

abuse, and recommending changes in laws and regulations governing the federal judiciary. The bill would require the IG to provide the Chief Justice and Congress with an annual report on its activities, as well as refer matters that may constitute a criminal violation to the Department of Justice. Further, the bill establishes important whistleblower protections for judicial branch employees to help keep the judiciary accountable.

Judges are supposed to maintain impartiality. They're supposed to be free from conflicts of interest. An independent watchdog for the federal judiciary will help its members comply with the ethics rules and promote credibility within the judicial branch of government. The Judicial Transparency and Ethics Enhancement Act will not only help ensure continued public confidence in our federal courts and keep them beyond reproach, it will strengthen our judicial branch.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2195

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 "Judicial Transparency and Ethics Enhancement Act of 2017".

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

"Sec.

"1021. Establishment.

"1022. Appointment, term, and removal of Inspector General.

"1023. Duties.

"1024. Powers.

"1025. Reports.

"1026. Whistleblower protection.

"§ 1021. Establishment

"There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

"§ 1022. Appointment, term, and removal of Inspector General

"(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

"(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

"(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

"§ 1023. Duties

"With respect to the judicial branch, the Office shall—

"(1) conduct investigations of alleged misconduct in the judicial branch (other than

the United States Supreme Court) under chapter 16 that may require oversight or other action within the judicial branch or by Congress;

"(2) conduct investigations of alleged misconduct in the United States Supreme Court that may require oversight or other action within the judicial branch or by Congress;

"(3) conduct and supervise audits and investigations;

"(4) prevent and detect waste, fraud, and abuse; and

"(5) recommend changes in laws or regulations governing the judicial branch.

"§ 1024. Powers

"(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

"(1) make investigations and reports;

"(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

"(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

"(4) administer to or take from any person an oath, affirmation, or affidavit;

"(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315 of such title; and

"(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

"(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

"(c) LIMITATION.—The Inspector General shall not have the authority to—

"(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

"(2) punish or discipline any judge, justice, or court.

"§ 1025. Reports

"(a) WHEN TO BE MADE.—The Inspector General shall—

"(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

"(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

"(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

"(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Of-

fice, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

"§ 1026. Whistleblower protection

"(a) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

"(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

"60. Inspector General for the judicial branch 1021".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—COMMEMORATING THE 100TH ANNIVERSARY OF THE 2D INFANTRY DIVISION

Ms. CANTWELL (for herself, Mr. CORNYN, Mr. CRUZ, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 349

Whereas October 26, 2017, is the 100th anniversary of the organization of the 2d Infantry Division;

Whereas the 2d Infantry Division—

(1) was established in October 1917 at Bourmont, France, as the Second Division;

(2) was the first division organized on foreign soil; and

(3) has been proudly serving since 1917;

Whereas, the 2d Infantry Division is the only Army unit that has ever been commanded by a Marine Corps Officer because, at the time of activation, the 2d Infantry Division—

(1) was composed of both Army and Marine units; and

(2) was commanded during World War I by—

(A) Army officers Major General Omar Bundy and Major General James G. Harbord; and

(B) Marine Corps generals Brigadier General Charles A. Doyen and Major General John A. Lejeune;

Whereas, since the heroic start of the 2d Division, the 2d Division has played an integral part in United States history by serving in—

(1) World War I;

(2) World War II;

(3) the Korean War;

(4) the Cold War;

(5) Operation Iraqi Freedom;

(6) Operation Enduring Freedom; and

(7) current operations in Korea;

Whereas, the 2d Infantry Division—

(1) drew its first blood at the Battle of Belleau Wood, France in June 1918; and

(2) contributed to shattering the 4-year-old stalemate on the battlefield during the Chateau-Thierry campaign that followed;

Whereas, the 2d Division played a central role in other monumental struggles of World War I, such as—

- (1) the defense of the Aisne;
- (2) the Battle of Soissons in the Aisne-Marne Offensive;
- (3) the Saint-Mihiel Offensive;
- (4) the Meuse-Argonne Offensive; and
- (5) the Battle of Blanc Mont Ridge;

Whereas, immediately after the 2d Infantry Division, commonly known as the “Indianhead Division”, was established, the 2d Infantry Division started to build a prestigious reputation for its service during World War I;

Whereas, following World War I, the 2d Infantry Division was 1 of only 3 United States divisions to remain on active duty, which is a strong testament to the accomplishments of the 2d Infantry Division;

Whereas the 2d Infantry Division—

(1) remained on occupation duty in Germany to enforce the Armistice until July 1919; and

(2) came to the United States for the first time in July 1919, having fought in every major United States engagement and emerging as the most decorated United States Division of the American Expeditionary Forces;

Whereas, in recognition of exemplary service during World War I, the 2d Infantry Division was the recipient of—

- (1) French Croix de Guerre with Palm, Streamer embroidered AISNE-MARNE;
- (2) French Croix de Guerre with Palm, Streamer embroidered MEUSE-ARGONNE; and
- (3) French Fourragère;

Whereas the 2d Division established the new home of the Division in Fort Sam Houston, Texas, to test new concepts and innovations for the Army;

Whereas, in 1937, 2d Infantry Division became the first command reorganized under the new triangular concept, having 3 separate regiments in the division;

Whereas, Headquarters, 2d Division was redesignated on August 1, 1942, as Headquarters, 2d Infantry Division;

Whereas, in June 1944, the 2d Infantry Division was called to action and made the assault landing on Omaha Beach 1 day after D-Day, June 7, 1944, which began the liberation of northern Europe from Nazi control;

Whereas, during World War II, the 2d Infantry Division fought bravely in France, Germany, and Czechoslovakia from 1944 to 1945;

Whereas the 2d Infantry Division continued to provide invaluable service throughout World War II, including by—

- (1) fighting for the liberation of France and Belgium;
- (2) fighting for the liberation of Trévières on June 10, 1944;
- (3) assaulting and securing Hill 192;
- (4) capturing Tinchebray on August 15, 1944;
- (5) capturing the vital port city of Brest, which was liberated in September 1944 after a fierce 28-day battle fought in streets and alleyways;
- (6) fighting at the Battle of the Bulge, where the 2d Infantry Division pierced the dreaded Siegfried Line and held critical roads leading to the cities of Liège and Antwerp;
- (7) capturing the city of Breisig on March 10 to 11, 1945;
- (8) crossing the Rhine to relieve the 9th Armored Division in Hadamar and Limburg an der Lahn on March 21, 1945;
- (9) capturing Merseburg on April 15, 1945;
- (10) capturing Leipzig on April 18, 1945; and
- (11) crossing into Czechoslovakia and attacking the city of Pilsen on 4 May, 1945;

Whereas 6 members of the 2d Infantry Division received the Congressional Medal of

Honor for their gallantry actions during World War II;

Whereas, in recognition of exemplary service during World War II, the 2d Infantry Division was—

- (1) the recipient of the Belgian Fourragère World War II;
- (2) cited in the “Order of the Day” of the Belgian Army for action at Elsenborn Crest; and
- (3) cited in the “Order of the Day” of the Belgian Army for action in the Ardennes;

Whereas the 2d Infantry Division returned home to Fort Lewis, Washington on April 15, 1946;

Whereas elements of the 2d Infantry Division arrived in Korea via Pusan, on July 31, 1950, becoming the first United States unit to arrive directly in Korea from the United States;

Whereas the 2d Infantry Division helped repel attackers on the Pusan Perimeter during a 16-day attack beginning on the night of August 31, 1950, in a battle in which 2d Infantry Division clerks, bandsman, technical personnel, and supply personnel all joined the fight to repel the attackers;

Whereas, the 2d Infantry Division was the first unit to break out of the Pusan Perimeter and led the Eighth Army drive to the Manchurian Border;

Whereas, on November 26, 1950, with the intervention of the Chinese in the Korean War, the 2d Infantry Division was tasked with protecting the rear and right flank of the Eighth Army;

Whereas, the 23d Regimental Combat Team, 2d Infantry Division, and the French Battalion were cut off and surrounded by 3 Chinese Divisions on February 13, 1951 at Chipyeong-ni, but fiercely fought freezing weather conditions and overwhelming Communist forces for more than 3 days, killing over 5,000 enemies while possessing about 1/10 of the enemies’ strength;

Whereas the 23d Regimental Combat Team, 2d Infantry Division, gave the first major defeat to the Chinese at the battle of Chipyeong-Ni, a turning point in the Korean War;

Whereas 20 members of the 2d Infantry Division earned the Congressional Medal of Honor during the Korean War;

Whereas, in recognition of exemplary service during the Korean War, the 2d Infantry Division was the recipient of—

- (1) the Presidential Unit Citation Streamer embroidered HONGCHON;
- (2) the Republic of Korea Presidential Unit Citation Streamer embroidered NAKTONG RIVER LINE; and
- (3) the Republic of Korea Presidential Unit Citation Streamer embroidered KOREA;

Whereas, after 3 years of fighting in Korea, the 2d Infantry Division was transferred to Fort Lewis, Washington, arriving on October 7, 1954;

Whereas, the 2d Infantry Division was restructured with personnel and equipment from the 10th Infantry Division in the spring of 1958, and moved to Fort Benning, Georgia;

Whereas the 2d Infantry Division provided support for 3 brigades supported by armor, cavalry, and artillery under the Reorganization Objective Army Division concept in April 1964;

Whereas the 2d Infantry Division returned to Korea on July 1, 1965, and exchanged personnel and equipment with the 1st Cavalry Division;

Whereas the 2d Infantry Division was assigned to guard portions of the demilitarized zone to keep the peace and help deter war on the Korean peninsula;

Whereas members of the 1st Battalion, 23d Infantry, 2d Infantry Division, were killed in an North Korean ambush on November 2, 1966;

Whereas 16 members of the Armed Forces of the United States were killed by enemy attacks in the demilitarized zone;

Whereas Captain Arthur G. Bonifas and First Lieutenant Mark T. Barrett of the United Nations Joint Security Force were attacked and killed during a routine tree-trimming operation on August 18, 1976;

Whereas, in response, the United Nations Command launched Operation Paul Bunyan at 0700 hours on August 21, 1976, when a Republic of Korea Special Forces Company, the 9th Infantry, and B Company, 2d Engineer Battalion, moved in to cut down the infamous Panmunjeom Tree while supported by B-52 bombers and F-5 and F-11 fighter jets aboard a Midway Task Force aircraft carrier standing by just offshore;

Whereas members of the 2d Infantry Division, proudly wearing “Imjin Scout” patches, patrolled the demilitarized zone throughout the 1980s until 1992, and then remained deployed along the border;

Whereas the 3d Brigade, 2d Infantry Division—

(1) was reactivated at Fort Lewis, Washington on April 16, 1995, as part of I Corps; and

(2) became the first interim Brigade Combat Team in the Army in May 2000, later to be equipped with Stryker vehicles;

Whereas, in the defense of United States interests, the 4th Brigade deployed in support of Operation Iraqi Freedom from November 2003 to November 2004;

Whereas, in August 2004, the 2d Brigade, 2d Infantry Division, deployed with the Republic of Korea Army, representing the first operational deployment from the Republic of Korea;

Whereas the 2d Brigade Combat Team, 2d Infantry Division, was given control of the Eastern half of Ar-Ramadi under the direct command of the 1st Marine Division;

Whereas elements of the 2d Infantry Division were attached to the 2d Marine Division during Operation Iraqi Freedom, a reversal of their respective roles during World War I, where the 5th and 6th Marine Regiment of the 1st Marine Division fought under the United States Army 2d Infantry Division;

Whereas the 2d Brigade, 2d Infantry Division, fought in the Fallujah Offensive in November 2004, which provided Iraqis the opportunity to vote in the historic national elections of January 2005;

Whereas the 2d Brigade, 2d Infantry Division, provided humanitarian relief to hospitals, schools, and hundreds of Iraqi civilians who had been displaced;

Whereas the 2d Brigade, 2d Infantry Division, redeployed from Iraq to Fort Carson, Colorado in August 2005;

Whereas the 3d Stryker Brigade Combat Team, 2d Infantry Division, deployed from Fort Lewis, Washington, to assist the Iraqi security forces with counter insurgency operations in the Ninewa Province in support of Iraqi Freedom from June 2006 to September 2007;

Whereas the 2d Infantry Division transformed into the Republic of Korea-United States Combined Division with a Republic of Korea Army unit on June 3, 2015, in a cooperative designed to strengthen the operational capabilities of both the Republic of Korea Army and the United States Army;

Whereas the 2d Infantry Division is the last remaining permanently forward-stationed division in the United States Army;

Whereas the 2d Infantry Division has been deterring aggression and maintaining peace on the Korean Peninsula since 1965;

Whereas the 2d Infantry Division received 2 Korean Presidential Unit Citations for its outstanding service in Korea from 1950 to the present; and

Whereas, since the establishment of the 2d Infantry Division in 1917—

(1) elements of the 2d Infantry Division have been present all over the world, assisting in combat and noncombat missions for 100 years;

(2) more than 13,200 members of the 2d Infantry Division have sacrificed their lives in combat; and

(3) 40 members of the 2d Infantry Division have received the Medal of Honor in total: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates “A Century of Service”, the 100th anniversary of the 2d Infantry Division on October 26, 2017;

(2) commends the 2d Infantry Division, now known as the “Indianhead”, for continuing to exemplify the motto of the 2d Infantry Division, “Second to None!” and “Fight Tonight!”;

(3) honors the memory of the more than 13,200 members of the 2d Infantry Division who lost their lives in battle;

(4) expresses gratitude and support for all members and veterans of the 2d Infantry Division and their families; and

(5) recognizes that the 2d Infantry Division holds an honored place in United States history.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BARRASSO. Mr. President, I have 8 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 ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. in room SD-406 to conduct a hearing on the following nomination: R. D. James, of Missouri, to be an Assistant Secretary of the Army, 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 Wednesday, December 6, 2017, at 10 a.m. to conduct a hearing entitled “Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”.

COMMITTEE ON JUDICIARY

The Committee on Judiciary is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. in room SD-226 to conduct a hearing entitled “Firearm Accessory Regulation and Enforcing Federal and State Reporting to the National Instant Criminal Background Check System (NCIS).”

COMMITTEE ON INDIAN AFFAIRS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-

628 to conduct a hearing on S. 1870, “The Securing Urgent Resources Vital to Indian Victim Empowerment Act”.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-628 to conduct a hearing on S. 644, “Navajo Utah Water Rights Settlement Act of 2017” and S. 1770, “Hualapai Tribe Waters Rights Settlement Act of 2017”.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 9:30 a.m. in room SD-562 to conduct a hearing entitled “America's Aging Workforce: Opportunities and Challenges”.

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

The Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-406 to conduct a hearing entitled “Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters”.

SUBCOMMITTEE ON NEAR EAST, SOUTH ASIA, AND COUNTERTERRORISM

The Subcommittee on Near East, South Asia, and Counterterrorism of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. to conduct a hearing entitled “Beyond ISIS: Countering Terrorism, Radicalization, and Promoting Stability in North Africa.”

PRIVILEGES OF THE FLOOR

Mr. BLUNT. Mr. President, I ask unanimous consent that a military fellow in my office, Capt. Sam Burke, be granted floor privileges for the duration of my remarks.

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

DISCHARGE AND REFERRAL—S. 2146

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2146 and the bill be referred to the Committee on Finance.

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

MEASURE PLACED ON THE CALENDAR—S. 2192

Mr. GRASSLEY. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 2192) to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Mr. GRASSLEY. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 2199

Mr. GRASSLEY. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2199) to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

Mr. GRASSLEY. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, as in executive session, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for consideration of Calendar No. 167, the nomination of Susan Bodine to be an Assistant Administrator of EPA. I further ask that there be 30 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 confirmation with no intervening action or debate, and 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.

ORDERS FOR THURSDAY, DECEMBER 7, 2017

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 7; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that