinois General Assembly recently voted to celebrate December 31, which will be Dick's last day on the job, as Richard ''Dick'' Lockhart Day in the State of Illinois—a well-deserved honor.

Five weeks after Dick Lockhart and others were captured, American forces won the Battle of the Bulge, liberated Belgium, and sent the German occupying troops back to Germany.

Two years ago, as part of the 70th anniversary of that event, Dick Lockhart returned to Belgium. The children and grandchildren of the Belgians who had been liberated from Nazi occupation greeted him like a hero. He was honored by the nation's King and Queen in a castle—royal treatment that he and all of the American soldiers richly deserved.

When Dick speaks about his experience as a soldier, he is never the hero of any story. He reserves that role for the young men who didn't come home.

He says: ''There is an inscription in a World War II cemetery that reads, 'When you go home, tell them of us and say that for your tomorrow, we gave our today.' ''

At the risk of contradicting my old friend, I have to say that Dick Lockhart is, indeed, an American hero.

This Veterans Day, we say to him and to all of the American veterans: Thank you for your service. Thank you for our freedom. Thank you for all of the tomorrows you purchased for us with your courage and sacrifice.

HEALTHCARE

Mr. President, in 2010, Congress passed the Affordable Care Act with one main goal in mind—to help more Americans get quality, affordable health insurance. And it worked.

Since the law took effect, more than 20 million previously uninsured Americans have gained health coverage, including 1 million in Illinois.

For the first time ever, our Nation's uninsured rate is below 10 percent. Insurers can no longer deny coverage due to a preexisting condition, charge sky-high premiums for being a woman or having a health history, or impose annual or lifetime caps on your benefits.

Young people can stay on their parents' plans until age 26, and we extended the life of Medicare by a decade. These are real improvements that are saving lives.

Was the law perfect? No. But did it accomplish its primary goal of ensuring that more Americans could obtain healthcare—regardless of their income, gender, or medical history? Yes, it did.

None of that has mattered to President Trump, who has spent the past 10 months orchestrating a deliberate campaign to sabotage healthcare for tens of millions of American families.

From his first day in office, President Trump directed Federal agencies not to enforce the law. He cut the open enrollment sign-up period in half. He yanked advertisements and slashed outreach and enrollment assistance funding.

And he terminated the cost-sharing reduction subsidies that keep costs down for 7 million Americans. As a result, individual market premiums will increase 20 percent next year alone.

President Trump has done everything within his power to sabotage and undermine this law.

Despite President Trump's repeated attempts at repeal and sabotage, the Affordable Care Act is still the law of the land, and that means that quality, affordable healthcare options are available.

And we are right in the midst of Open Enrollment. Starting last week—on November 1—Americans who purchased their health plans in the individual marketplace began signing up for health insurance that covers them next year, in 2018. But you only have 6 weeks to sign up. Open enrollment began November 1, and ends on December 15.

This is your opportunity to buy insurance that covers important health benefits—hospitalizations, prescription drugs, doctor visits, maternity/newborn care, mental health and substance abuse treatment.

And there is financial assistance to help you buy these plans. In fact, 8 out of 10 people who purchase health insurance in the individual market are eligible to receive tax credits that help make that insurance more affordable.

In Illinois, about 350,000 people purchase their health insurance in the individual market, and nearly 300,000 of them are eligible for tax credits that will ensure their health plan premiums are below $100 per month.

So, despite the frenzy in Washington over healthcare: health insurance under the ACA is open for business, and the time to sign up is now. Visit www.healthcare.gov or call 1–800–318–2596. I would encourage everyone to sign up early. Don't wait unitl the last minute.

Speaking of waiting until the last minute, I remain dismayed that this Republican-controlled Congress has failed to reauthorize two incredibly important Federal healthcare programs—the Children's Health Insurance Program and the community health centers program.

Nationwide, 27 million people receive care from community health centers. And 9 million children and pregnant women get their healthcare through the CHIP program, including more than 330,000 kids in Illinois.

Because of congressional inaction, funding for these two programs expired over a month ago, on October 1. And what have Republican leaders in the Senate done over the past month, while funding has lapsed for children, pregnant women, and our Nation's health clinics?

Well, they passed a budget resolution making it easier to give huge tax cuts to wealthy individuals and big businesses. That is right. While States and health centers are struggling to figure out how to keep their programs operating, while families are worrying about when their health coverage may run out, congressional Republicans are focused on tax breaks for the rich.

Facing this funding uncertainty, States and community health centers are trying to figure out how to keep their programs and clinics operating. Ten States—plus the District of Columbia—will run out of CHIP funding in the next month or so.

For example, later this month, the State of Colorado is planning to send health coverage termination letters to lower income families. The letter reads, in part: ''You are receiving this letter because members of your household are enrolled in the [Children's Health Insurance Program] . . . If Congress does not renew federal funding, CHIP in Colorado will end on January 31, 2018 . . . there is no guarantee that they will.''

Imagine how terrifying it would be to receive this letter, to learn that your child is about to lose their health insurance coverage because Congress is preoccupied with tax breaks for the rich.

It is beyond unacceptable that congressional Republicans abdicated their responsibility to reauthorize these critical health programs.

If we truly want to help the communities and people we serve, let's quickly reauthorize funding for children's health care and for community health centers.

And remember, if you need health insurance next year, you have until December 15 to sign up. Don't miss your chance.

PROTECTING OUR STUDENTS AND TAXPAYERS ACT

Mr. President, last week, I reintroduced the Protecting Our Students and Taxpayers, or POST, Act. I was pleased to be joined by Senators REED, BLUMENTHAL, CARPER, MURPHY, and WARREN in the Senate and by Representative STEVE COHEN in the House.

Since 1992, Federal law has required for-profit schools to derive a portion of revenue from non-Federal sources. This was meant to keep for-profit schools, which in general rely much more heavily on Federal dollars than traditional schools, from being completely dependent on Federal taxpayers to keep their doors open.

Originally, these schools had to receive at least 15 percent of their revenue from non-Federal sources. In 1998, the threshold was lowered to only 10 percent, creating today's so-called 90/10 rule. Think about that. Mr. President, $9 out of every $10 these schools take in can come from U.S. taxpayers. But it gets worse.

Only Department of Education Federal student aid dollars are counted as Federal funds. A loophole in the law excludes billions in Department of Veterans Affairs GI bill education benefits and Department of Defense Tuition Assistance, (TA), funds from being counted as Federal revenue. It means, by recruiting veterans and servicemembers, for-profit colleges can actually receive more than 90 percent of their revenue from Federal funds and still comply with the law. This powerful incentive makes our men and women in uniform targets for predatory for-profit colleges.

I have told these stories before, but I think they bear repeating. I have told the story of two former military recruiters at a for-profit college in Illinois. They were told their job was above all to put ''butts in classes,'' that they should dig deep into the personal lives of their recruits to find their ''pain point.'' If a prospective student was out of work, recruiters were encouraged to say things like, ''How do you think your wife feels about being married to someone unemployed?''

Entrance requirements were low—it didn't matter how long a student stayed as long as it was long enough for the school to receive the GI bill dollars.

There is Paul Fajardo, a marine veteran who served in Afghanistan. He used his GI bill benefits to enroll at the now-defunct Corinthian Colleges and had to live out of his car when his school lost its eligibility to receive GI bill benefits. He told the LA Times that Corinthian recruited him and other veterans because ''they knew it was a guaranteed paycheck.''

There is James Long, who suffered a brain injury when an artillery shell hit his Humvee in Iraq. He used military benefits to enroll at Ashford University after being heavily recruited. He told Bloomberg News that he knows he is enrolled at Ashford, but can't remember what courses he is enrolled in.

These veterans were nothing more than ATMs for these for-profit colleges intent on pocketing their hard-earned education benefits.

And in 2016, for-profit colleges pocketed 34 percent of all GI bill benefits—$1.7 billion—and 44 percent of all Department of Defense Tuition Assistance funds—$220 million. Mr. President, $2 billion that these for-profit colleges were able to count as non-Federal revenue. Non-Federal?

The last time I checked, the Department of Veterans Affairs was part of the Federal Government, and the money it spends—whether on veterans' healthcare or housing or education—comes from U.S. taxpayers.

When asked in writing during his confirmation process whether GI bill funds are Federal funds, VA Secretary David Shulkin answered simply, ''Yes.''

And the last time I checked, the Department of Defense was part of the

Federal Government, and the money it spends—whether on planes or bombs or servicemembers' education—comes from U.S. taxpayers.

When I asked Secretary Mattis if Department of Defense Tuition Assistance funds are indeed Federal funds, he responded, ''Yes . . . these benefits are Federal funds.'' Seems like commonsense. Yet the law doesn't see it that way.

That is why my colleagues and I have introduced the POST Act. Our bill will close this ridiculous loophole. It will count all Federal education benefits as Federal revenue and take the targets off the backs of veterans and servicemembers. The bill also reduces the Federal revenue limit to the original 85 percent.

Our legislation is supported by, among others, Student Veterans of America, the Military Officers Association of America, Paralyzed Veterans of America, and the National Association for College Admission Counseling.

Last year, in response to a request from Senator CARPER and me, the Department of Education publicly released Federal revenue data for the first time that included VA and DOD benefits. The data showed that 186 for-profit institutions received more than 90 percent of their revenue when these additional Federal education benefits were included. Mr. President, 563 institutions received more than 85 percent of their revenue from Federal taxpayers when all Federal sources were included.

I was disappointed that when the Department released its 90/10 calculations this year, Secretary DeVos did not continue the practice of releasing calculations that included VA and DOD funds, though maybe that shouldn't be surprising. After all, unlike Secretaries Shulkin and Mattis, Secretary DeVos has refused, when asked, to acknowledge the obvious—that VA and DOD education funds are indeed Federal funds or support closing the loophole.

But I am confident that the American people will see the current 90/10 rule for what it is—a loophole that makes no sense and that puts those who have served our country at risk.

This week, on the eve of Veterans Day, I will stand with my friend—Senator CARPER of Delaware—as he reintroduces the Military and Veterans Education Protection Act. This bill also closes the 90/10 loophole, but leaves the Federal revenue limit at 90 percent. It is a step in the right direction, and that is why I support it.

I hope our colleagues will consider supporting one or both of these commonsense proposals.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. Mr. President, I yield back all time on this side and reserve one minute for Senator CARPER.

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

The Senator from Delaware.

Mr. CARPER. Mr. President, as we prepare to vote on this nominee, I wish to implore my colleagues to take one last moment to think about this decision before us. I ask them to recall the words that I said just a bit earlier this morning from the hymn that Martha and I heard at church, not far from my home in Wilmington, DE, one Sunday on a beautiful spring morning. It is a song, a hymn that we all know:

For the beauty of the Earth,
For the glory of the skies,
For the love which from our birth
Over and around us lies,
Lord of all, to Thee we raise
This our hymn of grateful praise.

That powerful message reminds me of the incredible responsibility we have in this body to serve and protect the people who sent us here. We must serve as stewards, also, of this planet, which has been entrusted to us and to care for all the most vulnerable among us.

For me, that is not just my responsibility as a parent or as an official elected to serve the people of my State for all these years. It is a moral imperative and a sacred obligation, and there is no more basic human need than having clean air to breathe.

I implore my colleagues. We have seen Mr. Wehrum's extreme agenda at the EPA once before. It would be the height of irresponsibility and a shirking of our moral obligation to confirm him today. I implore you to join me in voting no on Bill Wehrum.

Thank you very much.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the Wehrum nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The result was announced—yeas 49, nays 47, as follows:

[Rollcall Vote No. 268 Ex.]

YEAS—49

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

NAYS—47

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

NOT VOTING—4

| | |
|---|---|
| Menendez | Roberts |
| Paul | Tester |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 5 minutes.

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

Ms. CANTWELL. Thank you, Mr. President.

REPUBLICAN TAX PLAN

I come to the floor to speak right now because I know our colleagues are trying to move forward next week on some various proposals that are part of the tax package. I am very concerned and remain very concerned about the measures within the policy that raise taxes on middle-class families because I don't think we should be passing a tax bill that raises taxes on middle-class families. For me, in Washington, obviously, it is a big concern. We don't have an income tax. They are getting rid of our local deductions that are so meaningful to us.

Literally, we have done calculations—and I know there will be calculations in other States—that show you are literally raising taxes on middle-class families to give a tax break to corporations that, in some cases, aren't asking for them or certainly are not paying that corporate rate today.

I think we can do better than these policies. I certainly think we can do better than the policies that are going to be before the Energy Committee next week, if the information we are hearing now or getting word of is that my colleague on the Energy Committee, the Senator from Alaska, is going to propose literally getting rid of

the wildlife refuge as a refuge and basically the purposes for the refuge and instead saying that drilling would happen and thereby destroy the refuge.

I know today there are going to be scientists from across the country who are going to give word and testament to the fact that it is too dangerous to have drilling in the same place as a wildlife refuge, that they cannot coexist, that it will destroy the refuge. Apparently, that is what my colleague from Alaska already believes because she is now going to say that to do drilling, you have to change the status of the refuge.

I definitely believe there are much better ways in America to get revenue than basically destroying the wildlife habitat of caribou and of Arctic wildlife that is so treasured in the United States of America.

I certainly think there are better ways to do it than raising taxes on middle-class families, in both my State and your State that don't have an income tax and would rather continue to have the deductibility. I hope our colleagues will look at both of these ideas and go back to the drawing board. It is not where we need to be. We need to be protecting things that are so near and dear to us.

We definitely don't need to fund tax breaks for millionaires by destroying wildlife habitat. Instead, we should be going back to the drawing board on things that are going to help our economy grow in the future.

I hope the public is well aware that this is kind of dark-of-night tactics, where they want us to leave town on Thursday night only to come back on Monday and start in on a tax policy we haven't even seen. We haven't even seen the language yet.

I think we can do better than to have a rush-rush approach to give tax breaks to corporations and certainly not do it on the backs of working-class families in America—taking away from them viable deductions for education, for housing, for property taxes, for expenditures that they make. We can do better than to leave here and come back on Monday to rush-rush a tax break for corporations while raising taxes on middle-class families and destroying a wildlife refuge that scientists say is so important to our ecology to keep.

I thank the Presiding Officer.

I yield the floor.

---

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 12:03 p.m., recessed until 1:46 p.m. and reassembled when called to order by the Presiding Officer (Mr. SASSE).

---

## CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

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

The question is, Is it the sense of the Senate that debate on the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 9, as follows:

[Rollcall Vote No. 269 Ex.]

YEAS—87

| | | |
|---|---|---|
| Alexander | Feinstein | McConnell |
| Baldwin | Fischer | Moran |
| Barrasso | Flake | Murkowski |
| Bennet | Franken | Murphy |
| Blunt | Gardner | Murray |
| Boozman | Graham | Nelson |
| Brown | Grassley | Perdue |
| Burr | Harris | Peters |
| Cantwell | Hassan | Portman |
| Capito | Hatch | Reed |
| Cardin | Heinrich | Risch |
| Carper | Heitkamp | Rounds |
| Casey | Heller | Rubio |
| Cassidy | Hirono | Sasse |
| Cochran | Hoeven | Schatz |
| Collins | Inhofe | Scott |
| Coons | Isakson | Shaheen |
| Corker | Johnson | Shelby |
| Cornyn | Kaine | Stabenow |
| Cortez Masto | Kennedy | Strange |
| Cotton | King | Sullivan |
| Crapo | Klobuchar | Thune |
| Cruz | Lankford | Tillis |
| Daines | Leahy | Toomey |
| Donnelly | Lee | Van Hollen |
| Duckworth | Manchin | Warner |
| Durbin | Markey | Whitehouse |
| Enzi | McCain | Wicker |
| Ernst | McCaskill | Young |

NAYS—9

| | | |
|---|---|---|
| Blumenthal | Merkley | Udall |
| Booker | Sanders | Warren |
| Gillibrand | Schumer | Wyden |

NOT VOTING—4

| | |
|---|---|
| Menendez | Roberts |
| Paul | Tester |

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 9.

The motion is agreed to.

---

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Derek Kan, of California, to be Under Secretary of Transportation for Policy.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I rise today to voice my strong support for the nomination of Derek Kan to be Under Secretary for Transportation Policy at the Department of Transportation. The Commerce Committee held a hearing on his nomination on June 8, 2017, and reported his nomination favorably out of Committee on June 29, 2017, by voice vote.

It is now November 9—over 4 months since the nomination was reported out of Committee. This noncontroversial, well-qualified nominee has been languishing in the Senate for far too long. It is truly unfortunate that we have to go through the cloture process on this particular nominee, who is well known to many of us in the Senate due to his previous work as a Senate staffer.

To illustrate how noncontroversial and well-qualified this nominee is, less than 2 years ago, Mr. Kan was confirmed by voice vote in the Senate to be a director on the Amtrak Board of Directors. The only thing that has changed in the 2 years since Mr. Kan was previously confirmed is that some on the Democratic side have decided to hold this nomination hostage, as well as the nomination of Ronald Batory to be Administrator of the Federal Railroad Administration—a very important position, I might add—and the nomination of Adam Sullivan to be Assistant Secretary of Transportation for legislative affairs, pending assurances that the Trump administration will approve and fund the multibillion dollar Gateway project in New York and New Jersey. While no one questions the importance of this corridor, there are many other important projects that are also awaiting approval and funding at the Department. No project should get to cut the line based on the machinations of a handful of our Democratic colleagues.

As I mentioned, Mr. Kan previously served as a director on the Amtrak Board of Directors, and before that, he served as a general manager for Lyft, the transportation network company. Earlier in his career, he served as a staffer to the Republican leader and as chief economist for the Senate Republican Policy Committee. Before becoming a Hill staffer, Mr. Kan served as a Presidential Management Fellow at the White House Office of Management and Budget.

Once confirmed, Mr. Kan will be Transportation Secretary Elaine Chao's chief policy adviser on legislative and regulatory matters across all modes of transportation at the Department. With the ambitious agenda that

has been laid out before the Department under the Trump administration, I believe Mr. Kan will be well positioned to address the many challenges before the agency, including approving and funding important projects.

Now that we have had to go through this multimonth process to have a cloture vote—again, the vote was just recorded; it was 87 to 9—I urge my colleagues to support his nomination to be Under Secretary for Transportation Policy at the Department of Transportation. Getting these important positions staffed and filled is long overdue, and it is high time the games and politics that are being played with these nominations come to an end.

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. McCONNELL. 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. McCONNELL. Madam President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on the Kan nomination be yielded back and the confirmation vote on the Kan nomination occur at 5:30 p.m. on Monday, November 13.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 254, Steven Bradbury.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

## LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 383, David Zatezalo.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

## LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 300, Joseph Otting.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joseph Otting, of Nevada, to be Comptroller of the Currency for a term of five years.

Mitch McConnell, John Barrasso, David Perdue, Tom Cotton, John Kennedy, Luther Strange, Roger F. Wicker, Roy Blunt, Cory Gardner, John Hoeven, Mike Rounds, Thom Tillis, John Barrasso, John Thune, James M. Inhofe, Bob Corker, John Cornyn.

## LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 313, Donald Coggins.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Donald C. Coggins, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

## LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

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

The motion was agreed to.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 314, Dabney Friedrich.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

Mr. McCONNELL. Madam President, I ask unanimous consent that the mandatory quorum calls with respect to the cloture motions be waived.

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

The majority whip.

TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Madam President, only 4 days have passed since the terrible tragedy in Sutherland Springs occurred, and, of course, the grieving and pain of the families who have lost loved ones and who had loved ones injured during the course of that terrible shooting incident—our thoughts and prayers are still with them. I am going to be traveling to Sutherland Springs this weekend to offer my condolences and ongoing support in person. It is important that we give the community the time and space they need to grieve.

By now, we all know that 26 people lost their lives during a church service at the First Baptist Church. This included an unborn child. Twenty more were injured, and some of them still remain in critical condition. What is amazing to me is that First Baptist will hold a church service this Sunday, just 7 days after a gunman stormed the building and committed the deadliest mass shooting in Texas's history. What resilience, what incredible resolve to come together 7 days after this terrible shooting and have the congregation that lost 26 of its members come together for a church service.

One little guy many of us will be praying for is 5-year-old Ryland Ward. Ryland was shot four times and was partially shielded by his mother, Joann, who, tragically, did not survive. Ryland is fighting for his life at University Hospital in San Antonio, and he remains in critical condition. I know we will all continue to think of him and pray for his recovery.

We continue to hear more about what led to this atrocity—a gunman with a history of domestic violence, animal cruelty, and mental illness. Because of his troubled history, which included convictions for domestic abuse in the military, he was legally prohibited from purchasing a firearm, but he lied about it. Unfortunately, the background check system, which is supposed to alert the dealer not to sell a firearm to a person with disqualifiers such as his, simply did not come back at all to demonstrate that he was, in fact, disqualified from purchasing a firearm. He was legally disqualified because he had beaten up his wife, had fractured the skull of his stepson, and he was legally disqualified because a military court in New Mexico had handed down a felony sentence for his attacking his own family. But as we know now, and as I have said, that information was not uploaded by the U.S. Air Force or the Department of Defense in the Federal background check database. Under the law it was supposed to be uploaded, but it wasn't. So he got away with lying about his record.

That is what we have to fix. After terrible incidents like this, the most common question I hear people ask or the most common statement I hear them say is this: We have to do something. But here that something we have to do is crystal clear. Troubled individuals like this monster should never have gained access to a gun. When he tried to purchase them, the person who checked the Federal database should have seen his name and criminal convictions and said: No way, no how.

I have had conversations with many of our colleagues across the aisle and in the Chamber about this problem and what we need to do to fix it. Next week, I plan to introduce legislation to fix these flaws in the National Instant Criminal Background Check System and to ensure that all Federal agencies upload required conviction records like these in the NICS system as fast as possible. Clearly, that is not being done now, and we must do it and do it quickly to make sure that other potential killers will not be sold a firearm because of the defects in our National Instant Criminal Background Check System. It is imperative that this information be shared, that violent felons' convictions be uploaded, and that dangerous individuals not gain illegal access to firearms. Unlike law-abiding citizens, these individuals can't be trusted to do what is right because we know that in the wrong hands, guns can do tremendous harm.

I must add that in the right hands lives can be saved too. All we need to do is regard the actions of Stephen Willeford. When he heard the gunshots going off in the church, he grabbed his AR–15—what some people call an assault rifle. It is a semiautomatic legal weapon. He is an NRA, or National Rifle Association, certified instructor. He took that gun and shot at this killer to try to stop him from killing more people, and he was successful. He wounded the killer and put himself in harm's way. To me, this demonstrates not only the heroism of Mr. Willeford, but it demonstrates another reason why law-abiding citizens should be able to keep and bear arms, in the terminology of the Second Amendment to the U.S. Constitution. Law-abiding gun owners are not a threat to the public safety. It is only so when they get in the hands of felons, the mentally ill, and domestic abusers, like the killer in Sutherland Springs. So in the right hands, guns can save lives too.

As somebody who is a sportsman and believes in the Second Amendment and believes that law-abiding citizens ought to be able to keep and bear arms to defend their families and communities, I am proud of the work that Stephen Willeford did on that terrible day. I know there are those who believe that the NRA is somehow complicit in some of these terrible events, but I will tell you that the NRA did us all a favor by training somebody like Stephen Willeford so he was prepared on that horrible day to stop the shooter before he killed more innocent people. I applaud him for it, and I applaud them for teaching people gun safety and self-defense so they can protect their families, their property, and their communities as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

NOMINATION OF STEVE GRASZ

Mrs. FISCHER. Madam President, I rise today to share my strong support

for Steve Grasz, who has been nominated by President Trump to fill a vacancy on the U.S. Court of Appeals for the Eighth Circuit. The junior Senator from Nebraska and I asked Nebraskans to express their interest in this position, and we conducted a thorough process of the applicants. I must say that, with more than 5,700 lawyers, Nebraska proved itself to have a talented legal community that has demonstrated an unwavering dedication to the rule of law.

However, in our search, one candidate stood out above the rest, and that was Steve Grasz. He is an outstanding Nebraskan and a talented legal mind. The President agreed. That is why he accepted our recommendation in August, and he nominated Steve for the Eighth Circuit.

Like so many other Nebraskans I have heard from during this process, the President recognized Steve's temperament, intellect, and skill as worthy on the Federal bench.

Steve excelled in his education at the University of Nebraska-Lincoln and the University of Nebraska College of Law. He then built a distinguished legal career, practicing appellate litigation over the past three decades. For 12 years, Steve served Nebraska as the chief deputy attorney general. He did so with dedication to justice, passionately defending our citizens and upholding the laws of our State.

Steve has handled numerous constitutional litigation matters in the Nebraska Supreme Court, the Eighth Circuit Court of Appeals, and the U.S. Supreme Court. In doing so, he has earned the respect of the Nebraska legal community.

For many years Steve has earned the Martindale-Hubbell ''AV Preeminent'' peer review rating, the very highest available. This peer-reviewed rating is based on legal knowledge and ethical standards, a nonpartisan litmus test.

Steve also serves on the executive committee of the appellate practice section of the Nebraska Bar Association, and he was selected as a fellow by the Nebraska State Bar Foundation, an honor reserved only for the top lawyers in my State. Nebraskans agreed that Steve has the extensive legal experience needed to serve on the Eighth Circuit. Yet the American Bar Association has rated Steve as ''not qualified'' for this position on the Federal bench.

As someone who spent months reviewing Steve's extraordinary qualifications for this judgeship, I was shocked when I heard the assessment. Something didn't add up.

But after a review of how the evaluation was conducted, things became more clear. The ABA rating of Steve Grasz appears to be based on his work defending Nebraska's pro-life laws as well as his personal views, which he shares with a majority of Nebraskans. Both evaluators discounted his remarkable legal career, choosing instead to focus on innuendo in their report because he associates with political organizations they disagree with.

There is nothing wrong with participating in the democratic process. Indeed, Steve's own evaluators have done just that. Steve's first evaluator, Cynthia Nance, has received several awards from the Democratic Party of Arkansas. His second evaluator, Laurence Pulgram, a San Francisco attorney, works as a liberal activist and has donated thousands of dollars to the Democratic Party. Again, the fact that these Americans have decided to engage in the political process is not shameful. They have every right to do so, just like everyone else. But here is the problem. They claim to be leading an impartial evaluation of Steve, when in fact they are really trying to take down his nomination and further their own political agenda.

A deeper review of the ABA evaluation shows a report that is long on anonymous sources and short on substantiated evidence.

This is not the first time that the ABA has been criticized for using anonymous sources, either. In 2006, while discussing Vanessa Bryan's ABA rating, the senior Senator from Connecticut stated:

> I have even greater concern with the credibility of anonymous sources when those sources are used as evidence for a subjective characteristic such as judicial temperament. . . . I urge the Senate Judiciary Committee to only consider anonymous criticisms when such criticisms can be verified from other sources.

Even worse, the sourced evidence the ABA produced for their report doesn't hold up to scrutiny, either. One of the Nation's leading experts on judicial appointments also agrees that the facts are few when it comes to Steve's ABA rating. In his examination, Ed Whelan, the president of the Ethics and Public Policy Center, called the ABA evaluation ''feeble beyond the point of incompetence'' because it ''selectively quotes'' portions of an article written by Grasz to misrepresent his views. Whelan concludes that ''it would thus seem that . . . the ABA . . . is unable to distinguish between its role as advocate and its role as adjudicator of the merits of judicial nominees.''

As we learned more about this evaluation process, it is clear that the ABA uses its power as a reviewer of judicial nominees as a way to support its partisan agenda, instead of making a determination based on the merits of judicial temperament.

During Steve's confirmation hearing last week, my colleagues on the Judiciary Committee asked good questions that brought even more details to light. That is how we discovered that Steve was asked a number of inappropriate, leading questions during his ABA evaluation. These questions had no relevancy toward his ability to serve our Nation as a judge. He was asked for his personal opinion on social issues, including abortion, and he was later questioned about where his children went to school.

In response to a line of questions from the junior Senator from Arizona, Steve explained that his ABA evaluator continued to use the term ''you people'' during the interview. When Steve finally asked what he meant by ''you people,'' the evaluator told him he meant ''conservatives and Republicans.''

Steve also told the committee:

> At least a half hour of that time was devoted to discussing a white paper that I had written on the judicial selection process for state judges in Nebraska. There was one paragraph in that rather lengthy article [where] I had criticized the oversized involvement of the American Bar Association in that process, and I had mentioned some of their political activities including their role in the debate over abortion rights as well as Second Amendment rights of individuals.

He continued:

> It seemed to be a topic of great concern to the interviewer.

These tactics used by the ABA are not right. They show contempt for ideas that do not fit the interviewer's personal beliefs and in no way portray an attempt to consider carefully whether or not Steve Grasz is capable of being a fair judge. This wasn't an evaluation. It was a partisan, shameful attack. It was intended to further the political agenda of the two evaluators and damage Steve's sterling legal reputation.

In the days since the biased ABA rating was released, Nebraskans have spoken out, and I couldn't be more proud of them. In letters, online, on Facebook, and in the pages of our State's newspapers, our citizens have come to Steve's defense.

Richard Kopf, a senior U.S. district judge for Nebraska said he was ''stunned'' reading the ABA assessment of Steve. The ABA interviewed Judge Kopf about Steve, and although he did not know Steve personally, on two occasions he told the evaluator he believed Steve was ''well qualified.''

Judge Kopf wrote in the Omaha World-Herald:

> One can only speculate, and my speculation was that Mr. Grasz, who is by all accounts a brilliant and honorable person, would do his best. I certainly have and had no evidence to the contrary. . . . I respectfully suggest that the committee got it wrong when it gave Mr. Grasz a ''not qualified'' rating.

Additionally, the president of the Nebraska State Bar Association, Timothy Engler, quickly responded to the evaluation by noting that his organization did not participate in the report or the ABA's grade. Mr. Engler also noted that his own personal view was that he always found Steve ''to be professional, civil, and ethical in all respects'' and that Grasz ''would have no questions regarding his judicial temperament as a member of the Judiciary.''

We received numerous letters of recommendation on Steve's behalf. Nebraskans from across the political spectrum have pointed to Steve's thoughtfulness, fairmindedness, high ethical standards, and brilliant abilities as a jurist.

The respect and admiration for Steve is also bipartisan. This includes former

Democratic Governor and U.S. Senator Ben Nelson, who wrote that Steve was ''an asset to our state and Nebraskans benefitted from having such a capable and thoughtful professional in public service. Today, he is unquestionably one of the foremost appellate lawyers in the state, making him an obvious choice for this seat on our federal appeals court.''

Debra Gilg, the former U.S. attorney for Nebraska and a Democrat appointed by President Obama, wrote:

> Steve has always enjoyed a reputation for honesty, impeccable integrity, and dedication to the rule of law. He possesses an even temperament well-suited for the bench and always acts with respect to all that interact with him.

Those who have known Steve his entire life have vouched for him as well. For example, Bill Lydiatt of Bellevue, NE, wrote a letter to the editor to the Omaha World-Herald that said:

> As a classmate of Grasz in Chappell, Nebraska, from kindergarten through high school and as a lifelong friend, I can personally vouch that Steve holds all of the attributes to be a successful judge.

Furthermore, pointing to his integrity and fairness, he concluded:

> I don't share all his political views, but I can say without any hesitation that Steve Grasz is exactly the kind of person we need as a judge and is perfectly suited to the high honor of joining the 8th Circuit Court of Appeals.

In Nebraska, the truth holds more value than partisanship. Madam President, everyone serving in this Chamber swears an oath to support and defend the Constitution. One of the ways we do that is by confirming judges who we know will faithfully honor that pledge while serving our Federal court system. The Constitution states that we in the Senate, not the American Bar Association, are to advise and consent when it comes to judges. We have a duty to do so thoroughly, without bias, and through the use of all the information available to us.

Both the junior Senator from Nebraska and I trust Steve Grasz to support and defend the Constitution. So do those who know him best—the people of Nebraska who have worked with him for nearly three decades. The Senate should as well.

I urge the Senate Judiciary Committee to advance his nomination. The American people deserve to have talented and fair lawyers like Steve Grasz on the Federal bench.

Thank you, Madam President.

I yield the floor, and 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. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TAX CUTS AND JOBS ACT

Mr. HATCH. Mr. President, today, as chairman of the Senate Finance Committee, I am releasing a chairman's mark for the Senate version of the Tax Cuts and Jobs Act, legislation that is the culmination of years of effort to reform our Nation's Tax Code. We have been at this a long time, and today marks a significant step forward in this effort. While we refer to this document as a chairman's mark, it has really been a group effort, with significant input from all the Republican members of the Finance Committee and great work from all of our staff. I want to thank everyone involved for their hard work, as well as their feedback, perspectives, advice, and ideas.

The last time Congress enacted a comprehensive overhaul of the Tax Code back in 1986, President Reagan famously noted that the American people would finally have a tax code they could be proud of. And in 1986, that was likely true. At that time, updates to the Tax Code were necessary to keep pace with the technological and geopolitical changes our Nation had been facing. That sounds pretty familiar, Mr. President. It is, after all, what we have been saying for the last several years. The world of 1986 was vastly different from the world we live in today. Advances in the past three decades have been monumental. Yet our Tax Code has not advanced, and it is failing us.

The American people have dealt with years of stagnating wages, sluggishness in labor markets, and weak growth in the economy. Businesses are fleeing our country to find more favorable conditions in other countries. We have been working for years to address these issues and to meet the needs of the 21st-century global economy.

Fortunately, we now find ourselves in a position to make good on all of these years of hard work. A big part of that is the fact that our current President is fully engaged on tax reform, unlike his most recent predecessor. So we have been focused this year on providing middle-class tax relief, reforming the business tax system, and fixing our obscenely outdated international tax regime.

The mark we are releasing today will accomplish all of these goals and more. It will reduce individual rates across the board and direct substantial relief to low- and middle-income families and workers. It will bring down corporate tax rates—a goal long shared by Republicans and Democrats—and provide businesses with new opportunities for growth and expansion. It will modernize our international tax system, bringing to an end our worldwide tax regime, a relic that should have been retired many years ago. We have been laser-focused on reducing taxes for the middle class, and that is exactly what this bill will do.

Combined, these changes to our broken Tax Code in the chairman's mark will give hard-working taxpayers across the country bigger paychecks and more opportunities. They will grow our economy, raising wages and improving the standard of living for all Americans. They will once again make America the best place in the world to create, grow, and keep a business—where we create more jobs and sustain a vibrant, growing economy.

I will have more to say on the specifics of the mark in the coming days. For now, I just want to give my colleagues on the Finance Committee an opportunity to share their thoughts on the steps we are taking today.

Before we get to that, I do want to acknowledge the elephants in the room. Only Republicans will be standing up today to speak in favor of the mark, and I expect we will hear some negative comments from our friends on the other side of the aisle soon enough. On that point, I will just reiterate what I have said many times in the past: Our desire from the outset of this endeavor has been to have Democrats join us in this effort.

I have personally invited my colleagues to come to the table, to share their views, and to work with us in good faith. Yet I expect that we will hear a lot about supposed process fouls in the coming days. Let me make it clear to anyone listening: As chairman of the Senate's tax writing committee, I haven't turned anyone away from the process. I haven't refused to listen to anyone's ideas or suggestions. And I continue to say, with conviction, that I am still willing to have them onboard and hope they will be willing to get onboard and join us in this effort.

A critical objective in the effort is to provide relief and support to the large swath of Americans in the middle class who have been left behind, without economic gain or opportunities for growth.

Our tax reform efforts—represented in the chairman's mark put forward today—show that we are listening to those calling out for relief. We have a historic opportunity to help, and that opportunity should not be squandered by anyone on either side of the aisle for cheap political points.

With that, I am grateful to be a member of this body and grateful to be chairman of the Senate Finance Committee, which is a very powerful and hard-working committee—both Republicans and Democrats. I am grateful to make these remarks today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the last time Congress really did the big job that is before us right now was 1986. It did quite a bit to modernize the Tax Code. That was 30 years ago. In the generation since, the Tax Code has grown out of control. Everybody knows that. It has been a dream come true for accountants and lobbyists who make their living from certain provisions of that Tax Code. But for the American taxpayer, the gigantic Tax Code is not a dream, but a nightmare for most Americans.

This has helped the powerful and the well connected, but it has hurt American workers. It has hurt American industry, and it hurts America's ability to compete with the rest of the world.

The bill unveiled today takes a giant step forward to make our Tax Code simpler, fairer, and more competitive. It catches us up with our major trading partners, who have been lowering business tax rates while we stood still, and it keeps us uncompetitive. It will give us an opportunity to export more when we are competitive in the global economy.

This bill will also help bring back jobs and create new ones. It will boost American wages by promoting economic growth and incentivizing investment.

The centerpiece of the legislation is where it ought to be—in the center of our population, middle-class America, so it has middle-class tax cuts. The average middle-class family of four would see a tax cut of more than $1,400 and an increase in the child tax credit of $650—above the $1,000 that is already there per child, which would mean real help for working parents.

Nearly doubling the standard deduction means that many lower income Americans will be removed from the tax rolls completely, and the tax filing season will be much simpler for millions more.

Small businesses will also see significant tax relief from the rate reduction on the individual side but also from an innovative, new small business income tax deduction. Two-thirds of the jobs in this country are created by those very same small businesses, and we ought to give them some better equity with big C corporations.

It will provide much needed tax relief to nearly all small businesses, down to the smallest family-owned corner store and family farmer.

Our bill recognizes the importance of small businesses in our economy. After all, as I just said, they are responsible for a majority of those new jobs. The tax savings they receive could be spent on a new hire. It could be spent on giving raises to employees in those same small businesses. It could be invested in a growing company. All of this adds up to Americans seeing more ''Now Hiring'' signs throughout our country.

Landmark tax relief during the Kennedy and Reagan administrations grew wages, created jobs, and made the United States more competitive, so there is enough history behind what we are trying to do to know that it will accomplish the goals we are trying to accomplish.

Today, Congress has a golden opportunity to do, again, what was done in Kennedy and the Reagan years, and it has not been done for 30 years: tax cuts, tax simplification, and tax reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Mr. President, today is a good day. We have both the House and the Senate working on tax reform that will have a positive impact for everyday, hard-working Americans. This is truly a good day.

So often when you hear us talk about tax reform, it sounds like a lot of numbers. I am not sure how excited or enamored people get with numbers, but I am the kind of guy who believes tax reform is not about numbers. Tax reform is about everyday Americans being able to keep more of their hard-earned money.

Tax reform is about families like the one I grew up in—single-parent households, working paycheck to paycheck, year in and year out, praying and hoping for something good to happen. Today is good news for those single moms and single dads out there.

It is also good news for the working-class families—dual income—making around $75,000 a year, working every day, trying to make sure they have a little left over for dinner out.

We want to say to those folks who haven't really had a raise in a decade: We hear you. We feel your pain. We want to deliver to your American family the opportunity to see more money in each paycheck. This is good.

And for folks who are looking to start businesses, we have a Christmas surprise for you too.

We have lowered taxes on the average family about $1,500 a year—$100 or so a month. Here is what that means. For a family where you are in a single-parent household, you bring home about $450 a paycheck. That could easily become an extra 10 percent per paycheck. That is a lot of money to a single-parent household.

We have also expanded the child tax credit to make sure that those folks in the middle-income brackets are able to keep more of that hard-earned money. If there is a focus on our tax reform package, it is to make sure that middle America—hard-working income earners—have a chance to see more money materialize in their paychecks.

We have also simplified the Tax Code. People say: Well, how did you do that? There are seven brackets. I understand. It is simple. Simplification means you do not have to itemize. Said differently, 9 out of 10 taxpayers will be able to use the expanded standard deduction to figure out their tax burden, as opposed to going item by item by item and understanding whether you can withdraw it or subtract it from your income.

I had the great pleasure to be a small business owner before entering Congress. Many small business owners represent the backbone of our economy. Most jobs created in the future will be created by a small business owner. We are going to lower your taxes so that you can hire more people and make long-term investments in building the greatest economy this country has known in more than a generation.

This is a good day, and we have good news.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I agree with the Senator from South Carolina. This is, indeed, a good day for the families who will benefit from this additional money in their paycheck, from the increased standard of living they will enjoy.

For those of us who want to see businesses come back home from abroad, they fled this country because we have the highest corporate tax rate in the world. When we say we want to reform that broken corporate tax rate and to bring those businesses and that money home, we join our colleagues—ranging from the Democratic leader, Senator SCHUMER, to Barack Obama in 2011, in a joint session of the U.S. Congress—in advocating for bringing that business rate down so that businesses will stay in America. They will hire Americans, and they will improve wages for all working families.

I am proud to join my fellow Finance Committee colleagues on the floor today to support our version of the Tax Cuts and Jobs Act, which was just released a few moments ago.

I congratulate Chairman HATCH for his leadership, but I am extraordinarily impressed with all the members of the Finance Committee who worked so hard together to try to get us to where we are today. We plan for lower rates.

As you heard, we increased the standard deduction, we expanded the child tax credit, and we reformed the Tax Code so that we can give Americans access to more jobs and higher wages.

Our Democratic colleagues have said they want tax reform too. I mentioned Barack Obama and CHUCK SCHUMER, our colleague from New York, who repeatedly said that we should lower the corporate rate so businesses will come home, hire Americans, and help our economy grow here. So we are all in agreement on that on a bipartisan basis, and there is room for further agreement.

I agree with the chairman of the Finance Committee, Senator HATCH. We invite our Democratic colleagues to come together and join us, particularly starting on the Finance Committee on Monday.

If what we want is more, better paying jobs—and we do—then we have to focus on lowering rates on all the job creators, including small businesses, as you have heard. The framework we have developed was designed to cut taxes for middle-class families, not millionaires. It is to help small businesses grow and create more jobs. It is to provide relief for hard-working families by increasing the standard deduction, as our colleague from South Carolina pointed out. One out of ten taxpayers will now have to itemize deductions in order to take full advantage of the law to reduce their tax burden. So it will be simpler, easier to comply with, and lower their tax rate, while enhancing the child tax credit. These reforms will make the 1,000-page Tax Code easier to understand and comply with. Our efforts will simplify what are

now pages upon pages of language that only tax lawyers and lobbyists understand.

I look forward to continuing the important discussions when the Senate Finance Committee marks up and amends this proposal starting Monday.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, it is a good day here in the Senate because today we released our tax reform legislation, and soon we hope to have a final bill on the President's desk.

When you first think about coming to Washington to serve, you dream about fixing big problems and making a real difference in people's lives. Well, today we get to make a big difference.

When I look at the Chamber, I hearken back to 1986, which was the last time tax reform was actually passed through the Senate and signed into law by the President. Senator HATCH, the chairman of our committee, was a Member of the Senate at that time; Senator MCCONNELL, the Republican leader; Senator GRASSLEY, whom you just heard from—they were all here to vote on that. I was here as a young staffer. At that time, I didn't have kids of my own, and today I am a grandfather. So a lot of time has passed, and tax reform is long overdue.

The whole point of this exercise is to give hope to future generations of Americans, to give them a better opportunity at a better life, to improve their standard of living and their quality of life. In order for that to happen, we need to be taking the steps here and putting policies in place that will create the conditions that are favorable to economic growth and to the creation of better paying jobs and higher wages.

Today we get to bring relief to the parents who are wondering if they will be able to afford a new car that they need to fit their growing family. Today we get to bring relief to the single mom who is wondering how she is going to pay the rent next month. As our colleague from South Carolina talked about, those parents and families who are literally living paycheck to paycheck. Today, we get to bring relief to the middle-aged couple worrying about a secure retirement, to the small business owner who doesn't know how he will meet his tax bill and still make his mortgage payment, to the family farmer who is worried that he will not be able to pass down his farm to his daughter.

The comprehensive tax reform legislation we have introduced today will provide immediate, direct relief to hard-working Americans. It will immediately increase their take-home pay. It will immediately simplify the Tax Code so that it is easier for Americans to figure out what benefits they qualify for so they don't have to spend a lot of time and money filing their taxes.

That is really just the beginning. Our bill is also going to reform the business side of the Tax Code to give Americans access to the jobs, the wages, and the opportunities that will set them up for a secure future. We are going to make it easier for small businesses to raise wages and to hire new workers. We are going to end the outdated tax framework that is driving American companies to keep jobs and profits overseas, and we are going to make it easier for companies to invest in American jobs and American workers.

It has been a rough few years for our economy and for the American people. A lot of Americans haven't had a pay raise literally in almost a decade. But with this tax reform legislation, we can ensure that it doesn't stay that way.

The American people deserve a tax code that works for them and not against them, that grows their paychecks instead of shrinking them, that expands their opportunities instead of eliminating them, and that is exactly what we are going to give them starting today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, today is America's lucky day. And we all know what the definition of ''luck'' is—luck is when opportunity meets preparation. We are very lucky as a country and we are very lucky as a Senate that our majority leader, MITCH MCCONNELL, was where he is and is where he is at the time he is. It was his vision a few years ago that the tax issue was going to emerge as the central issue in the growth and development of our country and that unless we met the challenges of our Tax Code, opened up opportunity for our public, and expanded opportunity for our businesses, the American people could succumb to a high-tax system without productivity.

We also got lucky because Senator MCCONNELL picked a man to be chairman of this committee—ORRIN HATCH—who brought years of experience in the U.S. Senate and the compassion that ORRIN HATCH has as a Mormon and as an American to a tax code that is by no means simple—it was always complex—to make it simpler and fairer, pro-family and pro-jobs.

Let me tell you something. There are a lot of disappointed people overseas right now because those who have been picking our pockets by inverting American corporations to foreign systems because their taxes were lower than ours are out of luck. Now those people are going to be incentivized to come to America, to make investments in our country, to expand opportunities and jobs in our country. No longer will companies want to leave America; companies will invest and be more American. That is fantastic, and that is why this is a pro-jobs tax bill. It is going to create a lot of opportunity, and opportunity is what Americans want and what Americans need.

For the average American family—and let me talk about my family for a second. I think I am pretty average. My wife and I are fortunate. We have three great children and nine great grandchildren. I was lucky enough to have worked in a small LLC—limited liability partnership—real estate brokerage company, mom-and-pop brokerage company. My wife taught in public schools. Our children went to the University of Georgia and to the public schools of our community. We saved for their education. We did everything we could to invest in hope for them in the future, and today they are all gainfully employed. They are all happy, but they are all struggling, as everybody else is, with a burdensome tax system, with less opportunity than we would like for them to have. By simplifying the tax system, by making it fairer, as we have done here, we have given more opportunity to my grandchildren, my children, and more opportunity to America.

Lastly, I want to make this point: There are only two ways to raise taxes or raise revenue. One is to charge more. That means you raise somebody's taxes. The other way to do it is to create opportunity. So people create companies and jobs because the opportunity is there. When you create opportunity and when jobs are created, revenues increase. When people do better in their jobs, their incomes go up. When companies have people who do better in their jobs, they expand. When they expand, they produce more revenue that becomes taxable. So we raise our revenue not by lowering expectations but by raising opportunity for our people and for our children.

We are very lucky as Americans today. I am very lucky to be in this U.S. Senate today. We are lucky to have had leaders in place at a time that was right to address our country's biggest challenge and do it the right way.

When I was in the Georgia Legislature, I sat next to an oldtime rural-hat politician who ran the Ways and Means Committee of the Georgia Legislature. I will never forget that one day he and I were sitting side by side as we were listening to a gentleman make a speech in the well. The gentleman in the well paused a minute to try to make a point, and he said: Ladies and gentlemen, let me tax your memory. And my old friend, the rural-hat politician, said: Damn, I wish I had thought of that.

That is the way we have done taxes in this country for a long time—just taxed people's memory, tried to look for an opportunity to tax something for us. What we are doing here is we are creating opportunity. We are raising revenue through prosperity. Americans will raise revenue for their pockets first before the country gets the revenue second.

So it is our lucky day—lucky to have good leaders, lucky to live in the greatest country on the face of this Earth. And if we do our job—if we pass this bill before the end of this year and

change the Tax Code of the United States of America to a fairer, pro-jobs, pro-family tax code—then we will have made our contribution to history at a time when it was our opportunity. I hope it will never be said that we let our country down when that opportunity was available to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I want to echo the message of the Senator from Georgia. This is a terrific opportunity. This is a very big day. It is a big step forward on our path to restoring the economic growth that we have been waiting for all this time. I am very excited about this step forward and the remainder of the process to get this done, to get this bill signed into law.

Why do we need this? We have just lived through the weakest recovery in American history—feeble growth, stagnant wages, and a widening gap between the wealthy and the poor. That is what has been happening for years.

Some people say: Well, that is just the way it is. You just need to get used to it. That is the new normal. That is what America is about now.

That is complete nonsense. There is nothing inevitable about the American economy being weak and denying opportunity for the people we represent. It is a direct result of bad policy, failed policy that prevented us from having the recovery we would normally have after a recession.

What was that policy? Well, we saw it. It is very clear. It is not a matter of opinion, it is a matter of fact that productivity growth in America collapsed. It is a matter of fact that investment in the kinds of new plants and equipment that allow for productivity to grow collapsed. It is a fact that new business startups just dried up. People weren't able and willing to do it.

There is no mystery about why our economy was so weak for so many years. We had imposed conditions that made it impossible to have the kind of growth that is normal. Meanwhile, what was happening in the rest of the world? The rest of the world was systematically making their tax codes more competitive. The countries that we compete with around the world, in Europe and Asia, were lowering the rates they apply to business income, they were simplifying their codes, and they were moving to international systems that made it more conducive for them to generate investment into their countries, while we did nothing except let our Tax Code ossify. That is what has been happening these last many years.

What I am excited about is that this bill fixes exactly what is broken. This bill goes to exactly where the problem is and begins to turn this around. How do we do that? One of the things we do—a hallmark of this bill—is we are going to lower the cost of investing in the new plants and equipment that will allow American workers to become more productive. More productive workers get paid more in wages; that is just a fact. That is what is going to happen as a result of this bill.

Another thing we do in this bill is we get away from this terrible policy we have that is resulting in foreign companies buying up American companies. The way we treat income earned overseas is a disaster, and we are the only country in the world that does it.

I think you could make a case that today the United States has what might very well be the least attractive tax regime in the modern world, in the industrialized world. What is really exciting about this is that we are going to move from this system to what just might be the best tax system in the industrialized world. Think about the result that is going to have. I think the result is going to be breathtaking—new investment, new businesses being launched, existing businesses growing.

Take foreign direct investment alone. If you think about it, we have a global economy. Capital can move around the world with literally the click of a mouse, and people make investment decisions based on the climate of the place in which they are thinking about investing. When we have the worst tax regime in the world, who really wants to invest here? When we have the best, how are we not going to attract investment from all around the world, including very much in the United States?

So the changes we are making are exactly the right changes for this moment. That is true in another respect, and that is, if you think about where we are in this cycle, it has taken way too long to get here, but the unemployment rate is quite low now. We are getting close to full employment. So what happens when we create the incentives for businesses to grow, to invest, for new businesses to launch, for people to invest in America—what happens when that occurs in an environment where the unemployment rate is very low? It sets up a bidding war for workers. There is no other choice. As they grow, these businesses need new employees to get the job done. They have to pay ever more because they are competing with another business down the road that also wants to grow and also wants to invest in new plants and equipment.

What we are going to do is create a bidding war for workers. That means wages are going up. When wages go up, families have more take-home pay. When they have more take-home pay, they have a higher standard of living. This is exactly how people have a chance to live the American dream, when the economy is thriving and growing at the rate that America used to take for granted. I am here to say that those days are coming back.

We have some work to do. We are not done yet by any means, but I am confident we are going to get this done and, when we do, our constituents are going to live a better life as a result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I really enjoyed listening to my colleague from Pennsylvania talking about this new tax reform plan that has just been unveiled by the Finance Committee. He is right; this is really exciting because it is an opportunity, after a lot of talk over a lot of years, to finally fix our Tax Code.

Our Tax Code is broken. It is broken in a lot of different respects, but one that he pointed out so well is the fact that we actually have jobs and investment going overseas because of our Tax Code. It is the responsibility of the people who are in this body and in the House and in the Presidency to actually fix that. No one else can do it. Workers in America, including in my home State of Ohio, are competing with one hand tied behind their back because we have a tax code that encourages other companies from foreign countries to come in and buy our companies, to take our business, to take our market share, to make it harder for U.S. workers to be able to compete and win. So I think it is way past time, frankly, for us to fix that.

People say: Well, we haven't reformed the Tax Code in 31 years and it is about time, and I agree with that. If we go back to the international part of our Tax Code that created a lot of these problems, we have to go back to John F. Kennedy, who last reformed it. That means that part of our Tax Code should qualify for AARP benefits; that is how old it is. So it is time for us to fix it, and it is really exciting to finally have the opportunity.

There are three parts of this tax reform proposal, all three of which are really important. The first is a tax cut for the middle class. Why is that important? Because right now, even with the economy that is starting to grow a little bit, what is happening? Wages are flat, so expenses are up across the board.

The biggest expense, by the way, is the one the Presiding Officer has been involved with, which is healthcare. People have seen their healthcare costs go up, as well as their premiums and their deductibles and their copays; yet their wages aren't going up, and that creates a middle-class squeeze. But it is more than healthcare. It is food. It is every day purchases. It is tuition, if you are trying to send your kid to school. Those have skyrocketed. So let's do something to actually give the family budget a little help; that is, the middle-class tax cuts that are in this proposal.

You probably saw today that the middle-class tax cut alone provides, on average, $1,458 for every family. That is the median income family.

One of the reporters here in the hall asked me: Gosh, $1,500 a family—why does that matter?

I said: It matters a lot if you are living paycheck to paycheck. Maybe you

are not, but a lot of people whom I represent are, and that $1,500 will help them to be able to make ends meet and maybe begin to save a little bit for vacation or retirement or for the ability to make that car payment. So I think this is really important.

I would say, though, beyond just that important middle-class tax cut, there is something else that ought to be considered, which is, if we do this right—the way this has been laid out by the Finance Committee—what is going to happen is we are going to help to create more jobs and higher wages.

My colleague from Pennsylvania talked about this. With a relatively tight labor market, as we have more investment into these businesses, what is going to happen? Everyone says we are going to see wages go up. The Congressional Budget Office, which is a nonpartisan group, and the Joint Committee on Taxation, also a nonpartisan group, have looked at all of this. They say: Yes, there is actually going to be a benefit to workers if we do these business tax cuts, to be able to get the business rate down below the average of the other industrialized countries, rather than having the highest business rate in the entire industrialized world, which it is now, because that is going to attract more jobs and investment here and we will stop losing jobs and investment.

There are some economists who have looked at this, as well, and they agree that this is going to benefit workers. In fact, there are a couple of economic studies that show that families will get an additional $4,000, on average, per family. Again, we are talking about middle-class families who will get the benefits that are going to come from more investment and more jobs and higher earnings that are going to happen in the business world.

So it is not just about the middle-class tax cuts, as important as they are; this is also tax reform that is going right to the bottom line. You will be able to figure it out. Go online, use the tax calculator, and figure out what it means to you. But also remember that these other reforms, in an outdated Tax Code that is just crying out for reform, are going to result in additional benefits flowing to you and your family, as well, if we do this right, and we have to do it right.

There is a study that came out recently from a firm called Ernst & Young. The study looked at what has been happening in America over the past decade or so. It said that over the last 13 years, there are 4,700 American companies that have become foreign companies because of our Tax Code that would still be American companies today if we put in place the kind of tax reform we are talking about—20 percent rate—below that average of the other industrialized countries and this international system that allows you to be more competitive—4,700 companies. Think about that.

There is other data out there that says twice as many foreigners are buying U.S. companies than U.S. companies are buying foreign companies. Why? Because of our Tax Code. It is just true.

This is something that has been happening in this country, not just in the last couple of years but really over the last couple of decades. It is time for us to catch up. America needs to get back in a leadership position, and if we do that, we are going to see more jobs and more investment coming here to this country rather than going overseas.

Finally, the third thing this does that is so important is it levels the playing field internationally. Right now we have between $2.5 trillion and $3 trillion of earnings—money—from American companies that are trapped overseas. Those companies aren't bringing it back. Why? Because of our Tax Code. This tax reform proposal actually says to those companies: We want that money back here. We want you to invest in America. We want you to create jobs here and expand plants and equipment; bring your intellectual property, your patents back here, and then send that export out from America. That will create jobs here, including good jobs in research and development.

That is what this proposal does as well. It levels that playing field internationally to tell the foreign companies and the foreign nations that are taking advantage of our current Tax Code: You know what, that is not going to happen anymore. That is done. We now are going to have a competitive tax code where we are encouraging money to come here to this country, and that money coming back here, invested in this country, will also raise the economic condition for the entire country. Economic growth will go up, and, again, that filters down to all of us, including every family I represent.

That is why I am excited about this. I think it is overdue. I wish we could have done this earlier, not just last year but 10 years ago or 20 years ago.

Senator HATCH is on the floor tonight, and he has been talking about this for a few decades. He has been saying that we have to fix this. He is now chairman of the Finance Committee. He can do it.

Senator MCCONNELL is going to speak in a minute. He has talked about this for a long time. We have had commissions on it. We have had bipartisan working groups—five of them—a year and a half ago on reform, and those bipartisan working groups looked at this issue. I cochaired one of those working groups on the international side. Guess what. On a bipartisan basis, we said: We have to have this lower tax rate; we have to go to this more competitive international system. Do my colleagues know who the cochair of that working group was? There was one Republican, one Democrat on all of these working groups. It was CHUCK SCHUMER from New York who is now a Democratic leader. So this has not been a partisan issue in the past, on the international side at least.

Let's figure out how we can come together and get Republican and Democratic support to be able to tell the workers of America: You are no longer going to have to compete with one hand tied behind your back. We are going to give you the tools to be able to be successful for you and your family so that you can achieve the American dream.

I am excited about this. Let's move forward. I look forward to the Finance Committee next week bringing it to the floor, and I hope we can have support on both sides of the aisle to get this done.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, the distinguished chairman of the Finance Committee is on the cusp of the accomplishment of his career. This comprehensive tax reform will make a huge difference for America. I wish to commend him for the efforts that have gotten us this far.

We have heard members of the Finance Committee speaking to the bill that has been presented to our conference. This is going to be an extraordinary accomplishment, not only for the American people but for the distinguished chairman of the Finance Committee.

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

Mr. CASSIDY. Mr. President, I wish to add my words to those that have been said.

Let me begin by saying that the achievement of this tax proposal is not about anyone in this Chamber; it is about the working families who for the last 8 years have not done so well. They have either lost their jobs or their wages have been flat and their benefits have not improved or, indeed, the cost of those benefits have risen dramatically. I can say, with the Tax Cut and Jobs Act that is being introduced today, they will increase their take-home pay, they will have higher wages, and they will have a better life.

Now let's talk about how that would be. How will these working families improve?

The Presiding Officer, the Senator from Ohio, mentioned in his remarks that businesses will have money to invest. There will be competition for workers. And if there is competition for workers, then workers are paid more. They are given better benefits. What do those better benefits and better wages mean? It means they can invest more in their family, in their children's future, and that, in turn, will change their family's life for generations to come.

So on behalf of those working families, I echo Chairman HATCH, that if there is a suggestion by anyone that can make this better, I ask them to bring that suggestion forward because this is not about Republicans, this is not about Democrats, this is not about

anybody in this Chamber; it is about those working families who, for the last 8 years, have not done as well as the American dream would say they should.

On behalf of those working families, I congratulate Chairman HATCH for this job. I look forward to the passage of this bill, and I look forward to all of the benefits of this bill coming to help the families of this country and in my State of Louisiana.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HEALTHCARE

Ms. HEITKAMP. Mr. President, I rise today to discuss a couple of pressing issues regarding our healthcare system and to ensure that Americans are aware of some critical deadlines for their health options in the marketplace.

It is that time of year. Healthcare open enrollment has started, and Americans across the country can sign up or change their healthcare plans to make sure they are getting a plan that works best for them and their families.

I have long said that the health reform law, otherwise known as ObamaCare, is not perfect, and I have been pushing since I have been here to make it work better for North Dakota families and small businesses. But there are many pieces in that healthcare law that are helpful, and I wish to make sure that Americans and North Dakotans take advantage during this open enrollment period.

Every individual and family should be able to get access to affordable, quality healthcare, and no one should have to go bankrupt to pay for healthcare for a child with a disability, a sick family member, or just an emergency that you never thought could happen. That is why I am encouraging everyone to please make sure you explore your options and sign up for healthcare coverage.

It is more important than ever that folks take advantage of this open enrollment period early because there are many changes this year that, unfortunately, make it more difficult for individuals and their families to sign up for health insurance. Even if you already have a plan, it is worth checking out healthcare plans, as these prices change from year to year.

First, open enrollment today is a month and a half shorter this year than it has been in the past. Open enrollment is from November 2—right now—until December 15. That is just 45 days. Do not wait to check this out. It is best if you go today to find out if there is a better plan for you or if you need to secure health insurance on the marketplace.

Second, the administration has significantly reduced funding for in-person assistance, called navigators, who help individuals and families sign up for healthcare coverage. This action is leaving millions of Americans and thousands of North Dakotans without the critical help they need to understand their options and enroll in meaningful healthcare coverage.

I want to make a point here. For those of us who in the past have always had the option of getting healthcare coverage through an employer, there is always someone in that employment office, in the payroll office, or in human resources who helps you through. This is not unique in needing this assistance. It is not unique to the marketplace. It is access and information that you have through your employer, if you are getting your insurance through your employer. The idea was that the same opportunity for information should be made available in person on the marketplace, but it is not. So we have to try and fill in those gaps. Because we have these gaps, we are in many ways seeing a number of cutbacks and a number of folks not getting access to the information they need.

In fact, the Great Plains Tribal Chairmen's Health Board does not have enough funds to operate as a navigator, and they will not be able to help North Dakotans sign up for coverage as they have done in previous years. Another navigator in my State, Minot State University, has had its Federal funds cut by over 96 percent.

Since 2013 the uninsured rate in North Dakota has been reduced from 11 percent to 8 percent, in large part because of the work of these navigators. The navigator grantees in my State have provided an invaluable service by guiding families through the process of determining the best private health insurance coverage for them, as well as through traditional Medicaid and Medicaid expansion application processes. Many North Dakotans who sign up for coverage qualify for Federal assistance to help afford that coverage. So it is vitally important that they understand Medicaid, that they understand Medicaid expansion, and that they understand the tax implications of the plans they are selecting.

But even those numbers that show the decrease in uninsured in North Dakota don't tell the full story. Not only have navigators responded to daily inquiries both during and outside of the open enrollment period, but they have identified and responded to the challenges of increasing enrollment, particularly in rural and hard-to-reach areas of the State that are less likely to have access to coverage through an employer.

Slashing funding for navigators also has implications for Indian Country. The Indian Health Service has had challenges delivering quality care to Native Americans in my State and certainly in our region. But those issues have lessened as more Native Americans have enrolled in traditional Medicaid, Medicaid expansion, and private health insurance, enabling these families to access quality, affordable healthcare to stay healthy. Thanks to the increase of third-party payments, we are no longer limited to life-or-limb care at Tribal IHS facilities in the Great Plains service area.

Adding to the turmoil of the enrollment process, the administration also announced that it is cutting off Federal funding that helps make healthcare affordable for families, known as cost sharing reduction payments. As a result, many individuals and families will see their premiums skyrocket by double digits. Due directly to this decision and the uncertainty it has injected into our healthcare system, one insurer has exited the healthcare marketplace in North Dakota and another has reduced its health insurance plan offerings, leaving many counties in my State with only one insurer for consumers to choose from. Ironically, North Dakota was one of the best covered States in terms of options and choices. That option and that source of pride has been diminished as a result of the lack of consistency with cost sharing reduction payments.

A recent report from the nonpartisan Congressional Budget Office said that if the administration stopped paying the cost sharing reduction payments, as it has now done, there would be serious consequences for individuals and families across the country. The report said families' premiums would jump about 20 percent, many families would be left without health insurance options as the lack of payment would force many insurers to leave the market, and it would also add $194 billion to the deficit over a decade.

Despite these efforts to sabotage the marketplaces and jeopardize access to coverage for families, we have fortunately seen a surge of encouraging enrollment numbers in the first week of enrollment. But the American public deserves better, and I will do everything I can to ensure that consumers know their options, that consumers are connected with opportunities for meaningful coverage, and that they are provided certainty in the future about healthcare costs.

On November 1, I had launched a new page on my website, heitkamp.senate.gov, to help provide resources and enrollment information to North Dakotans. I sincerely hope folks who are looking to buy health insurance on the marketplace in North Dakota take advantage of that website.

Access to affordable quality healthcare is a must, and I am proud to have worked with a group of Republican and Democratic Senators, led by Senators ALEXANDER and MURRAY, to reach a deal to offer some immediate

fixes to make healthcare more affordable and accessible in North Dakota and across the country. Our bill would specifically address many of the new challenges that face folks during open enrollment.

The deal we unveiled last month would provide certainty for insurers and customers by restoring the cost sharing reduction payments for 2 years and restoring Federal funding for outreach and enrollment efforts in States, including the navigator services that I talked about earlier. It incorporates an idea that I have been championing for many years, which is to create a lower cost copper plan with lower premiums and higher deductibles to increase coverage options for young, healthy families, where they aren't so much worried about the day-to-day costs of healthcare but that catastrophic event that could throw them into a lifetime of poverty.

The agreement would also provide flexibility for States to continue to explore their options to deliver the best healthcare options to their citizens. This recognizes that one size does not fit all and that we need to have more flexibility for States to experiment and to provide the kind of quality of care and the kind of care options that work best for their State.

On top of having significant bipartisan support, there is a bonus. The bonus is that CBO and the Joint Committee on Taxation estimate that enacting the legislation would reduce the deficit by $3.8 billion without substantially changing the number of people with health insurance coverage.

Now Congress needs to pass our bill. I have long said there are good parts of the healthcare reform act and parts that need to be fixed. Our bipartisan deal is an important step to help families afford healthcare coverage so the health reform law works better for North Dakotans.

How rare is it in this body to have this many people come together to propose one piece of legislation? I know that if you put this bill on to the floor tomorrow, it would easily pass with over 60 percent of the Senate. We need to get this done. We need to get it done to ensure the American public that we are serious about responding to their concerns about healthcare but that we are also serious legislators who can, in fact, fix the problems that we have in this country.

This isn't everything that we have been working on, but it certainly is the most important and the highest priority to pass the Murray-Alexander bill. But there are other proposals to improve healthcare that I am working on. I recently introduced a bill to delay the health insurance tax for 2 years and make coverage more affordable for the 156 million consumers across the country impacted by the fee. It would also make the tax deductible moving forward, providing more certainty for families to plan into the future.

Reducing the impact of the health insurance tax—a fee that directly impacts the healthcare affordability for families and small businesses—has had broad, bipartisan support. In 2015 Congress passed a 1-year delay of the fee. This delay benefited consumers, seniors, employers, State employees, and Tribes. The average premium reduction from that delay of the fee was 3 percent.

If we think about the health insurance tax and we think about the sales taxes that many States enact, many States will tell you we don't enact sales tax on the necessities of life, whether it is food or whether it is electricity. Clearly, this is a necessity of life, having this health insurance. This health insurance tax is nothing more than a regressive sales tax on premium costs, and I believe we need to find a better and more commonsense alternative.

Another commonsense bill that I have introduced to help make healthcare more affordable for middle-income families is a bill that would address what I call the current cliff problem on premium assistance that many middle-class families and seniors face when they earn above 400 percent of the Federal poverty level, putting affordable care out of reach.

Right now, those earning just a nominal sum over—$1 over 400 percent of the Federal poverty level, which is $47,550 for an individual and $97,200 for a family of four—are no longer eligible for any premium support to make health insurance more affordable. This perhaps is one of those issues that I have heard more about than almost any other issue in the Affordable Care Act.

What my bill would do is to get rid of the cliff and instead insert a slope. The bill would enable more young, healthy families to be able to obtain affordable healthcare coverage while diversifying the insurance pools, and it would make sure seniors with high medical costs aren't forced to lose those hard-earned retirement savings or go without care. Smoothing out that cliff will make health insurance more affordable, will make this bill more responsive to our middle-class taxpayers and middle-class families, and will provide some certainty for these families as they look at the high cost of healthcare and insurance premiums into the future.

I also cosponsored a bill to provide stability in the insurance marketplace by making the current reinsurance program for individual health insurance market permanent. It would be similar to the successful programs used to lower premiums and spur competition in the Medicare Part D Program. This reinsurance program would provide funding to offset larger than expected insurance claims for health insurance companies participating in State and Federal insurance marketplaces, and it would encourage them to offer more plans in a greater number of markets, improving competition and driving down costs for patients and families.

It is that catastrophic cost, which is unpredictable for the actuaries, that drives up high cost. If they know that catastrophic cost above a certain amount is subject to a reinsurance plan and those costs are shared more broadly than just within that system, the healthcare that they can provide and the insurance commissioners can secure with a reasonable rate would be greatly reduced.

Lastly, another critical program that ensures access to coverage throughout the country and in North Dakota is the Children's Health Insurance Program, or CHIP. I have to tell you, I know many, many families who, without CHIP and without their ability to find that temporary opportunity to use CHIP to insure their children, would be bankrupt today. They would have incurred healthcare bills just from a simple fall off a swing set, and they would be spending a lifetime trying to figure out how they are going to pay or they would be finding their way into the bankruptcy court.

CHIP is a program that has been used since the late 1990s, and more than 2,000 North Dakota children currently rely on it for affordable healthcare. It provides a critical bridge between Medicaid and private insurance coverage for children. We have to act fast to reauthorize CHIP and let thousands of children across the country who are on CHIP and their families know that we care about them, that we are standing up for them, and that we are not going to leave them behind.

Unfortunately, the authorization for this critical and lifesaving program expired at the end of September. Without action from Congress, some States will already run out of Federal funding before the end of the year. Some already have and require emergency funding from the Centers for Medicare and Medicaid Services to shore up their programs so that they can still provide that continuous coverage while we fail to act here in the Congress.

While my State of North Dakota is not scheduled to run out of funding until April of next year, this is not a way to administer an ongoing and critical healthcare program. We need to get this program reauthorized now before it is too late and we have unnecessarily hurt American children and have created unnecessary unpredictability for families who need and have found some incredible benefit in covering their children with this program.

The Senate Finance Committee has marked up bipartisan legislation, the Keep Kids' Insurance Dependable and Secure Act, to extend authorization for the program for 5 years. Congress needs to act now to make sure these families know their children have dependable and secure coverage. No parent and no family member should have to wonder if their children will get critical care. Put yourself in their shoes.

Since I came to the Senate in 2013, I have said there are parts of the healthcare law and the healthcare system that need improvement to make sure it is working for hard-working

North Dakotans and hard-working Americans. As I have outlined, these are some tangible, commonsense policy proposals that have strong bipartisan support, and we can, in fact, make this system better. We can, in fact, tackle this challenge of healthcare, and then we can roll up our sleeves and reduce costs and make healthcare more affordable and less costly in this country.

We can do all of that. We have a country and a group of American citizens who are counting on us to do our job to make sure that, into the future, they will have the certainty that they need, the predictability that they need, to get their healthcare coverage and to make sure that their families will never have to worry about having to file bankruptcy because a child has fallen off of a swing set.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PETERS. 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 GREAT LAKES AND UNDERWATER OIL PIPELINES

Mr. PETERS. Mr. President, next to our people, the Great Lakes are unquestionably Michigan's greatest resource. They are more than an economic engine. They are more than a source of drinking water for 40 million people. They are more than a destination for tourists, boaters, and anglers from across the globe. While the Great Lakes are certainly all of those things, in Michigan, they are also a way of life. They are, quite simply, home. You cannot sit on the edge of one of our massive inland seas without feeling a sense of awe and gratitude.

Next to me is a photo of the Straits of Mackinac, a 5-mile stretch of water where Lake Michigan meets Lake Huron and where Michigan's Upper and Lower Peninsulas are connected by the Mackinac Bridge.

Unfortunately, today I cannot look out at these straits without feeling a grave concern. The Straits of Mackinac are home to powerful currents. Water, at times, flows through at a volume greater than 10 times that of Niagara Falls. The currents are also unpredictable, as they can flow in any direction and can change not only by the season or even by the day, but they can actually change by the hour.

The straits are also home to twin underwater oil pipelines that are operated by Enbridge, known as Line 5, that are now 64 years old and getting older by the day. A recent study by the University of Michigan found that the Straits of Mackinac are the absolute worst possible place for an oilspill anywhere in the entire Great Lakes Basin.

Without question, there is no way that this pipeline would have been built today, but it is there, and we need the toughest protections and strictest accountability possible. To put these in place, I worked to pass bipartisan legislation to designate the Great Lakes as an unusually sensitive area, which requires the highest possible operating standards under Federal law.

Rigorous Federal oversight is critical, but pipeline owners and operators must do their part as well by being transparent and forthcoming.

While Enbridge assured us repeatedly that Line 5 is ''as good as new,'' we found out in August that there are bandaid-sized gaps where protective coatings had worn completely away and exposed the bare metal underneath to the harsh underwater environment in the straits. Last month, we learned of six additional locations with damage to the protective coatings, leaving areas as big as 1 square foot of exposed bare metal at each location. Then, on October 27, 2017, just 2 weeks ago, Enbridge disclosed that its pipeline integrity department knew of the damage that it had caused to the pipeline while conducting maintenance in 2014—3 years ago.

I share the concerns that have been expressed by thousands of Michiganders who dread the worst case oilspill scenario, and I share their frustration and their anger at being misled. It is unacceptable that damage to a pipeline running through the Great Lakes could go unreported for 3 weeks, let alone 3 years.

Simply put, Enbridge does not deserve our trust, and we deserve some answers. This is why, earlier this week, I called on the Pipeline and Hazardous Materials Safety Administration to exercise its oversight role and conduct a thorough investigation—examine any potential safety or reporting violations—and assure all Michiganders of the safety and integrity of Line 5, if at all possible. I also joined Senator STABENOW in demanding answers from Enbridge's CEO to three very critical questions:

One, what are you doing to fix your broken reporting procedures?

Two, is there any other unreported damage to Line 5?

Three, how can we be certain that regulators are being fully informed by your company?

We need these answers, and we must get them.

I will never stop fighting to hold pipeline operators accountable and to keep our Great Lakes safe and clean. The Great Lakes are home, and I will do everything that I can to protect them for generations to come.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

SENATE ANTI-HARASSMENT TRAINING RESOLUTION

Ms. KLOBUCHAR. Mr. President, I want to turn to two topics today.

First, the good news is that all of the members of the Senate Rules Committee have come together on a mandatory sexual harassment training resolution that has been submitted with broad support, including from the two leaders and every member of the Rules Committee. I thank Senator GRASSLEY for his leadership, Senator SHELBY for his leadership, as well as Senators CAPITO and CORTEZ MASTO, who were a big help.

We are all too aware that sexual harassment continues in our workplaces. A recent study found that one in four women has been sexually harassed in the workplace and that three-quarters of individuals who have experienced sexual harassment at work have not reported the incidences. Civil service is actually among the top five industries with the highest sexual harassment incidences.

We know that it will not stop on its own, and we will not be complacent bystanders who expect workplace cultures to change on their own. That is why today, with a bipartisan group of 19 of our colleagues, we took a major step forward with this resolution. Once it is adopted by the full Senate, which we hope will be shortly, this resolution will simply require that all Senators and staff receive sexual harassment training, as well as on other forms of harassment, at least once every 2 years—in addition to that, 60 days after it passes.

What happens if Senators do not receive this training? The American people will know.

In one part of this bill—and I appreciate the broad support from Senator MCCONNELL, who has long been someone who has taken leadership in this area for many years, and from Senator SCHUMER, who has also taken leadership in this area—all offices will have to certify to the Secretary of the Senate that they and their employees here in Washington, as well as those working in our home States, have, in fact, taken the training and complied with the resolution. These certifications will be posted online for the public to view.

I thank Senator GRASSLEY, again, as well as Senator SHELBY. Senator GRASSLEY, the chairman of the Judiciary Committee, was the author of the Congressional Accountability Act of 1995. I want to thank as well Senators CORTEZ MASTO and CAPITO and all the members of the Rules Committee for coming together, on both sides of the aisle, on this commonsense resolution.

I urge my colleagues to support the Senate Anti-Harassment Training Resolution of 2017. There is more work to be done with regard to the reporting process, and that is something we are going to be working on in the next few weeks through the Rules Committee, but I do want to thank them.

Senator GILLIBRAND has also been working in this area, and I want to thank her. Overall, it is a good effort in which everyone came together and agreed on a plan for mandatory training.

VETERANS DAY

Mr. President, I will now turn to a completely different subject, and that is the subject of Veterans Day.

I rise to honor and thank our veterans, servicemembers, and their families as we celebrate our veterans on Veterans Day. These brave men and women represent the best among us. Whether you served 50 years ago or still wear the uniform today, we thank our veterans for their service and sacrifice on behalf of this great Nation.

No matter when they served, all veterans have one thing in common: a deep love of our country and a patriotism that goes beyond simply feeling pride. All veterans were willing to lay down their lives in defense of this Nation, and many continue to live the spirit of service in their communities once their time in the military is over.

Last week, I attended the change of command ceremony, where we honored outgoing MG Richard Nash for his decades of service and saw him pass the leadership torch to MG Jon Jensen, who was sworn in as the new adjutant general of Minnesota's National Guard.

As General Nash said earlier this year, ''Our Minnesota National Guard and the entire state has contributed greatly in a period of history that will be looked back upon as a remarkably important time.''

He continued: ''We were always ready, always there.''

He was right. Our servicemembers are always there for us, and, in turn, we must honor their service.

At a time marked by the volatility of our politics, our commitment to our servicemembers and veterans remains steadfast. We stand united regardless of our politics. Our veterans fought for our freedom, and we need to be there for them.

When our servicemembers put their lives on the line to serve our country, there wasn't a waiting line. When they come home to the United States of America, when they need healthcare or they need a job or they need a house, there should never be a waiting line in the United States of America.

We still have a great deal of work ahead of us to honor this commitment. Here is an example. Amie Muller of Woodbury, MN, enlisted in the Air Force in 1998. After two deployments to Balad, Iraq, where she was stationed next to one of the war's most notorious toxic burn pits, she returned home. Shortly afterward, she was diagnosed with pancreatic cancer at age 36, half the average age for this form of cancer.

When Amie passed earlier this year, she left three small children and her loving husband Brian behind. Since then, I have gotten to know and work with Brian. He has made one thing clear to me: We can't let these toxic burn pits become another Agent Orange. So as part of Amie's legacy, we are working to create a Center of Excellence within the Department of Veterans Affairs to deal with the mounting evidence that thousands of veterans have gotten sick after being exposed to toxic substances burned in the large pits in Iraq and Afghanistan. This isn't a partisan issue, and I am very pleased to have as a cosponsor of my bill Republican colleague Senator THOM TILLIS of North Carolina. We have been working together to get this bill passed. We are very pleased it was in the National Defense Authorization Act that came out of the Senate.

While our National Guard and Reserve component members often serve with their Active-Duty counterparts on the exact same missions, they are not always ensured the same compensation and benefits for their service. When they return home, our National Guard and reservists are often denied the education and healthcare benefits they counted on during their deployments. We need to close that loophole and make sure that members deployed on the same missions who take the same risks receive the same benefits.

Just as we have made a commitment to serving our servicemembers, we have made a commitment to looking out for their families. Since September 11, 2001, the Minnesota National Guard soldiers and airmen have deployed more than 26,000 times. Actually the Red Bulls, one of our units, is one of the longest serving units in Iraq.

That service can take a toll on families—especially kids. That is why it is important for students and teachers to know which students' parents are servicemembers so they can help make special accommodations like setting up Skype during the schoolday so a young girl can talk to her dad who is serving abroad. That is what happens for students whose parents are on Active Duty in the military but not for those whose parents are in the Guard or Reserves. That makes no sense. Some say it was just an error—some say maybe not. Whatever it is, we need to fix it. I am leading bipartisan legislation to make sure our Guard and Reserve Forces and their families are treated equally.

When our veterans signed up to serve and defend our country, there wasn't a waiting line, as I noted. That is why, on this day tomorrow, we will be honoring them by telling them we believe they deserve the best.

I was reminded of that a number of years ago when I greeted one of the World War II Honor Flights that was coming back filled with veterans from Minnesota who saw, maybe for the first time or the last time, the World War II Memorial. They had gotten up incredibly early in the morning, boarded a plane, spent the day, and flew back. There were hundreds and hundreds of family members waiting for them late at night in the airport terminal with balloons and signs with their names on them. They got off that flight on walkers and wheelchairs, and they came down to where the families were, tears running down their faces. It was an amazing sight to see.

In typical Minnesota tradition, a polka band was playing by the luggage carrousel, and one of the older veterans, who I later found out was in his late eighties, asked me to dance.

I said: Well, I would love to dance. Then the band stopped playing because it was at the end.

Then he said: Oh, that is OK.

I said: I am sorry. I will have to take a rain check.

I don't know why I said that to someone his age, but that is what I said.

Then he said: That is OK. I have a great voice.

He started singing that Frankie Valli song, ''You're just too good to be true. Can't take my eyes off of you,'' and he danced me around and around that luggage carrousel.

As I danced with that man, I thought to myself, this is how our veterans should be treated every day. They should be greeted with balloons and signs at the airport, and they should be dancing with their Senators by the luggage carrousel.

That is the spirit we have to remember as we go forward into Veterans Day. We are reminded of the exceptional commitment and extraordinary service our democracy demands of all the brave men and women who have stepped forward to protect it. That same democracy demands that we fight for our servicemembers as they fought for us. As General Nash said, they were ''always there'' for us, and we must be there for them too.

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

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

TRIBUTE TO ALASKA NATIVE VETERANS

Mr. SULLIVAN. Mr. President, as you know, I have been coming to the Senate floor pretty much every week for month after month to highlight someone in my State whom we call the Alaskan of the Week. It is someone who does something important, either for their community or the State or the country, and oftentimes they don't get a lot of recognition. The purpose of this is to say: Look at what these people are doing for Alaska, for America, for their community.

My State is known for many things: its physical beauty, incredible hunting and fishing, adventuresome spirit, size—you don't want me going there. I have difficult conversations with my colleagues from Texas on occasion about the different sizes of our respective States, but I will not go into detail

here. These are all things we have in Alaskan space, but the thing that really makes us a great place to live is our people—strong, resilient, kind people all across our State who look out for each other, often in harsh weather conditions.

We are a patriotic State. I know everybody here claims that, and that is great. We all are.

Nowhere is the spirit of sacrifice and patriotism more apparent than in our veterans across the State. In Alaska, in Missouri—the Presiding Officer's State—we are all celebrating that, and we are going to celebrate that this weekend, going home for Veterans Day.

In Alaska, we like to talk about our veterans. We also like to talk about the fact that we have more veterans per capita than any other State in the country. So it is a very patriotic place—full of service.

In every city, village, and every community across Alaska, you will find proud veterans, many of them working tirelessly together to make sure they get the help and support that our veterans need. A lot of times that happens with the older vets—Vietnam-era vets. They come to make sure the new vets get the help they need.

To all of them: I salute your service and your sacrifice. Thank you so much for all you have done and continue to do for our country. Happy Veterans Day to all of Alaska's veterans. I can't wait to get home to celebrate in Fairbanks and Anchorage this weekend.

It is not just Veterans Day that is approaching in Alaska. This month we are also celebrating Alaska Native Heritage Month, where there is much to celebrate. Almost 20 percent of the population of our great State is Alaska Natives. This is a group of people who, generation after generation, have what I call a special patriotism.

What do I mean by that? Well, Alaska Natives serve at higher rates in the military—just like the lower 48. Native Americans have higher rates in the military than any other ethnic group in the country. This has been going on for generations—World War II, Korea, Vietnam, the Cold War, Iraq, and Afghanistan. When you think about it, it is special.

Let's face it. In the forties, fifties, sixties, and seventies, even sometimes, unfortunately, today, the Federal Government has not always treated Alaska Natives well. Yet, generation after generation, they go off to the front to fight for this country. It is truly a special kind of patriotism and a unique tribute to the Alaska Native heritage we are supporting and celebrating this month.

I thought it was fitting today to name as our Alaskan of the Week—to make it a collective tribute for all Alaska Natives who have served their country in the military, and it is thousands, to make them collectively the Alaskans of the Week as we look to celebrate Veterans Day.

Mr. President, here is a little bit of history. I know you know this, but a lot of Americans don't. During World War II, Alaska was the only State in the Union to be invaded and occupied by the Japanese, so we had big military battles in the Aleutian Island chain of Alaska to throw off the invaders of our American territory. Thousands of Alaska Natives volunteered to protect their homeland and to defend their country overseas. Across the State, whether they were in the Alaska Territorial Guard, warriors overseas, code talkers who served with the Marines and others—they were as old as 80 and as young as 12.

This is a great story. It shows the warrior ethic. Alaska Native women, after the outbreak of World War II, originally enrolled in the Alaska Territorial Guard before they realized that women weren't allowed to enroll. In fact, the best sharpshooter in Alaska's Territorial Guard was a woman named Laura Beltz Wright of Haycock, AK.

Here is how the late, great Jerome Trigg—an Alaska Native and a marine—put it in 1968, at the height of the Vietnam war, when he was testifying in front of the U.S. Congress on a very important piece of legislation called the Alaska Native Claims Settlement Act. He was the president of the Arctic Native Brotherhood and, as I mentioned, a proud marine.

In front of a bunch of Senators, he stated as follows:

> We have showed our patriotism as proudly as any Americans on earth. We have answered the call of duty with pride in serving [our country]. We answered the call in [World War] II 100 percent. Every man in every village—old and young—volunteered with the Alaska National Guard.

Remember, this was in 1968 that he was testifying. Then he said:

> I have never heard of an Alaska Native burning the draft card or burning our nation's flag.

We are patriots. That service, as I mentioned, didn't end after World War II. Alaska Natives have served in every conflict—the Korean war and in droves during the Vietnam war.

I was honored to be in Southeast Alaska this past summer in a Native village called Hoonah. It is a beautiful place. There was a documentary I saw recently. It documented the classes in 1968 and 1969 in that small Native village in a film called ''Hunting and Wartime.'' It was about how almost every single male high school student in Hoonah—every one—went to go fight in Vietnam. That is incredible. It is special patriotism.

Let me tell you a quick, more up-to-date story. We had the Secretary of Interior, Ryan Zinke—a combat vet, a Navy SEAL, a heroic man himself—come to Alaska this summer. I asked him to meet with a bunch of Alaska Native veterans, particularly our Vietnam veterans, who had an issue that the Department of Interior has been working on for years. I wanted him to hear about it firsthand.

It was a very touching meeting. Some in the room talked about what it was like to be in their villages—places they had never left—when they were 17 and 18 and 19. Then, a few days later, they were in a steamy jungle, thousands and thousands of miles away, in Vietnam. Some talked about what it was like coming back and not feeling that they had the support of their country, others talked about the difficulty of readjusting to life back in Alaska after their service in Vietnam and some of the discrimination they received when they came back home, but even though they went through this hardship, even though they went through some of these very difficult times in the late sixties and early seventies, not one of them said they had made a mistake in serving their country. They were proud, patriotic warriors, and to this day that is what they are.

Secretary Zinke said, after he left that meeting, he began it as their Secretary of Interior, and he left as a brother in arms.

I am so honored to be able to serve these great Alaskans and to celebrate them as our Alaskans of the Week, just like I know everybody in America is going to be proud to go home and celebrate with their veterans.

Once again, for our Alaska Native veterans, thank you for all you have done for our country, and thank you for being our Alaskans of the Week.

ENERGY

Mr. President, I just want to come down to the floor and say a few words about a debate that has been going on in the Congress right now, and that involves the importance of more energy for the United States.

We had a hearing last week on the possibility of opening a very small portion of the Arctic National Wildlife Refuge called the 1002 area—you see it here in the picture—which would be a win-win-win for the United States. It would help create jobs, it would grow the economy, it would increase energy security, and it would also help protect the global environment and strengthen our Nation's national security. These are the two issues I want to touch on this afternoon.

We have the highest environmental standards regarding responsible resource development anyplace in the world. I was actually in charge of these standards as Alaska's commissioner of the Department of Natural Resources. I could tell you, whether it was no impact exploration—what we call that in Alaska—or specific requirements relating to our incredible species, like polar bear or caribou or mandating the best available technology, we have an over 50-year record of responsible resource development in our State.

Let me just give you one example, what we call no impact exploration. On the North Slope of Alaska, we only allow for exploration activities during the winter months. So what does that mean? Companies actually create ice roads and ice pads, where they drive along the tundra with equipment and

with drill rigs to go explore all on ice. They do that for about 4 months during the winter, then they leave. When the spring comes, there is literally zero impact on the tundra—zero impact.

Yet some of my colleagues, particularly my colleagues on the other side of the aisle, have been coming down here for weeks talking about issues with regard to Alaska and the environment and energy. With all due respect, they are using talking points that are about 40 years old.

When we had the hearing recently, the ranking member of the ENR Committee said nothing has changed. Well, everything has changed—the technology, the high standards. The only thing that has not changed are some of the talking points the other side has been using for the last 40 years.

Let me just give you one example. On the bill the Energy and Natural Resources Committee recently put up with regard to exploration in the 1002 area—this is all of ANWR, I believe about the size of Wyoming. This is the wilderness area of ANWR. This is the 1002 area, the coastal area of ANWR that was set aside by Congress to look at the possibility of exploring a very resource-rich area of the country. This red dot—you can barely see it—is a surface area of 2,000 acres—2,000 acres. That is what the bill would say. It would limit development of this area to 2,000 acres.

For a little perspective, Dulles airport is 12,000 acres. This would be about 10 percent of Dulles airport. That is it. That is the surface footprint. Yet my colleagues on the other side of the aisle have been coming out and talking about millions and millions of acres, so it is important that we push back.

Here is the big issue for those in Congress who want to continually shut down resource development in Alaska that they never acknowledge: When you disallow investment in Alaska, which has the highest standards in the world on the environment, you don't end up protecting the environment. You just drive capital investment, exploration, and development activities to jurisdictions in the world with little to no environmental protection—countries like Nigeria, Venezuela, Iran, Russia, many of which are our geopolitical foes.

In conclusion, what we are looking to do on the Senate floor with regard to producing more energy for this country is going to help with regard to jobs, it is going to help with regard to energy security, it is going to help with regard to national security, and, yes, it is going to help with regard to protecting the global environment because we have the highest standards in the world, and we do it right in Alaska.

If we are not doing it here, there will be activities in other countries, other jurisdictions where they don't care about the environment the way we do. So we need to move forward on this important element of the energy and natural resource bill that was introduced today in the committee. I encourage all of my colleagues to support that bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I was listening carefully to the remarks of my friend from Alaska, and I am very much supportive of the effort to open up this small footprint in the Alaskan wilderness. It struck me that my friend from Alaska is right on point when he said the only talking points that haven't changed are the ones on the other side from 40 years ago. The advances in technology are truly impressive, and the opportunity not only for Alaska but for America to realize these natural resources is something very important to the country. I thank my friend for pointing that out.

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 373, 374, 375, 392, 393, 394, 395, 396, 440, 441, 442, 459, and 460.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Robert M. Duncan, Jr., of Kentucky, to be United States Attorney for the Eastern District of Kentucky for the term of four years; Charles E. Peeler, of Georgia, to be United States Attorney for the Middle District of Georgia for the term of four years; Bryan D. Schroder, of Alaska, to be United States Attorney for the District of Alaska for the term of four years; Scott C. Blader, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years; John R. Lausch, Jr., of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years; J. Douglas Overbey, of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years; Mark A. Klaassen, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years; William C. Lamar, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years; John F. Bash, of Texas, to be United States Attorney for the Western District of Texas for the term of four years; Erin Angela Nealy Cox, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years; R. Andrew Murray, of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years; Matthew G. T. Martin, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years; and Christina E. Nolan, of Vermont, to be United States Attorney for the District of Vermont for the term of four years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Duncan, Peeler, Schroder, Blader, Lausch, Overbey, Klaassen, Lamar, Bash, Nealy Cox, Murray, Martin, and Nolan nominations en bloc?

The nominations were confirmed en bloc.

## EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 412.

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

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter Hoekstra, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

Thereupon, the Senate proceeded to consider the nomination.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Hoekstra nomination?

The nomination was confirmed.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REPUBLICAN TAX PLAN

Mr. DURBIN. Mr. President, on Monday, I was in Crystal Lake, IL, in the 6th Congressional District. I was joined by realtors and local elected officials to talk about how the GOP tax plan would hurt families in my home State of Illinois. The families in the 6th Congressional District would be hit especially hard since they are in the 12th highest district in terms of the benefit received from the State and local tax deduction—a deduction that is gutted in the Republican House tax plan.

Republicans released this plan last Thursday, have been marking it up in committee this week, with the plan to have it on the House floor next week.

It is already clear that this partisan plan does nothing more than double-down on some of the most damaging ideas from the framework congressional Republicans and the White House released in September—and the bill gets worse the closer you look.

The House Republican bill would bankroll massive tax cuts for the wealthy few and the largest corporations on the backs of hard-working families in Illinois and across the country.

The bill eliminates some of the most vital tax breaks for people in Illinois—making it so that struggling seniors no longer will be able to deduct costly out-of-pocket medical expenses and that the 1.5 million Illinoisans with Federal student loan debt will no longer be able to deduct the interest paid on those loans.

Congressional Republicans didn't stop at eliminating deductions for medical expenses and student loan interest.

Republicans want to take away one of the most valuable deductions for working families in this State—the State and local tax deduction.

Eliminating this deduction to fund a massive tax cuts for corporations and the ultrawealthy was a centerpiece of the Framework Republicans released earlier this year—a move that would raise taxes on one-third of all taxpayers.

After strong opposition within their ranks for eliminating the State and local tax deduction, the House Republican plan released last week proposes a ''compromise'' to obtain the support of congressional Republicans that represent States like Illinois.

This so-called compromise eliminates the tax deduction for State and local income taxes, and caps the deduction for property taxes, so instead of eliminating the deduction altogether, they just gut it. If you ask me, that is no compromise at all.

The result is still the same: middle-income families would still be double taxed when it comes to income, sales, and some property taxes—once by the Federal Government and again by the State.

This would make it more expensive for families to fund services at the local level like the local schools, police and fire departments, and local roads and bridges.

Make no mistake, in Illinois—the State with the fifth highest number of taxpayers claiming the State and local tax deduction—would be hit especially hard. Nearly 2 million Illinoisans—roughly one-third of taxpayers in the State—claimed more than $24 billion in State and local tax deductions in 2015 alone.

If Republicans are successful in eliminating or gutting this deduction, it will mean a tax hike for working families across Illinois.

If completely eliminated, a family of four living in a place like Crystal Lake making around $76,000 per year would pay more than $1,400 more in taxes each year.

And what do Republicans do with the money from raising taxes on one-third of middle-income families in Illinois? They give the ultrawealthy and the largest corporations a tax cut.

That is just plain wrong.

I urge House Republicans to oppose any tax plan that would raise taxes on middle-income families by gutting the State and local tax deduction in order to give cuts to the largest corporations and richest 1 percent.

---

TRIBUTE TO ANN CLAIRE WILLIAMS

Mr. DURBIN. Mr. President, I want to take a few minutes to thank Judge Ann Claire Williams for her extraordinary service to our country. After serving nearly two decades on the Seventh U.S. Circuit Court of Appeals in Chicago, Judge Williams announced she would be retiring from the judiciary later this year.

Ann Claire Williams is a trailblazer. She is the first African American to serve on the Seventh U.S. Circuit Court of Appeals—an accomplishment that one judge called: ''the desegregation of the 7th Circuit.'' This was just another in a series of firsts for Judge Williams. She was one of the first two African-American women to clerk for judges on the Seventh Circuit. In 1985, Judge Williams became the first African American woman to become a U.S. District Court judge for the Northern District of Illinois. She served as chair of the Court Administration and Case Management Committee of the United States Judicial Conference—making her the first African American chair of a Judicial Conference committee. Judge Williams also became the first African American president of the Federal Judges Association. Simply put, almost every step of her career has broken new ground.

Born in Detroit, MI, Ann Claire Williams began her career as a third grade music teacher after graduating from Wayne State University with a bachelor's degree in elementary education and master's degree from the University of Michigan in guidance and counseling. Inspired by the television show ''Perry Mason'' the only lawyer she knew growing up—and a competitive spirit, Ann decided to attend law school. She chose the University of Notre Dame and the rest is history—or more appropriately, the rest of her career made history.

Judge Williams has been the recipient of numerous honors and awards. Here are just a few: Chicago Lawyer 2000 Person of the Year; the Arabella Babb Mansfield Award from the National Association of Women Lawyers; the National Bar Association's Gertrude E. Rush Award; the American Bar Association's Margaret Brent Women Lawyers of Achievement Award; Chicago Inn of Court's Joel M. Flaum Award; American Judicature Society's Edward J. Devitt Distinguished Service to Justice Award; the Black Women Lawyers' Association of Greater Chicago's Pioneer Award; the Leadership Institute for Women of Color Attorneys, Inc.'s Breaking the Glass Ceiling Award; and was recognized by Newsweek Daily Beast as one of 2012's 150 Fearless Women in the World.

Judge Williams has always been proud of breaking barriers and her history of firsts, but she doesn't want to be the last. Throughout her career, she has been committed to training young lawyers. As a founding member of the Black Women Lawyers in Chicago, Judge Williams uses her story to inspire the next generation—and makes clear through her experiences that young women today can follow the path she paved to reach the top of their fields. She also serves as chairwoman of the Just The Beginning Foundation to help guide more minority law students into the legal profession. Under Judge Williams' leadership, the organization has grown to include programs for students in high school and middle school across the country. For all her achievements, it is her commitment to the future that is truly inspiring.

Recently, Judge Williams said.

> You want to be nourished by people that understand your story and your experience. But once you're nourished that means you have to go out and deal with the broader world.

Well, Judge Williams has done just that. She serves on the board of Equal Justice Works, a nonprofit dedicated to creating a just society by training lawyers committed to working in the public interest, and despite her busy schedule, she has made time to travel to Ghana, Rwanda, Liberia, and Uganda to train judges and attorneys.

Judge Williams' career is groundbreaking, and she is a role model for countless young women of color—and an inspiration to the rest of us. I am proud to call her a friend.

I want to congratulate Judge Williams on an outstanding career and thank her for all she has done—and all she will continue to do. The country is grateful for her service. I wish her and her family all the best in her next chapter.

## HONDURAS

Mr. LEAHY. Mr. President, I want to speak about a subject that many Senators are aware of and should be deeply concerned about.

As we remember, in the early morning hours of March 3, 2016, Honduras lost one of its most courageous and charismatic indigenous leaders, Berta Caceres. Ms. Caceres was the general coordinator of the National Council of Popular and Indigenous Organizations of Honduras, COPINH. She was gunned down by assassins in her home in the village of La Esperanza, Intibuca.

Berta Caceres spent her life defending indigenous rights, particularly to land and natural resources. In 2015, she won the prestigious Goldman Environmental Prize for her outstanding activism and leadership. She and COPINH had been supporting land struggles throughout western Honduras, and because of that—because she was exercising rights guaranteed by Honduran law and international law—she and the communities that she and COPINH supported were the frequent targets of death threats.

In Rio Blanco, her organization and the community of Rio Blanco were threatened repeatedly as they engaged in peaceful protests to protect the river and their way of life from the construction of the Agua Zarca hydroelectric dam by DESA, a Honduran company supported by international banks.

It was as a result of the threats she received for supporting the Rio Blanco struggle that Ms. Caceres was granted precautionary measures by the Inter-American Commission on Human Rights. However, the Honduran authorities not only failed to protect her, they vilified her and other social activists like her.

Berta Caceres was an inspiration to people around the world, and her death was a terrible loss for people everywhere. As I said in this Chamber the day after her death:

> The immediate question is what President Hernandez, and his government which has too often ignored or passively condoned attacks against Honduran social activists, will do to support an independent investigation, prosecution, and punishment of those responsible for this despicable crime. And beyond that, what steps will the government take to protect the many others, including members of COPINH, who are in need of protection, and to stand up for the rights of people like Berta who risk their lives peacefully defending the environment and their livelihoods.

Not surprisingly to those who are familiar with Honduran law enforcement, the investigation of the murder got off to a bad start. Not only was the crime scene at Ms. Caceres's home tampered with, the government's first response to the killing was to attempt to falsely pin the attack on her COPINH associates. When that went nowhere, they sought to intimidate the one eyewitness to the shooting, Gustavo Castro, a Mexican citizen who had been wounded. That also failed.

Thanks to intense international pressure including from the U.S. Embassy, eight people were eventually arrested, including one active duty army officer and low-ranking employees of DESA, the hydroelectric company. This is notable, because the assassination of Berta Caceres was only the latest of more than 100 reported killings of environmental activists in Honduras since 2010. Since her death, there have been others. Investigators for Global Witness, a widely respected human rights organization that documented those crimes, were subjected to threats and spurious accusations by Honduran officials who sought to discredit their report. As far as I am aware, no one has been brought to justice for any of those crimes, and had it not been for the international outcry, there is no reason to think that Ms. Caceres's murder would have been treated any differently.

Shortly after the murder, due to the long history of impunity for killings of journalists and social activists, Ms. Caceres's family urged the Honduran Government to permit the Inter-American Commission on Human Rights, IACHR, to send an independent team of legal experts to conduct their own investigation. Not only did the Honduran Government refuse, the Public Ministry has refused to share the bulk of the evidence with the Caceres family's legal representatives, as required by Honduran law.

The family also asked that independent forensic experts be allowed to analyze the ballistics and other evidence. The Honduran Government similarly rejected that request.

Like Ms. Caceres's family, I also called for an independent investigation and urged that the concession granted to DESA for the Agua Zarca project be abandoned. It clearly cannot coexist with the indigenous people of Rio Blanco who see it as a threat to their safety and way of life; yet while some of the international banks have withdrawn, it is 20 months since the murder of Ms. Caceres, and not only does DESA deny any responsibility, it refuses to cancel the project.

After the arrests of the eight suspects, there was hope that those who conceived of and paid for the assassination of Ms. Caceres would also be tracked down and captured, but that did not happen. For more than a year, there has been no further word from the Public Ministry about the case, except that the investigation is ongoing—a familiar refrain in Honduras where criminal investigations have a way of either never beginning, or never ending.

The U.S. Embassy also repeatedly assured me and others who inquired that the investigation was being handled professionally in accordance with the highest standards. It now appears that was uninformed, wishful thinking.

After the Honduran Government refused to permit the IACHR to investigate, Berta Caceres's family arranged for an independent team of international human rights lawyers to conduct their own review of the evidence. Over a period of a year, the group, consisting of five experienced lawyers from the United States, Colombia, and Guatemala, known as the International Advisory Group of Experts, GAIPE, interviewed witnesses and analyzed what cell phone data and other evidence they could obtain from the Public Ministry. While the data they analyzed represented only a small fraction of what is known to exist, it included thousands of text messages that revealed a great deal.

There is now little doubt about the identities of at least some of the intellectual authors who conceived of and paid for the assassination of Berta Caceres; yet the Public Ministry has failed to act on this evidence, perhaps because it implicates DESA executives with ties to officials in the Honduran Government.

As I said on October 31, 2017, when GAIPE released the report of its investigation:

> [t]his damning report corroborates what many have suspected—that the investigation of Berta Caceres' murder has been plagued by incompetence, attempts to stonewall and deflect blame to protect those who conceived of and paid for this plot, and a glaring lack of political will. The Public Ministry needs to fully disclose, without further delay, all testimony and electronic and ballistics evidence to the Caceres family's legal representatives and defendants' lawyers, as required by law. The Ministry also needs to ensure that every piece of evidence is properly safeguarded, and to follow the evidence wherever it leads to arrest those responsible. It is shameful that despite intense domestic and international pressure, this horrific case has languished, while those responsible have sought to derail it. And there are hundreds of other Honduran social activists and journalists who have been similarly threatened and killed, whose cases have not even prompted investigations.

It is important to note that the GAIPE report indicates that the evidence not only implicates DESA executives and employees, as well as Honduran state agents, in the surveillance, spreading of false information, and plot to assassinate of Berta Caceres; the evidence also reveals other crimes such as obstruction of justice, abuse of authority, and unlawful association. The report documents the shocking extremes to which the company was willing to go, including murder for hire, in pursuit of its financial goals.

In addition to immediately disclosing the evidence to the Caceres family and others who are entitled to it under Honduran law, the Public Ministry should act on the petition of the Caceres family's legal representatives to arrest the intellectual authors.

The Public Ministry should immediately ensure that all electronics and other evidence is adequately safeguarded to eliminate any risk of tampering. For whatever reason, much of the evidence is reportedly in the possession of the National Directorate of Investigations and Intelligence, and given the history in Honduras of evidence disappearing or being destroyed

or stolen, and witnesses being intimidated and killed, securing the evidence in this case is imperative.

The Honduran Government should take whatever steps are necessary to protect the leaders of COPINH, whose lives remain in jeopardy. The government's past responses to requests for protection have ranged from inaction to ineffective.

The Agua Zarca concession and other hydro or extractive concessions that were obtained without the consent of local people whose lives or territory would be adversely affected should be cancelled. The Honduran Government needs to substantially reform the way it reviews and grants such concessions, which have too often been the product of corrupt dealings that resulted in environmental degradation, social unrest, and violence.

The assassination of Berta Caceres, as outrageous and tragic as it was, presented the Honduran Government with an opportunity to show that justice is possible in such cases and that even people who hold positions of economic or political privilege and power can be held accountable. Instead, we have witnessed more of the same—important evidence being mishandled and possibly even ignored and withheld from those entitled to it. A partial investigation that resulted in the arrest of those who reportedly carried out the crime, followed by months of silence without identifying those who were behind it. This is not acceptable.

Over the past 2 years, President Hernandez and other top Honduran officials have traveled to Washington to lobby for Honduras's share of U.S. funding for the Plan of the Alliance for Prosperity of the Northern Triangle of Central America. Among other things, they have earnestly voiced their commitment to human rights and respect for civil society. They are going to find out that action, not words, are what matter.

Over the past 2 years, the U.S. Congress has provided a total of $1.4 billion to support the plan, of which a significant portion is for Honduras. I supported those funds because I recognize the immense challenges that widespread poverty, corruption, drug trafficking, gang violence, and impunity pose for those countries. These problems will not be solved by building a wall along our southern border or deporting tens of thousands of Central Americans currently living in the United States.

I mention this because the assassination of Berta Caceres brings U.S. support for the plan sharply into focus. Today that support is in jeopardy.

It is why those responsible for her death and the killers of other Honduran social activists and journalists must be brought to justice.

It is why Agua Zarca and other such projects that do not have the support of the local population must be abandoned and replaced with an inclusive, transparent process that complies with international environmental and social safeguards.

It is why the Honduran Government must cease its attempts to undermine the work of the Mission to Support the Fight against Corruption and Impunity in Honduras, MACCIH, which has begun to investigate the link between the assassination of Berta Caceres and corrupt dealings between DESA and Honduran state agents.

It is why the Honduran Government must finally take seriously its responsibility to protect the rights of journalists, human rights defenders, other social activists, COPINH, and civil society organizations that peacefully advocate for equitable economic development and access to justice.

Only then should we have confidence that the Honduran Government is a partner the United States can work with in addressing the needs and protecting the rights of the Honduran people, particularly those who have borne the brunt of official neglect, corruption, and violence for so many years.

Today any hope that the Honduran Government may have of continued U.S. assistance under the Plan of the Alliance for Prosperity will hinge in part on the outcome of the Caceres case, concrete actions that demonstrate support for the legitimate role of civil society and the independent media, and real reform of the justice system.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

## VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 268, on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 269, on the motion to invoke cloture on Derek Kan, of California, to be Under Secretary of Transportation for Policy. Had I been present, I would have voted nay.•

## VOTE EXPLANATION

Mrs. MCCASKILL. Mr. President, I was necessarily absent for vote No. 253 on October 30, 2017, on the confirmation of Trevor N. McFadden to be U.S. district judge for the District of Columbia. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 254 on October 30, 2017, on the motion to invoke cloture on the nomination of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 255 on October 31, 2017, on the confirmation of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 256 on October 31, 2017, on the motion to invoke cloture on the nomination of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 257 on November 1, 2017, on the confirmation of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 258 on November 1, 2017, on the motion to invoke cloture on the nomination of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 259 on November 2, 2017, on the confirmation of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 260 on November 2, 2017, on the motion to invoke cloture on the nomination of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 261 on November 2, 2017, on the confirmation of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

## VOTE EXPLANATION

• Mr. TESTER. Mr. President, I was necessarily absent due to a family funeral for the votes on confirmation of Executive Calendar No. 407 and the motion to invoke cloture on Executive Calendar No. 159.

On vote No. 268, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 407.

On vote No. 269, had I been present, I would have voted yea on the motion to invoke cloture on Executive Calendar No. 159.•

## VETERANS DAY

Mr. CARDIN. Mr. President, this Saturday is Veterans Day. On this 11th day of the 11th month each year, we pause to honor and pay tribute to our veterans and the countless sacrifices they have made to serve our country. We also honor their families, who have endured extended absences and profound personal challenges as they have watched those most precious to them put themselves in harm's way. In that spirit of gratitude, I want to recognize some of Maryland's bravest and finest servicemembers who have given the last full measure of devotion to our Nation.

Sgt. Eric M. Houck, 25, died from gunshot wounds in the Peka Valley of

the Nangarhar Province in Afghanistan this past June. Sergeant Houck, who began his military career as a private and rose to the rank of sergeant in just 3 years, was an avid sports fan. His father called Eric his best friend and said that his family, particularly his two young children, were everything to him. He was only 1 month shy of returning home.

Navy PO1 Xavier Martin, age 24, died aboard the USS *Fitzgerald* during its tragic collision off the coast of Japan in June. Petty Officer Martin was an exemplary sailor and the youngest petty officer with a rank of first class aboard the USS *Fitzgerald*. He was so well-loved, more than 100 friends and family traveled from around the country and the globe to attend his funeral.

U.S. Air Force pilot and Annapolis native Eric Schultz was killed in an aircraft crash in early September. Lieutenant Colonel Schultz was a combat veteran and an exceptionally talented Air Force test pilot with more than 2,000 hours of flying. He held six degrees, including a Ph.D. in aerospace engineering, but was described by friends and family as the most humble man they have ever known. ''If you met him in a social environment, you would never know he was a Ph.D. or a pilot,'' his father said.

Timothy Eckels and Kevin Bushell were among the sailors killed during the collision of the USS *John McCain* in August. Information System Technician 2nd Class Eckels was a graduate of Manchester Valley High School and was described as being ''known for making everyone better by his presence'' and a true pleasure to be around. He was just 23 years old. Electronics Technician 2nd Class Bushell was not much older, at only 26, and a talented technician for the Navy. He proudly served for 7 years.

There are many other Marylanders, many other families, who have suffered unfathomable loss and injury, and all of them deserve our collective and eternal gratitude.

They also deserve to have the many promises we have made kept. They deserve the job training, education assistance, and housing benefits they have earned. They deserve every tool and resource they need to succeed both professionally and personally once they return home. They deserve leaders who consider their sacrifice every day, not only on Veterans Day.

Let us honor our veterans in ways that are truly befitting their service: by vowing to protect the benefits they have earned. By pledging to remain grateful for their service and concerned for their needs every day, not only on this day and, perhaps most critically of all, by recommitting ourselves to the causes for which they served.

Today, I salute every man and woman who has put on a uniform and humbly thank every one of their families for braving the worst fears and the toughest challenges in service to our Nation.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

• Mr. TESTER. Mr. President, today I wish to honor the prisoners of war and those missing in action and commemorate the empty chair that was placed in Emancipation Hall this Veterans Day week.

I want to thank Montana veteran Ed Saunders for contributing his thoughts to today's CONGRESSIONAL RECORD:

The greatest tragedy befalling an American serviceman or woman is not that they may be killed or left missing-in-action: that is the greatest sacrifice on the altar of freedom.

The greatest tragedy is that America's finest in uniform may be forgotten . . . forgotten in life and in forgotten in death by the very same nation whose constitution, freedoms, and way of life, they defend.

The United States of America cannot and must not leave any serviceman or woman behind in body, in spirit, or in memory.

If we cannot bring home the revered mortal remains of those who died, who are missing, or who remain unaccounted for, then we have an enduring responsibility to ensure their memory remains forever etched in these hallowed halls.

This chair is more than a symbol. It is a memory of their service and sacrifice for this great Nation. It is a lasting reminder that we have an obligation to fulfill our promise to our Nation's veterans and their families when they return from war—and when they tragically don't.

We, as a nation, must redouble our commitment to that cause and work relentlessly every day toward fulfilling that promise.

I want to thank every servicemember in attendance, your families, the families of the fallen and missing in action, and those who remember them.

Thank you, and God Bless America.•

## EISENHOWER MEMORIAL GROUNDBREAKING

Mr. MANCHIN. Mr. President, I ask unanimous consent that the remarks that my colleague, Senator PAT ROBERTS, made at the groundbreaking ceremony of the Eisenhower Memorial on November 2, 2017, be printed in the RECORD.

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

### REMARKS BY SENATOR ROBERTS—EISENHOWER MEMORIAL GROUNDBREAKING

Thank you, Greta, for that kind introduction. And thank you so much for your longstanding support of this project. You have been a true soldier in the Eisenhower memorial army in helping to get us here today.

I know I speak for all gathered for this memorable event, when I say it is great to be here today.

First, let us reflect for a moment about a few members of the Greatest Generation who brought us to this place today. Ted Stevens and Dan Inouye—two giants in the Senate, who authored the legislation to create the Eisenhower memorial.

When Ted and Danny started us down this path, it was both an honor and privilege for me, a new senator from Kansas, to be asked to help memorialize our most famous Kansan, Dwight David Eisenhower.

Then there is our Chairman Emeritus, Rocco Siciliano, another WWII veteran. For over a decade, Rocco led our efforts. He did so with the qualities that made him successful in government and the private sector: integrity and inclusion.

When Rocco called me and said it was time to pass the leadership torch—and would I agree to succeed him as Chairman? I said, it would be an honor, but there was a qualification:

I called another World War II vet, a great American who fought for our country on the battlefield, in the House, in the Senate, and on the campaign trail as our Republican nominee for president, another really great Kansan, Bob Dole, who also played a key role in making the World War II Memorial a reality.

I said, ''Bob, I can't do this without you.'' And as he has always done when his country called, he said, ''Pat, Ike is my hero: I'm in.''

Ladies and gentlemen, I am not sure we would be standing here today without the support of Bob Dole who stepped in as Finance Chairman of the memorial. He called all the former Presidents and Vice Presidents, and asked them to come on board. And not one of them said, ''No.''

We were hoping Bob could join us today, he is watching on C-Span, but please join me in thanking him for his lifelong commitment and service to our nation and to this project. Bob, thank you.

And I know we would not be standing here today without the support and vision of the Eisenhower family. Their commitment to making sure this memorial appropriately captured their grandfather, as both General and President, has ensured generations of Americans will know his legacy.

Being an Eisenhower fan is something of a tradition in the Roberts family. In 1952, when I was just fifteen years old, I was with my dad, Wes Roberts, at the Republican National Convention in Chicago. I watched Ike receive the nomination on the first ballot to be our party's candidate for President of the United States.

Later, during his inauguration, I met President Eisenhower. When he entered the room, whether you immediately saw him or not, everyone knew it—with that ruddy face and great smile. He had that special charisma.

And when I shook his hand that day, I never dreamed I would be here this day leading the effort for his memorial on the National Mall.

After all these years, Why do we ''Still Like Ike?'' If he had done nothing else in life, his service as Supreme Allied Commander, savior of western democracy, should earn him the respect and admiration of every human being whose life, peace and prosperity that victory made possible.

But it isn't just the magnitude of his service that we revere. It is the manner in which he served. The quiet humility. The strength and resolve. The man was so humble that upon the surrender of the German Army, his message back to Washington simply said, ''Mission Accomplished.''

Ike may not have coined the phrase, ''speak softly and carry a big stick'' but he did embody it. It was not necessary for him to raise his voice or wave his arms to project strength. Those were the tactics of his adversaries.

He spoke quietly. He did not make idle threats. Yet, when he did speak the force of his words was clear.

The story of Dwight David Eisenhower is the story of America. His ascendency parallels America's. At the end of the 19th century, Eisenhower was still a young man in

Kansas, and America was a young democracy—isolated and protected by two vast oceans.

Over the course of his career, America matured both politically and culturally, like that young man who left Abilene, Kansas, to go to West Point.

By the time Eisenhower retired from public life, the United States was the leader of the free world and at the summit of historic prosperity and peace.

It has taken a long time for the historians to discover and figure out Eisenhower's greatness. President Eisenhower anticipated problems and averted them before they ever became a crisis. His steady hand, his quiet strategy, didn't draw attention like the administrations that followed him.

Now, six decades later, for that kind of unique leadership, he is considered one of our greatest presidents, which is why we are here today.

Like Lincoln, he came from very humble origins. He never forgot the hometown that made him, and famously said, ''The proudest thing I can claim is that I am from Abilene'' (June 22, 1945, Abilene, Kansas).

He saw the promise that America holds for everyone and the reciprocal responsibility to serve the country that offered him so much.

Ike's values were America's values—strength, humility, discipline, integrity.

Now, we live in an era where it can seem those things no longer matter.

But they do.

We wouldn't be where we are today without them.

We are here today to ensure Ike's place in American and world history, for his achievements both as Supreme Allied Commander Europe and as the 34th President of the United States.

When asked about his legacy, Eisenhower responded, ''The United States never lost a soldier or a foot of ground in my administration. We kept the peace. People asked how it happened—by God, it didn't just happen, I'll tell you that.''

We build this memorial today not only to honor a single person, but as a symbol for all generations of the greatness of America and what our values have made possible at home and abroad.

Lest anyone forget what can be achieved in the land of the free and the home of the brave, let them come here and understand what Eisenhower, and America, have done. And what they, in turn, can do for themselves and for our nation's future.

## MESSAGES FROM THE HOUSE

At 10:45 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3043. An act to modernize hydropower policy, and for other purposes.

H.R. 3705. An act to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities.

H.R. 4173. An act to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line.

### ENROLLED BILLS SIGNED

At 2:08, p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 194. An act to ensure the effective processing of mail by Federal agencies, and for other purposes.

H.R. 3243. An act to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

## MEASURES REFERRED

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

H.R. 3043. An act to modernize hydropower policy, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3705. An act to direct the Secretary of Veterans Affairs to require the use of certified mail and plain language in certain debt collection activities; to the Committee on Veterans' Affairs.

H.R. 4173. An act to direct the Secretary of Veterans Affairs to conduct a study on the Veterans Crisis Line; to the Committee on Veterans' Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–3418. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations'' (31 CFR Part 515) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3419. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Credit Union Occupancy, Planning, and Disposal of Acquired and Abandoned Premises; Incidental Powers'' (RIN3133–AE54) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3420. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office for Civil Rights, Department of Education, received in the Office of the President of the Senate on November 8, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3421. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled ''Health Education Assistance Loan (HEAL) Program'' (RIN1840–AD21) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC–3422. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Buy American Act Report for fiscal year 2016; to the Committee on Homeland Security and Governmental Affairs.

EC–3423. A communication from the Vice Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the Board's Strategic Plan for fiscal years 2018–2022; to the Committee on Homeland Security and Governmental Affairs.

EC–3424. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Gallery's Inspector General Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3425. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2016; to the Committee on the Judiciary.

EC–3426. A communication from the Deputy General Counsel, Office of Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''HUBZone and Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) Amendments'' (RIN3245–AG92) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Small Business and Entrepreneurship.

EC–3427. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities; The Endocrine System'' (RIN2900–AO44) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans' Affairs.

EC–3428. A communication from the Director, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Homeless Veterans'' (RIN2900–AQ07) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans' Affairs.

EC–3429. A communication from the Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters'' ((FCC 17–122) (IB Docket No. 16–408)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3430. A communication from the Acting Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Cost-of-Capital Composite Railroad Criteria'' ((RIN2140–AB38) (Docket No. EP 644)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3431. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates'' ((16 CFR Part 1307) (Docket No. CPSC–2014–0033)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3432. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Elimination of Main Studio Rule'' ((FCC 17–137) (MB Docket No. 17–106)) received in the Office of the President of the Senate on November 8, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3433. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting proposed legislation entitled ''Coast

Guard Authorization Act for Fiscal Year 2018''; to the Committee on Commerce, Science, and Transportation.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–137. A resolution adopted by the Senate of the State of California relative to women's reproductive health; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 12

Whereas, January 22, 2017, marks the 44th anniversary of the United States Supreme Court's landmark decision in Roe v. Wade, which affirmed that every woman has a fundamental right to control her own reproductive decisions and to decide whether to end or to continue pregnancy, and is an occasion deserving of celebration; and

Whereas, Roe v. Wade has been the cornerstone of women's ability to control their reproductive lives, allowing every woman in the United States the right to decide when, if, and with whom to have children, and how many children to have; and

Whereas, Women's ability to control their reproductive lives has helped and facilitated their participation in the economic and social life of our nation; and

Whereas, Roe v. Wade has drastically reduced the maternal mortality rate for women terminating their pregnancies in the United States. In the years prior to the decision, illegal abortion accounted for approximately 17 percent of all reported deaths attributable to pregnancy and childbirth, and many women were severely injured as a result of ''back alley'' abortion procedures; and

Whereas, Interference with a woman's right to choose causes women to be forced into illegal and dangerous abortions, as they often were in the United States before the Roe v. Wade decision. Many women are forced to make these decisions today in countries where abortion is illegal and where the unsafe methods of illegal abortion lead to 13 percent of global maternal deaths annually, or eight maternal deaths every hour. Many survivors of an illegal abortion suffer serious and often permanent injuries; and

Whereas, Roe v. Wade continues to protect the health and freedom of women throughout the United States; and

Whereas, Roe v. Wade is in serious jeopardy due to President-elect Donald J. Trump's stated intention to nominate United States Supreme Court justices hostile to women's right to choose; and

Whereas, The State of California stands in strong support of every woman's fundamental right, as confirmed in Roe v. Wade, to make her own decisions regarding her pregnancy; now, therefore, be it

*Resolved by the Senate of the State of California*, That the Senate urges the President of the United States and the United States Congress to express their support for a woman's fundamental right to control her own reproductive decisions, as well as their support for access to comprehensive reproductive health care, including the services provided by Planned Parenthood; and be it further

*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. MCCAIN for the Committee on Armed Services.

*Robert Behler, of Pennsylvania, to be Director of Operational Test and Evaluation, Department of Defense.

*Thomas B. Modly, of Maryland, to be Under Secretary of the Navy.

*James F. Geurts, of Pennsylvania, to be an Assistant Secretary of the Navy.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Jonathan H. Pittman, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*James Thomas Abbott, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2020.

*Colleen Kiko, of North Dakota, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 29, 2022.

*Ernest W. Dubester, of Virginia, to be a Member of the Federal Labor Relations Authority for a term of five years expiring July 1, 2019.

By Mr. GRASSLEY for the Committee on the Judiciary.

Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Brett Joseph Talley, of Alabama, to be United States District Judge for the Middle District of Alabama.

Emily Coody Marks, of Alabama, to be United States District Judge for the Middle District of Alabama.

Jeffrey Uhlman Beaverstock, of Alabama, to be United States District Judge for the Southern District of Alabama.

Holly Lou Teeter, of Kansas, to be United States District Judge for the District of Kansas.

Bobby L. Christine, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

David J. Freed, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. HELLER (for himself and Mr. MANCHIN):

S. 2107. A bill to amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HATCH (for himself and Mr. WYDEN):

S. 2108. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. DURBIN, Mr. BLUMENTHAL, Mr. TESTER, Mrs. MURRAY, Ms. WARREN, Ms. BALDWIN, Mr. REED, Mrs. GILLIBRAND, Mr. BROWN, Mrs. FEINSTEIN, Ms. HIRONO, Ms. HASSAN, Ms. STABENOW, Mrs. SHAHEEN, Mr. FRANKEN, Mr. CARDIN, Mr. WHITEHOUSE, Mr. MURPHY, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MARKEY, Ms. HARRIS, Mr. COONS, Mr. SCHUMER, Mr. MENENDEZ, Mr. MERKLEY, Mr. KING, Ms. DUCKWORTH, Ms. CORTEZ MASTO, Mrs. MCCASKILL, and Mr. SCHATZ):

S. 2109. A bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MCCASKILL:

S. 2110. A bill to amend title 38, United States Code, to provide for the non-applicability of non-Department of Veterans Affairs covenants not to compete to the appointment of certain Veterans Health Administration personnel, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAINES:

S. 2111. A bill to amend title 38, United States Code, to modify the treatment of applications for projects to construct new State homes, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. ERNST (for herself and Mrs. MCCASKILL):

S. 2112. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the treatment at non-Department of Veterans Affairs facilities of veterans who are victims of military sexual assault, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PORTMAN (for himself and Ms. HIRONO):

S. 2113. A bill to amend title 41, United States Code, to improve the manner in which Federal contracts for design and construction services are awarded, to prohibit the use of reverse auctions for design and construction services procurements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ISAKSON (for himself, Mr. MARKEY, Mr. DAINES, Mr. FRANKEN, Mr. INHOFE, Mrs. SHAHEEN, Mrs. ERNST, Mr. KENNEDY, and Mr. ROUNDS):

S. 2114. A bill to award a Congressional Gold Medal to the 5307th Composite Unit (Provisional), commonly known as ''Merrill's Marauders'', in recognition of their bravery and outstanding service in the jungles of Burma during World War II; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, Mr. REED, Mrs. GILLIBRAND, and Ms. HASSAN):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

By Mr. DONNELLY (for himself and Mr. HELLER):

S. 2116. A bill to amend the Federal Deposit Insurance Act to increase the asset threshold with respect to the on-site examination of certain insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON (for himself and Mr. BLUMENTHAL):

S. 2117. A bill to amend title 10, United States Code, to expand eligibility for the TRICARE program to include certain veterans entitled to benefits under the Medicare program due to conditions or injuries incurred during service in the Armed Forces and to waive the Medicare part B late enrollment penalty for such veterans, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Mr. BOOZMAN, Mr. MURPHY, Mr. INHOFE, Mr. CRUZ, Mr. CORNYN, Mr. DAINES, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. UDALL, Mr. TESTER, and Mrs. GILLIBRAND):

S. Res. 326. A resolution recognizing the crew of the San Antonio Rose, B–17F, who sacrificed their lives during World War II, and honoring their memory during the week of the 75th anniversary of that tragic event; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself and Mr. HOEVEN):

S. Res. 327. A resolution designating the week of November 5 through 12, 2017, as ''National Carbon Monoxide Poisoning Awareness Week''; to the Committee on the Judiciary.

By Mr. RISCH (for himself, Mrs. SHAHEEN, Mr. KENNEDY, Mr. MARKEY, Mr. RUBIO, Mr. WHITEHOUSE, Mr. INHOFE, Mr. UDALL, Mrs. ERNST, Mr. COONS, Mr. SCOTT, Mr. BOOKER, Mr. ENZI, Mr. DONNELLY, Mr. BARRASSO, Mr. CARDIN, Mr. BOOZMAN, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. VAN HOLLEN, Mr. CRAPO, Mr. WYDEN, Mr. ROUNDS, Mr. MANCHIN, Mr. PORTMAN, Ms. CANTWELL, Mr. LANKFORD, Mr. CASEY, Mr. ISAKSON, Mr. KING, Mr. CASSIDY, Mr. MENENDEZ, Ms. COLLINS, Mr. TESTER, Mr. DAINES, Ms. HEITKAMP, Mr. GRASSLEY, Mrs. MURRAY, Mr. TILLIS, Ms. HASSAN, Mr. YOUNG, Ms. KLOBUCHAR, Mr. HOEVEN, Ms. HIRONO, Mr. THUNE, Mr. MERKLEY, Mr. JOHNSON, Mr. DURBIN, Mr. GRAHAM, Ms. CORTEZ MASTO, Mrs. CAPITO, Mr. ALEXANDER, Mr. COCHRAN, Mr. ROBERTS, Ms. MURKOWSKI, and Ms. WARREN):

S. Res. 328. A resolution recognizing November 25, 2017, as ''Small Business Saturday'' and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses; considered and agreed to.

By Ms. WARREN (for herself, Mr. GRASSLEY, and Ms. HASSAN):

S. Res. 329. A resolution expressing support for the designation of October 2017 as ''National Audiology Awareness Month''; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. SHELBY, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. ALEXANDER, Mr. UDALL, Mr. ROBERTS, Mr. WARNER, Mr. BLUNT, Mr. LEAHY, Mr. CRUZ, Mr. KING, Mr. WICKER, and Mrs. FISCHER):

S. Res. 330. A resolution mandating anti-harassment training for Senators and officers, employees, and interns of, and detailees to the Senate; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 121

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 121, a bill to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes.

S. 403

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to improve access to health care through expanded health savings accounts, and for other purposes.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 793

At the request of Mr. BOOKER, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 925

At the request of Mrs. ERNST, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 925, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 1400

At the request of Mr. HEINRICH, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1400, a bill to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and for other purposes.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1589

At the request of Mr. ROBERTS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1589, a bill to amend the Internal Revenue Code of 1986 and the Small Business Act to expand the availability of employee stock ownership plans in S corporations, and for other purposes.

S. 1738

At the request of Mr. WARNER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide for a home infusion therapy services temporary transitional payment under the Medicare program.

S. 1753

At the request of Mr. HELLER, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1753, a bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes.

S. 1829

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1829, a bill to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program.

S. 1838

At the request of Ms. WARREN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1838, a bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes.

S. 1871

At the request of Mr. CASSIDY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1871, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 1936

At the request of Mr. COTTON, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1936, a bill to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

S. 2022

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 2022, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for reciprocal marketing approval of certain drugs, biological products, and devices that are authorized to be lawfully marketed abroad, and for other purposes.

S. 2044

At the request of Mr. BLUMENTHAL, the names of the Senator from Delaware (Mr. COONS) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2044, a bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 2045

At the request of Mr. BLUMENTHAL, the names of the Senator from Delaware (Mr. COONS), the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 2045, a bill to establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

S. 2073

At the request of Mr. BENNET, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2073, a bill to establish a vegetation management pilot program on National Forest System land to better protect utility infrastructure from passing wildfire, and for other purposes.

S. 2095

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2095, a bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes.

S. RES. 319

At the request of Mr. BROWN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 319, a resolution supporting the goals, activities, and ideals of Prematurity Awareness Month.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. BLUMENTHAL, Mr. REED, Mrs. GILLIBRAND, and Ms. HASSAN):

S. 2115. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for punitive damages, and for other purposes; to the Committee on Finance.

Mr. LEAHY. Mr. President, as Republicans consider tax proposals to disproportionately benefit corporations and the wealthy, they simultaneously fail to address revenue-draining loopholes that compel hardworking taxpayers to subsidize corporate misconduct. Today, I am introducing commonsense legislation—the ''No Tax Write-Offs for Corporate Wrongdoers Act''—to prevent the worst corporate actors from writing off their wrongdoing as simply the cost of doing business. This idea is commonsense. This idea is straightforward. This idea should be bipartisan.

Today's tax code allows corporations to deduct the cost of court-ordered punitive damages as an ''ordinary'' business expense. Courts reserve punitive damages for only the most egregious and reckless misconduct—misconduct that usually causes great harm to peoples' lives. For victims who have suffered at the hands of the worst corporate bad actors, there is nothing ''ordinary'' about this loophole. Punitive damage awards are designed to punish wrongdoers for the reprehensible harm they cause—to provide a deterrence to misconduct. By giving corporations a deduction specifically for their wrongdoing, our tax code winks and nods at future wrongdoers who know that they can simply write off the damages they owe for the damage they cause.

This is not a theoretical problem. In 1994, when the Exxon Valdez spilled 11 million gallons of oil in the Prince William Sound, devastating Alaska's southern coast, it was eventually slapped with punitive damages of $500 million. Exxon turned around and exploited this tax loophole to write off those punitive damages as an ''ordinary'' business expense—saving the company millions of dollars that could have—and should have—added to government revenues. In 2011, two Montana teenagers died in a car crash caused by a steering wheel defect in the Hyundai model they were driving—a defect that Hyundai knew about and recklessly ignored for over a decade. Although a judge eventually ordered Hyundai to pay $73 million in punitive damages, Hyundai can lawfully write those damages off as a business expense. This is just wrong.

The No Tax Write-Offs for Corporate Wrongdoing Act is simple and straightforward, and would end this offensive loophole once and for all. My bill would amend the tax code to prevent the deduction of any amount ''paid or incurred for punitive damages in connection with any judgment in, or settlement, any action between private parties.'' Aside from bringing our tax code in line with our most basic notions of justice and fair play, my bill would save American taxpayers a significant amount of money. In 2016, the Joint Committee on Taxation estimated that ending this punitive damages loophole would increase our government revenues by nearly $415 million over 10 years.

The Senate will be talking a lot about tax reform in the coming weeks. The Senate majority will bend over backwards—they already are—to argue how important it is that we dramatically lower tax rates to make our tax system more favorable to large corporations. Should we not also hold these same corporations accountable when they poison our environment and harm Americans? Legislation that leaves such an egregious loophole in place while giving companies massive tax cuts is not tax reform. It is a corporate tax giveaway.

It should shock the conscience to know that our law effectively compels hardworking taxpayers to subsidize the recklessness and bad behavior of the worst corporate actors. This bill would change this unacceptable status-quo. I thank Senators BLUMENTHAL, REED, GILLIBRAND, and HASSAN for cosponsoring this legislation. I urge all Senators—of all political ideologies—to support the No Tax Write-Offs for Corporate Wrongdoing Act. Protecting our constituents from corporate misconduct is not a political or partisan issue. It is our job.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 326—RECOGNIZING THE CREW OF THE SAN ANTONIO ROSE, B–17F, WHO SACRIFICED THEIR LIVES DURING WORLD WAR II, AND HONORING THEIR MEMORY DURING THE WEEK OF THE 75TH ANNIVERSARY OF THAT TRAGIC EVENT

Mr. BLUMENTHAL (for himself, Mr. BOOZMAN, Mr. MURPHY, Mr. INHOFE, Mr. CRUZ, Mr. CORNYN, Mr. DAINES, Mrs. FEINSTEIN, Mr. HEINRICH, Mr. UDALL, Mr. TESTER, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 326

Whereas, in 1943, the ongoing fighting against the Japanese in the Pacific during World War II was treacherous, a decisive outcome hung in the balance, and every victory against the Japanese contributed to the ultimate success in the region;

Whereas, on January 5, 1943, six B–17s of the 43rd Bombardment Group and six B–24s of the 90th Bombardment Group left from Port Moresby, New Guinea, to bomb shipping at Rabaul, New Britain, to break up a major Japanese reinforcement convoy;

Whereas, with the San Antonio Rose, B–17F (No. 41–24458), in the lead, the twelve bombers of the anti-shipping strike proceeded to Rabaul splitting the formation to target shipping in Blanche Bay, Simpson Harbor, Keravia Bay, and Vunapope;

Whereas the American attack surprised the Japanese, and they did not fire anti-aircraft artillery until after the American bombs had been successfully dropped on their targets;

Whereas, when bombers rejoined formation, the San Antonio Rose was no longer in the lead and did not rejoin the formation;

Whereas the San Antonio Rose was last reported to have smoke trailing from the aircraft while being pursued by Japanese fighters into the clouds heading south just east of Vunakanau, New Britain Island, in what is now Papua New Guinea;

Whereas the San Antonio Rose was never sighted again;

Whereas the crew onboard the San Antonio Rose were declared missing in action on January 5, 1943 and subsequently declared killed in action on December 12, 1945;

Whereas the members of the crew of the San Antonio Rose included—

Pilot, Major Allen Lindberg, New York, New York

Co-Pilot, Captain Benton H. Daniel, Hollis, Oklahoma

Bombardier, 2nd Lieutenant Robert L. Hand, Fields Store, Texas

Navigator, 1st Lieutenant John W. Hanson, Missoula, Montana

Engineer, Technical Sergeant Dennis T. Craig, New York, New York

Radio, Staff Sergeant Quentin W. Blakely, Washington, District of Columbia

Gunner, Sergeant Leslie A. Stewart, East Chicago, Illinois

Gunner, Private First Class Leland W. Stone, Oakland, California

Gunner, Private First Class William G. Fraser, Jr., San Antonio, Texas

Observer, Lieutenant Colonel Jack W. Bleasdale, San Fernando, California

Observer, Brigadier General Kenneth N. Walker, Cerillos, New Mexico; and

Whereas the crew of the San Antonio Rose, including Brigadier General Kenneth N.

Walker, Medal of Honor recipient and highest ranking officer missing in action from World War II, have never been recovered and brought home to rest: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that the heroic actions and selflessness of the crew of the San Antonio Rose, B–17F (No. 41–24458), led to lessons learned that directly impacted the success of subsequent missions, including the Battle of the Bismarck Sea;

(2) commemorates the 75th anniversary of the loss of the San Antonio Rose and its crew;

(3) expresses gratitude to the Airmen who served aboard the San Antonio Rose for their faithful service; and

(4) honors the memory of the crew of the San Antonio Rose with a pledge to never forget their sacrifice by encouraging the continued search and recovery of their remains, and to fulfill the promise to finally bring them home.

## SENATE RESOLUTION 327—DESIGNATING THE WEEK OF NOVEMBER 5 THROUGH 12, 2017, AS ''NATIONAL CARBON MONOXIDE POISONING AWARENESS WEEK''

Ms. KLOBUCHAR (for herself and Mr. HOEVEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 327

Whereas carbon monoxide is an odorless, colorless gas that is produced whenever any fuel, such as natural gas, propane, gasoline, oil, kerosene, wood, or charcoal, is burned;

Whereas devices that produce carbon monoxide include cars, boats, portable power generators, gasoline engines, stoves, and heating systems, and carbon monoxide produced from these sources can build up in enclosed or semi-enclosed spaces;

Whereas carbon monoxide is often referred to as the ''silent killer'' because it is colorless, odorless, tasteless, and non-irritating, and ignoring early stages of carbon monoxide poisoning may cause unconsciousness and continual exposure to danger;

Whereas according to the Centers for Disease Control and Prevention, each year in the United States, carbon monoxide poisoning kills more than 150 individuals and sends approximately 20,000 individuals to emergency rooms;

Whereas when people breathe in carbon monoxide, the poisonous gas enters the bloodstream and prevents adequate intake of oxygen, which can damage tissues and result in death;

Whereas, given their common preexisting medical conditions, individuals older than age 65 are particularly vulnerable to carbon monoxide poisoning;

Whereas for most individuals who suffer from carbon monoxide poisoning, the early signs of exposure to low concentrations of carbon monoxide include mild headaches and breathlessness upon moderate exercise;

Whereas sustained or increased exposure to carbon monoxide can lead to flu-like symptoms, including severe headaches, dizziness, tiredness, nausea, confusion, irritability, and impaired judgment, memory, and coordination;

Whereas breathing in low concentrations of carbon monoxide can cause long-term health damage, even after exposure to the gas ends;

Whereas most cases of carbon monoxide exposure occur during the colder months of December, January, and February, when oil and gas heaters are more heavily in use;

Whereas on January 5, 1996, the Burt family of Kimball, Minnesota, was poisoned by carbon monoxide from a malfunctioning furnace in the home of the Burt family, resulting in the deaths of 15-month-old Zachary Todd Burt and 4-year-old Nicholas Todd Burt;

Whereas according to the North Dakota Department of Health, among residents over the age of 65, carbon monoxide poisoning was the leading substance-related cause of death in North Dakota from 2009 to 2014;

Whereas the North Dakota Department of Health found that, in 2010, carbon monoxide poisoning was the second-leading cause of unintentional poisoning death among adults ages 30 through 49;

Whereas on June 7, 2015, 3 adults and 1 child in Blanchard, North Dakota, tragically passed away from carbon monoxide poisoning as the result of a carbon monoxide leak caused by an improperly vented water heater; and

Whereas increasing awareness about the dangers of carbon monoxide can help prevent poisoning and save lives: Now, therefore, be it

*Resolved*, That the Senate designates the week of November 5 through 12, 2017, as ''National Carbon Monoxide Poisoning Awareness Week''.

## SENATE RESOLUTION 328—RECOGNIZING NOVEMBER 25, 2017, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING THE EFFORTS OF THE SMALL BUSINESS ADMINISTRATION TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Mr. RISCH (for himself, Mrs. SHAHEEN, Mr. KENNEDY, Mr. MARKEY, Mr. RUBIO, Mr. WHITEHOUSE, Mr. INHOFE, Mr. UDALL, Mrs. ERNST, Mr. COONS, Mr. SCOTT, Mr. BOOKER, Mr. ENZI, Mr. DONNELLY, Mr. BARRASSO, Mr. CARDIN, Mr. BOOZMAN, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. VAN HOLLEN, Mr. CRAPO, Mr. WYDEN, Mr. ROUNDS, Mr. MANCHIN, Mr. PORTMAN, Ms. CANTWELL, Mr. LANKFORD, Mr. CASEY, Mr. ISAKSON, Mr. KING, Mr. CASSIDY, Mr. MENENDEZ, Ms. COLLINS, Mr. TESTER, Mr. DAINES, Ms. HEITKAMP, Mr. GRASSLEY, Mrs. MURRAY, Mr. TILLIS, Ms. HASSAN, Mr. YOUNG, Ms. KLOBUCHAR, Mr. HOEVEN, Ms. HIRONO, Mr. THUNE, Mr. MERKLEY, Mr. JOHNSON, Mr. DURBIN, Mr. GRAHAM, Ms. CORTEZ MASTO, Mrs. CAPITO, Mr. ALEXANDER, Mr. COCHRAN, Mr. ROBERTS, Ms. MURKOWSKI, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas there are more than 29,000,000 small businesses in the United States;

Whereas small businesses represent 99.9 percent of all firms in the United States;

Whereas small businesses employ more than 47 percent of the employees in the private sector in the United States;

Whereas small businesses constitute nearly 98 percent of firms exporting goods;

Whereas small businesses pay more than 41 percent of the total payroll of the employees in the private sector in the United States;

Whereas small business generated more than 61 percent of net new jobs created between 1993 and 2016; and

Whereas November 25, 2017, is an appropriate day to recognize ''Small Business Saturday'': Now, therefore, be it

*Resolved*, That the Senate joins with the Small Business Administration in—

(1) recognizing and encouraging the observance of ''Small Business Saturday'' on November 25, 2017; and

(2) supporting efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

## SENATE RESOLUTION 329—EXPRESSING SUPPORT FOR THE DESIGNATION OF OCTOBER 2017 AS ''NATIONAL AUDIOLOGY AWARENESS MONTH''

Ms. WARREN (for herself, Mr. GRASSLEY, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas, according to the Centers for Disease Control and Prevention, hearing loss is the third most common chronic physical condition in the United States;

Whereas the National Institute on Deafness and Other Communication Disorders and the Centers for Disease Control and Prevention have found that 24 percent of adults in the United States, or 40,000,000 individuals, may have noise-induced hearing loss in 1 or both ears;

Whereas, although the prevalence of hearing loss increases with age, approximately 40 percent of individuals with hearing loss are under the age of 60;

Whereas people frequently delay seeking assessment and treatment for their hearing loss;

Whereas audiologists are health care professionals who diagnose, treat, and manage hearing loss and balance disorders;

Whereas audiologists treat patients in many different settings, including private practice, hospitals, schools, Veterans Health Administration hospitals, and otolaryngology offices;

Whereas October 2017 would be an appropriate month to designate as ''National Audiology Awareness Month''; and

Whereas there is a need for greater awareness on the part of the public regarding issues related to the hearing and balance care provided by audiologists: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of October 2017 as ''National Audiology Awareness Month''; and

(2) recognizes the actions of audiologists, including clinicians, researchers, and others who work to improve the well-being of individuals with hearing loss and balance disorders.

## SENATE RESOLUTION 330—MANDATING ANTI-HARASSMENT TRAINING FOR SENATORS AND OFFICERS, EMPLOYEES, AND INTERNS OF, AND DETAILEES TO THE SENATE

Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Mrs. CAPITO, Ms. CORTEZ MASTO, Mr. SHELBY, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. SCHUMER, Mr. COCHRAN, Mr. DURBIN, Mr. ALEXANDER, Mr. UDALL, Mr. ROBERTS, Mr. WARNER,

Mr. BLUNT, Mr. LEAHY, Mr. CRUZ, Mr. KING, Mr. WICKER, and Mrs. FISCHER) submitted the following resolution; which was considered and agreed to:

S. RES. 330

*Resolved,*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the ''Senate Anti-Harassment Training Resolution of 2017''.

**SEC. 2. DEFINITIONS.**

In this resolution—

(1) the term ''covered office'' means an office, including a joint commission or joint committee, employing Senate employees;

(2) the term ''covered position'' means a position as—

(A) a Senate employee that is not a position as a Senate manager;

(B) an intern or fellow in a covered office—

(i) without regard to whether the intern or fellow receives compensation; and

(ii) if the intern or fellow does receive compensation, without regard to the source of compensation; or

(C) a detailee in a covered office, without regard to whether the service is on a reimbursable basis;

(3) the term ''head of a covered office'' means—

(A) the Senator, officer, or Senate manager having final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of the Senate employees employed by a covered office; or

(B) in the case of a covered office that is a joint committee or joint commission, the Senator from the majority party of the Senate who—

(i) is a member of, or has authority over, the committee or commission; and

(ii)(I) serves in the highest leadership role in the committee or commission; or

(II) if there is no such leadership role for a Senator on the committee or commission, is the most senior Senator on the committee or commission;

(4) the term ''officer'' means an elected or appointed officer of the Senate;

(5) the term ''Senate employee'' means an employee whose pay is disbursed by the Secretary of the Senate, without regard to the term of the appointment; and

(6) the term ''Senate manager'' means a Senate employee empowered to effect a significant change in the employment status of another Senate employee, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a change in benefits.

**SEC. 3. ANTI-HARASSMENT TRAINING.**

(a) SENATORS, OFFICERS, AND SENATE MANAGERS.—Each head of a covered office and Senate manager shall complete training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) and their role in recognizing and responding to harassment and harassment complaints.

(b) OTHER SENATE STAFF.—Any individual serving in a covered position shall complete training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) ENSURING ACCESS.—The head of a covered office shall ensure that each individual serving in a covered position or as a Senate manager in the covered office has access to the training required under this section.

**SEC. 4. TIMING.**

(a) INITIAL TRAINING.—

(1) IN GENERAL.—The training required under section 3 shall be completed—

(A) for an individual elected, appointed, or assigned to a position as a Senator, officer, or Senate manager or to a covered position after the date of adoption of this resolution who was not serving in the same covered office as a Senator, officer, or Senate manager or in a covered position immediately before being so elected, appointed, or assigned, not later than 60 days after the date on which the individual assumes the position; and

(B) except as provided in paragraph (2), for an individual serving in a position as a Senator, officer, or Senate manager or in a covered position on the date of adoption of this resolution, not later than 60 days after such date of adoption.

(2) INDIVIDUALS RECEIVING RECENT TRAINING.—An individual serving as a Senator, officer, or Senate manager or in a covered position on the date of adoption of this resolution who completed training that addresses the various forms of workplace harassment, including sexual harassment, and related intimidation and reprisal that are prohibited under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) during the period beginning on the first day of the 115th Congress and ending on such date of adoption shall be deemed to have completed training under paragraph (1)(B).

(b) PERIODIC TRAINING.—An individual serving in a position as a Senator, officer, or Senate manager or in a covered position shall complete the training required under section 3 at least once during each Congress beginning after the Congress during which the individual completes the initial training in accordance with subsection (a).

**SEC. 5. CERTIFICATION.**

(a) IN GENERAL.—Not later than the last day of each Congress, each covered office shall submit to the Secretary of the Senate a certification indicating whether each Senator, officer, and Senate manager serving in a position in the covered office and each individual serving in a covered position in the covered office has completed the training requirements under this resolution during that Congress.

(b) PUBLICATION.—Not later than 30 days after the first day of each Congress, the Secretary of the Senate shall publish each certification submitted to the Secretary of the Senate under subsection (a) with respect to the previous Congress on the public website of the Secretary of the Senate.

**SEC. 6. REGULATIONS OR GUIDANCE.**

The Committee on Rules and Administration of the Senate is authorized to issue such regulations or guidance as it may determine necessary to carry out this resolution.

---

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1581. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

SA 1582. Mr. MCCONNELL (for Mr. DAINES) proposed an amendment to the bill S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes.

SA 1583. Mr. MCCONNELL (for Mrs. MCCASKILL) proposed an amendment to the bill S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes.

## TEXT OF AMENDMENTS

**SA 1581.** Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 324, to amend title 38, United States Code, to improve the provision of adult day health care services for veterans; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''State Veterans Home Adult Day Health Care Improvement Act of 2017''.

**SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.**

(a) IN GENERAL.—Section 1745 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

''(d)(1) The Secretary shall enter into an agreement with each State home for payment by the Secretary for medical supervision model adult day health care provided to a veteran described in subsection (a)(1) on whose behalf the State home is not in receipt of payment for nursing home care from the Secretary.

''(2)(A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

''(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

''(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

''(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.

''(4) In this subsection, the term 'medical supervision model adult day health care' means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary.''; and

(2) in the section heading, by inserting ''**, adult day health care,**'' after ''**home care**''.

(b) INITIAL RATE.—Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title, as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care (as defined in subsection (d)(4) of such section) an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1745 and inserting the following new item:

''1745. Nursing home care, adult day health care, and medications for veterans with service-connected disabilities.''.

---

**SA 1582.** Mr. MCCONNELL (for Mr. DAINES) proposed an amendment to the

bill S. 886, to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''DHS Acquisition Review Board Act of 2017''.

**SEC. 2. ACQUISITION REVIEW BOARD.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

**''SEC. 836. ACQUISITION REVIEW BOARD.**

''(a) DEFINITIONS.—In this section:

''(1) ACQUISITION.—The term 'acquisition' has the meaning given the term in section 131 of title 41, United States Code.

''(2) ACQUISITION DECISION AUTHORITY.—The term 'acquisition decision authority' means the authority, held by the Secretary acting through the Deputy Secretary or Under Secretary for Management to—

''(A) ensure compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives;

''(B) review (including approving, pausing, modifying, or cancelling) an acquisition program through the life cycle of the program;

''(C) advocate for acquisition program managers to have the resources necessary to successfully execute an approved acquisition program;

''(D) ensure good acquisition program management of cost, schedule, risk, and system performance of the acquisition program at issue, including assessing acquisition program baseline breaches and directing any corrective action for such breaches; and

''(E) monitor, on an ongoing basis, cost, schedule, and performance of acquisition programs in order to manage risk at all phases of the life cycle of such program and direct corrective action for any variances that would lead to baseline breaches.

''(3) ACQUISITION DECISION EVENT.—The term 'acquisition decision event', with respect to an acquisition program, means a predetermined point within each of the acquisition phases at which the acquisition decision authority determines whether the acquisition program shall proceed to the next acquisition phase.

''(4) ACQUISITION DECISION MEMORANDUM.—The term 'acquisition decision memorandum', with respect to an acquisition program, means the official acquisition decision event record that includes a documented record of decisions, exit criteria, and assigned actions for the acquisition program, as determined by the person exercising acquisition decision authority for the acquisition.

''(5) ACQUISITION PROGRAM.—The term 'acquisition program' means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

''(6) ACQUISITION PROGRAM BASELINE.—The term 'acquisition program baseline', with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which must be met in order to accomplish the goals of such program.

''(7) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) in the case of notice or a report relating to the Coast Guard, the committees described in subparagraph (A) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

''(C) in the case of notice or a report relating to the Transportation Security Administration, the committees described in subparagraph (A) and the Committee on Commerce, Science, and Transportation of the Senate.

''(8) BEST PRACTICES.—The term 'best practices', with respect to acquisition, means a knowledge-based approach to capability development that includes—

''(A) identifying and validating needs;

''(B) assessing alternatives to select the most appropriate solution;

''(C) clearly establishing well-defined requirements;

''(D) developing realistic cost estimates and schedules;

''(E) securing stable funding that matches resources to requirements;

''(F) demonstrating technology, design, and manufacturing maturity;

''(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

''(H) adopting and executing standardized processes with known success across programs;

''(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions;

''(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department; and

''(K) any other criteria as determined by the Under Secretary for Management.

''(9) BOARD.—The term 'Board' means the Acquisition Review Board required to be established under subsection (b).

''(10) MAJOR ACQUISITION PROGRAM.—The term 'major acquisition program' means a Department acquisition program that is estimated by the Secretary to require an eventual total expenditure of not less than $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the acquisition program.

''(b) ESTABLISHMENT OF BOARD.—The Secretary shall establish an Acquisition Review Board to—

''(1) strengthen accountability and uniformity within the Department acquisition review process;

''(2) review major acquisition programs; and

''(3) review the use of best practices.

''(c) COMPOSITION.—

''(1) CHAIRPERSON.—The Under Secretary for Management shall serve as chairperson of the Board.

''(2) OTHER MEMBERS.—The Secretary shall ensure participation by other relevant Department officials, including not fewer than 2 component heads or their designees, as permanent members of the Board.

''(d) MEETINGS.—

''(1) REGULAR MEETINGS.—The Board shall meet regularly for purposes of ensuring all acquisitions programs proceed in a timely fashion to achieve mission readiness.

''(2) OTHER MEETINGS.—The Board shall convene—

''(A) at the discretion of the Secretary; and

''(B) at any time—

''(i) a major acquisition program—

''(I) requires authorization to proceed from one acquisition decision event to another throughout the acquisition life cycle;

''(II) is in breach of the approved requirements of the major acquisition program; or

''(III) requires additional review, as determined by the Under Secretary for Management; or

''(ii) a non-major acquisition program requires review, as determined by the Under Secretary for Management.

''(e) RESPONSIBILITIES.—The responsibilities of the Board are as follows:

''(1) Determine whether a proposed acquisition program has met the requirements of phases of the acquisition life cycle framework and is able to proceed to the next phase and eventual full production and deployment.

''(2) Oversee whether the business strategy, resources, management, and accountability of a proposed acquisition is executable and is aligned to strategic initiatives.

''(3) Support the person with acquisition decision authority for an acquisition program in determining the appropriate direction for the acquisition at key acquisition decision events.

''(4) Conduct reviews of acquisitions to ensure that the acquisitions are progressing in compliance with the approved documents for their current acquisition phases.

''(5) Review the acquisition program documents of each major acquisition program, including the acquisition program baseline and documentation reflecting consideration of tradeoffs among cost, schedule, and performance objectives, to ensure the reliability of underlying data.

''(6) Ensure that practices are adopted and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for major acquisition programs prior to the initiation of the second acquisition decision event, including, at a minimum, the following practices:

''(A) Department officials responsible for acquisition, budget, and cost estimating functions are provided with the appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities when feasible.

''(B) Full consideration is given to possible trade-offs among cost, schedule, and performance objectives for each alternative.

''(f) ACQUISITION PROGRAM BASELINE REPORT REQUIREMENT.—If the person exercising acquisition decision authority over a major acquisition program approves the major acquisition program to proceed into the planning phase before the major acquisition program has a Department-approved acquisition program baseline, as required by Department policy—

''(1) the Under Secretary for Management shall create and approve an acquisition program baseline report regarding such approval; and

''(2) the Secretary shall—

''(A) not later than 7 days after the date on which the acquisition decision memorandum is signed, provide written notice of the decision to the appropriate committees of Congress; and

''(B) not later than 60 days after the date on which the acquisition decision memorandum is signed, submit a report stating the rationale for such decision and a plan of action to require an acquisition program baseline for such program to the appropriate committees of Congress.

''(g) REPORT.—Not later than 1 year after the date of enactment of this section and every year thereafter through fiscal year 2022, the Under Secretary for Management shall provide information to the appropriate committees of Congress on the activities of the Board for the prior fiscal year that includes information relating to the following:

''(1) For each meeting of the Board, any acquisition decision memoranda.

''(2) Results of the systematic reviews conducted under subsection (e)(4).

''(3) Results of acquisition document reviews required under subsection (e)(5).

''(4) Activities to ensure that practices are adopted and implemented throughout the Department under subsection (e)(6).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 835 the following:

''Sec. 836. Acquisition Review Board.''.

**SA 1583.** Mr. MCCONNELL (for Mrs. MCCASKILL) proposed an amendment to the bill S. 906, to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Reducing DHS Acquisition Cost Growth Act''.

**SEC. 2. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

**''SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.**

''(a) DEFINITIONS.—In this section:

''(1) ACQUISITION.—The term 'acquisition' has the meaning given the term in section 131 of title 41, United States Code.

''(2) ACQUISITION PROGRAM.—The term 'acquisition program' means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

''(3) ACQUISITION PROGRAM BASELINE.—The term 'acquisition program baseline', with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met in order to accomplish the goals of the program.

''(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(A) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

''(B) in the case of notice or a report relating to the Coast Guard or the Transportation Security Administration, the committees described in subparagraph (A) and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(5) BEST PRACTICES.—The term 'best practices', with respect to acquisition, means a knowledge-based approach to capability development that includes—

''(A) identifying and validating needs;

''(B) assessing alternatives to select the most appropriate solution;

''(C) clearly establishing well-defined requirements;

''(D) developing realistic cost assessments and schedules;

''(E) securing stable funding that matches resources to requirements;

''(F) demonstrating technology, design, and manufacturing maturity;

''(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

''(H) adopting and executing standardized processes with known success across programs;

''(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

''(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department.

''(6) BREACH.—The term 'breach', with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

''(7) COMPONENT ACQUISITION EXECUTIVE.—The term 'Component Acquisition Executive' means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

''(8) MAJOR ACQUISITION PROGRAM.—The term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.

''(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

''(1) NOTIFICATIONS.—

''(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

''(B) NOTIFICATION TO SECRETARY.—If a breach occurs in a major acquisition program and the breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for the program, the Component Acquisition Executive for the program shall notify the Secretary and the Inspector General of the Department not later than 5 business days after the date on which the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach under subparagraph (A).

''(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

''(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management, at a date established by the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

''(B) REMEDIATION PLAN.—The remediation plan required under subparagraph (A) shall—

''(i) explain the circumstances of the breach at issue;

''(ii) provide prior cost estimating information;

''(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach has occurred, including the role, if any, of—

''(I) unrealistic performance expectations;

''(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

''(III) immature technologies or excessive manufacturing or integration risk;

''(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

''(V) changes to the scope of the program;

''(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;

''(VII) legislative, legal, or regulatory changes; or

''(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;

''(iv) propose corrective action to address cost growth, schedule delays, or performance issues;

''(v) explain the rationale for why a proposed corrective action is recommended; and

''(vi) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—

''(I) the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements;

''(II) the estimated cost of the program if requirements are modified; and

''(III) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program.

''(3) REVIEW OF CORRECTIVE ACTIONS.—

''(A) IN GENERAL.—The Under Secretary for Management—

''(i) shall review each remediation plan required under paragraph (2); and

''(ii) not later than 30 days after submission of a remediation plan under paragraph (2), may approve the plan or provide an alternative proposed corrective action.

''(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Under Secretary for Management completes a review of a remediation plan under subparagraph (A), the Under Secretary for Management shall submit to the appropriate committees of Congress—

''(i) a copy of the remediation plan; and

''(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

''(c) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—

''(1) NOTIFICATION TO CONGRESS.—If a notification to the Secretary is made under subsection (b)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the appropriate committees of Congress of the breach in the next quarterly Comprehensive Acquisition Status Report, as required in the matter under the heading 'OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT' in title

I of division F of the Consolidated Appropriations Act of 2016 (Public Law 114–113; 129 Stat. 2493), after receipt by the Under Secretary for Management of notification under that subsection.

''(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

''(A) the program is essential to the accomplishment of the mission of the Department;

''(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;

''(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

''(D) the management structure for the program is adequate to manage and control cost, schedule, and performance.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

''Sec. 836. Congressional notification and other requirements for major acquisition program breach.''.

**SEC. 3. REPORT ON BID PROTESTS.**

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' has the meaning given the term in section 836(a) of the Homeland Security Act of 2002, as added by section 2(a); and

(2) the term ''Department'' means the Department of Homeland Security.

(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study, in consultation with the Government Accountability Office when necessary, and submit to the appropriate committees of Congress a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.

(c) CONTENTS.—The report required under subsection (b) shall include—

(1) with respect to contracts with the Department—

(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts and the rate of those bid protests compared to contract obligations and the number of contracts;

(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;

(C) a comparison of the number of bid protests and the outcome of bid protests for—

(i) awards of contracts compared to awards of task or delivery orders;

(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;

(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;

(iv) contracts or awards with single protestors compared to multiple protestors; and

(v) contracts with single awards compared to multiple award contracts;

(D) a description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—

(i) contracts valued at more than $300,000,000;

(ii) contracts valued at not less than $50,000,000 and not more than $300,000,000;

(iii) contracts valued at not less than $10,000,000 and not more than $50,000,000; and

(iv) contracts valued at less than $10,000,000;

(E) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than $100,000,000 in annual expenditures or $300,000,000 in lifecycle costs;

(F) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;

(G) a summary of the results of bid protests in which the Department took unilateral corrective action, including the average time for remedial action to be completed;

(H) the time it takes the Department to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;

(I) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest; and

(J) an assessment of the overall time spent on preventing and responding to bid protests as it relates to the procurement process; and

(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.

## AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on S. 2099.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 9:30 a.m., in SR–328A to conduct a hearing on the following nominations: Glen R. Smith, of Iowa, to be a Member of the Farm Credit Administration Board, and Stephen Alexander Vaden, of Tennessee, to be General Counsel of the Department of Agriculture.

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, November 9, 2017 at 10 a.m. to conduct a hearing on the following nominations: Robert H. McMahon, of Georgia, to be an Assistant Secretary, R. D. James, of Missouri, and Bruce D. Jette, of Virginia, both to be an Assistant Secretary of the Army, and Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force, all of the Department of Defense.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10:30 a.m. to conduct a hearing on the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security, Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority, and Jonathan H. Pittman, to be an Associate Judge of the Superior Court of the District of Columbia.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 9, 2017, at 10 a.m., in room SD–226 to conduct a hearing on S. 2070 and the following nominations: Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, Jeffrey Uhlman Beaverstock, to be United States District Judge for the Southern District of Alabama, Emily Coody Marks, and Brett Joseph Talley, both to be a United States District Judge for the Middle District of Alabama, Holly Lou Teeter, to be United States District Judge for the District of Kansas, and Bobby L. Christine, to be United States Attorney for the Southern District of Georgia, and David J. Freed, to be United States Attorney for the Middle District of Pennsylvania, both of the Department of Justice.

## PRIVILEGES OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Martin Pippins, a detailee on the Senate Committee on Finance, be granted floor privileges for the duration of this Congress.

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

Mr. PETERS. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff, Sarah Anderson, for today's session.

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

## STATE VETERANS HOME ADULT DAY HEALTH CARE IMPROVEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 324 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 324) to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Hatch substitute amendment be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 1581) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''State Veterans Home Adult Day Health Care Improvement Act of 2017''.

**SEC. 2. PROVISION OF CERTAIN ADULT DAY HEALTH CARE SERVICES FOR VETERANS.**

(a) IN GENERAL.—Section 1745 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

''(d)(1) The Secretary shall enter into an agreement with each State home for payment by the Secretary for medical supervision model adult day health care provided to a veteran described in subsection (a)(1) on whose behalf the State home is not in receipt of payment for nursing home care from the Secretary.

''(2)(A) Payment under each agreement between the Secretary and a State home under paragraph (1) for each veteran who receives medical supervision model adult day health care under such agreement shall be made at a rate established through regulations prescribed by the Secretary to adequately reimburse the State home for the care provided by the State home, including necessary transportation expenses.

''(B) The Secretary shall consult with the State homes in prescribing regulations under subparagraph (A).

''(C) The rate established through regulations under subparagraph (A) shall not take effect until the date that is 30 days after the date on which those regulations are published in the Federal Register.

''(3) Payment by the Secretary under paragraph (1) to a State home for medical supervision model adult day health care provided to a veteran described in that paragraph constitutes payment in full to the State home for such care furnished to that veteran.

''(4) In this subsection, the term 'medical supervision model adult day health care' means adult day health care that includes the coordination of physician services, dental services, nursing services, the administration of drugs, and such other requirements as determined appropriate by the Secretary.''; and

(2) in the section heading, by inserting '', **adult day health care,**'' after ''**home care**''.

(b) INITIAL RATE.—Before the Secretary of Veterans Affairs establishes a payment rate under subsection (d)(2)(A) of section 1745 of such title, as added by subsection (a), the Secretary shall pay to a State home that has entered into an agreement with the Secretary for medical supervision model adult day health care (as defined in subsection (d)(4) of such section) an amount equal to 65 percent of the rate the Secretary would pay under subsection (a)(2) of such section to the State home for nursing home care provided to the veteran.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1745 and inserting the following new item:

''1745. Nursing home care, adult day health care, and medications for veterans with service-connected disabilities.''.

The bill (S. 324), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

---

## DHS ACQUISITION REVIEW BOARD ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 886.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 886) to amend the Homeland Security Act of 2002 to establish an Acquisition Review Board in the Department of Homeland Security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Daines substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 1582) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 886), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

---

## REDUCING DHS ACQUISITION COST GROWTH ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 234, S. 906.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 906) to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italics.)

S. 906

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Reducing DHS Acquisition Cost Growth Act''.

**SEC. 2. CONGRESSIONAL NOTIFICATION FOR MAJOR ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

**''SEC. 836. CONGRESSIONAL NOTIFICATION AND OTHER REQUIREMENTS FOR MAJOR ACQUISITION PROGRAM BREACH.**

''(a) DEFINITIONS.—In this section:

''(1) ACQUISITION.—The term 'acquisition' has the meaning given the term in section 131 of title 41, United States Code.

''(2) ACQUISITION PROGRAM.—The term 'acquisition program' means the process by which the Department acquires, with any appropriated amounts, by contract for purchase or lease, property or services (including construction) that support the missions and goals of the Department.

''(3) ACQUISITION PROGRAM BASELINE.—The term 'acquisition program baseline', with respect to an acquisition program, means a summary of the cost, schedule, and performance parameters, expressed in standard, measurable, quantitative terms, which shall be met in order to accomplish the goals of the program.

''(4) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' has the meaning given the term in section 226(a).

''(5) BEST PRACTICES.—The term 'best practices', with respect to acquisition, means a knowledge-based approach to capability development that includes—

''(A) identifying and validating needs;

''(B) assessing alternatives to select the most appropriate solution;

''(C) clearly establishing well-defined requirements;

''(D) developing realistic cost assessments and schedules;

''(E) securing stable funding that matches resources to requirements;

''(F) demonstrating technology, design, and manufacturing maturity;

''(G) using milestones and exit criteria or specific accomplishments that demonstrate progress;

''(H) adopting and executing standardized processes with known success across programs;

''(I) establishing an adequate workforce that is qualified and sufficient to perform necessary functions; and

''(J) integrating the capabilities described in subparagraphs (A) through (I) into the mission and business operations of the Department.

''(6) BREACH.—The term 'breach', with respect to a major acquisition program, means a failure to meet any cost, schedule, or performance threshold specified in the most recently approved acquisition program baseline.

''(7) COMPONENT ACQUISITION EXECUTIVE.—The term 'Component Acquisition Executive' means the senior acquisition official within a component who is designated in writing by the Under Secretary for Management, in consultation with the component head, with authority and responsibility for leading a process and staff to provide acquisition and program management oversight, policy, and guidance to ensure that statutory, regulatory, and higher level policy requirements are fulfilled, including compliance with Federal law, the Federal Acquisition Regulation, and Department acquisition management directives established by the Under Secretary for Management.

''(8) MAJOR ACQUISITION PROGRAM.—The term 'major acquisition program' means an acquisition program of the Department that

is estimated by the Secretary to require an eventual total expenditure of at least $300,000,000 (based on fiscal year 2017 constant dollars) over the life cycle cost of the program.

''(b) REQUIREMENTS WITHIN DEPARTMENT IN EVENT OF BREACH.—

''(1) NOTIFICATIONS.—

''(A) NOTIFICATION OF BREACH.—If a breach occurs in a major acquisition program, the program manager for the program shall notify the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, the Under Secretary for Management, and the Deputy Secretary not later than 30 calendar days after the date on which the breach is identified.

''(B) NOTIFICATION TO SECRETARY.—If a breach occurs in a major acquisition program and the breach results in a cost overrun greater than 15 percent, a schedule delay greater than 180 days, or a failure to meet any of the performance thresholds from the cost, schedule, or performance parameters specified in the most recently approved acquisition program baseline for the program, the Component Acquisition Executive for the program shall notify the Secretary and the Inspector General of the Department not later than 5 business days after the date on which the Component Acquisition Executive for the program, the head of the component concerned, the Executive Director of the Program Accountability and Risk Management Division, the Under Secretary for Management, and the Deputy Secretary are notified of the breach under subparagraph (A).

''(2) REMEDIATION PLAN AND ROOT CAUSE ANALYSIS.—

''(A) IN GENERAL.—If a breach occurs in a major acquisition program, the program manager for the program shall submit in writing to the head of the component concerned, the Executive Director of the Program Accountability and Risk Management division, and the Under Secretary for Management, at a date established by the Under Secretary for Management, a remediation plan and root cause analysis relating to the breach and program.

''(B) REMEDIATION PLAN.—The remediation plan required under subparagraph (A) shall—

''(i) explain the circumstances of the breach at issue;

''(ii) provide prior cost estimating information;

''(iii) include a root cause analysis that determines the underlying cause or causes of shortcomings in cost, schedule, or performance of the major acquisition program with respect to which the breach has occurred, including the role, if any, of—

''(I) unrealistic performance expectations;

''(II) unrealistic baseline estimates for cost or schedule or changes in program requirements;

''(III) immature technologies or excessive manufacturing or integration risk;

''(IV) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

''(V) changes to the scope of the program;

''(VI) inadequate program funding or changes in planned out-year funding from one 5-year funding plan to the next 5-year funding plan as outlined in the Future Years Homeland Security Program required under section 874;

''(VII) legislative, legal, or regulatory changes; or

''(VIII) inadequate program management personnel, including lack of sufficient number of staff, training, credentials, certifications, or use of best practices;

''(iv) propose corrective action to address cost growth, schedule delays, or performance issues;

''(v) explain the rationale for why a proposed corrective action is recommended; and

''(vi) in coordination with the Component Acquisition Executive for the program, discuss all options considered, including—

''(I) the estimated impact on cost, schedule, or performance of the program if no changes are made to current requirements;

''(II) the estimated cost of the program if requirements are modified; and

''(III) the extent to which funding from other programs will need to be reduced to cover the cost growth of the program.

''(3) REVIEW OF CORRECTIVE ACTIONS.—

''(A) IN GENERAL.—The Under Secretary for Management—

''(i) shall review each remediation plan required under paragraph (2); and

''(ii) not later than 30 days after submission of a remediation plan under paragraph (2), may approve the plan or provide an alternative proposed corrective action.

''(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Under Secretary for Management completes a review of a remediation plan under subparagraph (A), the Under Secretary for Management shall submit to the appropriate committees of Congress—

''(i) a copy of the remediation plan; and

''(ii) a statement describing the corrective action or actions that have occurred pursuant to paragraph (2)(B)(iv) for the major acquisition program at issue, with a justification for each action.

''(c) REQUIREMENTS RELATING TO CONGRESSIONAL NOTIFICATION IF BREACH OCCURS.—

''(1) NOTIFICATION TO CONGRESS.—If a notification to the Secretary is made under subsection (b)(1)(B) relating to a breach in a major acquisition program, the Under Secretary for Management shall notify the appropriate committees of Congress of the breach in the next quarterly Comprehensive Acquisition Status Report, as required in the matter under the heading 'OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT' in title I of division F of the Consolidated Appropriations Act of 2016 (Public Law 114–113; 129 Stat. 2493), after receipt by the Under Secretary for Management of notification under that subsection.

''(2) SIGNIFICANT VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule specified in the acquisition program baseline for a major acquisition program, the Under Secretary for Management shall include in the notification required in paragraph (1) a written certification, with supporting explanation, that—

''(A) the program is essential to the accomplishment of the mission of the Department;

''(B) there are no alternatives to the capability or asset provided by the program that will provide equal or greater capability in a more cost-effective and timely manner;

''(C) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

''(D) the management structure for the program is adequate to manage and control cost, schedule, and performance.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

''Sec. 836. Congressional notification and other requirements for major acquisition program breach.''.

***SEC. 3. REPORT ON BID PROTESTS.***

*(a) DEFINITION.—In this section, the term ''Department'' means the Department of Homeland Security.*

*(b) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department shall conduct a study and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the prevalence and impact of bid protests on the acquisition process of the Department, in particular bid protests filed with the Government Accountability Office and the United States Court of Federal Claims.*

*(c) CONTENTS.—The report required under subsection (b) shall include—*

*(1) with respect to contracts with the Department—*

*(A) trends in the number of bid protests filed with Federal agencies, the Government Accountability Office, and Federal courts, the effectiveness of each forum for contracts and task or delivery orders, and the rate of those bid protests compared to contract obligations and the number of contracts;*

*(B) an analysis of bid protests filed by incumbent contractors, including the rate at which those contractors are awarded bridge contracts or contract extensions over the period during which the bid protest remains unresolved;*

*(C) a comparison of the number of bid protests and the outcome of bid protests for—*

*(i) awards of contracts compared to awards of task or delivery orders;*

*(ii) contracts or orders primarily for products compared to contracts or orders primarily for services;*

*(iii) protests filed pre-award to challenge the solicitation compared to those filed post-award;*

*(iv) contracts or awards with single protestors compared to multiple protestors; and*

*(v) contracts with single awards compared to multiple award contracts;*

*(D) a description of trends in the number of bid protests filed as a percentage of contracts and as a percentage of task or delivery orders by the value of the contract or order with respect to—*

*(i) contracts valued at more than $300,000,000;*

*(ii) contracts valued at not less than $50,000,000 and not more than $300,000,000;*

*(iii) contracts valued at not less than $10,000,000 and not more than $50,000,000; and*

*(iv) contracts valued at less than $10,000,000;*

*(E) an assessment of the cost and schedule impact of successful and unsuccessful bid protests, as well as delineation of litigation costs, filed on major acquisitions with more than $100,000,000 in annual expenditures or $300,000,000 in lifecycle costs;*

*(F) an analysis of how often bid protestors are awarded the contract that was the subject of the bid protest;*

*(G) a summary of the results of bid protests in which the contracting Federal agencies took unilateral corrective action, including the average time for remedial action to be completed;*

*(H) the time it takes Federal agencies to implement corrective actions after a ruling or decision with respect to a bid protest, and the percentage of those corrective actions that are subsequently protested, including the outcome of any subsequent bid protest;*

*(I) an analysis of those contracts with respect to which a company files a bid protest and later files a subsequent bid protest;*

*(J) an analysis of the time spent at each phase of the procurement process attempting to prevent a bid protest, addressing a bid protest, or taking corrective action in response to a bid protest, including the efficacy of any actions attempted to prevent the occurrence of a protest; and*

*(K) with respect to a company bidding on contracts or task or delivery orders, the extent to and manner in which the bid protest process affects or may affect the decision to offer a bid or*

*proposal on single award or multiple award contracts when the company is the incumbent or non-incumbent contractor; and*

*(2) any recommendations by the Inspector General of the Department relating to the study conducted under this section.*

Mr. McCONNELL. Mr. President, I further ask unanimous consent that the committee-reported amendment be withdrawn, the McCaskill substitute amendment, which is at the desk, be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment was withdrawn.

The amendment (No. 1583) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The bill (S. 906), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## VETERANS ACCESS ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1153 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1153) to prohibit or suspend certain health care providers from providing non-Department of Veterans Affairs health care services to veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I further ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 1153) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1153

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Veterans Acquiring Community Care Expect Safe Services Act of 2017'' or the ''Veterans ACCESS Act''.

**SEC. 2. PREVENTION OF CERTAIN HEALTH CARE PROVIDERS FROM PROVIDING NON-DEPARTMENT HEALTH CARE SERVICES TO VETERANS.**

(a) IN GENERAL.—On and after the date that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall deny or revoke the eligibility of a health care provider to provide non-Department health care services to veterans if the Secretary determines that the health care provider—

(1) was removed from employment with the Department of Veterans Affairs due to conduct that violated a policy of the Department relating to the delivery of safe and appropriate health care;

(2) violated the requirements of a medical license of the health care provider;

(3) had a Department credential revoked and the grounds for such revocation impacts the ability of the health care provider to deliver safe and appropriate health care; or

(4) violated a law for which a term of imprisonment of more than one year may be imposed.

(b) PERMISSIVE ACTION.—On and after the date that is one year after the date of the enactment of this Act, the Secretary may deny, revoke, or suspend the eligibility of a health care provider to provide non-Department health care services if the Secretary has reasonable belief that such action is necessary to immediately protect the health, safety, or welfare of veterans and—

(1) the health care provider is under investigation by the medical licensing board of a State in which the health care provider is licensed or practices;

(2) the health care provider has entered into a settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider; or

(3) the Secretary otherwise determines that such action is appropriate under the circumstances.

(c) SUSPENSION.—The Secretary shall suspend the eligibility of a health care provider to provide non-Department health care services to veterans if the health care provider is suspended from serving as a health care provider of the Department.

(d) INITIAL REVIEW OF DEPARTMENT EMPLOYMENT.—Not later than one year after the date of the enactment of this Act, with respect to each health care provider providing non-Department health care services, the Secretary shall review the status of each such health care provider as an employee of the Department and the history of employment of each such health care provider with the Department to determine whether the health care provider is described in any of subsections (a) through (c).

(e) COMPTROLLER GENERAL REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the implementation by the Secretary of this section, including the following:

(1) The aggregate number of health care providers denied or suspended under this section from participation in providing non-Department health care services.

(2) An evaluation of any impact on access to health care for patients or staffing shortages in programs of the Department providing non-Department health care services.

(3) An explanation of the coordination of the Department with the medical licensing boards of States in implementing this section, the amount of involvement of such boards in such implementation, and efforts by the Department to address any concerns raised by such boards with respect to such implementation.

(4) Such recommendations as the Comptroller General considers appropriate regarding harmonizing eligibility criteria between health care providers of the Department and health care providers eligible to provide non-Department health care services.

(f) NON-DEPARTMENT HEALTH CARE SERVICES DEFINED.—In this section, the term ''non-Department health care services'' means services—

(1) provided under subchapter I of chapter 17 of title 38, United States Code, at non-Department facilities (as defined in section 1701 of such title);

(2) provided under section 101 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

(3) purchased through the Medical Community Care account of the Department; or

(4) purchased with amounts deposited in the Veterans Choice Fund under section 802 of the Veterans Access, Choice, and Accountability Act of 2014.

## ENHANCING VETERAN CARE ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 1266 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1266) to authorize the Secretary of Veterans Affairs to enter into contracts with nonprofit organizations to investigate medical centers of the Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 1266) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1266

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Enhancing Veteran Care Act''.

**SEC. 2. INVESTIGATION OF MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Veterans Affairs may contract with a nonprofit organization that accredits health care organizations and programs in the United States to investigate a medical center of the Department of Veterans Affairs to assess and report deficiencies of the facilities at such medical center.

(b) AUTHORITY OF DIRECTORS.—

(1) IN GENERAL.—Subject to coordination under paragraph (2), the Secretary shall delegate the authority under subsection (a) to contract for an investigation at a medical center of the Department to the Director of the Veterans Integrated Service Network in which the medical center is located or the director of such medical center.

(2) COORDINATION.—Before entering into a contract under paragraph (1), the Director of a Veterans Integrated Service Network or the director of a medical center, as the case may be, shall notify the Secretary of Veterans Affairs, the Inspector General of the Department of Veterans Affairs, and the Comptroller General of the United States for purposes of coordinating any investigation conducted pursuant to such contract with any other investigations that may be ongoing.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed—

(1) to prevent the Office of the Inspector General of the Department of Veterans Affairs from conducting any review, audit, evaluation, or inspection regarding a topic for which an investigation is conducted under this section; or

(2) to modify the requirement that employees of the Department assist with any review, audit, evaluation, or inspection conducted by the Office of the Inspector General of the Department.

## SMALL BUSINESS SATURDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 328, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 328) recognizing November 25, 2017, as ''Small Business Saturday'' and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 328) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## EXPRESSING SUPPORT FOR THE DESIGNATION OF ''NATIONAL AUDIOLOGY AWARENESS MONTH''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 329, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 329) expressing support for the designation of October 2017 as ''National Audiology Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 329) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

## SENATE ANTI-HARASSMENT TRAINING RESOLUTION OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 330, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 330) mandating antiharassment training for Senators and officers, employees, and interns of, and detailees to the Senate.

There being no objection, the Senate proceeded to consider the resolution.

## SEXUAL HARASSMENT TRAINING FOR SENATORS AND STAFF

Mr. GRASSLEY. Mr. President, I join my colleague, the ranking member of the Rules Committee, as she seeks unanimous consent to adopt our antiharassment training resolution. It is closely modeled on a Senate resolution I introduced 2 days ago with Senators FEINSTEIN, KLOBUCHAR, ERNST, GILLIBRAND, and several other colleagues.

This resolution's adoption marks the first time that this Chamber requires sexual harassment training for all Senators, staff, interns, and fellows.

I wrote legislation on this topic after contacting the Rules Committee chairman last week to urge that everyone in this Chamber receive antiharassment training. This measure's passage with the Rules Committee chairman's support, just days after I called for the Rules Committee to institute a harassment training requirement for this chamber, is a sign of the wonderful things we can accomplish when we work together in a bipartisan way.

More than two decades ago, I sponsored the Congressional Accountability Act as a sign of our commitment to promoting fairness in the workplace. This 1995 statute requires Congress to follow the same civil rights, labor, workplace safety, and health laws to which other employers are subject.

It is certainly time for us to make antiharassment training mandatory, but we also may want to revisit the statute to ensure that it is working as intended. According to the Washington Post, over 1,000 former staff have contacted Congress in the last week to urge that we revisit policies relating to sexual harassment, and I am fully committed to doing so.

The resolution we have developed would ensure that the Rules Committee has the authority necessary to ensure that every Member of this Chamber, every employee on the Senate payroll, and every unpaid Senate intern receives antiharassment training.

All of us work hard to ensure that our offices are professional, free of harassment, and places where merit is rewarded, but I think we have to acknowledge that in our society, despite our best efforts and intentions, sexual harassment remains a serious problem. We must work together to make sure that the Senate remains free from harassment.

It is important for every Senate office to have a consistent stance on this particular issue. Every office should receive the same training so the Senate maintains a culture in which harassment is not tolerated. This is a common interest we all share. The voters who sent us here expect the best. We owe it to the American people to hold ourselves and our employees to the highest standards of conduct and professionalism.

I will close by again thanking Senators KLOBUCHAR, FEINSTEIN, ERNST, and others for working so closely with me on the measure's development. I also want to take this opportunity to thank the staff of the Senate Chief Counsel for Employment and the Office on Compliance, who worked with our offices on draft after draft of this resolution. Finally, I want to thank our other cosponsors, including our majority leader and minority leader. I urge my colleagues to embrace a sensible approach to preventing sexual harassment by supporting its immediate adoption.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 330) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

## ORDERS FOR MONDAY, NOVEMBER 13, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 4 p.m. on Monday, November 13; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Kan nomination; finally, that notwithstanding the provisions of rule XXII, the cloture motions filed during today's session ripen following the disposition of the Kan nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## ADJOURNMENT UNTIL MONDAY, NOVEMBER 13, 2017, AT 4 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Monday, November 13, 2017, at 4 p.m.

---

## CONFIRMATIONS

Executive nominations confirmed by the Senate November 9, 2017:

DEPARTMENT OF JUSTICE

ROBERT M. DUNCAN, JR., OF KENTUCKY, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

CHARLES E. PEELER, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

BRYAN D. SCHRODER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

SCOTT C. BLADER, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

JOHN R. LAUSCH, JR., OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

J. DOUGLAS OVERBEY, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

MARK A. KLAASSEN, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

WILLIAM C. LAMAR, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

PETER HOEKSTRA, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

DEPARTMENT OF JUSTICE

JOHN F. BASH, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

ERIN ANGELA NEALY COX, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

R. ANDREW MURRAY, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

MATTHEW G. T. MARTIN, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

CHRISTINA E. NOLAN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.