[Rollcall Vote No. 272 Ex.]

YEAS—50

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

NAYS—47

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

NOT VOTING—3

Booker	Menendez	Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Bradbury nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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 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.

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 David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, 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. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—52

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

NAYS—45

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

NOT VOTING—3

Booker	Menendez	Van Hollen

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

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

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, the Senate has just invoked cloture on the nomination of David Zatezalo, of West Virginia, to be the Assistant Secretary for Mine Safety and Health. Mr. Zatezalo is uniquely qualified to lead the U.S. Department of Labor's Mine Safety and Health Administration because he knows the industry inside out. He has spent his career in mining, starting as a miner. He is a member of a union. He worked his way up to general superintendent in Southern Ohio Coal and was a general manager at AEP.

The Health, Education, Labor, and Pensions Committee approved his nomination on October 18, and I am glad the Senate will have the opportunity to vote on his confirmation.

TAX REFORM

Mr. President, for a few minutes I would like to turn to another subject. Congress has turned its attention to tax reform, and our principal challenge is to find tax breaks and loopholes to eliminate so that we can lower rates for taxpayers.

I have a nomination. The top of the list should be ending the wind production tax credit. Congress has already recognized the need to end the wind production tax credit by passing legislation to phase out the credit by 2020.

The draft House tax proposal reduces the amount available for new wind turbines by returning the credit to its original value instead of adjusting it for inflation, but we should do better. Instead of phasing it out, we should end the wind production tax credit this year. Ending the wind production tax credit on December 31, 2017, would save over $4 billion, which we could then use to lower tax rates for the American people.

The wind production tax credit has been in place for 25 years. It has been extended 10 different times by Congress. It was originally set to expire in 1999.

Tax credits are best used to jumpstart new and emerging technologies. It has been a quarter of a century. Wind turbines are no longer a new technology.

President Obama's Energy Secretary, Steven Chu, testified that he believes that wind is a mature technology. It is time to end this wasteful and expensive subsidy for a clearly mature technology.

To date, the wind production tax credit has already cost the taxpayers billions. For 8 years—from 2008 to 2015—the wind production tax credit cost taxpayers $9.6 billion. That is more than $1 billion per year.

According to the Congressional Research Service, the wind production tax credit is expected to cost taxpayers over $23 billion between 2016 and 2020, and the cost to taxpayers will continue until 2030. That is because when you extend the wind production tax credit for 1 year, it is really for 10 years.

To benefit from the tax credit, wind developers must just begin construction of a wind project before December 31, 2019. Then those developers can reap the tax benefits for a decade.

Despite the billions Congress has provided in subsidies, wind energy still produces only 6 percent of our country's electricity and 17 percent of our country's carbon-free electricity. By contrast, nuclear is 20 percent of our electricity and 60 percent of our emissions-free, carbon-free electricity.

The wind blows only about one-third of the time. Until there is some way to store large amounts of wind, a utility still needs to operate nuclear, gas, and coal plants when the wind doesn't blow.

On average, wind turbines are over two times as tall as the skyboxes at the University of Tennessee's Neyland Stadium and taller than the Statue of Liberty. The blades on the windmills can be as long as a football field, and their blinking lights can be seen for 20 miles.

This isn't the first time that I have been to the Senate floor to express my concern about the wind production tax credit, but I believe that the conversation about energy subsidies and taxes is bigger than the wind production tax credit. As Congress examines ways to reduce tax rates and to broaden the base, we must be willing to look at all tax subsidies from mature technologies. That includes oil and gas subsidies. I am here today to challenge my colleagues to be willing to consider all energy subsidies from mature technologies—wind, solar, oil, gas—as candidates for elimination in a tax reform bill. Those dollars could be better spent to lower rates for taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to highlight yet another dangerous nominee who has been put forth by this administration.

During the campaign, President Trump made promise after promise to workers. He said he would put them first. He said he would bring back good-paying jobs to our struggling communities. While he made this promise to all workers, he specifically called out miners on more than one occasion, so it would stand to reason that President Trump would prioritize the Mine Safety and Health Administration and nominate a leader who is committed to the agency's core mission.

MSHA is critically important to ensuring that mining jobs are safe and that mining companies aren't unnecessarily endangering their workers' lives and safety. MSHA is responsible for inspecting mines and holding companies accountable when they violate safety and health standards. MSHA's top priorities are to eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards for workers through inspection enforcement.

Unfortunately, we are already seeing MSHA safety standards lapse under the Trump administration. Earlier this year, MSHA was set to implement a rule that would require safety exams of mines prior to the start of a miner's shift. Ensuring mines are safe before miners are put at risk should not be controversial. Yet the Trump administration has delayed implementation of that rule and proposed changes to actually weaken it.

Given this concerning record so far, it is so critical—absolutely critical—that the MSHA Administrator is committed to standing up for our miners. But instead of nominating an advocate for workers' health and safety, President Trump nominated one of the industry's worst offenders.

David Zatezalo is a mining industry executive who has made it clear that he cares more about corporate profits than workers. When he was the CEO of Rhino Resources, one of the mines under Mr. Zatezalo's control received unprecedented safety penalties. A Rhino mine was the first in history to be cited twice for a pattern of violations, an action that is only taken when there is a clear and demonstrated disregard for workers' health and safety.

When the Obama administration issued commonsense rules to improve the pattern of violations process, the Ohio Coal Association, where Mr. Zatezalo sat on the board of directors, sued to block the rule.

Under Mr. Zatezalo's leadership, two separate mines owned by Rhino Resources had injury rates that far exceeded the national average.

As a mining executive, Mr. Zatezalo refused to play by the rules. His company violated the Federal Mine Safety and Health Act by giving advance notice of an MSHA inspection, meaning employees had the opportunity to cover up potential health and safety violations.

Rhino Resources was sued by the EEOC for creating an unlawful, hostile work environment by allowing an employee to be targeted based on his national origin. The EEOC said Zatezalo's company allowed discrimination to ''continue unchecked in the workplace'' and cited Rhino for retaliating against the employee instead of reprimanding those who were doing the harassing.

It is clear to me that Mr. Zatezalo is wholly unqualified to serve as the Mine Safety and Health Administrator, and I believe that if he is confirmed, he will put thousands of miners' lives and safety at risk.

I am very disappointed that President Trump and congressional Republicans are once again breaking promises to workers. I urge my colleagues to join me in standing up for our miners across the country and vote against Mr. Zatezalo's nomination.

Once again, the contrast with Democrats' vision couldn't be starker. Under the leadership of Senator CASEY, Democrats are advocating for stronger enforcement abilities for MSHA so we can hold operators who show a repeated disregard for miner safety accountable.

I really want my colleagues on the other side of the aisle to join us and pass these commonsense reforms that will help prevent further mining accidents and deaths. We will strengthen our economy if we start prioritizing workers' health, safety, and well-being over corporate profits. I believe that must begin with rejecting President Trump's extreme agenda and these nominees who appear all too willing to implement it without concern for the workers and families they are supposed to serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Utah.

BLUE SLIP PROCEDURE

Mr. LEE. Mr. President, I wish to speak for a few minutes about the Senate blue slip.

As my colleagues know, when the President nominates someone who will be processed by the Senate Judiciary Committee, home State Senators receive a letter informing them of the nomination and asking whether they approve of the nominee in question. The letter is printed on blue paper—thus the name. That is why we call it the blue slip.

The question on the table is, What should happen if one or both of the home State Senators do not approve the nomination?

In previous years, the chairman of the Senate Judiciary Committee has treated the blue slip as a de facto veto, but that is not how the blue slip originally functioned. Between 1917, when the blue slip was first used, and 1955, the blue slip was never treated as a veto. Instead, it gave the home State Senators a special ability to state their objections about a nominee during a hearing. The committee could then decide how to proceed.

When James Eastland, a Democrat from Mississippi, became chairman of the Senate Judiciary Committee in 1955, he took a different approach. Why did Eastland implement this new policy? No one knows for sure, but one scholar has written that Eastland, an ardent segregationist, might have been trying in part to ''keep Mississippi's federal judicial bench free of sympathizers with Brown v. Board of Education.''

We are evaluating the strength of a custom. It is a custom of relatively recent vintage, and its origin story surely matters in how we evaluate its ongoing relevance to the Senate today.

Eastland kept that policy in place for the whopping 22 years he served as chairman of the Senate Judiciary Committee. When Senator Ted Kennedy took over from Eastland in 1979, he immediately changed the status and functioning of the blue slip procedure. As the Congressional Research Service reports, Kennedy determined that the blue slip ''did not have the same power to automatically stop committee action as before.'' Rather, Kennedy affirmed his right to move forward with a nomination regardless of the blue slip.

To make a long story short, since 1955, there have been eight chairmen of the Senate Judiciary Committee, including Eastland. By my count, two have treated the blue slip as a veto; the other six have either said the blue slip was not a veto or have at least not treated the blue slip as a veto.

What to make of this history? For one thing, we often hear that the blue slip is a 100-year-old tradition. In my view, it should be equally powerful to note that the blue slip originated 128 years after the first Congress. That is

part of the Senate's history, too, and that, too, shouldn't be ignored.

But there is an even more fundamental point, and that is that even in modern times, there isn't exactly an unbroken and lengthy practice of treating the blue slip procedure as if it were a veto. The practice is even sparser when you consider that the blue slip takes on a different function depending on whether the President's party is in control of a majority of the seats in the Senate. When the President's party does not control the Senate, the blue slip is an efficient way to negotiate with the opposition party, which, after all, can vote down the President's nominees.

When you look at the relevant circumstances, here is what you find: The blue slip has been treated as a veto for a grand total of 28 years when the President's party controlled the Senate. Fourteen of those years occurred under Senator Eastland, who was waging a personal vendetta against civil rights, including with respect to judicial nominees processed by the Judiciary Committee.

So if the Senate blue slip procedure is not a veto, what function should it play? As I have said, the blue slip is the chairman's prerogative. But if I were advising the chairman, here is what I would say: The blue slip should not be a veto of a nomination so long as the executive branch has sufficiently consulted with the home State Senators in advance of making this nomination. That rule is consistent with the appointments clause of the Constitution, which establishes joint shared responsibility for appointments to Federal office.

It is important to note that, contrary to what some of my colleagues have suggested, the appointments clause does not grant individual Senators the right to pick nominees, whether processed by the Judiciary Committee or otherwise.

That rule is also consistent with the best reading of Senate custom. It is roughly consistent with the practice that unfolded between 1917, when the blue slip was first adopted, and 1955, when Senator Eastland brought about some changes. It has at least as much support in modern practice.

What counts, then, as sufficient consultation? It is hard to come up with a precise rule, with a single mathematical definition, but in my view, the White House has an obligation to let the home State Senators know whom the White House might be considering for a vacancy. The home State Senators have the right to review the candidate's record and share any concerns they have about the candidate. Qualifications count. Character counts. Home State ties and ties to the community count. I don't think home State Senators have the right to demand someone who shares their particular approach to the law necessarily, but they do have the right to insist that the candidate believe in the law as something independent from politics, particularly where the candidate is being nominated to a life-tenured position in an article III court.

There is a final point to make. As we move forward, my colleagues across the aisle will charge us with hypocrisy just as predictably as our prediction that the Sun will come up in the east tomorrow. There are two things to say about this.

First, my approach to the blue slip has remained consistent since I took office. I have followed the approach that I have just described.

Second, until 2013, the blue slip was a lot less important because the minority party could filibuster. That is no longer an option because the Democrats changed the rules in 2013. When you change the rules—the actual written protections upon which we rely—when those are changed, then you are left reliant on customs. Customs can always be changed. In this case, the custom we are dealing with isn't even a particularly strong one. It is not even a particularly long-lasting one.

More broadly, in the Senate we are trying to figure out how to process the President's nominees. We have improved the pace of confirming nominees recently, but we are still significantly behind in modern historical terms from where we should be and from where other Senates have been during the first year of other Presidential administrations. We need to find a solution to improve the pace, including by remaining in session longer so that we can complete this important work.

It is essential that we understand the difference between, on the one hand, the Constitution and, on the other hand, the rules; and, on the one hand, the rules and, on the other hand, the custom. There is a significant difference here. In this case, the custom isn't even all that long, not nearly as long as some have suggested, and it certainly hasn't been consistent. We can do better, and do better we must.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TAX REFORM

Mr. DAINES. Mr. President, as we cut taxes, there is one goal that is the most important: We need more good-paying jobs, and we need bigger paychecks for hard-working Montanans.

It was just announced that the Senate's draft tax bill will repeal a tax that fundamentally targets those of low to middle income in my State and across the Nation. In fact, in Montana alone, 75 percent of the people who pay this tax make less than $50,000 a year. In fact, in Montana, 32.5 percent make less than $25,000 a year. This is not just anecdotal. In 2015, if you looked across the Nation, 79 percent of those who paid this tax made less than $50,000 a year. In fact, a little over 37 percent made less than $25,000 a year.

The IRS pickpocketed over $3 billion from approximately 6.5 million Americans in 2015 alone, a majority of whom made less than $50,000 per year. This is a tax that is targeted at those who are in poverty.

What is this tax, you might ask? Where in the world did it come from? I will tell you where it came from. It came from ObamaCare. It is the ObamaCare poverty tax.

Otherwise known as the individual mandate, which forces people to purchase health insurance or pay a fine, the poverty tax systematically taxes those who make less than $50,000 a year. If it were not enough that ObamaCare plans were already too expensive for some of these folks, the IRS adds insult to injury by fining them, taxing them, for not being able to afford it. Some say that ObamaCare steals from the rich to give to the poor, but, honestly, ObamaCare's individual mandate is really Robin Hood in reverse. ObamaCare's poverty tax is like Robin Hood stealing from the poor to pay King John.

It is unthinkable that we would leave such a provision in the law when we have the opportunity to repeal it. By repealing it, we would save $338 billion over 10 years. That is over $300 billion that we could put toward additional tax relief for small businesses and families.

Alternatively, if we do nothing, the CBO projects that we will increase taxes by $43 billion because of this poverty tax and that those taxes will be paid primarily by America's low- and middle-income families—$43 billion in taxes on those who can afford it the least.

ObamaCare's poverty tax must go, and there is no better time to get rid of it than right now. I urge my colleagues on both sides of the aisle to join me in fighting on behalf of the low and middle classes of our Nation.

Benjamin Franklin is credited with this phrase: Just two things in life are certain—death and taxes.

That may be so, but we do not need to make them both quite so painful. That is why I am glad to see that a repeal of the ObamaCare poverty tax has been included in the current Senate draft tax legislation. I urge my colleagues in the House of Representatives to do the same.

Thank you.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11:50 a.m. on Wednesday, November 15, the Senate proceed to the consideration of the following nomination: Executive Calendar No. 463; further, that there be up to 10

minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, 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 and the President be immediately notified of the Senate's action.

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

Mr. MCCONNELL. I further ask unanimous consent that following the disposition of the Esper nomination, all postcloture time on Executive Calendar No. 383 be considered expired.

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

Mr. MCCONNELL. For the information of all Senators, there will be three rollcall votes at 12 noon tomorrow.

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.

TRIBUTE TO ELIZABETH ''LIZ'' TISDAHL

Mr. DURBIN. Mr. President, today I want to take a few moments to acknowledge former mayor of Evanston, IL—and my friend—Liz Tisdahl.

Liz began her service to Evanston in 1989 on the Evanston Township School Board. After 2 years as president of the board, Liz was appointed to the Evanston City Council in 2003 by Mayor Lorraine Morton. Mayor Morton had met Liz years earlier when she was picking up her youngest granddaughter from softball practice. She didn't recognize the new coach and asked about her. It was Liz Tisdahl. Liz didn't have a child on the team, but she wanted to lend a helping hand in the community.

When Lorraine Morton became mayor, she always remembered how Liz stepped up just to help other people, so when it came time for Mayor Morton to decide whom she wanted to replace her, the first and only name that came to mind was Liz Tisdahl. When Liz was first approached to run, her answer was ''absolutely not,'' but after giving it more thought, Liz answered the call to run to help out Evanston's residents who were leaving the community due to the increasingly high cost of living. Liz Tisdahl wasn't running for mayor to help herself, but like her time coaching that softball team years earlier, she was doing it for other people.

Early in Liz's tenure as mayor, she quickly learned what it meant to be the ''face of Evanston'' and the good she could accomplish. At the time, too many Evanston residents struggled to afford housing, so Liz wrote a Federal grant application and flew to Washington, DC, to lobby for money to expand affordable housing in her community—and it worked. Evanston received an $18 million grant. I remember calling her with the good news. Liz later said that was ''the day that I realized that there really was something to this 'being a mayor' thing.''

Liz Tisdahl also has successfully lobbied to secure a designation for a Federal qualified health center in Evanston, resulting in the establishment of the Erie Evanston/Skokie Health Center. Since 2012, the Erie Evanston/Skokie Health Center has treated nearly 12,000 patients and provided immediate care for the residents of Evanston.

In 2009, when Liz Tisdahl first ran for mayor of Evanston, she campaigned under a simple platform: ''Diversity, Sustainability, and Economic Development.'' First, Liz set out to increase employment. She expanded the Mayor's Summer Youth Employment Program, which had 167 jobs in 2009. Since 2012, the program has grown by 100 jobs each year, employing 750 young people in 2016. Liz also created partnerships with Northwestern University, NorthShore University HealthSystem, and other businesses to establish job training and apprenticeship programs for the community's most vulnerable people. In 2009, the unemployment rate of Evanston was 8 percent. When Mayor Tisdahl left office earlier this year, unemployment was down to 4.1 percent.

Liz Tisdahl also worked to make Evanston greener and—as promised—brought changes to the city's sustainability efforts. According to a 2015 emissions report, Evanston reduced its greenhouse gas emissions by more than 18 percent between 2005 and 2015. In 2014, Evanston became one of America's first two cities to receive a four-star rating from the Sustainability Tools for Assessing and Rating Communities Initiative. For her environmental work and focus on sustainability issues, Liz received the Climate Protection Award from the U.S. Conference of Mayors.

Earlier this year, after two terms in office, Liz Tisdahl decided not to run for a third. When asked why, her answer was simple. Although she loved being mayor, she had accomplished her goals. Liz Tisdahl went out on top.

Despite her many achievements, Liz's proudest accomplishment is her family. Now that she is retired, I know she is enjoying more time with her children and grandchildren, but this isn't the last we have heard from Liz Tisdahl. She will continue to be a fearless advocate for the people of Evanston. Since retiring, Liz has joined the board at Curt's Cafe, an Evanston coffee shop that trains at-risk youth, prepares them to become job-ready, and helps them to transition into full-time employment. One thing is clear, Liz Tisdahl is not done helping the community she loves.

I want to congratulate Liz Tisdahl on her distinguished career and thank her for her outstanding service to the people of Evanston. Now as she enters the next chapter in her life, I wish her and her family all the best.

(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. 272, on the nomination of Steven Gill Bradbury, of Virginia, to be general counsel of the Department of Transportation. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 273, on the motion to invoke cloture on David G. Zatezalo to be Assistant Secretary of Labor for Mine Safety and Health. 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. BOOKER. Mr. President, I was necessarily absent for the votes on confirmation of Executive Calendar No. 254 and the motion to invoke cloture on Executive Calendar No. 383.

On vote No. 272, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 254.

On vote No. 273, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 383.●

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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