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## Senate

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

Our Father in Heaven, thank You that our life's pilgrimage is a process and discovery. Open our eyes today that we may see wonderful things in Your precepts, gaining wisdom from Your world. Help our lawmakers to strive to ensure that their thoughts, words, and deeds will please You. Today, we surrender to Your providence, trusting You to order our steps. Lord, teach us to illuminate our world with the wisdom of Your Divine insights, so that Your will may be done on Earth. Transform life's deserts so that they will blossom like roses. Bring flowing springs to the parched grounds of our lives, so that we may live abundantly.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore 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.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. ERNST). The majority leader is recognized.

### NOMINATION OF JAMES HO

Mr. MCCONNELL. Madam President, this week, the Senate is continuing to consider President Trump's outstanding judicial nominees. Yesterday, we confirmed a talented individual to

be a circuit court judge, and soon we will confirm another. Next, we will advance the nomination of James Ho to be a judge of the Fifth Circuit Court of Appeals. Mr. Ho is another well-qualified individual, and, like all of President Trump's judicial nominees, he is dedicated to upholding the rule of law and serving as an impartial arbiter on the bench.

Similar to Justice Willett, whom I discussed yesterday, Mr. Ho has an inspirational story. Immigrating to the United States from Taiwan at the age of 1, he learned English by watching "Sesame Street." He went on to graduate from the University of Chicago Law School with high honors and earned a clerkship with Judge Jerry E. Smith of the Fifth Circuit. In 2001, Mr. Ho joined the Department of Justice as the Special Assistant to the Assistant Attorney General for Civil Rights and later worked in the Office of Legal Counsel. In addition to his service in the executive branch, he worked here in the Senate as chief counsel for the Judiciary Committee's Subcommittee on the Constitution. Afterward, he went across the street to clerk for Associate Justice Clarence Thomas.

After his distinguished and successful legal career in Washington, Mr. Ho returned to Texas, joining a top law firm and specializing in appellate litigation. He then served as the solicitor general of Texas, succeeding our colleague Senator TED CRUZ. It was while he was serving in that role that he won the Supreme Court Best Brief Award from the National Association of Attorneys General. He went on to earn the award two more times. After his time in State government, Mr. Ho returned to his private practice firm and currently serves as the cochair of its appellate and constitutional law group. He has presented oral arguments in State and Federal courts around the country, including the Supreme Court.

It is clear that Mr. Ho possesses impressive credentials, with the experi-

ence necessary to excel on the Fifth Circuit. He also earned the praise of prominent Democrats who believe he will make an excellent addition to the Federal court.

Ron Kirk, the Obama administration's Trade Representative and the former mayor of Dallas, supported Mr. Ho's nomination to the Judiciary Committee. He wrote:

Jim possesses the temperament, integrity, and intellect that anyone, Republican or Democrat, should insist on in a federal judge. He is wickedly smart, and is among the most brilliant appellate lawyers in the United States. If there is one thing that my liberal and conservative colleagues agree on, it is that Jim just has it in his DNA to be a great judge.

A Commissioner on the U.S. Commission on Civil Rights appointed by President Obama also recommended Mr. Ho in a letter to the Judiciary Committee. She knows him from his volunteer work with the National Asian Pacific American Bar Association. She wrote that he "has a strong reputation as an intelligent, reasonable, fair and principled lawyer."

I would like to commend President Trump for another very strong nomination. I would also like to express my gratitude to Chairman GRASSLEY and the members of the Judiciary Committee for their work to process the President's judicial nominees.

I look forward to advancing Mr. Ho's nomination soon.

### THE INTERNET

Mr. MCCONNELL. Madam President, one of the great advances of our time has been the development and expansion of the internet and wireless technologies. The internet connects people across the globe in an unprecedented way. It brings together producers and consumers, students and educators, and even Members of the Senate with our constituents.

It is difficult to exaggerate the impact the internet has on our society

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



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and our economy each and every day. Even a few decades ago, the technologies many of us take for granted today would have been totally unfathomable.

But the success of the Internet wasn't an accident. Today's internet—and all the incredible innovations that utilize it—aren't the product of unnecessary and burdensome government regulations that hindered growth. Instead, they were the direct result of a bipartisan desire to create an environment of advancement—one that utilized a light regulatory touch. Innovators were free to create and develop what they wanted to, without having to think about complying with overbearing Washington regulation.

As the internet grows, so does the United States. Our Nation has led the world in internet technology, and citizens throughout the country and the world have enjoyed the benefits.

However, the previous administration seemed bent on subjecting the internet to a whole host of new regulations—rules designed in the age of the rotary phone and rooted in the railroad era of the 1800s. Through unprecedented government overreach, the Obama administration argued that this change would fix a problem. But there wasn't a problem that needed fixing.

Therefore at the behest of President Obama in 2015, the partisan majority at the Federal Communications Commission rejected our decades-old approach and reclassified broadband internet access. This overreach subjected it to new burdens and regulations and threatened the marketplace freedom and innovation that brought us the internet we have come to know today.

It shouldn't shock any of my colleagues to hear that an increase in burdensome regulations created uncertainty for businesses of all sizes and negatively impacted investment. In the last 2 years, broadband investment has suffered a serious decline, even though many Americans, including large numbers in rural States like Kentucky, lack access to crucial internet services at home.

Earlier this year, President Trump changed direction from the previous administration. He elevated Ajit Pai to serve as the Chairman of the FCC, and tomorrow, the Commission will vote to repeal the misguided 2015 rule.

Chairman Pai submitted a proposal to restore freedom to the internet and to classify broadband internet access once again as an information service, just like it was until 2015.

When the FCC votes tomorrow, they will be voting to return the internet to a consumer-driven marketplace free of innovation-stifling regulations.

Opponents of Chairman Pai's plan have expressed their concerns about unfair or disruptive business practices that may hurt consumers' access to the internet. However, his proposal will actually restore the Federal Trade Commission's authority to protect consumers and police companies that engage in unfair practices.

Chairman Pai's proposal will also require internet service providers to clearly disclose how they treat their customers' data so that consumers can choose the services that are right for them.

I look forward to their vote in support of the open internet and to Congress's actions in the future to keep the internet open for consumers in a lasting way.

Before I continue onto another matter, I feel that it is necessary to take a moment to discuss the vitriolic and divisive debate over this topic.

As my colleagues know, I am a strong defender of political speech, and I have fought for decades to protect the rights of all Americans to question government policies. However, the discussion on this issue took on a new tone. While the First Amendment protects political speech, it is no excuse for bad conduct.

Instead of debating the effects of a proposal, some of the far left engaged in personal attacks, even going as low as to promulgate attacks citing Chairman Pai's children. This type of behavior does nothing to elevate our Nation's discourse or forward a particular policy. I hope that we can all agree that this type of harassment deserves universal condemnation.

#### FUNDING OUR MILITARY

Mr. McCONNELL. Now, on another matter, Madam President, over the last eight years, our foreign policy was guided by a Commander in Chief who wished to draw down conventional military power from across the globe. Iran, China, and Russia have sought to fill this vacuum and exploit the perception that America was withdrawing.

This Republican Congress has made a commitment to work with President Trump to rebuild our military and give our men and women in uniform the resources they need to face the challenges of a dangerous world.

We know there is more work to do in restoring our military's combat readiness and meeting the full needs of the force. Earlier this year, we passed a funding measure that was an important departure from the Obama years.

The President has renewed our commitment to Afghanistan, and is trying to train and equip a force that can meet the daunting challenge posed by North Korea.

To begin rebuilding our military, we ignored the Obama-era demand that any increase in defense funding must be equally matched to nondefense increases. We did that earlier this year, and we must do it once again.

As we continue to discuss a plan to fund the government, we must prioritize efforts to provide for our warfighters. The Defense Department suffered a disproportionate reduction under the Budget Control Act—one that has real consequences for readiness. If we are not able to come to a funding agreement, our military—and

many other critical functions of the Federal Government—will suffer intolerable budget cuts next year.

I hope that my colleagues on the other side of the aisle will work with us in a serious manner to make sure that we are able to responsibly fund the government so that our military has the tools it needs to keep us safe.

#### TAX CUTS AND JOBS BILL

Mr. McCONNELL. Now, on one final matter, Madam President, later today, the Tax Cuts and Jobs Act conference committee will host an open meeting to discuss its progress in resolving the differences between the House and Senate versions of the bill.

The conferees have been working diligently to produce a report that both Chambers can vote on soon. Once they complete their work, Congress will be able to fulfill our commitment to the American people and deliver real tax reform.

For too long, the hardworking men and women of Kentucky and our Nation have endured a struggling economy and a broken tax code. Rates are too high. The structure is too complicated to understand, and it is too easy for the wealthy and the well-connected to exploit. Incentives are so nonsensical that some actually encourage corporations to ship American jobs overseas.

It is time for a change. Passing pro-family and pro-growth tax reform is the single most important action we can take right now to grow our economy and help the middle class get ahead.

Families deserve a tax system that works for them; and along with President Trump and his team, this Republican-led Congress is working to deliver. This is our chance to set a new course—to undo the damage that our outdated Tax Code has inflicted on the economy over the last decade.

For the Americans who were left behind by the Obama economy, this is our opportunity to provide relief. We want to make your taxes lower, simpler, and fairer. We want to bring investment and jobs back home and keep them here. The bottom line is this: We want to take more money out of Washington's pocket and put more money into the pockets of the middle class. I am confident the conference committee will finalize a bill that does just that.

It will also repeal ObamaCare's individual mandate tax, delivering relief to low- and middle-income Americans who have struggled under an unpopular and unworkable law.

In addition to this once-in-a-generation tax relief, our legislation will also provide for our Nation's energy future. By further developing Alaska's oil and gas potential, this bill will help create jobs, support energy independence, and promote our national security.

The forthcoming conference report represents our chance to provide a real

benefit to families and small businesses across the Nation. I am grateful to the members of the conference committee for their hard work to resolve the differences between the two bills. I look forward to voting for the final product soon.

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#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

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#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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#### EXECUTIVE SESSION

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##### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit.

##### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

##### ELECTION OF DOUG JONES

Mr. SCHUMER. Madam President, as we know, last night a Democrat won in the State of Alabama for the first time in a quarter century.

Last night's election of Doug Jones was not only the repudiation of a candidate unfit to serve in this body; it was an affirmation of a candidate who represents the very best of public service.

I read Doug Jones' bio. One story stands out in my mind. As a second-year law student, Doug Jones skipped class to attend the trial of the Klansman ringleader of the 1963 bombing of the 16th Street Baptist Church—an event, as we all remember, that shook the conscience of our country and helped launch a mighty movement for civil rights. Although a young Doug Jones was moved by the disposition of justice in that trial, he was left with the impression that other members of the conspiracy had escaped the reach of the law. So 24 years later, when Doug Jones became the U.S. attorney in Alabama, he pursued charges against two more Klan members involved in the bombing, winning their conviction, and delivered a long-delayed but mighty righteous justice.

Doug Jones deserved to win the race last night. He is a fine man, was an excellent candidate, and is going to make an outstanding Senator for the people of Alabama. I congratulate Senator-Elect Jones and look forward to welcoming him to this Chamber and our caucus.

Two additional points in regard to the election, which has a link to the Chamber here:

First, the election of a Democrat in such a conservative State, which hadn't had a Democratic Senator since 1996—they elected one in 1990, I guess—is a clarion call for bipartisanship. The American people are clamoring for us to work together, to eschew the politics of divisiveness and once again conduct our politics with civility, decency, and an eye toward compromise. That is what Doug Jones represented as a candidate, it is what he campaigned on, and his election should signal to all of my Republican colleagues that the American people, from the deepest red States to the deepest blue States, yearn for our politics to function again in a bipartisan way.

The election of a Democrat in such a conservative State is a clarion call for bipartisanship. The people of Alabama have spoken, and they have sent a message asking both Democrats and Republicans to work together to solve our greatest challenges. That is how Doug Jones campaigned. Roy Moore did not try to pursue any scintilla of bipartisanship, and it might have been one of the reasons he lost, particularly in the suburbs of Birmingham and other cities. I hope we in this body will take this election in earnest and pursue a course of bipartisanship.

##### REPUBLICAN TAX BILL

The election of Doug Jones should have another effect on this Chamber as well. It would be unseemly and imprudent to rush a massive piece of partisan legislation through this Chamber before Doug Jones is seated. To rush such a huge piece of legislation when the people of Alabama have just sent us a new Senator and try to jam it through before he gets here would be so wrong. Doug Jones will be the duly elected Senator from the State of Alabama in a few short weeks. The Governor didn't appoint him. The people chose him. It would be wrong for Senate Republicans to jam through this tax bill without giving the newly elected Senator from Alabama the opportunity to cast his vote. The people of Alabama deserve to have their representative in the Senate to debate the biggest issues of the day, and the tax bill certainly falls under that category.

Today, we Senate Democrats are calling on Leader McConnell to hit pause on his tax bill and not hold a final vote on it until Doug Jones is sworn into the Senate. That is exactly what Republicans argued when Scott Brown was elected in 2010. Referring to healthcare, Leader McConnell said it would be "gamesmanship" to pursue big-ticket legislation before Scott Brown was seated. He asked us to "honor the wishes of the people of Massachusetts." Leader Reid, in fact, acceded to that wish and waited until Scott Brown was a Senator before there were any further votes on healthcare. "We're going to wait until the new senator arrives until we do anything more on healthcare," he said.

As too often has happened, Senator McConnell does one thing when Republicans are in charge and a different thing when Democrats are in charge. Here is another example. McConnell says: New Senator—in that case, Scott Brown—slow down work on major legislation, and Reid acceded.

We are calling on Senator McConnell to do the same thing today. Let's see if he does. We are calling on Senator McConnell to do just as Senator Reid did—to honor the wishes of the people of a State that has newly elected a Senator and to wait to move forward on the tax bill until Senator Jones arrives.

If Republicans insist on barreling ahead—and I understand the pressure is on them from their hard-right multi-billionaire paymasters—they will be pouring gasoline on the fire. Their tax bill—written in back rooms, rushed through this Chamber with such recklessness—which gives enormous breaks to the wealthy and corporations while it raises taxes on millions, many of them in the middle class, is being roundly rejected by the American people. Poll after poll shows by ratios equal to, a little less than, or a little more than two to one that the American people reject this bill. They know what is in it. They don't know all of the details, but they know it favors the wealthy and powerful over them, over the middle class. They know that, even if they are getting a small tax break, the vast majority of the tax breaks go to the wealthiest and the most powerful, and they don't like it. Above all, they know this tax bill will clobber the suburbs, drastically cutting back on the State and local deductions and other deductions they cut back on, which will be a gut punch to millions of middle-class and upper middle-class Americans who live in the suburbs. They are the very same people who are turning away from President Trump, who helped to propel Doug Jones to victory last night, and who helped to propel Mr. Northam to be Governor of Virginia when his opponent Gillespie was calling for a \$10,000 tax break for the middle class.

The longer this bill sits behind closed doors, the worse it is getting. Rather than improving it for the middle class, they are cutting the rate further on the wealthiest of Americans, according to all reports—to reduce the top rate another 2.5 percent, only going to people who make over \$300,000 a year, while raising taxes on the middle class. What is going on in the heads of our Republican colleagues? Why would they do something that seems so wrong for America and so against what the American people want? We know why. The Koch brothers and the Club for Growth, funded largely by billionaires and millionaires, and all these other groups are fanatic: Just cut taxes on the rich.

I don't even hear them arguing for helping the middle class, except in TV ads that are deceptive, in my judgment. But they are doing it for that

reason. Our Republican colleagues, by trying to appease these very wealthy people—a small number of greedy people—are writing their political doom, in my opinion.

The longer this bill sits behind closed doors, the worse it is getting. It is not improving things for the middle class. It is making them worse. Instead of learning from their mistakes, instead of heeding one of the lessons of the election last night, Republicans are doubling down on helping the wealthy and powerful and doing nothing for, if not harming, the middle class.

In 2010 on the floor of the Senate, Leader McCONNELL said:

We need to move in a new direction—a dramatically new direction. That is the message of Virginia. That is the message of New Jersey. That is the message of Massachusetts.

You could replace Massachusetts with Alabama and say the exact same thing today. In sum, on process, on policy, and on politics, pausing this tax bill and going back to the drawing board is the right thing for Republicans to do. I hope, for the sake of this country, they will do just that.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NET NEUTRALITY

Ms. CANTWELL. Madam President, today we are closing in on a critical decision that will have a lasting impact on the innovation-driven economy of the United States. The Chairman of the FCC has decided to repeal a critical consumer protection known as net neutrality. This is a wrongheaded move. It is misguided. It is being driven by big cable interests that want to continue to gouge consumers and charge them more, making sure that consumers either pay or have their internet lines slowed down.

This decision turns the success of what has been an essential 21st-century innovation over to those in big corporations, instead of making sure that Main Street innovators continue to do what they do best. I don't think the American people want cable companies to be the gatekeeper on the internet. They want to have the FCC continue to play a role in making sure that an open internet is there for all, so that small businesses, entrepreneurs, and innovators can continue to build on the success of communicating with their consumers and their business partners without having artificially slowed-down lines.

Who would this impact if the FCC moves forward?

You could say that seniors would be impacted with regard to receiving their telehealth medicine and that students would be impacted in the slowing down

of their education. Families who access educational tools for their children could also see charges, and the open highway that has been so important in making sure that new internet businesses are started could be impacted.

The No. 1 reason we have to fight this decision—making sure that we do everything we can to stop the FCC from implementing this rule and giving consumers the protection of net neutrality—is that it will harm our internet economy. Last summer we had a townhall meeting about this, where I heard from many of my constituents. I then sent in many business cases to Chairman Pai so that he would understand why this impacts us so much.

Let's make sure that we understand what is happening. The FCC had rules that had prevented companies from throttling, or blocking, and it had paved the way for many great successes. In the United States, we have Fortune 500 companies and a tech industry that is responsible for 7 percent of our Nation's GDP and 6.9 million jobs in the United States of America.

Why would you change the rules now? Why would you leave after having made sure critical protections were in place and, instead, replace them with the ability for certain companies—cable, specifically—to wreak havoc on this economy?

Thirteen percent of Washington State's economy depends on a healthy internet sector. The internet economy for our State supports 250,000 jobs, and at a time when the Nation has not had enough wage growth, these tech jobs have been a bedrock for the middle class.

Chairman Pai is clearly not focused on the 250,000 jobs and the 13 percent of our State's economy. Just this past weekend, I and my colleague, Congresswoman DELBENE, met with many of these small businesses. Their message was loud and clear: Please stop Chairman Pai from ruining the internet by taking away key protections that make sure our businesses run successfully.

Chairman Pai is abdicating his role. He is abandoning the consumers whom he has sworn an oath to serve, and he is turning his back on innovators. He has really changed the direction for us and our innovation economy. I know that he thinks this is a light touch, but I guarantee you that it is a "no touch" regulation. What we need is to make sure that these companies do not artificially charge consumers, small businesses, and Main Street more for what they already are doing now and doing successfully. Obviously, an open internet rule and the rules that we are living under now have fueled an innovation economy. Every business plan of every startup relies on the company's ability to be able to contact its consumers.

With this much of our economy at stake, let's not continue to make mistakes. Let's continue to fight here in the Senate and make sure that we stop

Chairman Pai and the FCC from having the resources to implement this rule. It is so important now that we continue to fight for small businesses, for Main Street entrepreneurs, and for the innovation economy.

We deserve to have an open internet. As the small businesses and innovators just said to me this past weekend in Seattle, this is really like siding with the big companies and saying that they are going to make all of the decisions, that they are the ones that are going to be in control. They are not going to be for competition, and they are not going to be for this level of innovation. They are going to slow down what is one of the best parts of our economy.

I hope that our colleagues will join the fight and stop the FCC, in any manner possible, from implementing what is, literally, a very, very anti-competitive strategy and one that is very, very focused on big corporations, instead of the innovation economy of the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Madam President, I thank all of my colleagues, led by Senator CANTWELL, for joining me on the floor this afternoon.

We are speaking on behalf of millions of our constituents and of the tens of millions of Americans who support a free and open internet. I am proud to come to the floor to discuss an issue of national importance to both our economy and our democracy—net neutrality.

Now, a lot of people have recently stopped and asked me: What exactly is net neutrality?

The technical answer is that network neutrality, or net neutrality, is the principle that internet service providers—you know their names: Verizon, AT&T, Charter, Comcast—cannot discriminate against content providers, against websites. They are the people to whom you pay by check each month and who make sure that you have broadband service. You know who they are. The simpler explanation is this: No one owns the internet. Everyone can use the internet. Anyone can improve the internet.

Yet that will not be the case if the Trump administration and Ajit Pai, the Chairman, and Republicans have their way. They want to get rid of the Federal Communications Commission's net neutrality rules so that the ISPs, the internet service providers, can indiscriminately charge more for internet fast lanes, slow down websites, block websites, make it harder—and, maybe, even impossible—for inventors, entrepreneurs, and small businesses—the lifeblood of the American economy—to connect to the internet.

That is why we are here this afternoon on the floor, and it is why supporters of a free and open internet are vigorously opposed to this politically craven attempt to weaken the principle of net neutrality that has allowed the internet to flourish.

Tomorrow the Federal Communications Commission is voting on a proposal that will cut at the very heart of a free and open internet. They are voting to roll back net neutrality protections and send a love letter to the big broadband companies that stand to make huge profits without these rules.

So what are Chairman Pai and his broadband buddies really trying to do?

The first thing they will do is to gut the rule against blocking. What does that mean? It means that an internet service provider could block any website it wants. That includes a website of a competing service or a website with a contrary political view—whatever they want.

Second, Chairman Pai would gut the rule against throttling. What does that mean? It means that the internet service provider could slow down any website it wants.

Third, Chairman Pai would gut the rule that bans paid prioritization. What does that mean? It means that the internet service provider could charge websites for an internet fast lane, meaning that those websites could load more quickly, while the websites that could not afford the internet's "E-ZPass" would be stuck on a gravel path and take more time to load, frustrating consumers with long buffering times.

Fourth, Chairman Pai would gut the forward-looking general conduct rule. What does that mean? The general conduct rule protects consumers from harms such as data caps and other discriminatory behavior that ISPs will think of in the coming months or years ahead.

Fifth, Chairman Pai would create an unregulated interconnection market. What does that mean? It means that the Federal Communications Commission would lose authority to oversee places at which ISPs connect to the internet and extract fees.

Finally, Chairman Pai wants to prevent States and localities from adopting their own net neutrality protections.

What will be the replacement for these enforceable net neutrality rules today? What will replace them? Absolutely nothing. Chairman Pai will leave it to the internet service providers to, simply, regulate themselves in this unpoliced internet "Wild West."

Chairman Pai claims that the Federal Trade Commission—not the Federal Communications Commission, which is the Commission of expertise over telecommunications—somehow provides a sufficient backstop to bad behavior by the ISPs, but that is simply not true.

Under the Federal Trade Commission, the big broadband barons would establish their own net neutrality policies. That is like letting the bullies develop their own playground rules. If the ISP wants to block websites, slow down competitors' websites, and charge innovators and entrepreneurs to reach their customers, they will be free to do

so. That is because the Federal Trade Commission can only step in if a broadband provider violates its own net neutrality policies—that is, the policy created by the broadband company itself. Yet, if an internet service provider has a written policy that charges websites for internet fast lanes, there is nothing the Federal Trade Commission can do about it.

That is ridiculous, and it is wrong. Allowing the broadband industry to set its own net neutrality protections is like letting the fox guard the henhouse.

OK, so the Federal Trade Commission oversight will not work. Chairman Pai claims that he has another solution. It is called transparency. He argues that, if ISPs are transparent about their net neutrality practices, consumers and businesses can simply choose to use a broadband provider with the net neutrality practices that best suit them. But what good is transparency when most Americans have little or no choice for high-speed broadband access?

Consider this that 62 percent of Americans have only one choice for high-speed, fixed broadband. That is right. Nearly two-thirds of the country have only one choice from whom they can purchase broadband. That means, if a household's only choice for high-speed broadband is not transparent about its plans to set up internet fast and slow lanes, the consumer has two choices—one, to accept the internet service provider's terms or, two, to live without the internet. That is a false choice. People do not want to live without the internet in the 21st century.

Chairman Pai claims that internet service providers actually support net neutrality but just not the open internet order under which we are living today. That is like saying that you support democracy but not the Constitution. It is like saying that you like math but you hate numbers. It makes no sense.

The broadband barons have been fighting for years, both at the Federal Communications Commission and in the courts, to block net neutrality rules. It is crystal clear, and it has been for years. The broadband companies are deeply opposed to net neutrality because they want to drive up their profits by setting up internet fast and slow lanes and charge consumers more for less. It is a simple formula.

Chairman Pai also claims that broadband investment has been discouraged by the open internet order. That is false. Investment in our broadband infrastructure is stronger than ever, and with the deployment of 5G technologies on the horizon, we can expect this strong investment to continue. Broadband investment in the aggregate has increased in the 2 years since the FCC passed the open internet order. Beyond just measuring dollars spent, broadband speeds also increased after the 2015 order, meaning the ISPs

have been improving the services they offer to their consumers. Consider this: In 2016 almost half of the venture capital funds invested in this country went toward internet-specific and software companies. That is \$25 billion worth of investments.

We have hit the sweet spot. Investment in broadband and wireless technologies is high, job creation is high, and venture capital investment in online startups is high. Chairman Pai threatens to disrupt this appropriate balance and squash innovation online. It is clear that Americans do not want what the FCC is proposing. It seems as though the only supporter of this plan is the broadband industry.

If Chairman Pai and his Republican colleagues turn a deaf ear to millions of Americans standing up to net neutrality and approve their plan tomorrow, we will continue this fight elsewhere. When the Obama-era rules were challenged by the internet service providers in 2015, I led a congressional amicus brief with Congresswoman ESHOO in support of the rules. Congresswoman ESHOO and I plan to do it again this time and lead an amicus brief in defense of net neutrality. I also intend to file a Congressional Review Act, or CRA, resolution of disapproval with a number of my colleagues so that the U.S. Senate can vote to undo Chairman Pai's proposal and restore the 2015 open internet order.

The Trump administration is waging an all-out assault on our core protections: DACA, the Affordable Care Act, the Paris climate accord, and the Clean Power Plan. Now Trump's Federal Communications Commission has put net neutrality in its sights.

For all of those who rely upon the free and open internet, whether it is for commerce, education, healthcare or entertainment, I urge you to join me in this fight to create a firestorm of opposition to this assault on net neutrality. This is a fundamental attack on the openness of the internet that must be beaten, and we must now form an army of ordinary Americans as the voices that will fight the special interests and lobbyists in this city who want to shut down net neutrality forever.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, there are a handful of innovations over the years that have redefined the United States and the entire world. The cotton gin, railroads, electricity, and the automobile are just a few examples. However, without question, broadband internet is one of the defining innovations of our time. Broadband internet connects both rural and urban communities to vital services such as telemedicine, educational resources, and international commerce. In fact, broadband internet is absolutely essential for communications in the modern era. It lets us keep in touch with our loved ones no matter where they live,

and it has boosted productivity across every single industry. Perhaps most importantly, broadband internet revolutionized our economy and has led to millions of new jobs.

The ability to instantly reach consumers wherever they live has allowed American small businesses and startups to compete with large global corporations in a way that would have been simply unimaginable just a couple of decades ago.

Michigan is home to over 850,000 small businesses and a growing number of startups. The new ideas and creative solutions they generate put America on the cutting edge of a global and interconnected economy. Michigan small businesses are able to compete and innovate because of the free and open structure of the internet, but, unfortunately, these opportunities are at risk.

Tomorrow the FCC will vote to eliminate current net neutrality protections that stop large corporations from stifling small businesses and harming the American people. I think the facts are very straightforward, and the FCC is wrong. They should stop what they are doing and keep the current protections in place.

The current rules that I have consistently supported prevent internet service providers from blocking, slowing, or prioritizing web traffic for their own financial gain at the expense of small businesses and every day internet users. The FCC's actions to roll back these protections could usher in a new era of a two-tiered internet—one for the large corporations that can pay for the fast lane and a slow lane for the rest of us. This will allow internet service providers and multinational corporations to compete unfairly against startups, slowing down their traffic and playing gatekeeper to potential customers.

Let me be clear. Repealing net neutrality is anti-innovation, repealing net neutrality is anti-competition, and repealing net neutrality is anti-consumer.

The FCC should not consider this proposal tomorrow to degrade internet service, especially during a time when over 20 million households in rural America, including far too many in my home State of Michigan, still lack access to high-speed broadband internet.

The FCC has a lot of work to do to close the digital divide, and repealing net neutrality is taking our country backward, not forward. If the internet doesn't work for growing small businesses and startups, our economy will be hurt for generations to come. High-speed broadband and net neutrality in the 21st century is every bit as vital as electricity was in the 20th century. All Americans deserve access, regardless of their income or their ZIP Code.

We accomplished the goal of bringing electricity to every household in this country in the last century, even in the most rural areas, by making it a national priority. We need to make access

to broadband internet with strong net neutrality protections a national priority today.

By preserving net neutrality, we put students, artists, advocates, entrepreneurs, and other visionaries, who could be inventing the future and creating the next big thing, ahead of a handful of multinational corporations.

The FCC should call off this dangerous vote and, instead, work to ensure that the internet remains a hub of entrepreneurship, creativity, and competition.

#### CHILDREN'S HEALTH INSURANCE PROGRAM

Madam President, over 2 months ago I stood here in this Chamber, urging my colleagues to pass legislation that will prevent kids enrolled in the Children's Health Insurance Program from losing their healthcare. The Children's Health Insurance Program, or CHIP, provides healthcare coverage to over 100,000 children in my home State of Michigan and more than 9 million children nationwide.

I recall welcoming the news that Senate Finance Committee Chairman HATCH and Ranking Member WYDEN had reached a bipartisan agreement to extend the healthcare benefits for these children. They worked together and went through regular order. The Finance Committee held a hearing and a markup on the bill in October.

We all know that regular order has become a very rare event in the Senate today, and I appreciate the bipartisan effort to have a Senate vote on a bill that is absolutely critical to our Nation's children. I certainly expected that this bipartisan bill would come to the floor and pass with broad bipartisan support, thus bringing relief to families across the Nation who are worried about whether their children will continue to have healthcare in 2018. Unfortunately, in the months since those good-faith efforts, we still have not seen a vote on this important legislation. This is inexcusable. We must take action now.

States are already beginning to notify families that their children's healthcare plans may be canceled if Congress does not act. States such as Louisiana, Texas, Virginia, and others have announced that they may run out of funds within weeks. In my home State of Michigan, I have heard from parents who are worried about whether their children will still be able to see their pediatrician next year. I have also heard from pediatricians who take care of these children how children will be hurt if their healthcare is taken away.

It would be unconscionable to rip healthcare services away from children during the most formative years of their lives. It would be unconscionable to put new roadblocks up for families whose children need physicals and vaccines before they can go to school. It would be unconscionable to increase healthcare costs for working families who are just trying to keep their children healthy and give them the opportunity to prosper.

This is not a partisan issue. In 1997, President Bill Clinton worked with a Republican majority both in the Senate and in the House of Representatives to successfully pass the Children's Health Insurance Program into law. That legislation passed with 85 votes in the Senate because providing needed health services to children should never be a partisan issue.

The CHIP program has been reauthorized on a bipartisan basis since its inception because it is effective. CHIP is working for our Nation's children, and we should be too.

I urge my colleagues across the aisle to call for a vote on this legislation to extend CHIP and pass it without delay. Let's do what is right for our country's children and families and pass this bipartisan legislation now.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### NET NEUTRALITY

Mr. LEAHY. Madam President, this week, the Federal Communications Commission—FCC—is preparing to give a giant, early Christmas present to a few, deep-pocketed telecom companies, as it prepares to repeal critical net neutrality protections. Net neutrality is the simple principle that the internet should be kept free and open by preventing the corporations who control the connections to selectively throttle or block certain content, especially that of competitors.

Repealing net neutrality rules will benefit just a few powerful corporations—and it will do so at the expense of small businesses, consumers, and hard-working Americans, whose persistent and passionate voices on this issue have been completely ignored by the FCC's Republican majority.

Despite calling for public hearings when the current net neutrality protections were developed, Chairman Pai has failed to heed his own advice now that he is in charge of the FCC.

It seems the only people he listens to are those with deep enough pockets to afford high-powered lobbyists. If you are a concerned citizen or small business owner, your voice doesn't matter to this FCC. As someone who held public hearings on this issue in 2014, I can tell you that there is widespread and overwhelming support for net neutrality just about everywhere except at the FCC itself.

If the Chairman took the time to listen, as I did, he would hear from small business owners like Cabot Orton at the Vermont Country Store, who told me, "We're not asking for special treatment, incentives, or subsidies. All the small business community asks is simply to preserve and protect Internet commerce as it exists today, which has served all businesses remarkably well."

Just today, we received a letter from businesses in Northern New England, including Vermont's own Ben & Jerry's, Cabot Creamery Cooperative, and King Arthur Flour, discussing the

“crippling effect” a repeal of net neutrality rules would have on rural businesses.

I ask unanimous consent that a copy of this letter be printed in the RECORD at the conclusion of my remarks.

Chairman Pai would hear from libraries, which for some rural communities are the only way to access the internet.

As Vermont’s State librarian, Martha Reid, told me: “All Americans—including the most disenfranchised citizens, those who would have no way to access the Internet without the library—need to be able to use Internet resources on an equal footing.”

Chairman Pai would also hear from independent content creators whose voices are too often not heard on traditional media. As actress, writer, and producer Ruth Livier told me: “In the unprecedented world of an open, non-discriminatory Internet, no longer did low-budgets and no connections mean there was no way in. Never again could we be disregarded by anyone who essentially asks, ‘Who are you to have your story be told?’”

These are the voices being ignored. They are the people, the Americans, who stand to lose the most in the Chairman Pai’s misguided plan.

This is not about partisanship. Republicans and Democrats alike, in my State and every other State, benefit from the power of an open Internet, and equally stand to be harmed if the rules of the road ensuring its openness go away.

I know there are some people with a lot of money who want to do away with net neutrality. They are even filing fake comments with the FCC saying they want to repeal these protections. One of those comments came to my attention. It had my name and my home address on it. Most people, when they saw it, just laughed, because they knew it was fake.

None of us should support a process that willfully dismisses the voices of our constituents. I hope that all Senators will join me in calling on the FCC to abandon this reckless vote to repeal net neutrality.

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

DECEMBER 13, 2017.

The Hon. AJIT PAI,  
Chairman, Federal Communications Commission,  
Washington, DC.

DEAR FCC CHAIRMAN AJIT PAI: We are a group of businesses from Northern New England with strong ties to the rural and agricultural business community. We are writing today out of deep concern about the FCC’s proposal to roll back the current net neutrality rules based on Title II of the Communications Act. We urge you to maintain the existing rules instead.

As members of the business community in this region, we regularly witness how small rural businesses, including the farms and cooperatives that many of us source from, already struggle with limited access to broadband and limited options for Internet service providers. The repeal of net neutrality would compound the challenges faced

by these businesses, adding cost and creating a competitive disadvantage to running a successful business in rural America.

Uninhibited access to the internet is already a fundamental necessity for operating a successful business in rural areas. Looking to the future, this is only going to become more important. In our work with farmers in this region, we see how this particular group of businesses is increasingly reliant on the internet for access to technical information and support, and for access to information about markets.

The changes proposed by the FCC would remove the only existing legal foundation strong enough to ensure net neutrality protections are enforceable: Title II of the Communications Act, as implemented in the agency’s 2015 Open Internet Order.

Under this change, internet providers would gain new powers to steer businesses and customers one way or another. For example, Internet access providers could charge new fees for prioritized access to customers. While big companies and farms might be able to afford a pay-to-play prioritized ‘fast lane’ to users, small and medium sized businesses cannot; at the very least, such new fees would put them at a distinct disadvantage with larger competitors. Internet access providers could also charge rural businesses new fees for access to websites and services. They could favor certain businesses by slowing down traffic or exempting competitors’ traffic from users’ data caps. They could also block websites and apps outright. This would create immense uncertainty for companies in every sector of the economy who rely on open, unencumbered connectivity as a key enabler for their business and productivity. It could also greatly limit or bias farmers’ access to products, services, and information they need to run their business.

Ultimately, repealing net neutrality will have a crippling effect on rural economies, further restricting access to the internet for rural businesses at a point in time where we need to expand and speed this access instead. We urge you to maintain strong net neutrality rules and focus on advancing policies that foster fair competition.

Sincerely,

STONYFIELD,  
Londonderry, New  
Hampshire.

KING ARTHUR FLOUR,  
Norwich, Vermont.

FOODSTATE,  
Londonderry, New  
Hampshire.

BOLOCO, HANOVER, NEW  
HAMPSHIRE.

GRANDY OATS,  
Hiram, Maine.

CABOT CREAMERY

COOPERATIVE,  
Waitsfield, Vermont.

BEN AND JERRY’S,  
South Burlington,  
Vermont.

MAINE GRAINS,  
Skowhegan, Maine.

cc: Sen. Susan Collins, Sen. Angus King, Sen. Jeanne Shaheen, Sen. Margaret Hassan, Sen. Patrick Leahy, Sen. Bernie Sanders, Rep. Chellie Pingree, Rep. Bruce Poliquin, Rep. Ann McLane Kuster, Rep. Carol Shea-Porter, Rep. Peter Welch.

Mr. LEAHY. I yield the floor.  
The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise to join with the Senator from Vermont in opposition to the FCC’s planned vote to end net neutrality protections.

Tomorrow, as he noted, the FCC will hold a vote on Chairman Pai’s plan to eliminate net neutrality. These rules have kept the internet free and open, and in a day where a lot of things aren’t working, this was something that was actually working. People were able to access the internet, people in my State who maybe didn’t have a lot of resources. Kids were able to access the internet to do their homework. It was working. If the FCC votes to abandon net neutrality, it will put internet service providers, not consumers, in charge of determining the future of the internet.

Net neutrality holds internet service providers—big mega-internet service providers—accountable for providing the internet access consumers expect while protecting innovation and competition. It is the bedrock of a fast, free, and open internet.

Net neutrality has allowed the internet to become one of the great American success stories, transforming not only how we communicate with our friends and our family but the way we do business, how consumers buy goods, and how we educate our kids. These protections have worked. We have rural kids who couldn’t access classes before who are able to get these classes on the internet. We have small businesses that are able to advertise their services in a way that no one would have known that they existed. One of my favorite ones is a company called Weave Got Maille, and they are doing chain jewelry. It is just a group of about 10, 15 employees up there who started with nothing but one chain. Then they were able to come up with a cool nickname, and then they were able to advertise on the internet directly to consumers. Now they are one of the biggest employers in the town right on the Canadian border.

These internet protections that have allowed small businesses to blossom have allowed consumers to access the internet like everyone else. They have worked, but with the FCC’s vote tomorrow, the internet may soon be changing.

Earlier this year, when Chairman Pai announced his proposal to eliminate net neutrality protections, Americans took the opportunity to make their voices heard during the public comment hearing, and the proposal received a record 23 million comments. While many of these comments are written by consumers worried about the future of the internet, there is reason to be concerned about that process. Approximately 1 million fraudulent comments were filed with the FCC, and an additional half a million comments were filed with Russian email addresses. Sound familiar? I think so.

I think everyone in this Chamber knows Russia has been trying to influence our democracy in every way they can—from hacking to putting out propaganda, to now trying to insert itself into a comment process for our free and open internet, something that has

been the hallmark of American society, something they don't have in Russia. Just think, an additional half a million comments were filed from Russian email addresses. This is troubling because, in America, the public comment process matters. It is one of the few opportunities Americans have to weigh in directly with the FCC. That is why I joined several of my colleagues in calling on Chairman Pai to delay the vote until the FCC fully investigated these fake and foreign comments. Despite our calls, the FCC is still moving ahead with its vote. Despite 23 million comments, they are still moving ahead with their vote.

Under Chairman Pai's plan, the FCC gives internet service providers the ability to significantly change consumers' experience online. Internet service providers may soon be able to block, slow, and prioritize web traffic for their own financial gain, not for the average citizens' gain but for their gain. This means, internet service providers could begin sorting online traffic into fast or slow lanes and charging consumers extra for high-speed broadband. They would also be able to slow consumers' connections once they have hit a certain data limit or if they are viewing content from a competitor, and internet service providers may even block content they don't want their subscribers to access. So much for an open internet.

The only protections maintained under the proposed order are requirements for service providers to disclose their internet traffic policies. However, for consumers with only one choice for internet service, like many in my State and like many in rural areas, there is no real opportunity to comparison shop or find a new provider if they are unhappy with their service. This means that even though consumers may be aware that their internet service provider is blocking or slowing their connection, they actually don't have a choice so what does that information matter to them anyway? This proposal will harm consumers, particularly in rural areas. It will limit competition, and it will hurt small business, entrepreneurship, and innovation.

What I have seen around this place is that everyone is talking about rural broadband. They want to expand broadband. I want to expand broadband. Well, you can expand broadband all you want, but it is not going to matter if people aren't able to afford to access it.

A truly open internet encourages economic growth and provides opportunities for businesses to reach new markets, drive innovation, and create jobs. Small businesses remain engines of job creation, and net neutrality levels the playing field, allowing small companies to compete with more established brands. That is what America is about—allowing more innovation and small companies to come up and compete.

Unfortunately, for small businesses and startups across the country, the net neutrality repeal will mean new barriers when competing online. Without unrestricted access to the internet, entrepreneurs may be forced to pay for equal footing to compete online rather than focus on expanding their business. Small businesses unable to pay for access to faster internet service may soon find themselves struggling to compete from the slow lane, not the fast lane. This proposal will hurt the very people creating jobs and keeping our economy competitive.

As a strong supporter of a free and open internet, it is clear that repealing net neutrality is a step in the wrong direction. We are facing an increasingly global and interconnected economy, and it is critical that the internet remain a hub of entrepreneurship, creativity, and fair competition.

The fight to protect net neutrality is far from over, and we need to keep the pressure on. We have seen merger after merger after merger. We have seen consolidated businesses, bigger and bigger and bigger. So now what is the next step here? To limit net neutrality to make it harder for the small guys, for the ones who are trying to get into the market to compete. It is not just an isolated philosophy; it is actually part of a larger philosophy, which means that smaller companies, that individuals are going to have a hard time getting into the market and getting free access like the big guys.

That is why we ask Chairman Pai to reconsider this vote on Thursday and to come up with a new policy that doesn't hurt the people of America.

It is no surprise today that the poll I saw said the vast majority of Americans don't favor getting rid of net neutrality, and in fact it showed the vast majority of Republicans don't favor getting rid of net neutrality. So we ask Chairman Pai, who was appointed chairman by a Republican President, to reconsider this decision.

Thank you.

I yield the floor.

THE PRESIDING OFFICER (Mr. TILLIS). The Senator from Massachusetts.

#### REPUBLICAN TAX BILL

Ms. WARREN. Mr. President, we are in the middle of a historically important debate here in Washington. Republicans have hatched a partisan proposal behind closed doors that would shovel a trillion dollars in tax giveaways to giant corporations and the wealthy while undermining the healthcare and raising taxes for millions of middle-class families. If it passes, it could affect the lives of every single American for an entire generation.

Now, last night, the people of Alabama elected a new Senator to represent them here in Washington. So now Republicans who control the Senate face a choice. Will they allow Senator-elect Doug Jones to take his seat among his colleagues before a final vote on their tax plan?

We actually know something about that kind of choice in my home State of Massachusetts. On January 19, 2010, Massachusetts elected a new Senator to represent them here in Washington. The result was just as shocking to Democrats as last night's result was to Republicans. It also came when we were in the middle of another historically important policy debate here in Washington—healthcare. A lot of people thought Democrats should ram through the final version of their bill in Congress before Brown could be seated.

Now, I could stand here and read you quote after quote after quote from Republicans, who now control the Senate, talking about how unfair that would be, how corrupt that would be, and how anti-democratic that would be. I could go on and on about how today's Senate majority leader, MITCH MCCONNELL, said this would be gamesmanship, but I am going to talk about what Democrats actually did.

Democrats rejected the idea of ramming through the bill before Brown could take his seat in the Senate. Almost immediately, Jim Webb, a Democratic Senator from Virginia, called for a suspension of any healthcare vote until after Brown arrived. The day after the Massachusetts election, the Senate majority leader, Harry Reid, said publicly: "We're going to wait until the new Senator arrives until we do anything more on health care."

Massachusetts Democratic Senator John Kerry held a joint press conference with Republican Scott Brown that same week, where he said:

Seating Scott Brown as expeditiously as possible is important. We want to respect the election results. And nobody wants to delay this process.

President Obama, whose entire healthcare agenda was on the line, said this:

Here's one thing I know and I just want to make sure that this is off the table: The Senate certainly shouldn't try to jam anything through until Scott Brown is seated. People in Massachusetts spoke. He's got to be part of that process.

Now, this wasn't an easy decision. Waiting for Brown slowed down the adoption of healthcare for 2 additional months. More importantly, it meant Democrats lost their filibuster-proof majority and, as a consequence, the final bill couldn't achieve nearly as much as Democrats had hoped for, but we did it anyway.

We did it because democracy matters, even when it means it might slow down a President's agenda. Democracy matters, even when a Senate seat held for decades by a liberal lion is taken over by a conservative. Democracy matters, especially when it is inconvenient.

If we are honest, we know that there hasn't been a lot of democracy around this tax bill. This is a bill that was written and rewritten in the dead of night, behind closed doors. It is filled with errors and unintended consequences. It is animated by a rotten



wealth transfer from millions of hard-working Americans to a handful of corporations and billionaires.

But up until now, we have at least respected the principle that each State gets to pick its Senators, and those Senators get to vote for or against the final product. This afternoon, we are being told that Republicans have a final tax deal. Nobody has seen it, but we could be voting on it in the next couple of days. There is no reason to ram through that kind of massive restructuring of our economic system before Alabama gets its new Senator unless Republicans are concerned that their deal won't withstand a couple of more weeks of public scrutiny.

The election of Doug Jones will not change which party controls the Senate. The election of Doug Jones will not give him or Democrats the power to block the tax bill or any other piece of legislation, but it will respect the people of Alabama and their choice. It should happen before any more tax votes take place in the Senate.

#### NET NEUTRALITY

Mr. President, almost 60 years ago, America entered the space age. We pushed the bounds of human knowledge to do, see, and create things that fundamentally changed the way we live our lives. The government was right smack at the center of all of it, dedicating resources and manpower to explorations of science, medicine, engineering, and technology. The Defense Advanced Research Projects Agency, or DARPA, was a product of that commitment, and it was there at DARPA that a bunch of government and government-funded researchers created the internet.

In the intervening decades, what started in that government Agency provided the building blocks for what we experience as the internet today. Creative minds in government, at colleges and universities, in businesses, and at homes and garages all across the country toyed and tinkered and pushed us into the digital age.

Today, internet use is nearly universal. Although internet access remains limited in many rural and low-income areas, students of all ages go online to access educational tools and conduct research for many school assignments. Entrepreneurs and small businesses sell goods and transact business online. Families come together to watch their favorite movies or shows. The internet and broadband services have become an important part of our lives.

Government is just as important now as it was back when the internet was created. By enforcing and implementing America's communications laws and rules, the Federal Communications Commission, the FCC, plays a critical role in making sure that the internet remains fair and open.

In 2015, the FCC enshrined that commitment in an open internet order, establishing net neutrality rules—strong, public interest rules that prevented big

companies from deciding how or when we use the internet, rules that have the overwhelming support of the vast majority of Americans, Republican or Democrat.

But big internet companies don't want the FCC to work in the public interest; they want the internet to work for them. Long before the FCC passed net neutrality rules, those giants were working to establish control over the open internet. After net neutrality rules were passed, they stepped up their attack, deploying armies of lobbyists and lawyers and investing massive amounts of money to bury net neutrality rules.

Now they have the champagne chilled and ready to pop open. They have a President and a GOP-controlled Congress that is more interested in stuffing the pockets of the rich and powerful than taking care of the workers, small businesses and entrepreneurs, students, children, the sick, the elderly, and just about everybody else. President Trump's choice to lead the FCC, Ajit Pai, is dedicated to transforming the FCC from an agency that works in the public interest into a big business giveaway group.

Pai has been a vocal opponent of net neutrality rules for a very long time. After President Trump won the election, Pai gleefully declared that net neutrality's days were numbered. Pai claims that nondiscrimination rules harm giant internet companies by making it more difficult for them to create new and better products. He thinks that if these giants can discriminate against small businesses or individuals, then these giants can pick who gets the fast lane into your television set and who is stuck off on the dirt roads. If these giants can dictate which startups get a foothold and which ones are left on the ground, then the giants will be better off. Of course, he is right—the giants will be better off, but everyone else will be a lot worse off.

Chairman Pai is so committed to these internet giants that he is willing to rewrite the Federal rules in order to help them out. He is even willing to rewrite the rules so State and local governments won't be allowed to pass any consumer protection laws to protect their own citizens. Chairman Pai's notion of a fair and open internet is one that works for the highest bidder and it just leaves everyone else behind.

Tomorrow, the FCC will vote on whether to eliminate the protections that ensure that the internet remains fair and open to all Americans—protections that the vast majority of Americans support. Pai has barreled full speed ahead despite disturbing reports that potentially hundreds of thousands of comments submitted during the public comment period were fake, and he has ignored the FCC's responsibility to turn over documents of consumer complaints about discriminatory behavior by internet providers.

If the FCC eliminates net neutrality protections, giant internet companies

will pop open those champagne bottles. They will have the power to block access, to filter content, to charge more—three powerful ways that they will pick the next round of America's winners and losers. That is not the way it should work in America. The internet doesn't belong to big internet companies; it belongs to all of us, and all of us should be part of this fight.

Net neutrality matters. For the entrepreneur working around the clock on a shoestring budget to build an invention that can change the world, net neutrality matters. For the small family business that depends on online customers to keep its lights on and its doors open, net neutrality matters. For the blog writer or local journalist who works each day to bring us important news about our communities, our government, and our world, net neutrality matters. For every American who uses the internet for any reason, net neutrality matters.

Ingenuity is in America's DNA. It is that spirit of curiosity and adventure that has put us at the forefront of the search for what is next. Government works best when it makes sure everyone has equal access to the resources that make that possible.

In Massachusetts, Free Press, the Massachusetts Chapter of the ACLU, Fight for the Future, and countless other groups have led the fight to defend net neutrality and help citizens make their voices heard.

I urge every American to speak out about why net neutrality matters. I urge the FCC to abandon its plan to kill net neutrality rules, and I ask the FCC to defend an internet that is fair and open to all.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I introduced the Senate's first strong net neutrality bill back in 2006. I rise today to give my strongest possible condemnation of what the Federal Communications Commission's head, Mr. Pai, is seeking to do, which is to roll back protections that ensure a truly free and open internet for our people.

This is a handout. It is a holiday gift to a collection of giant internet companies to increase their profits at the expense of the consumer.

Before I actually begin my remarks, I see Senator FRANKEN is on the floor, as well. I would like the public to know how important his leadership has been on these issues. He and I have partnered on these issues ever since he came to the Senate. He was on the key committee, the Judiciary Committee. He has been a go-to figure in a key spot on this issue.

I want to continue this discussion after Senator WARREN's terrific presentation. I know my colleague is going to speak on this, as well.

I want the public to know that Senator FRANKEN has made a big difference for the consumer on these issues. Those

of us who have been toiling in these precincts are very appreciative of what he has done.

I want people to understand what net neutrality is, because Senator FRANKEN and I have talked about this over the years. I think there is a little confusion over what it is. Net neutrality means that after you pay your internet access fee, you get to go where you want, when you want, and how you want. It is the essence of ensuring that everybody gets a fair shake, that all bits are created equal. It is the foundation of what has kept the internet free and open.

Before I get into my prepared remarks, I want people to understand what happens if you don't have net neutrality. If you don't have net neutrality, in effect, big companies can manipulate who is going to win and who is going to lose in the marketplace. They will continue to manipulate who wins and who loses until and after we get fewer services and the consumer gets higher prices. So this is not some kind of abstract discussion.

Let me flesh out some of these remarks for a few minutes because I know my colleagues have been waiting, as well.

Since the origins of the internet, the defining feature has been that all information—all bits, as we know it—gets the same fair shake. If you are a big company or a mom-and-pop ice cream shop with a website, your content gets to everybody's home at the same speed. That is what net neutrality is all about. Net neutrality keeps internet service providers from favoring one type of content over another.

The market has changed since 2006 because the market for access to the internet has changed. Where once there were legions of dial-up providers and DSL resellers, we were seeing a few monopolies and duopolies dominating neighborhoods across the country. With their power to dictate where you could go and what you could see on the net, they had and continue to have the power to suppress those sites and those services that you would have chosen yourself in a free marketplace, driving them out of business.

Again, to lay out what this means for people who are following this, that means that instead of Netflix, YouTube, or Amazon, you could be forced to get your video content from something called go90, whatever the heck that is. It certainly isn't a service that has been able to compete in a free internet market. But all that changes when Verizon can charge you more to get to YouTube or Facebook than it costs to reach their own service.

Without strong net neutrality protections, AT&T might provide—and we always put it in quotes—“free data” for customers streaming HBO. That is pretty good if you watch HBO, but without net neutrality, it could starve other creators and subscribers necessary to survive, until soon enough, as Senator FRANKEN has pointed out in

some of our discussions, free data is gone. That is it. Free data goes away, and the American consumer—which is my fear when you think about what it really means to somebody sitting in Minnesota at home, and I see my colleague Senator MERKLEY from Oregon as well. The free data goes away under what I described, and the consumer at home in Minnesota or Oregon is stuck with few choices at higher prices than they have today. That is what the loss of net neutrality means.

I care deeply, as my colleagues do, about innovation and startups and small businesses. Senator WARREN was eloquent on this point. There are going to be a lot of people who aren't a startup. They are going to ask: What does it mean to me? What it means—I have just walked people through an example—is, that typical person is going to be stuck with fewer choices at higher prices.

Two years ago, Tom Wheeler, then the head of the Federal Communications Commission, put in place a strong framework, something with teeth that was enforceable, called title II of the Communications Act, to make sure the government, the FCC, had the tools to protect net neutrality.

Chairman Wheeler, like Chairman Pai, worked for industry for much of his career in Washington, but rather than serve his former employers, Tom Wheeler said: I am going to use my experience working in the private sector, my experience in how companies operate, to design and implement constructive and effective consumer protections. What a contrast between the two Chairs of the Federal Communications Commission. Both of them are from industry. Both of them did well in industry. We consider it a good thing in America that we have a prospering private economy. Tom Wheeler used it and that expertise to help the public. That is not what we are seeing today.

There isn't any need to fix what isn't broken. There are strong net neutrality protections in place right now. Since the 2015 rules went into place, our economy has grown up around this leading principle of equal access to information and customers.

The day before Thanksgiving, Chairman Pai released his proposal to strike down the 2015 rules that ensure real net neutrality but also prevent States from introducing their own approach to net neutrality.

Rather than listening to the millions of voices who spoke up on behalf of real net neutrality and against this proposal to allow pay-for-play or what I really call—I say to the Senator from Minnesota—a trickle-down telecommunications policy, which is to just let the big guys make as much money as they want, and maybe something eventually trickles down to rural Minnesota or rural Oregon.

Chairman Pai is going to keep pushing pay-for-play and is expected to ignore the will of the public and demolish net neutrality rules.

The first key vote is tomorrow, December 14. What I have been doing is spending a good chunk of my waking hours—obviously, we have the tax issue, which is enormously important. This is enormously important, too, to tell the American people this is a time to make their voices heard. My message to the American people on net neutrality is to get loud. This debate is far from over.

We know Chairman Pai plays a strong hand tomorrow—there is no question about that—but then it goes to the courts. Some of our colleagues are looking at approaches here on the floor. I want, as much as anything, to make sure the American people know we understand—Senator FRANKEN and Senator MERKLEY—that political change doesn't start in government buildings in Washington, DC, and trickle down is bottoms up. If ever there was an issue for bottoms up, it is net neutrality.

Not only are the majority of Americans opposed to Chairman Pai's proposal, many of the comments solicited for input are fake. These fake comments have been attributed to bots and false identities or linked to Russian IP addresses.

Any argument that this agency, the Federal Communications Commission, has a transparent process with comments from the American people is not true. This is not government for the people. This is government for the special interests.

Just a couple of other points, and let me wrap this up so my colleagues can have the floor.

Chairman Pai has been out there arguing falsely, in my view, that without title II protections, Big Cable will make more money and use those profits to invest in infrastructure. This is what I call the trickle-down theory about telecommunications.

First of all, the existing regime was called title II—tough rules. It has not been a roadblock in investment and broadband. In fact, cable giants have continued to invest in broadband infrastructure even when strong net neutrality protections were put in place in 2015.

Publicly available documents show that investment by internet service providers was 5 percent higher during the 2 years after strong net neutrality rules were adopted than for the 2 years prior. Comcast, for example, has increased its investment by 25 percent since 2013.

Big Cable, in their own statements, show that none of the major internet service providers told their investors that net neutrality protections negatively impact their investments. That is based on publicly verifiable documents.

What we have is Chairman Pai making the argument that net neutrality provisions with teeth are going to be pretty much the end of investment and sort of Western civilization as we know it. Public documents show otherwise.

Publicly available documents show otherwise.

The FCC Chairman once claimed that a policy of voluntary net neutrality would be another way to go. Any talk of a voluntary solution to net neutrality is just nonsense.

Allowing a net neutrality provider to follow net neutrality has about as much of a chance of working—there is about as much of a chance that the big cable companies will honor voluntary net neutrality as there is of getting Ava and William Wyden, my 10-year-old twins, to voluntarily limit the number of desserts they have at dinner. It is not going to happen. It is not going to happen, folks. It is not going to work for open and fair access to the internet; it wouldn't work with Ava and Will Wyden.

On the same exact date as the Federal Communications Commission produced its rulemaking rollback to title II, Comcast removed the pledge on its website that it does not prioritize internet traffic or create paid fast lanes—so much for voluntary policy.

In my view, the only way the potential of the internet can be fully tapped is by ensuring that one form of content is not provided a preference over another form of content by their internet service provider.

The Trump Federal Communications Commission is barreling ahead to blow up this level playing field that is so crucial to innovation and free speech.

I close only by way of saying that this is also a lifeline for the startups. Those startups are dreaming of being the next YouTube, Google, or eBay. This is not about Google or eBay. This is about the startups.

I would be staying to hear my colleague Senator FRANKEN make his remarks on net neutrality but for the fact that we are about to start the tax conference. I close my remarks where I opened them. Senator FRANKEN has been our go-to person on these issues since he came to the Senate. We are so grateful he looked at this issue through the prism of what it means for the person without power and clout. I thank him for his leadership.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President. I thank the Senator from Oregon, my friend, for his extraordinarily kind words. He, too, has been a leader introducing the first net neutrality bill back in 2006, before I came to the Senate.

I rise to talk about tomorrow's vote at the FCC on a proposal that would throw out the strong net neutrality rules Americans have fought so hard for. They are rules that ensure that all content on the internet receives equal treatment from broadband providers regardless of who owns it or how deep their pockets are.

Plain and simple, these rules are about ensuring that the internet remains the platform for innovation, economic growth, and freedom of expression, as it has always been.

As I reflect on my time in the Senate, there are, of course, moments that stand out as particularly significant. One such moment came in February 2015, when American consumers and businesses celebrated the FCC's landmark vote to preserve a free and open internet by reclassifying broadband providers as common carriers under title II of the Communications Act.

While I had long urged the FCC to ground net neutrality rules in the agency's authority under title II, it wasn't just the outcome of this vote that made such an impression on me then, or now, as I am looking back.

The FCC's 2015 vote came after the agency received nearly 4 million public comments, making it the then most commented on FCC issue by a factor of three. The vast majority of these comments urged the agency to enact strong rules protecting net neutrality, protecting the equal treatment of all content on the internet, which has been the architecture of the internet since the very beginning. Americans from across the political spectrum organized to ensure that their voices were heard, and they were. This was democracy in action.

Now, as Chairman Pai pushes forward to undo the open internet order, we have seen another awe-inspiring demonstration of grassroots advocacy. Millions of Americans from every corner of the Nation and background imaginable are joining the movement online and in the streets to ask the chairman to rethink his dangerous proposal and to preserve net neutrality.

When things get tough, as they have, time and time again in the last year, Americans have resisted in protest. It is these movements that make the difference. Just look at the Republicans' failed attempt to repeal and replace the Affordable Care Act.

Ironically, the kind of civic participation that has aspired so many of us in recent months and has affected real change depends, in no small part, on an open internet. If the Chairman ultimately has his way, we will be entering a world where every voice might not matter, a world where a handful of multibillion-dollar companies have the power to bury sites offering alternative viewpoints or control how users get their information, a world where the deepest pockets can pay for a fast lane while their competitors stall in a slow lane.

See, it is because of net neutrality that people from across the Nation can connect with each other, share their ideas on the internet, and organize a community effort just like the Project Net Neutrality protests we have seen at Verizon stores across the country.

I have spent nearly the entirety of my time in the Senate pushing for strong net neutrality rules. I have always called it the "free speech issue of our time" because it embraces our most basic constitutional freedoms. Unrestricted public debate is vital to the functioning of our democracy. Now,

perhaps more than ever, the need to preserve a free and open internet is abundantly clear, so we can't give up now.

Three years ago, the FCC sustained strong net neutrality rules, and millions of Americans voiced their support for them. The FCC must maintain and fully enforce the important court-tested rules that are already in place. Also, perhaps more importantly, the agency must respect the democratic process and the voices that made themselves so clear in 2014 and over the course of the last few months. There is just too much at stake.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Minnesota for being such a champion on this issue, and many others, where it is a question of whether we have government of and by the powerful or government by and for the people of the United States of America. We have seen issue after issue after issue this year on healthcare, on taxes, and now on net neutrality, and I thank the Senator from Minnesota for his advocacy.

Mr. President, last night we had an election. I have heard many of my colleagues on the Republican side say that elections have consequences. Now, however, we see that they are attempting to deliberately slow down the opportunity for the newly elected Senator from Alabama to come here and serve in the U.S. Senate. They took quite a different view when the question was a special election in Massachusetts, when a Republican Senator was elected to take the seat once held by Ted Kennedy. The Democrats concurred and the President of the United States, President Obama, concurred that he should be seated; that nothing should be jammed through in a fashion that tried to bypass the weight and opinion of the people of the State of Massachusetts in who would represent them. But this Chamber seems ready, under this majority leadership, to absolutely try to trample the people of Alabama, who said where they stand last night. This Chamber wants to deny them that voice here on the floor of the Senate.

Back a few years ago, in June of 2013, there was a House election in Missouri, and a Republican was elected to that empty seat. Jason Kander, the Democratic secretary of state in Missouri, said that he should absolutely be seated in Missouri's Eighth District. JASON SMITH, the candidate chosen by Missouri, was seated in the House of Representatives, I believe within 18 hours—within 18 hours—so the people of Missouri could have fair representation. So Democratic Senators and a Democratic President and a Democratic secretary of state in a Southern State said to honor the people of the United States. I call upon the majority leader to defend the people of Alabama and seat their Senator and do it under the same 18-hour standard.

We are here today to talk about another example of the powerful versus the people. We have seen time and time again, over the course of the last few months, the President of the United States standing up for the powerful and trying to crush the people of the United States, trying to rip healthcare from 30 million Americans in order to give special benefits to the richest Americans. We have seen the President of the United States sign in the Oval Office a measure that would enable a powerful company, when in a dispute with a consumer, to choose the judge, to pay the judge, to promise a judge future business. What kind of fairness is that for an ordinary American up against a powerful company, where the powerful company gets to choose a judge? Yet my Republican colleagues voted overwhelmingly to crush the opportunity of an ordinary citizen versus a powerful company in a consumer dispute.

Then we have the tax bill. The tax bill says that if you earn less than \$30,000, you get a tax increase, and if you are in the middle class, 87 million of you will get an increase in your taxes. And by the way, we are going to give several trillion dollars to the very richest Americans and the most powerful corporations. It is another example of a bank heist on the National Treasury—our Treasury—to deliver benefits to the best off, to the richest in America.

Oregon is about 1 percent of the national population. If you take 1 percent of \$1 trillion, that is \$10 billion. I can tell my colleagues what we can do for families in Oregon with \$10 billion. We can invest in needed infrastructure to have a stronger economy and put a lot of people to work with living-wage jobs. We can add teachers to our public school classrooms so that our classrooms offer better opportunity for our children to learn and to thrive. We can make college more affordable. We can improve our community health clinics to make sure healthcare is available to all, which is so critical to quality of life. But no. My Republican colleagues say: Let's give this money to the richest Americans. Let's raid the National Treasury and enrich the best off among us.

That is because we have a fundamental cycle of corruption in campaigns that is enabling such a bizarrely inappropriate bill to ever get heard on the floor of the Senate. I say "bizarrely inappropriate" because our government wasn't founded to mimic the powerful kingdoms of Europe that govern by and for the richest. We had a vision of government of, by, and for the people.

Now we have this issue of net neutrality, and once again President Trump and the Republicans are weighing in to crush ordinary people in favor of powerful corporations. The internet has become essential to all of us in our daily lives. We consult it to find out where to go to a restaurant or what

movies are playing. We check the internet to find out what the sports scores are and what is the latest news. We order our airline tickets. We do so many things on the internet during the course of our everyday lives. Yet here is President Trump saying: We want to take that level playing field of fairness for consumers across America and let some powerful companies decide who gets to provide information, which websites to allow to have information and which ones we are going to slow down, whom we are going to put in the fast lane and whom we are going to put in the slow lane.

The internet is so critical to the freedom of information. This is really an assault on freedom of information. It was James Madison who said that "the advancement and diffusion of knowledge is the only guardian of true liberty." Yet my colleagues and President Trump want to give powerful companies the ability to control what information is shared in America.

Think of a highway. We have a highway and everyone gets to use it, and you can be in the slow lane if you choose because you want to save fuel, or you can get in the fast lane and pass somebody who is going more slowly. We don't have someone saying: Hey, we are only going to allow the richest Americans to drive in the fast lane. We are only going to allow the most powerful corporations to be in the fast lane. For the rest of you, you get to go to the slow lane. I don't care if there is a truck going 25 miles per hour, you are going to be stuck behind it unless you pay me a whole lot of money to get out of that lane.

The internet for the rich and powerful is wrong, and we have to stop it. If the Federal Communications Commission doesn't get the message this Thursday, we need to overturn their rule here on the floor of the Senate.

I get a chart each day showing me the calls from yesterday. Here I have a bar saying how many people called about net neutrality and which side of the issue they weighed in on. So 544 people called in favor of net neutrality, and according to this chart, zero people called in favor of powerful corporations instead controlling the internet. I have since been informed we did get 1 call, so let's make it 544 to 1 instead of 544 to zero. Have you ever seen an issue where you have that kind of ratio of ordinary people weighing in and saying: Don't let the powerful take over our internet. People want a level playing field for consumers, a level playing field for distributing knowledge, a level playing field for entrepreneurs so that the new startups can compete with the Googles and the Amazons of our country.

I ask you, if you had a choice between two websites last night to follow the election in Alabama and one was in the fast lane and could replenish its numbers instantly and one was going so slow that the numbers were going to take 5 minutes to get posted, which

site would you have gone to? Of course you would have gone to the site that can update quickly. That is the point.

We shouldn't allow powerful companies to extort Americans over the information flowing through the internet. It is not fair to American citizens. It is not fair to American entrepreneurs. It is not fair to the distribution of knowledge. We must defeat it.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Missouri.

#### TAX REFORM BILL

Mr. BLUNT. Mr. President, the good news about the tax bill that I believe we will pass over the next few days is that it will go into effect on the first day of January and people will quickly see, no matter how loud others are talking, the exact facts. For work done in January, people who get that check in January or February or whenever they get paid for their January work—there is going to be a substantial tax decrease for working families at all levels. Our friends want to talk about what happens after 2025 or 2027, but surely the Congress can do its job between now and then.

This is a pro-growth policy. There are two ways to increase people's take-home pay, and we are going to pursue both of them. One is to take less out of your pay right now. That will happen not a year from now and not a year and a half from now; that will happen next month. So next month, when people get their paychecks, it will be clear to them who had the facts and who didn't have the facts on this. The second way it will increase people's pay is by having better jobs to start with. Hundreds of economists who have looked at this bill say that it will make the United States of America the best place to invest money and create jobs, and I think we will know sooner rather than later that that happens.

So good tax policy, commonsense regulation, and judges—another thing we are working on this week—make a difference in how people look at the economy that they want to invest in and an economy that they want to grow. Why would judges make a difference? Judges make a difference because judges create a sense of fairness in the court. They create a sense of an ability to get your case heard. And they create a sense that what the law says hopefully is what the judge will decide rather than what the judge thinks the law should say.

We are making great progress in all of those areas if we add good tax policy to what has been happening.

Right now, Mr. President, we are talking about judges, and President Trump has a unique opportunity to shape the long-term view of the judiciary. This week we are going to confirm three circuit judges, and I wish to speak in just a little while about what that means.

At the start of President Trump's term, 12 percent of all of the Federal judiciary seats were vacant. No President has had that kind of opportunity

since President Clinton had that opportunity now almost 25 years ago when he started his first year. And the President will have the opportunity—and is making the most of it—to fill those vacancies.

I believe President Trump made the right choice when he selected Justice Gorsuch to serve on the Supreme Court. There was a record as a circuit judge; you can look at what he had decided. The Presiding Officer and I and other Members of the Senate can look at what he has decided and anticipate, after 10 years of that record, what his record would look like. It makes a difference. I have no doubt that President Trump will continue to nominate judges who will rule as did Justice Scalia, whose unfortunate death created the most recent vacancy.

Justice Scalia, by the way, served on the Supreme Court for 26 years after the person who nominated him left the White House and 13 years after President Reagan died. So the legacy of what happens here is important.

Justice Scalia was profound in his sense that the work of the Court was not to decide what the legislature should have done; the work of the Court was to decide what the law and the Constitution said. There are ways to change the law, and there are ways to amend the Constitution, but a person on the Court needs to look at what the Constitution and the laws say.

While Supreme Court vacancies tend to get a lot of attention, it is just as important that the Senate nominate and confirm the jobs the President and the Senate share. It is our responsibility too.

The Constitution could have said: Will report to the Senate, and, unless there is some big objection, that person becomes a judge. That is not what it says. It says: The Senate will confirm.

As of this morning, there are slightly more than 140 lifetime vacancies on the courts to be filled. So far this year, we have confirmed 10 circuit court judges. By the time we leave this week, I think we will have confirmed 12 circuit judges this year. That will be close to a post-World War II record. It has been a long time since World War II, and it has been a long time since a President has had the opportunity to do that.

Why do we need to do that? First of all, the people of this country have a right to seek justice and to believe that the rule of law will prevail. The Supreme Court hears about 100 to maybe 150 cases in a year, but the 12 circuit courts—where you appeal a lower Federal court ruling to—hear many cases, and about 7,000 of those cases are appealed to the Supreme Court; the Supreme Court deals with 100 to 150 of them. So the judges in the 12 circuits often write what, in our structure, is essentially final law; the final rule of any court is at the circuit level.

The Federal Bar Association says that the “number of federal judicial vacancies throughout the federal court

system is straining the capacity of the federal courts to [do their job].”

In cooperation with the President, we have a job to do here. The capacity to hear these cases is important. Justice delayed is justice denied.

Filling these vacancies is also critical to ensuring that the balance of the Constitution is in place. This was a brandnew idea when James Madison and others thought of putting a machine together. They sometimes referred to the Constitution as the instrument that would be the guideline for a machine—a machine that was so finely balanced that it would govern itself.

The courts—the judiciary—the legislative branch, and the executive branch all have unique powers, and those unique powers were designed to keep the government in check. This concept, new in 1787, has worked well for us, but it doesn't work if one of the groups is allowed to become out of balance. So filling these vacancies matters.

The leadership of the majority leader and the leadership of Chairman GRASSLEY in his committee make a difference. As we move forward with the confirmation process for three more nominees this week, we are advancing our goal of restoring the courts to judges who will determine what the law says, not what they think it should say.

I urge my colleagues to support these well-qualified nominees. But I also urge my colleagues on the other side to stop using the process to frustrate the other work of the government. There is a right to 30 hours of debate, which is what we are in right now; we are in 30 hours of debate on a circuit judge, but nobody is talking about that circuit judge. Other bills could have been brought to the floor, and other issues that could have been dealt with aren't being dealt with because the minority has decided to abuse their power—to say that we are going to have 30 hours of debate about this judicial nominee, and then have no debate about the judicial nominee.

It doesn't mean we don't need to confirm the judges, but it does mean, if we did so in a way that made sense for the people we work for, we would be doing other business now, and these three judges would have already been confirmed. They will be confirmed this week.

My belief is that if the rules designed to protect the minority in the Senate are abused, they will not last forever. Eventually, you have to say: OK, facts are facts. This rule isn't being used this way, and the Senate has to do the people's work. If rules have to be changed to do that, I am for changing those rules.

Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 4 p.m. on Wednesday, December 13, there be 30 minutes of postcloture time remaining on the Willett nomination, equally divided between the leaders or their designees; that following the use

or yielding back of that time, the Senate vote on the confirmation of the Willett nomination; 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. Is there objection?

Without objection, it is so ordered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, this week is a great week for the State of Texas and for the Federal judiciary because this week we will be confirming two exemplary judges from the State of Texas to the U.S. Court of Appeals for the Fifth Circuit: Texas Supreme Court Justice Don Willett and former Texas Solicitor General Jim Ho. These will be the 11th and 12th court of appeals nominees who we will have confirmed this year—a modern-day record.

Indeed, I looked up just the other day the number of assigned slots on the Federal courts of appeals. It is 179. This means the 12 that have been nominated and confirmed this year represent roughly 7 percent of the appellate bench. That is a powerful accomplishment for the first year of this Presidency, a powerful accomplishment for this Republican majority in the Senate, and a powerful legacy that will extend decades into the future, protecting our constitutional rights, protecting the Bill of Rights, protecting the First Amendment, free speech, religious liberty, protecting the Second Amendment, and protecting all the fundamental liberties we enjoy as Americans.

With respect to Don Willett and Jim Ho, I have known both of them for decades. Both are close friends. Both are brilliant lawyers. Both have spent decades earning a reputation as principled constitutionalists who will remain faithful to the law and will not impose their own policy preferences from the bench.

Beyond that, both Don and Jim are testaments to the American dream. They have both taken different paths to the Fifth Circuit, but both of their stories encapsulate what is so incredible about this great Nation.

Justice Willett was born Donny Ray Willett—his birth certificate doesn't say Donald; it says Donny Ray—in July of 1966, to an unwed teenage mother. He was a sickly and frail newborn who was not even expected to survive until Christmas. But he was nursed back to health and then adopted by an incredible couple who were unable to have their own children.

Justice Willett grew up in a double-wide trailer in a small town of just 32 people, surrounded by cotton and cattle. His town had a cotton gin and a Catholic church. That is about it.

Justice Willett suffered heartbreak early in life. His father passed away at age 40, just 2 weeks after Justice Willett turned 6 years old. He was

raised by his widowed mother, who waited tables at the local truck stop. She would leave the trailer for her 6 a.m. shift before Justice Willett even woke up in the morning. He would wake himself up, get fed, dressed, and then catch the bus to a neighboring town to go to school.

Justice Willett was the first person in his family to even finish high school, let alone go to college and then to law school. He has four degrees. He got his bachelor's from Baylor with a triple major in economics, finance, and public administration. He then received a master's degree in political science, a law degree, and an LLM degree from Duke.

After law school, he clerked on the Fifth Circuit—the court on which he will soon be serving—for Judge Jerre Williams. Then, after 2½ years at a large law firm, he decided to dedicate his career to public service. He worked for Gov. George W. Bush in Texas and then for President Bush in DC. He and I worked closely together in that regard. After his time in DC, he happily returned to the great State of Texas to serve as the deputy attorney general for legal counsel. Don served alongside me, working under Greg Abbott, then the attorney general. We had offices just down the hall from each other.

In 2005, he was appointed by Gov. Rick Perry to serve as an associate justice on the Texas Supreme Court, and he was reelected by the people of Texas to that court in 2006 and again in 2012.

I can't tell you how proud I am to see Justice Willett confirmed as a judge on the Fifth Circuit and to see his lifetime of service continue in this new arena.

Jim Ho took a different path to the Fifth Circuit, but his story is just as powerful as an example of the American dream.

Jim was born in Taipei, Taiwan. He immigrated to the United States with his family when he was just 1 year old. For the first few years of his life, his family lived with relatives in Queens, NY. Jim learned English watching Sesame Street. His family then moved to Southern California, where he attended high school and then went on to college at Stanford University.

In 1996, Jim enrolled at the University of Chicago Law School, where he graduated with high honors in 1999. He then moved to Texas for the first time in his life, accepting a clerkship in Houston with Judge Jerry Smith on the U.S. Court of Appeals for the Fifth Circuit—again, the same court on which he is preparing to serve. It was during the end of his clerkship in Houston that he started dating his law school classmate, now his wife Allyson, a Houston native and another dear friend of mine.

In 2000, Jim moved to Washington, DC, to join the law firm of Gibson Dunn & Crutcher. In 2001, he joined the U.S. Department of Justice as a Special Assistant to the Assistant Attorney General for Civil Rights, working under now-U.S. Labor Secretary Alex

Acosta. Later that year, he joined the Department's Office of Legal Counsel. After 2 years at OLC, he came here to the Senate, where he served as the first chief counsel of my colleague, the senior Senator from Texas, JOHN CORNYN. After 2 years as Senator CORNYN's chief counsel, Jim went to clerk at the Supreme Court for Justice Clarence Thomas.

At the end of the clerkship, Jim and Allyson finally fulfilled their dream of going back to Texas, where Jim re-joined the law firm of Gibson Dunn & Crutcher in Dallas.

Then, in 2008, my tenure as solicitor general of Texas was coming to a close. Attorney General Abbott had told me that if I were going to leave, I would have to find my successor. I picked up the phone and called my longtime friend, Jim Ho. I talked to Jim about coming to succeed me as solicitor general. Jim agreed to take on the job and did a remarkable job as the chief appellate lawyer for the State of Texas, representing Texas before the U.S. Supreme Court and all the State and Federal appellate courts.

Jim served as solicitor general from April 2008 until December 2010, when he returned to Dallas and once again re-joined Gibson Dunn as a partner. A few years later, he became cochair of the firm's appellate and constitutional law practice group. Jim has done many extraordinary things, but nothing more so than marrying his wife Allyson, who is, like Jim, a Supreme Court advocate and one of the most talented constitutional lawyers in the country.

Allyson is my former law partner. When I left the job of solicitor general and went to the Morgan Lewis law firm, I promptly recruited Allyson to come lead the Supreme Court practice with me. I am proud to say that over the past 5 years, Jim's wife Allyson has argued more business cases before the U.S. Supreme Court than any lawyer in Texas.

Jim has become a pillar of the legal community in Texas, and the outpouring of support he has received demonstrates that. To take just one example, I have a letter from Ron Kirk, the former mayor of Dallas and a former member of President Obama's Cabinet and, incidentally, the Democratic nominee for the U.S. Senate who Senator CORNYN defeated in 2002. By any measure, he is a strong and prominent Democrat in the State of Texas. Mr. Kirk writes:

The last time Texans got to fill a seat on the Fifth Circuit, it was Judge Gregg Costa, who this body confirmed by a well-deserved unanimous vote. As a lifelong Democrat and devoted member of the Obama cabinet, I ask you to give Jim Ho the same unanimous consent.

I agree, and I hope our Democratic friends in this body will set aside the partisan rancor that has so characterized this year and will listen to the words of one of their own, a member of Obama's Cabinet, and a prominent Democrat from Texas, urging that Jim Ho be confirmed unanimously.

Sadly, Senate Democrats insisted on and provided a party-line vote in the Judiciary Committee. It is my hope that this full body will demonstrate more wisdom and less partisan animosity than the Judiciary Committee Democrats demonstrated.

Both Jim and Don, I am convinced, will make excellent judges on the Fifth Circuit. They are brilliant. They are principled. They are humble men of deep character. They love their families. They are wonderful fathers. I am confident that not only will they faithfully follow the law in the court of appeals, but I predict Jim Ho and Don Willett will become judicial superstars. They will become jurists to which other Federal judges across the country look. Their opinions will be cited heavily. They will be followed in other courts of appeals. Their careful and meticulous analysis and their fidelity to the law will be held up as exemplars for judges across the country to follow. That is a great accomplishment for the Federal judiciary, a great accomplishment for the Senate, and a great week for the State of Texas.

I yield the floor.

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

#### TAX REFORM BILL

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the tax relief and tax reduction legislation that the conference committee is currently working on. To me and to all Americans, this is a very important piece of legislation. I think it is going to get even better as the House and the Senate work to hammer out the differences to help lower the tax rates for American families.

When you look at this legislation, there are so many policies that will help to make America's economy grow. Families across the country will get a tax break. It is what they need. It is what they have been looking for, for a long time. Main Street businesses will also get a tax break. When people get a raise like that, they invest in their families, and they invest in their communities. They create jobs. Wages go up. The economy grows, and our Nation gets stronger.

You don't have to take my word for it. Respected mainstream economists are saying exactly the same thing. They agree that our economy needs to grow. They agree that the legislation we are working on—which passed the Senate, passed the House, and is being joined together—will deliver the growth that our Nation needs.

In October the Council of Economic Advisers put out a report looking at some of the ideas for tax relief. This is a group that advises the President on economic issues. Their report found that the tax plan, like the one Republicans wrote, will grow the economy between 3 percent and 5 percent. That is real growth. It is strong growth, and it is good news for America.

There was another study that came out in October. That was by a group of

economists at the Massachusetts Institute of Technology and Boston University. They did their own calculations and used their own numbers, and they found the exact same good news for the American economy. Just like the other report, this one said that the Republican tax plan would grow the economy by between 3 percent and 5 percent.

A third study was released in November. It was by the Tax Foundation. Again, it is a respected group of economists who study this kind of issue for a living. They looked specifically at the legislation as it was introduced in the Senate Finance Committee and, then, passing the Senate. This group found that the plan would increase the size of the economy by 3.7 percent. That is the same range, between 3 and 5 percent, but more specifically, 3.7 percent.

Then, there was a fourth analysis by one more group of nine respected independent economists. This group wrote about their conclusions in a letter to the Treasury Secretary on November 26. They wrote that they expect this tax relief plan to boost the economy by 3 percent over the next 10 years.

We have four different entities, four different estimates, four different groups of prominent economists. They looked at the tax relief plan. They looked at it in different ways and used different analyses, and they all found that it would grow the American economy by very similar amounts, all by at least 3 percent.

There was one other study that some people have been talking about. This was an estimate by a group called the Joint Committee on Taxation. This group predicts that growth under the Republican plan will increase, but by just 0.8 percent over those next 10 years. That works out, roughly, to eight one-hundredths of 1 percent a year. All of these other groups say at least 3 percent, maybe 5 percent, and this other group says less than 1 percent over a decade. It is hard to believe.

Why is this one group, which is being quoted often by the Democrats, so far out of line, out of the mainstream, with what other economists are saying? The reason they reached such a different conclusion is that they did their analysis very differently from all the other groups. This committee combines a few different economic models into their estimate. That is reasonable. When we look closely at the models they combined, we found that they counted the most pessimistic models much more heavily than they did the more realistic models. So, of course, they are going to come up with an overly pessimistic conclusion.

I think it can be useful to take these more negative views into account. Nobody thinks we should just pick from the rosier scenario or base our policies on one prediction. That is not what is happening here. We have four different groups of economists that predict strong economic growth of at least 3

percent. The one outlier is much more pessimistic, much more cautious.

Another thing to remember is that even this very cautious estimate says that the economy will get bigger because of the Republican plan than if we did nothing at all. Even the pessimistic group is saying: Oh, yes, the economy will grow under the Republican plan. They say it will reduce deficits by an additional \$400 billion over the next 10 years.

I think we are going to do a whole lot better than that because our economy is going to grow much faster. Under President Obama and Washington Democrats, we had 8 years of policies that held back our economy and caused it to grow at a very tepid, slow pace. Economists looked at these policies, and they said that if things continue on that path, we can expect the economy to grow by about the 1.8 percent we have been seeing through the Obama administration.

With Republicans setting the agenda, those policies are history and so is this slow economic growth that had been created during the Obama years. Look what just happened in the last two economic quarters of this year. Over these 6 months, our economy grew at a pace of more than 3 percent. The economy has created more than 2 million jobs since President Trump was elected a little over a year ago. The economy is responding—responding to policies that Republicans have been talking about and to what we have been doing in terms of eliminating so many punishing, burdensome, expensive regulations that have caused such a drag on our economy.

When we pass legislation like this tax relief act, it will give businesses confidence that we are keeping our promises. It gives them confidence that they can keep hiring, keep investing, and keep creating more jobs.

Take a look at the fact that there are 2 million more new jobs since election day of last year. Someone said: Oh, no, you have to wait until Inauguration Day to start counting. I disagree. I will tell you that in my home State of Wyoming, on election night, when the results were in and it was known that Donald Trump had been elected President of the United States, there was immediate optimism, immediate confidence, and an immediate positive spring in people's steps. The decision at that point by the American electorate said: Yes, it is time for this economy to take off. And it has.

When someone comes out with an estimate about economic growth and they don't take into account all of these different things, I think, maybe, they are living in the past, when they were looking at an economic growth model of 1.8 percent. I think, maybe, they got so used to the anemic growth we had in the Obama years that they are still expecting that to continue into the future. They are not taking into account that things are different now, that Republicans are passing our

economic plans, and that the burdensome regulations and the redtape has been cut. They are not taking into account that President Trump is in the White House.

Those things make a very big difference when it comes to sustaining this progress that we have seen over the past year. Four out of five studies agree that the Republican tax plan will deliver the kind of economic growth that the American people want and the American economy needs—a strong, healthy, and growing economy.

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

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

#### NET NEUTRALITY

Mr. BLUMENTHAL. Mr. President, I am willing to wager that the term "net neutrality" has no meaning to many Americans. It is a term that refers to a practice and a set of rules that are likely a total mystery to the vast majority of the people who are affected by them. As often happens in Washington, DC, the terms of art are highly technical and obtuse and obscure, but the effects of these rules matter to almost every American, openly, and they will be of increasing importance to Americans if the current net neutrality rules are reversed tomorrow.

That is why I am here. The Federal Communications Commission, under the leadership of its new Chairman, Ajit Pai, has a reckless and needless plan to repeal those rules that are vital to a level playing field and fair access to consumers of the internet content that they value and need. To put it very simply, Chairman Pai's plan would disastrously disadvantage small businesses. It would harm our economy. It would threaten the internet's incredible success, including innovation. It would harm consumers by giving them higher prices and possibly lower speeds in accessing what they want from the internet.

The background here is pretty simple. In 2015, the FCC adopted its open internet order to preserve the open nature of the internet. The internet has thrived on its openness. That is, in a sense, its spirit and its great advantage. It is uniquely American in that way—open and accessible.

The order created three very bright line rules: no blocking, no throttling, no paid prioritization. Nobody could stop access or block it. Nobody could diminish the availability—no throttling and no paid authorization. That is to say that nobody is to get a benefit from faster speeds simply because he is paying more. Those rules really put the internet at stake—the vitality and innovative energy is at stake here.

Blocked sites, slower speeds, fast lanes and slow lanes, and more fees will

be our future on the internet if these rules are revoked, as Chairman Pai says they will be tomorrow. Some of today's internet service providers will benefit. They already have clear conflicts of interest. They own content companies. They want their customers to spend more time on their content. Comcast, for example, owns the media giant NBCUniversal. Verizon owns Yahoo and AOL.

We are having a hearing this afternoon that involves Comcast and NBCUniversal, and I am deeply troubled by the expiration of the conditions that have been put on the merger. Those conditions help to protect competition and consumers. They have a questionable effect in that purpose, but even the modest comfort or protection they provide will completely evaporate as the conditions expire. So I will ask today that there be an investigation by the Department of Justice to sustain and continue those conditions and ask that the court that approved them actually extend them to meet the needs of competition and consumers.

Our current net neutrality rules prevent companies from becoming gatekeepers, toll takers, in a way that favors their own content. If they are the gatekeepers and the toll takers, they are the ones who block, and they are the ones who collect the fees. If they have the ability to pick and choose between the content providers that belong to their competitors or the content providers that are independent, they are going to choose their own content providers. They are going to favor their own over the others. Gutting the net neutrality rules, in effect, gives them free rein to favor their own content and their own political views.

If the internet service providers are able to block content or charge higher fees for access, eventually the ones who will suffer will be the consumers. They will pay higher prices, or the content will be slowed in reaching them. Make no mistake. Companies that are willing to pay the toll for fast lanes will transfer those costs to consumers. They are not going to just absorb the additional expense. The folks who have no idea what the term "net neutrality" means—who may have never heard it—are the ones who are going to pay the freight. They are going to be the ones who suffer the consequences.

These rules are for a reason. They were not simply picked out of the air. They are not some product of some overactive regulatory imagination. They have meaning and consequence for ordinary people who use the internet, which is one of the economic giants of our generation. We are, in effect, throttling, blocking, and raising prices for the people who depend on innovation and access and openness.

The right thing for Chairman Pai to do is to cancel tomorrow's party-line vote and abandon this misguided plan to destroy the free and open internet. He is acting, in essence, at the behest of the economic giants—the cable com-

panies—that stand to benefit because they will raise prices and favor their own content.

No matter what he decides, the fight is only really beginning. We will no doubt bring legislation to the U.S. Senate—not an easy task to pass it. Any final action in the FCC unquestionably, undoubtedly, will be challenged in the courts. I am actually hopeful that we can avoid litigation. Litigation is always a last resort. But there will be litigation because the 2015 open internet order was actually based on 10 years of evidence in a fact-based docket. Again, it was not pulled out of the air; it was based on factfinding and thought and redrafting that then, in fact, resulted in litigation that was upheld in the courts. In fact, in the court of appeals, it was judged to be legal and rationally rooted in real fact. That is the internet order that should be sustained.

I hope that Chairman Pai will postpone this misguided plan. I hope that he will abandon it. There is no need to recklessly repeal the net neutrality rules without demonstrating a significant and substantial change in factual circumstances. That is what is required statutorily—a significant and substantial change in factual circumstances to justify revoking and repealing a rule that was based on circumstance and fact.

In the meantime, millions of Americans have already given their opinions. They have weighed in. They have said to the FCC: Stop playing with the internet in a way that favors the big guys—the cable companies—the ones who will block or throttle and raise prices.

We should not allow Chairman Pai to silence their comments, to ignore them, or disregard them.

The FCC has a responsibility here. It is a public trust. It matters to the millions of Americans who have never heard and will probably never hear that term "net neutrality" and who will never understand what its consequences are until they see them personally, up close, firsthand—higher prices, blocking, throttling. That is the evil we can and must avoid.

Thank you.

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

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

NATIONAL ENDOWMENT FOR THE ART AND NATIONAL ENDOWMENT FOR THE HUMANITIES FUNDING

Mr. COONS. Mr. President, I come to the floor today to talk about the vital importance of the connection between the arts, education, and progress.

I am from a little town in Delaware named Hockessin. Hockessin was not

much when I grew up there. We had about 1,500 people, some dairy farms and mushroom farms. Over the last 40 years, it has gradually developed.

A not much widely noted big day happened back in 1994 in Hockessin, DE, when one of America's greatest jazz performers, Cab Calloway, passed away in the little town of Hockessin, DE. Cab Calloway gave his name to a remarkable performing arts school. This is a school that 25 years ago was created dedicated to the idea that if you want to elevate learning, if you want to strengthen education, you should make sure you have a robust range of opportunities to engage with the arts.

I thought I would use that as an example today to talk for a few minutes about why what we do here can be important across our whole country and why a connection between the arts and education can make a lasting difference for families all across our country.

Back in 1965, when I was just 2 years old, a group of Senators, Republican and Democratic, came together to create two things—the National Endowment for the Humanities and the National Endowment for the Arts. These two federally funded national programs are absolutely critical educational, economic, and cultural drivers that have impacted thousands of communities across the United States.

Why is this a subject of any contention or discussion here? Well, because unfortunately our President's budget this year proposed to eliminate funding for both of these organizations—both the National Endowment for the Arts and the National Endowment for the Humanities—proposed to be removed, zeroed out, cancelled, despite their almost more than 50-year record of successful impact and service across the country.

In my little State of Delaware, the National Endowment for the Arts and the National Endowment for the Humanities funded all sorts of valuable programs with significant impacts. Last year, I invited the head of the National Endowment for the Arts to come and visit us in Delaware and to pull together the whole range of folks who received some grants from them—\$681,000 last year. It is about 17 percent of all the funding for arts in my State. It helped support 100 grants to nonprofits all up and down our State.

I will give a few examples. The Grand Opera House has a summer in the park series because of the National Endowment for the Arts. The University of Delaware Community Music School holds a musical theater camp every summer, serving dozens of kids—about 80 kids. The Christina Cultural Arts Center in downtown Wilmington brings vibrant, cutting-edge arts programming to a neighborhood that might not otherwise enjoy it. The Creative Vision Factory provides individuals with behavioral health disorders an opportunity for self-expression, empowerment, and recovery through the arts. I



can give many more examples, but these are four of the hundreds.

The National Endowment for the Humanities gives a comparable number of grants and supports programs up and down our State. I will mention one—art conservation at Winterthur. Winterthur, which is a magnificent museum and collection of the American arts, has a partnership with museums in places around the world—from Haiti, to Iraq, to Syria—where, because of conflict, critical pieces of cultural history have been at risk of being lost. Because of these NEH grants to Winterthur, those partnerships have been strengthened.

We have been blessed to have in my friend Governor Jack Markell and his wife Carla, over the last 8 years, strong, longstanding support for the arts in our State. We have lots of leading individuals in our State. Tatiana Copeland, for example, helped build the Queen Theater and helped support the Delaware Symphony Orchestra. They work in partnership with the Delaware Division of the Arts. A gentleman named Paul Weagraff is now the executive director of the Delaware Division of the Arts under the new administration of Governor Carney.

I am hopeful that we here in the Senate can sustain bipartisan support for arts and humanities funding and that the young people of Delaware, our communities, and our families will continue to enjoy the blessings that these investments in creativity bring. How much are we talking about? It is about \$150 million—\$149.8 million, to be specific—this fiscal year for each of these two endowments. That is a tiny percentage of the total Federal budget. Now, \$150 million may sound like a lot, and \$680,000 of grants for my whole State of Delaware may sound like a lot, but across these two endowments for the arts and humanities, \$300 million in Federal money has a dramatic impact. It leverages private funding 9 to 1. In recent studies looking at the impact of the National Endowment for the Arts, they concluded that they were particularly focused and particularly effective and that where there is a leadership grant given by the NEA, it leverages \$9 more for every Federal dollar used.

I think Federal funding for the arts and humanities has to remain a priority. I think it is important that we embrace the model that the Cab Calloway School has championed in Delaware and across the country where educational excellence is shown by working together with the expressive and creative arts.

It was William Butler Yeats—a famous Irish poet—who once said that education is not the mere filling up of a pail, it is the lighting of a fire. If you want to ignite the aspirations, hopes, and dreams of young people, don't just engage them in trigonometry, biology, chemistry, and physics—although those subjects can be interesting, engaging, or challenging—light the fire of

their spirit with art, give their spirit room to soar, give them an opportunity to paint on the canvas of their lives, and give them the gift of artistic training and skills, and there is no limit to where they can go. That has been our experience in Delaware. That has been our experience across the country.

It is my hope that we will find a way on a bipartisan basis to continue to sustain investment in the humanities and the arts.

In 1960, President Kennedy said:

There is a connection, hard to explain logically but easy to feel, between achievement in public life and progress in the arts.

Citing three important periods in history, he said:

The age of Pericles was also the age of Phidias. The age of Lorenzo de Medici was also the age of Leonardo da Vinci. The age of Elizabeth was also the age of Shakespeare, and the new frontier for which I campaign in public life can also be a new frontier for American art.

It is important that we remember here that the modest amounts of Federal money we invest in the arts bear enormous positive, multiplied benefits to the people of our country and to our place in the world.

I am grateful for all who work in arts education, and I am grateful for the opportunity to work on a bipartisan basis to sustain our Federal investment in the arts and humanities.

I thank the Presiding Officer.

With that, 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.

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

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

HONORING NEBRASKA'S SOLDIERS WHO LOST  
THEIR LIVES IN COMBAT

Mrs. FISCHER. Mr. President, I rise today to continue my tribute to Nebraska's heroes, the current generation of men and women who lost their lives defending our freedom in Iraq and Afghanistan. Each of these Nebraskans has a special story to tell.

CHIEF WARRANT OFFICER CHRISTOPHER  
ALLGAIER

Today, Mr. President, I recall the life and service of CWO Christopher Allgaier, a native of Omaha, NE.

Growing up, Chris lived a pretty typical life as a Nebraska boy. During high school, he played video games and went to movies with his friends. With his family, he was a frequent visitor to Big Fred's Pizza in Omaha; the regular cheese pizza was his go-to. On Friday nights, he was known to go watch fellow classmates at high school football games, and on Saturdays in the fall, he did what a lot of Nebraskans do—he would attend or watch Husker football games.

Along with his sister Sharon and brother Rob, Chris grew up in a Catholic household. His family attended St.

Robert Bellarmine Catholic Church in Omaha.

At Creighton Prep High School, Chris was a member of the Creighton Prep National Honor Society, National Spanish Honor Society, and the school science club. He was very dedicated to academics, and he graduated with the highest academic honors in 1991. During Chris's senior year at Creighton Prep, he became very interested in fixed-wing aircraft and flying.

After high school graduation, Chris continued his studies at another Jesuit institution, St. Louis University, where he continued his interest in aircraft by studying aeronautical administration.

Shortly after receiving his bachelor's degree, Chris enlisted in the U.S. Army. This surprised his family and friends. His father attributes Chris's decision to his son's sense of duty and interest in aeronautics. Chris graduated from basic combat training at Fort Jackson before attending his advanced individual training in aviation mechanics. The idea of Chris working in aviation mechanics always struck his father Bob as somewhat funny. Growing up, Chris didn't like getting his hands dirty or helping to change the oil in the family vehicles.

Due to his strong academic record and interest in aeronautics, Chris was persuaded to apply to Warrant Officer Candidate School. Chris liked the idea of becoming a warrant officer so he could specialize and become an expert in aviation. He graduated at the top of his class from Warrant Officer Candidate School and became a helicopter pilot.

While performing his duties in the Army, Chris also took classes at Embry-Riddle Aeronautical University. He graduated with a master's degree in aeronautical science in 2001—the same year the September 11 terrorist attacks shook the lives of all Americans.

Chief Warrant Officer Allgaier deployed to South Korea for over a year before going to Afghanistan in 2003 and Iraq in 2005. While deployments are usually tough for any family, 2005 was especially difficult for the Allgaiers because Chris's mother Sally passed away.

In 2006, Chris was assigned to the 3rd General Support Aviation Battalion, 82nd Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, NC. The unit deployed to Afghanistan in 2007. He flew CH-47 Chinook helicopters in transport missions. During this time, Chris flew a lot of night operations. His father said that Chris would call him every couple of weeks between missions just to catch up. Those were phone calls that Bob always looked forward to receiving.

The Upper Sangin Valley in Helmand Province was the center of fighting in Afghanistan in 2007. A British newspaper called it "the deadliest area in Afghanistan."

On the night of May 30, 2007, Chris flew another night operation transporting approximately 30 servicemembers from the 82nd Airborne Division in the Upper Sangin Valley. Shortly after dropping the soldiers off for their important mission, insurgents shot down his CH-47 Chinook. The crash killed Chris and four other servicemembers.

Chief Warrant Officer Allgaier's memorial service was held on June 6 at a Catholic church in Omaha. Hundreds of people, including over 100 Patriot Riders, turned out to pay their final respects.

Chris was laid to rest on June 18, 2007, in Arlington National Cemetery. Fellow CWO Paul Wetzelsaid that "losing Chris will definitely leave a void in the aviation community that can't be filled by anybody else. There will be other pilots in the future, but none will ever equal Chris Allgaier."

Chris is survived by his wife Jennie and three daughters—Natalie, Gina, and Joanna.

In 2010, Chris was honored by the unveiling of Christopher Allgaier Street in the neighborhood in which he grew up. Rob discussed how his brother was his hero during the ceremony. He said:

[Chris] didn't see himself that way. He didn't see himself as a martyr or as a hero. He was an American who was doing his duty. They're not doing it for an ulterior motive. They're doing it because they believe in it and it is the right thing to do.

CWO Chris Allgaier was awarded the Bronze Star and the Purple Heart posthumously.

I join Nebraskans and Americans across this country in saluting his willingness and his family's sacrifice to keep us free. I am honored to tell his story.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING CAPTAIN THOMAS J. HUDNER AND COLONEL WESLEY L. FOX

Mr. COTTON. Mr. President, a month ago, we lost another Medal of Honor recipient, CAPT Thomas J. Hudner, who died at the ripe old age of 93. Not long after, we lost a second one, Col. Wesley L. Fox, who died at the distinguished age of 86. These are two different men who led two different lives, each equally deserving of praise and honor. Still, I can't help but wonder if there is a reason their deaths came so suddenly and close together. It is almost as if our Lord took them in one fell swoop so the greater loss would inspire greater gratitude for their sacrifice.

What Captain Hudner of the U.S. Navy did to earn his medal is remarkable for the simple fact that he could have been court-martialed for doing it.

It was December 1950 in Korea. Just days before, the Chinese People's Liberation Army had crossed the Yalu River and thrown back U.S. forces on the cusp of victory. Then-Lieutenant Hudner was a naval aviator flying one of six Navy Corsairs near the Chosin Reservoir, 5 miles behind enemy lines, when he saw his squadron mate, ENS Jesse L. Brown, get hit by enemy fire and crash-land on a snowy mountain-side.

What Lieutenant Hudner probably should have done is stick to the plan. What he did instead was an act of pure bravery. He intentionally crash-landed his plane not far from Ensign Brown's, tried to rescue him from the burning wreckage—all in subzero temperatures—but Ensign Brown was trapped. His knee was crushed between the fuselage and the control panel. When help arrived, their hatchet couldn't hack through the plane's metal, and no one could get close enough to amputate his leg. They had to leave him behind. Ensign Brown's last words were: "Tell Daisy I love her."

It might be appropriate to note here that Ensign Brown was Black and Lieutenant Hudner was White, but I mention it almost as an afterthought because to the two of them, that is just what it was—a postscript, an addendum, a mere detail. They were comrades in arms, wearing the red, white, and blue, not seeing the color of each other's skin. The only color that mattered to them, and that they shared in common, besides the color of our flag, was the navy blue of their uniform. Just 2 years after Harry Truman had integrated the Armed Forces, Lieutenant Hudner and Ensign Brown's friendship was a symbol of America's promise. He went on to have a successful career, but for giving us a moral example from that day, we should all be thankful.

Colonel Fox, meanwhile, was a legend in the Marine Corps. He served for 43 years, leaving only when forced to by mandatory retirement at the age of 62. In that time, he held every enlisted rank except sergeant major and every officer rank except for general. He once admitted:

My first four years as a Marine I didn't own one stitch of civilian clothes—everything I did was in a Marine uniform. I'd go home on leave, working in the hay fields or whatever, I wore my Marine utilities. Go in town to see the movies, I wore my Marine dress.

That is just how proud Wesley Fox was to be a marine, and it was that deeply felt love for his fellow marines that drove him in his service. Like Lieutenant Hudner, he fought in Korea. In fact, he was wounded, and after he recovered, he was so eager to get back to the fight that he wrote to the commandant asking to be deployed once again.

The battle that earned him his place in history was in the jungles of Vietnam. It was February 1969, deep in the A Shau Valley in Vietnam. Then-First

Lieutenant Fox was fighting in the last major Marine offensive of the war—Operation Dewey Canyon. His unit was Alpha Company, 1st Battalion, 9th Marines. It earned the nickname "The Walking Dead" for suffering so many casualties during the war. They came under heavy fire from a larger force. Yet the fearless Lieutenant Fox led a charge against the enemy. He was wounded but refused medical attention, instead concentrating on leading the attack, coordinating air support, and supervising the evacuation of the dead and injured.

It was a stunning show of valor, and for it, he, too, would earn the Medal of Honor. His citation read, in part:

His indomitable courage, inspiring initiative and unwavering devotion to duty in the face of grave personal danger inspired his Marines to such aggressive action that they overcame all enemy resistance and destroyed a large bunker complex. Captain Fox's heroic actions reflect great credit upon himself and the Marine Corps, and uphold the highest traditions of the U.S. Naval Service.

As I said, these were two different men and two different stories but the same courage and service to the same great country. They showed the same selflessness—one risking his life for his friend and the other risking his life for his marines. So I think it is fitting that we celebrate their lives together because they both showed us the utter selflessness of courage. They didn't fight and display such bravery because they hated our enemies but because they loved our country, and they loved their comrades in arms. It is a good lesson, I would say, for this time of year.

So I want to honor the memory of CAPT Thomas J. Hudner and Col. Wesley L. Fox. They were true American patriots, and may they rest in peace.

REMEMBERING THOMAS GALYON

Mr. President, last year, I stood on this floor and said a few words about a fellow Arkansan: Thomas Galyon of Rogers. We had just met to discuss his work with the Arkansas chapter of the National ALS Association. He had been diagnosed with ALS in 2014, and never one to let the grass grow under his feet, he had been a tireless advocate for ALS research ever since then.

Well, I am sorry to report that Tom died last month on November 22. He lived 3 years after his diagnosis, which is about average these days for people with ALS. With his death, the National ALS Association lost one of its great champions.

Tom was always bursting with energy. He was born in 1946 in Abingdon, VA, and he graduated from Emory & Henry College. He spent 33 years in the tourism industry, and after a rather brief and, I must say, failed stint in retirement, he went back to work as the property manager for the Center for Nonprofits at St. Mary's in Northwest Arkansas. As luck would have it, the ALS Association was headquartered in that very building, so he could give both organizations his all.

When we met last year, Tom asked me to help fix a problem that people with ALS have when applying for disability insurance. There is a 5-month waiting period to receive benefits, you see. Though that might be a prudent anti-fraud measure in many cases, for people with ALS, it consumes a lot of their remaining time in this world. So I joined with Senator WHITEHOUSE to sponsor the ALS Disability Insurance Access Act, which would waive the waiting period for people with ALS. Tom's death should be a reminder of the urgent need to defeat this disease and to finally pass this bill into law. It is the least we can do to commemorate a man who gave this effort so much because, even in death, Tom's commitment was complete. By his request, his brain and spinal cord were donated to the Brain Bank of Miami, FL, to continue the search for a cure for ALS. It is not hard to understand why.

He himself used to stress the positive in every situation. His motto was "Blue skies always," and he certainly did all he could to bring blue skies into his life and the lives of those around him.

So now that he has joined our Heavenly Father in the blue skies, I want to recognize him and the family he leaves behind: His wife of 44 years, Sally Armstrong, their two children, and their two grandchildren.

Our State is better off for Tom having lived in it, and all of us are better off for having known him. May he rest in peace.

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. CARDIN. 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 Senator from Maryland.

AMERICA'S GLOBAL DIPLOMACY AND THE STATE DEPARTMENT

Mr. CARDIN. Mr. President, I come to the floor today to share my deep concern over the current state of America's global diplomacy. A multitude of decisions made by this administration in the last year have caused me to pause and repeatedly ask why, but in no area have I been more perplexed than the actions that have taken place at the State Department.

Ever since the Secretary of State took the helm, there has been a slow, unexplained erosion of the Department and, along with it, the values that it promotes and the vital role it plays around the world. By now, many are familiar with the list of concerns that seasoned diplomats, national security officials, and Members of this body have been raising with increasing alarm over the last weeks and months.

More than 30 key ambassadorships remain without named nominees. Dozens of important senior-level posts re-

main vacant. Career officials are being cut out of important policy decisions or overruled by leadership, including, sometimes, even on legal issues. The Foreign Service is being hollowed out, with a significantly lower number in the incoming classes, putting at risk the next generation of leaders. Opportunities for midlevel employees are extremely limited, with a freeze on most transfers and promotions. Our most experienced officials—the Department's equivalent of 2-, 3-, and 4-star generals—have been departing or, effectively, forced out and not replaced at the same rate.

I honor the experienced career officials who are stepping in to fill vacancies and are carrying out the Department's important work, but there are limits to what officials can accomplish in an acting role. It is now December. We cannot afford to have a Department that remains hamstrung because of rudderless stagnation at the top.

Let's be clear. This is not just about numbers or unfilled positions. The numbers do not tell the full story. While the employees at the State Department and USAID can and have been carrying on, it is not an easy task when employees feel that the message they receive from the top is that they and their work are not valued. Understandably, this has an impact on morale, which is now devastatingly low.

In embarking on what has been dubbed a "redesign" of the Department, the leadership at State has regrettably left the men and women who so capably and loyally serve it behind. I have heard from many employees who are not just concerned about their own future or careers but who are concerned about the direction of the Department itself and the viability of its legacy. The State Department's leadership has had more than enough time to assess what can be improved. It is beyond time to show the men and women serving at State and USAID that they are not only a valued but a vital part of our national diplomacy and national security strategy.

For weeks, Secretary Tillerson has promised to announce significant progress on his plan to move the Department forward. Tuesday, in a speech to the State Department and USAID personnel, the message was once again underwhelming. Secretary Tillerson continues to tinker around the edges while the Department's core functions are deliberately hollowed out.

While I am encouraged to see him announce a few small but important steps in the right direction, I am worried that he still has not gotten the overall message. Despite calls from me and others on the Foreign Relations Committee and pleas from current and former employees, diplomats, and military leaders, Secretary Tillerson has yet to lift the hiring freeze that remains in place. He announced it would be lifted for the family members of employees—a welcome step but not enough. Freezing or limiting opportu-

nities for family members to join their spouses who are serving abroad never made sense in the first place.

I am, therefore, still left wondering why the hiring freeze has been in place at all, when nearly every other Federal agency lifted it earlier this year. I cannot understand how it has benefited our foreign and civil service. So again I am left asking: Why? Why should we tolerate a massive exodus of diplomatic and development expertise at the State Department and USAID? Our President said recently that we do not need to worry about the fact that many of the senior-level positions at the State Department remain unfilled because when it comes to foreign policy, his opinion is the only one that matters. Why on Earth would he say that? For the thousands of Foreign Service officers around the world working to advance the ideals of the United States, this was a horrible and offensive message.

I am concerned that this administration does not understand how critical a role the State Department and USAID play in our national security policy. They are every bit as vital and critical an element of our national security as the Department of Defense, the intelligence community, our law enforcement, or the countless others in the Federal Government who work tirelessly every day to protect our security, extend our prosperity, and promote our values.

We put our country in danger when we do not give adequate voice and resources to all of our country's national security tools. Former Secretary of State Madeleine Albright said: "In a turbulent and perilous world, the men and women of the Foreign Service are on the front lines every day, on every continent for us."

Diplomacy is an investment we make so that we don't have to go to war. Nickel-and-diming it is not in our national security interest.

I made no secret about my deep concerns regarding the current management practices of the Department's leadership, the reorganization and budget debacles, the current senior-level vacancies, and the deep costs that our Foreign Service and development professionals are paying. The United States' foreign policy leadership around the world is also paying the price, and we will continue to pay the price if things aren't turned around quickly.

Even with the few changes Secretary Tillerson announced this week, I believe there are still multiple issues that need to be addressed. I raised many of them recently in a letter to the Secretary with my fellow Democratic colleagues on the Senate Foreign Relations Committee. If the Secretary truly wishes for the State Department and our country to succeed, he will seriously consider the following concerns:

First, improve transparency. All Senators on the Senate Foreign Relations

Committee should receive regular briefings that thoroughly address proposed reorganization plans and decisions.

Second, we need to know the details and timeline for reorganization. The Department must provide a clear timeline—something it has failed to do to date—and provide details about what it is planning.

While there are some parts of the reorganization that we find to be positive, such as improving information technology, I remain concerned that the reorganization may be marginalizing or eliminating critical bureaus and offices that help to inform U.S. foreign policy. I understand that many of these ideals may not come to fruition, but it is essential for us to receive details in a timely way so that the Senate Foreign Relations Committee can carry out its critical oversight function. Again, we are now in the eleventh month of this administration, and we don't yet know when they are going to be submitting their plans for reorganization, and we have not been kept adequately informed.

Third, I would mention filling senior vacancies. The Department must prioritize key senior vacancies and work with the White House to swiftly move forward qualified nominees. The significant vacancies for senior-level management and policy positions in such critical bureaus as Counterterrorism and Political-Military Affairs are deeply troubling. Approximately 30 countries still do not have named Ambassador nominees, including South Korea, Jordan, Egypt, and Saudi Arabia. Despite claims that the Senate's slow pace is to blame for the lack of confirmed nominees, the fact is that the Foreign Relations Committee has promptly processed the vast majority of nominees, and only a handful are currently awaiting a Senate vote. We cannot confirm nominees who have not been nominated.

Finally, let me talk about the need to uphold the mission of the Department. The Department's mission statement must continue to reflect the values we hold as Americans. Proposed changes send a troubling signal about the administration's vision for the Department and its role in foreign policy. The promotion of democracy and respect for human rights around the world must remain a central part of the State Department's overall mission.

I agree that improving the efficiency and effectiveness of the Department is critical to our national security given the countless challenges we face as a nation. Reforms to information technology, human resources, and procurement systems are long overdue, and I support the efforts of the Department to streamline special envoys and special representative positions.

I hope, moving forward, the Department will consider Congress as a partner in these endeavors, as well as broader efforts to strengthen America's

diplomatic capabilities. However, if the Department continues down its current path, I can assure you that my colleagues and I will use every legislative option we have to address these concerns.

My goal is to ensure that the employees in the State Department have all the resources and support they require to complete their tasks and ensure that the United States remains a global diplomatic leader. I will do everything in my power to guarantee that this goal is accomplished.

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

The assistant bill clerk proceeded to call the roll.

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

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

Ms. HASSAN. Thank you, Mr. President.

#### NET NEUTRALITY

I rise today to join my colleagues to oppose the Federal Communications Commission's planned vote tomorrow to dismantle net neutrality rules. As this proposal has been considered, I have been troubled by the impact this decision will have on consumers and small businesses, as well as by the process itself, which has been seriously flawed with regard to gaining public input on this critical issue.

Access to a free and open internet is at the forefront of the lives of nearly every American. Consumers, entrepreneurs, innovative small businesses, and, in turn, our Nation's economy, have all benefited from equal access to content on the internet, no matter the internet service provider. An open internet has been essential to civic engagement, social and economic mobility, and the fight to make progress for our underrepresented populations, just as we saw with the national Women's March at the beginning of this year, which was largely organized through online activism. An open internet is critical to our economy and our democracy, and net neutrality has guaranteed this equal access. But tomorrow's vote by the FCC would change all of that.

Under the plan from FCC Chairman Ajit Pai, the control of the internet experience will be taken from the consumer in Keene or the small business in Nashua and handed over to their internet service providers. Undoing net neutrality would give broadband providers the power to discriminate against certain web pages, applications, and streaming and video services by slowing them down, blocking them, or favoring certain services while charging more to access others. This is particularly disturbing at a time when many consumers have, at most, one or two options for broadband providers, leaving those who don't like the steps a provider is taking without a choice to change.

Additionally, dismantling net neutrality rules will hurt small businesses and will stifle innovation. Under these rules, internet service providers would be allowed to force businesses to pay to play online. While larger, well-established companies would likely be able to compete, startups and entrepreneurs across the Nation might not be able to afford such fees, causing instability and limiting the reach of their new businesses.

In New Hampshire, innovative small businesses are the backbone of our economy, creating good jobs and stimulating economic growth. But undoing net neutrality could limit the ability of that next great business to get off the ground.

A Manchester small business owner recently wrote to my staff to say: "I believe that Net Neutrality should stay in effect as it allows every business to be on the same footing." The business owner also said that under this proposal, "If you are leveraging the internet to boost your business, it will affect it dramatically."

That business owner is not alone. Just today, several members of the rural and agricultural business community in New England, including Stoneyfield from Londonderry, NH, wrote to Chairman Pai to say: "Repealing net neutrality would have a crippling effect on rural economies, further restricting access to the internet for rural business at a point in time where we need to expand and speed this access instead."

Hundreds of people have called my office to voice their support for net neutrality. People across the Nation recognize that the plan proposed by the Republican-led FCC will truly impact their way of life.

In response to Chairman Pai's proposals, millions have also written to the FCC to state their position on this issue, but it seems that this process has been corrupted, with internet bots placing hundreds of thousands of comments in favor of repealing net neutrality. Roughly 400,000 of those comments may have, it seems, originated from Russia email addresses. Additionally, 50,000 consumer service complaints have been excluded from public record, according to a Freedom of Information Act request filed by the National Hispanic Media Coalition.

On any FCC decision, public input is vital, and on this decision, which impacts every single American, it is unacceptable that the public's opinion may have been distorted by fraudulent comments and additional anomalies.

Last week, I—along with 27 of my colleagues—wrote to Chairman Pai calling for a delay in this vote until we have a clear understanding of what happened during the policymaking process. Unfortunately, Chairman Pai has continued rushing toward this vote, and, as has been all too common with the Trump administration, the Republican-led FCC is favoring the priorities and voices of corporate special

interests rather than listening to hard-working Americans who want to keep net neutrality.

The Commission has failed to address the concerns that these comments are artificially generated, has not held one public hearing on net neutrality, and is moving forward at an alarming pace, without regard for what eliminating these rules would mean for our economy and our consumers.

Undoing net neutrality will fundamentally change the concept of a free and open internet that so many Granite Staters and Americans have come to know and have benefited from. Approving this plan would be a reckless decision.

I am going to continue fighting for priorities that put consumers first, that help small businesses innovate and thrive, and that advance an open and free internet.

Thank you.

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. HOEVEN. 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 BILL

Mr. HOEVEN. Mr. President, I come to the Senate floor to once again talk about the need to pass tax reform for hard-working Americans. The House has passed a bill, the Senate has passed a bill, and now, of course, we are working through the conference committee to get the very best product we can for the American people.

This tax relief is not just about reducing the tax burden on hard-working Americans and making sure they can keep more of their hard-earned dollars after tax, but it is also very much about economic growth. The tax relief package we are putting together that is coming together through the conference efforts, working to improve on both the House version and the Senate version, is designed to grow our economy. That is incredibly important because over the last decade, what we have seen are stagnant wages and income. So workers are working as hard as ever—harder than ever—but they are not seeing that growth in their paycheck. That is why we have to make this tax relief package pro-growth, so at the end of the day, that worker has a lower tax burden, but they also have a rising wage and more income. It is the combination of those two things that really—it is the rising tide that lifts all boats, if you will. That is how we generate that higher standard of living for workers and taxpayers across this great Nation.

So that is what we are working to do: tax relief, grow the economy, create more jobs—and create them here at home versus overseas—and higher wages and income.

These are just some of the statistics from the tax relief package that we put together. These are provided by the nonpartisan Tax Foundation as well as the White House Council of Economic Advisers. The objective is to grow wages by \$4,000 over the 10-year scoring period, making sure our workers are seeing real wages. The estimate right now is that this tax bill is pro-growth and will generate, on average, \$4,000 in higher wages, combined with an average tax cut of about \$2,200. That is an average family—a family of four with median income.

It will generate almost 1 million new jobs, and that is what, of course, pushes wages higher. When you create more jobs, it is that demand for labor that pushes wages higher. That is how it works. We are talking about almost 1 million new jobs over the 10-year period and a 3.7-percent larger economy. So growing the economy, creating more jobs, and it is that demand for labor on the part of business that pushes wages and income higher.

When we look at the next chart I have, we see that we provide tax relief across all incomes. So it is really focused on lower income, middle class, making sure that, like I said, wage earners are saving more of their hard-earned dollars, but the effort is to cut taxes across all income groups, and that is what we do. It starts by taking the seven brackets we have and reducing them. It is just kind of simple math.

The House plan reduces the number of brackets to only three. We keep the seven different brackets. The reason for that is because the objective is to lower everyone's tax rate, and we are better able to do that by keeping the seven tax rates.

Some might say: You want to do simplification. We do want to do simplification, and we do tax simplification. There is no question that we do tax simplification because the complexity in calculating your taxes is calculating your taxable income, your adjusted gross income subject to taxes. That is the complicated part. Whether we have three different rates to apply to it or seven different rates to apply, depending on which bracket you fall into, that really doesn't add complexity.

So we keep the simplification intact while we make sure that we provide tax relief across all of the different tax brackets or tax rates. That is what we see in this second chart.

In addition, we keep or expand many of the tax deductions or tax provisions that are important to families, and that starts with the child tax. Well, I should say it actually starts with the standard deduction. We double, in essence, the standard deduction. For an individual, right now it is a little over \$6,000 a person. We double that standard deduction to \$12,000. For a married couple, you are talking over \$24,000 that is covered under the standard deduction, no tax.

In addition, if you are an individual and you have dependents, either children or maybe taking care of a parent or something like that, you get \$18,000 in that standard deduction. Why is that important? Because by doubling that standard deduction, we go from 7 out of 10 filers not itemizing to something like 9 out of 10 tax filers not itemizing. This means real simplification. It means doing your tax return on maybe just a one-page form. This means you are not only reducing rates but also greatly simplifying the Tax Code.

We keep other provisions that are very important for American families and, in fact, enhance them. For example, the child tax credit is doubled. So not only do we double the standard deduction, but we also double the child tax credit. We go from \$1,000 to \$2,000 per child. This is going to make a huge difference for families.

Also, for family businesses, family farms, and small business we double the estate tax, the death tax unified credit, and include the step-up in basis. It is hugely important to make sure you can transition a small business, farm, or ranch from one generation to the next.

To save for college, we enable the 521 savings accounts to continue for parents. Another very important one is we encourage businesses to provide paid family and medical leave by giving them a tax credit to partially offset an employee's pay while caring for a child or family member.

Other things we keep, in terms of deductions that are very important, again, to hard-working families are as follows:

The mortgage interest deduction. We make sure they can continue to deduct the interest on their home mortgage.

The deduction of charitable contributions. It is obviously very important for the greater good of our society that people can continue to contribute to charities they believe in and support and that they can deduct those charitable contributions.

The child and dependent care tax credits, the adoption tax credit, and the earned-income tax credit. We make sure people can continue to contribute to their 401(k) accounts on a basis that is tax-advantaged.

Then, medical expense deductions. Obviously, for our seniors, this is very important. For somebody who has a medical condition or an illness, being able to deduct those medical expenses is extremely important.

This is about making sure hard-working Americans can have not only tax relief but also the pro-growth aspect they see in the rising wages of incomes.

That is what I want to talk about in this third chart, which goes to supporting our businesses across this great country. Small business is the backbone of our economy. Small businesses, farms, and ranches are the absolute backbone of our economy. Small businesses typically are passthrough businesses, which means the income flows

through the business and is then taxed at the individual level. So part of the tax relief we are providing to small businesses comes from the reduction in the individual rates, as I have already gone through, because that income has flowed through.

Passthroughs can be a partnership, a sub-S corporation, a limited liability partnership, a limited liability corporation. These are all passthroughs. So when the income flows through that small business to the individual, because we have lowered the rates, that already provides a lower net tax on those small businesses and the people who own and work and invest in those small businesses.

The other thing we do is provide a 20-percent distribution deduction—a reduction in the taxable amount as far as income distributed by those businesses. We have gone through various iterations. We started at about 17 percent. We had hoped to move it higher. I think we will end up around 20 percent. What this means is, when income flows through that passthrough business, 20 percent is deducted before you calculate the income. For example, if you flow through \$1,000, you would be taxed on the \$800. Now, apply those lower tax rates I talked about, and you can see clearly that you significantly reduce that tax rate on these small businesses.

Why is that so important? It enables small businesses to keep more of their hard-earned dollars, to invest in equipment, to expand and grow their business. It enables them to hire more people, like perhaps these great young people we have here working as pages. It enables them to raise wages and income and to grow their business, or, for an entrepreneur, to maybe start up a business.

So it is those dollars that instead of going to taxes, stay with the business. They are invested in the businesses, create more jobs, more opportunity, and higher wages. That is the pro-growth aspect of this tax relief I mentioned at the outset.

The other way this tax is really pro-growth is also for larger C-corps bringing down that rate. Of course, smaller businesses use the C-corp as well, but by bringing down that rate, we make companies in America more competitive in the global economy. Companies that do business not only here in America but in other countries around the world have to decide where they are going to invest. Are they going to invest and grow their plant and operations here in America or are they going to grow their plant and operations somewhere else? Of course, if they grow here, they are hiring people here. They are paying wages and salaries here in America rather than in some other country. We want companies that do business internationally or globally growing their operations here, not overseas.

Right now, economists estimate that, currently, in excess of \$2.5 trillion is

held overseas by these companies and is not brought back to the United States and invested here because we have one of the highest tax rates in the world. Our corporate tax rate is one of the highest in the world.

So when we talk about the current 35-percent tax rate, companies look at that and say: Why would we bring back earnings from another country, say, Ireland—pick a country anywhere in the world. Why would we bring those earnings back and pay a really high tax, versus reinvesting overseas or somewhere else where the tax is much lower, and we can be more competitive?

This is what we are having to deal with, and that is why we lower the corporate rate—because that then creates the incentive to come back, invest dollars in the United States, and create more jobs here in America, and, in so doing, as they bring that revenue back, which is called repatriation, they generate tax revenues which help us provide more tax relief for hard-working Americans.

So that is what I mean. That is the two-fer aspect of this tax relief plan. It is making sure individuals have real tax relief so they keep more of what they earned, but it is also about making sure they earn more, that their wages and income grow, and that there are more jobs and opportunities here in America. That is absolutely the focus of this tax relief plan and what we are working to achieve.

Both the House and Senate have passed versions of this tax bill. We are now working to get the very best product we can through the conference committee. We are making real progress, and we need to continue to work together and get this tax relief done. We have been working on it for a long time. A lot of effort has gone into it. It is time now to finish it up this week, to vote on it, and to get this tax relief passed before the end of the year so, as Americans go into 2018, they know they are able to keep more of their hard-earned tax dollars and we also have a vibrant economy, where there is going to be more jobs and opportunity and higher income and wages.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). For the information of the Senate, under the previous order, 30 minutes of postclosure time remained on the Willett nomination as of 4 p.m. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I was interested to hear my colleague and friend from North Dakota talking about this tax bill because, sadly, there has not been a lot of bipartisan work on the bill.

I really agree there is a consensus that tax reform is it long overdue, but we need tax reform that simplifies the Tax Code, bolsters the middle class, and helps small businesses create jobs. I think those principles could have been the basis for really good bipar-

tisan work here in the Senate, and in Congress, generally, to come up with a bill that would have done all of those things, but, unfortunately, the legislation in front of us does none.

The result is a partisan tax bill, written in secret and without public hearings, adds to the national debt, punishes the middle class and small businesses, and gives massive tax cuts to corporations and the wealthy.

Last week, I came to the floor to share the concerns of Granite Staters about this legislation. They were amplified at a forum I had on Monday at Southern New Hampshire University, where I heard from students, graduate students, and higher education leaders in the State about the damage this bill would do to our State and to our national economy.

I have heard some reports today that there will be changes that come out of the conference committee that may address some of the concerns about the bill's impact on education. I hope that is true. Unfortunately, I haven't heard what those changes are. I don't know if any Democrats here have heard what those changes are. Unfortunately, these negotiations, like the bill, are being done in secret, and the future of students and so many people in New Hampshire and the country hang in the balance.

In particular, what I heard at the forum with the students and educators was that the bill as it passed the House would raise taxes on New Hampshire students and would make it financially impossible for many of them to continue their educations.

As passed, the House tax bill would eliminate the ability of individuals to deduct the interest they pay on their student loan debt. Nationwide, student loan debt has roughly tripled since 2004 and now totals a staggering \$1.3 trillion—more than the total credit card debt in the country. It is particularly burdensome for those of us in New Hampshire because New Hampshire's 2016 graduating class had the highest per capita student loan debt in the country—an average of \$36,367.

The Republican leader's tax bill would make this crisis far worse not only for current students but for those who graduated many years ago but are still burdened by student loan debt. It would prevent nearly 80,000 Granite Staters from deducting interest on their student loans.

The House legislation would also make it far more expensive to get an advanced degree because it eliminates tax-free waivers for tuition assistance. I am hearing recent reports that this provision may be taken out of the final bill. I certainly hope that is the case because as currently written, it would put graduate school financially out of reach for many students.

A Dartmouth College student pursuing a Ph.D. in biomedical sciences wrote that counting tuition waivers as earned income would raise his yearly taxes by more than \$10,000. He said he

would no longer be able to afford rent and groceries and would have to consider dropping out of school.

Ken Ferreira, the associate vice president for student financial services at Franklin Pierce University, told me, in no uncertain terms, that tuition waivers are not income, and it is wrong to tax them. I could not agree more.

Tyler Kane is pursuing a master's degree in environmental engineering at the University of New Hampshire. He told me he already owes close to \$40,000 in student loans and works nearly 60 hours a week. After paying rent and other expenses, his stipend leaves him with less than \$200 a month. If his tuition waiver becomes taxable, that would be a tax increase of \$2,500, and it would wreck his budget, leaving him in a \$33-a-month hole. Along with many of his graduate student colleagues, he would have to consider dropping out of school.

It makes no sense to increase the burden of student debt and to impose new taxes on graduate students struggling to get by so we can give the biggest corporations in this country and the wealthiest a tax cut.

It is estimated that by 2020, two-thirds of all jobs in the United States will require some form of higher education. Yet today less than 45 percent of Americans have at least a 2-year degree. As I talk with small business owners across New Hampshire, one of their biggest challenges is finding skilled workers. The last thing we need to do is make education more expensive and unaffordable for millions of young Americans. As one New Hampshire businessman told me, it is like eating our own seed corn. For the United States to stay competitive in the global economy, we can't afford to discourage talented young people from going to college or pursuing a graduate degree.

I also had the opportunity to talk with Nate Stafford. He is pursuing a Ph.D. at the University of Hampshire. Because he serves as a teaching assistant, the university provides a tuition waiver of nearly \$27,000, which would be taxed under the provision of the House bill. If his tuition waiver were taxed, that would force him to consider opting out of graduate school entirely.

I also heard from university administrators, who shared their concerns.

Sister Paula Marie Buley, president of Rivier University, pointed out that the proposed new taxes on students is "a tax on our future."

Jan Nesbit, the senior vice provost for research at the University of New Hampshire, warned that taxing graduate students' tuition waivers would have a cascading impact that would raise undergraduate tuition across the board because losing graduate students would affect both teaching assistants and research and drive up costs.

I heard from Cari Moorhead, the interim dean of the graduate school at the University of New Hampshire. She pointed out that many international

students at UNH would be lost and noted that Canada has recently seen more than a 40-percent increase in international students. They are very pleased to be benefiting from the brain drain from the United States because of the financial barriers that we are putting up for graduate students.

The other damaging aspect of this legislation, which I think many people are not aware of, is that the tuition assistance that many companies provide to their employees would count as taxable income. Forty years ago, Congress provided employers with the flexibility to offer up to \$5,250 in annual tax-free educational benefits to employees. This was designed to advance competitiveness and fill the need for more skilled workers. If we eliminate those benefits, how many of those employees who are looking to advance themselves through education will not be able to do that?

In so many ways, this tax overhaul legislation would take America backward, not forward. Tax reform should be about helping Americans prepare for the jobs of the 21st century; it shouldn't make it harder to afford college or graduate school. Tax reform should be about strengthening the middle class, not burdening it with higher taxes. Tax reform should be about growing the economy, not growing the deficits and the debt.

Like my colleagues on this side of the aisle, I am eager to work to genuinely reform the Tax Code. Reform is long overdue, but the bill we have before us is not reform. We need a bipartisan bill that puts the middle class first, puts small businesses first, and doesn't leave a massive debt for our children and grandchildren.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MANCHIN. Mr. President, all the nearly 50,000 children who are on West Virginia CHIP want this Christmas is to have their healthcare. That is not a lot to ask for from a child.

As a legislative body, we were elected to serve the needs of all of our constituents, and that includes protecting our most vulnerable—our children. How many times do you hear us give speeches, whether it is in this body or whether it is back home—it is all about our children. The future of our country is about our children. The future of our State is about our children. Our future generation—whatever we do, the promise of the world—is about our children. And all they are asking for is to have their healthcare.

It seems as though we are so consumed with partisan gridlock and posturing that we would allow the expiration of health insurance for children. It is almost unconscionable for us to be in this situation, and the children have no control of their own healthcare coverage, and their parents can't really afford basic healthcare. They are the working people who are above the pov-

erty guidelines and doing everything they can to put bread on the table and take care of their families, and their children have no access to healthcare without CHIP.

On September 30, Congress not only failed to reauthorize a bipartisan, non-controversial program for children, we failed the 9 million children in this country who rely on the program to stay healthy. There are 9 million children who are depending on CHIP, the funding of CHIP, and the basic priorities we should have for our most vulnerable, and we have done nothing. Our No. 1 job as Senators, as parents, and as human beings is to care for and protect our children, but this body cannot even find the humanity to do that.

In West Virginia alone, almost 50,000 children use CHIP over the course of the year, and more than 20,000 children who are currently on the program are going to lose it in February when the money runs out. Through CHIP, these children have access to basic medical care, which includes prescriptions, immunizations, dental coverage, vision, and mental health coverage. For more than 2 months, their healthcare has been hanging in the balance because of the negligence of the body, our dysfunction, playing Democrat and Republican at a higher level of our party than our purpose of being here, which is to do our job.

Millions of families are in a state of uncertainty, worrying about how to pay for their child's basic healthcare needs or, for many families, lifesaving services. I believe it is our duty to ensure that our children are taken care of, for they are truly our country's future and legacy. I believe that no matter how much your family makes or where you come from, the most important thing you have is healthcare for your children so that they have a healthy start.

There are five promises every adult should make to a child. This was started under Colin Powell, the five promises.

The first one is, every child needs to have a loving, caring adult in their life; someone who they know unconditionally loves them, right, wrong, or indifferent. It is not always the biological parents or biological family. It could be a neighbor. It could be someone reaching out. It could be a church or service. It could be an afterschool program.

Second, every child must have a safe place. A safe place might not always be the home where they live.

Third, every child must have a healthy start. We talked about nutrition. We talked about healthcare. That is part of it. If we can't teach a child how to keep themselves healthy, how to take care of themselves nutritionally in all different ways, they are not going to grow up to be a productive adult. They will have health concerns. They will have health challenges. It is up to us to make sure they have that healthy start.

Fourth, every child should have a livable skill. That means education. In this country, we make sure every child has free education, K-12, and we make sure there is assistance so they can go through a college program. If we can work with them and help them with financial literacy, they wouldn't be bound with so much debt. I think we can help in a lot of different ways.

The fifth promise is the hardest one to teach. It is the hardest one because this promise is that every child should grow up to be a loving, caring adult and give something back. If these children see that we don't care and that our priority is not healthcare and that having a healthy start in life is not one of our priorities, what are they going to do when it is their turn, when they become the responsible adults? What are they going to do? Are they going say: Well, you know, I don't know, we didn't have too good of an example because we saw all the bickering and fighting back and forth, politics trumping everything, so I guess maybe that is not a big priority for us.

I hope they have more discipline than we have had here. I hope they have more compassion, more empathy than we have shown. That is what I hope. I hope that we change our ways now and make sure our failure to come together stops and stops now and that we come together for the CHIP program and the healthcare for every child who depends on this for a healthy start in life.

That is why I stand before you today—to encourage my colleagues to come together and find a solution and protect healthcare for over 9 million children across this country. I have talked to families and children all across West Virginia who are at risk of losing their healthcare coverage.

For many families, CHIP is a temporary helping hand while they are down and out. It is a perfect example of how, in West Virginia and in America, we put out a hand to help those people in need. There is a difference between a handout and a hand-up. These people need a hand-up when they hit hard times.

I have a letter from a mother in West Virginia.

I have encouraged the people of West Virginia to put a real family, a real face behind the challenges they have so that it is not just something we are speaking about in a political arena—it is basically something that happens in real life, and it is affecting people.

This letter comes from Annetta:

My name is Annetta, and I am the mother of a now 18-year-old son named Dalton. WVCHIP is important to me because when Dalton was 15, it was discovered he had a pituitary brain tumor as well as a condition known has Chiari malformation. If you are not familiar, Chiari is a condition where the brain protrudes out the back of the head, similar to a herniated disc in the spine. Most times, Chiari requires surgery to relieve pressure out of the head.

I had lost my health insurance at work and could not afford to get a private insurance during this time. Thankfully I was approved

for CHIP. His neurosurgeon nor his endocrinologist ever had any issues accepting CHIP; they didn't have any issues with authorizations for MRIs or bone scans, which he had every few months.

I am very thankful to have had insurance like CHIP, and I feel there are so many children like my precious son that will suffer if the program ends. I feel some could be detrimental to not only the children but also the parents who are not eligible for Medicaid services. We live in a state where jobs are not so plentiful and the ones we have pay much less than other States.

I hope WVCHIP is saved.

This is a mother reaching out, saying that her son was saved because of CHIP. She couldn't afford it. She was above the poverty guidelines. She was working and trying to make it, and someone told her it might be more advantageous to go on welfare. There is still an awful lot of pride and dignity in people's lives. They will fight for that dignity, and we ought to fight to give them assistance during the toughest times.

I am calling on my colleagues to right this wrong and to reauthorize CHIP before we leave for Christmas. There are so many deadlines we are trying to make. I know the speed the tax bill is moving through is because it is a priority to get done before Christmas. Even though we don't have a crisis, even though the stock market is doing greater than ever, even though unemployment is lower than ever, there is a timetable at warp speed that this is moving through. Yet we have not addressed what we need most, which is healthcare for our children. I don't know where the urgency is for tax reform that would trump the urgency and the need for healthcare for children.

With that, I urge all of my colleagues to please take a look at this, and let's correct this wrong and not go home for Christmas until all these children have healthcare.

Mr. President, I yield the floor.

Mr. BARRASSO. Mr. President, I yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Willett nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 315 Ex.]

YEAS—50

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

NAYS—47

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

NOT VOTING—3

Cochran	McCain	Murray
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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.

#### 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 James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

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 James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit, 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 Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).



Mr. DURBIN. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—53

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

NAYS—44

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

NOT VOTING—3

Cochran	McCain	Murray
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The PRESIDING OFFICER (Mr. LEE). On this vote, the yeas are 53, the nays are 44.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant bill clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, 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. 193, the nomination of Owen West to be an Assistant Secretary of Defense. I further ask that there be 30 minutes of debate on the nomination, equally divided in the usual form; 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.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, 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. 241, the nomination of J. Paul Compton to be General Counsel of the Department of Housing and Urban Development. I further ask that there be 120 minutes of debate on the nomination, equally divided in the usual form; 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.

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.

REMEMBERING CAPTAIN ERIC BALLETT

Mr. DONNELLY. Mr. President, today I wish to recognize and honor the extraordinary service and sacrifice of Captain Eric Ballett of the Fort Wayne Fire Department. Service to his community and compassion were qualities that defined Eric's life.

Eric was a 19-year veteran with the Fort Wayne Fire Department who devoted his life to the Fort Wayne community. A compassionate and devout father, husband, friend, and leader, Eric was someone whom everyone knew and loved in the community. He will be remembered as a hero.

On September 27, 2017, Eric was leading a training exercise. After performing the physically demanding drill, Eric suffered a heart attack and passed away. He led the fire department as a captain, and Fire Chief Eric Lahey called Eric's passing "a great loss for the Fort Wayne fire department." Lahey also said, "He was a good firefighter. A good man. We're going to miss him." At the time of his passing, Eric was eligible and scheduled for promotion to the rank of battalion chief and was promoted posthumously to that rank. He put his life on the line so that Hoosiers could have the chance to live in peace and safety, and we are eternally grateful.

Eric was born and raised in Fort Wayne. He graduated from Northrop High School in 1994 and earned an asso-

ciate's degree from Ivy Tech. He not only served his community as a firefighter but also as a paramedic with Three Rivers Ambulance Authority, a deputy coroner with the Allen County Coroner's Office, captain of traffic division in the Allen County Sheriff Reserves, and dean of campers at the Great Lake Burn Camp.

Eric was a member of Pathway Christian Church. He adored his two children and loved spending time with them. He was known for his ability to make anyone laugh and for his genuine care for everyone he came across. He is remembered for his service and sacrifice.

He is survived and deeply missed by his wife, Alicia, and their twin children, Lucas and Alyssa; father, Gail; mother, Deborah; brother, Aaron; sister, Tina; grandparents, in-laws, nieces, nephews, and cousins; and his fellow firefighters. He loved his job as a Fort Wayne firefighter, and no amount of gratitude can repay Eric or his loved ones for his sacrifice.

Through his compassion and his dedication to his community, Eric exemplified Hoosier values. His memory will not soon be forgotten. May God welcome Eric home and give comfort to his family and friends.

ADDITIONAL STATEMENTS

TRIBUTE TO MEKENNA CARMAN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to MeKenna Carman for her hard work as an intern in my Washington, DC, office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

MeKenna is a native of Arizona. She is a student at Arizona State University, where she is studying political science. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The quality of her work is reflected in her great efforts over the last several months.

I want to thank MeKenna for the dedication she has shown while working for me and my staff. It was a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her next journey. •

TRIBUTE TO AUTUMN JENSEN

• Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Autumn Jensen for her hard work as an intern in my Cheyenne office. I recognize her efforts and contributions to my office, as well as to the State of Wyoming.

Autumn is a native of Lander. She is a sophomore at the University of Wyoming, studying political science and statistics. She has demonstrated a strong work ethic, which has made her an invaluable asset to our office. The

quality of her work is reflected in her great efforts over the last several months.

I want to thank Autumn for the dedication she has shown while working for me and my staff. It is a pleasure to have her as part of our team. I know she will have continued success with all of her future endeavors. I wish her all my best on her journey.●

#### TRIBUTE TO JAKE KENNEDY

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Jake Kennedy for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Jake is a native of California. He is a graduate of Bucknell University, where he studied political science and government. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Jake for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

#### TRIBUTE TO ALEX LUPSAIU

● Mr. BARRASSO. Mr. President, I would like to take the opportunity to express my appreciation to Alex Lupsaiu for his hard work as an intern in my Washington, DC, office. I recognize his efforts and contributions to my office, as well as to the State of Wyoming.

Alex is a native of California. He attended the University of California, Los Angeles, and the University of Oxford, where he studied philosophy. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Alex for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.●

#### MESSAGE FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1208. An act to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building".

H.R. 1733. An act to direct the Secretary of Energy to review and update a report on the

energy and environmental benefits of the re-refining of used lubricated oil.

H.R. 2872. An act to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes.

H.R. 2880. An act to amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes.

H.R. 3638. An act to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building".

H.R. 3655. An act to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the "Dr. Walter S. McAfee Post Office Building".

H.R. 3971. An act to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes.

H.R. 4171. An act to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes.

H.R. 4285. An act to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building".

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), as amended, the Minority Leader re-appoints the following individuals to the United States-China Economic and Security Review Commission, effective January 1, 2018: Ms. Carolyn Bartholomew of Washington, DC and Mr. Michael Wessel of Falls Church, Virginia.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1208. An act to designate the facility of the United States Postal Service located at 9155 Schaefer Road, Converse, Texas, as the "Converse Veterans Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1733. An act to direct the Secretary of Energy to review and update a report on the energy and environmental benefits of the re-refining of used lubricating oil; to the Committee on Energy and Natural Resources.

H.R. 2872. An act to amend the Federal Power Act to promote hydropower development at existing nonpowered dams, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2880. An act to amend the Federal Power Act to promote closed-loop pumped storage hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3638. An act to designate the facility of the United States Postal Service located at 1100 Kings Road in Jacksonville, Florida, as the "Rutledge Pearson Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3655. An act to designate the facility of the United States Postal Service located at 1300 Main Street in Belmar, New Jersey, as the "Dr. Walter S. McAfee Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3971. An act to amend the Truth in Lending Act and the Real Estate Settlement Procedures Act of 1974 to modify the requirements for community financial institutions with respect to certain rules relating to mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 4171. An act to amend title 5, United States Code, to extend the authority to conduct telework travel expenses test programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4285. An act to designate the facility of the United States Postal Service located at 123 Bridgeton Pike in Mullica Hill, New Jersey, as the "James C. 'Billy' Johnson Post Office Building"; to the Committee on Homeland Security and Governmental 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-3675. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Investment Company Reporting Modernization" (RIN3235-AL42) received in the Office of the President of the Senate on December 12, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC-3676. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation; Delay and Suspension of Certain Requirements" (RIN1004-AE54) received during adjournment of the Senate in the Office of the President of the Senate on December 8, 2017; to the Committee on Energy and Natural Resources.

EC-3677. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products; Withdrawal of Direct Final Rule" (FRL No. 9971-38) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3678. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Renewable Fuel Standard Program: Standards for 2018 and Biomass-Based Diesel Volume for 2019" (FRL No. 9971-73-OAR) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3679. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Section 110 State Implementation Plan for Interstate Transport for the 2012 Annual National Ambient Air Quality Standards for Fine Particles" (FRL No. 9971-88-Region 10) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3680. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Contingency Measures for the 1997

PM2.5 Standards; California; San Joaquin Valley; Correction of Deficiency” (FRL No. 9972-02-Region 9) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3681. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard; Withdrawal of Direct Final Rule” (FRL No. 9971-68-Region 7) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3682. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard; Withdrawal of Direct Final Rule” (FRL No. 9971-69-Region 7) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3683. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque and Bernalillo County; Regional Haze Progress Report State Implementation Plan” (FRL No. 9971-43-Region 6) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3684. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs; Withdrawal of Direct Final Rule” (FRL No. 9971-56-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3685. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone; Withdrawal of Direct Final Rule” (FRL No. 9971-41-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3686. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania’s Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings; Withdrawal of Direct Final Rule” (FRL No. 9971-93-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3687. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled “Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating, Miscellaneous Plastic Parts Surface Coating, and Pleasure Craft Surface Coatings; Withdrawal of Direct Final Rule” (FRL No. 9971-98-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3688. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report; Withdrawal of Direct Final Rule” (FRL No. 9971-78-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3689. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard; Withdrawal of Direct Final Rule” (FRL No. 9971-70-Region 3) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3690. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Wisconsin; Regional Haze Progress Report; Withdrawal of Direct Final Rule” (FRL No. 9971-75-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3691. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Michigan; Regional Haze Progress Report; Withdrawal of Direct Final Rule” (FRL No. 9971-80-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3692. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Illinois; Regional Haze Progress Report; Withdrawal of Direct Final Rule” (FRL No. 9971-79-Region 5) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3693. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; Florida; Stationary Sources Emissions Monitoring; Withdrawal” (FRL No. 9971-72-Region 4) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3694. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Air Plan Approval; CT; Decommissioning of Stage II Vapor Recovery Systems” (FRL No. 9966-28-Region 1) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Environment and Public Works.

EC-3695. A communication from the Deputy Chief Counsel, Economic Development

Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Revolving Loan Fund Program Changes and General Updates to PWEDA Regulations” (RIN0610-AA69) received in the Office of the President of the Senate on December 8, 2017; to the Committee on Environment and Public Works.

EC-3696. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled “Medicare Program; Cancellation of Advancing Care Coordination Through Episode Payment and Cardiac Rehabilitation Incentive Payment Models; Changes to Comprehensive Care for Joint Replacement Payment Model: Extreme and Uncontrollable Circumstances Policy for the Comprehensive Care for Joint Replacement Payment Model” ((RIN0938-AT16) (CMS-5524-F and CMS-5524-IFC)) received in the Office of the President of the Senate on December 11, 2017; to the Committee on Finance.

EC-3697. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2017-0206-2017-0213); to the Committee on Foreign Relations.

EC-3698. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “United States Tobacco Product Exports That Do Not Conform to Tobacco Product Standards”; to the Committee on Health, Education, Labor, and Pensions.

EC-3699. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Idaho National Laboratory (INL) in Scoville, Idaho, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-3700. A communication from the Acting Secretary of Homeland Security, transmitting, pursuant to law, the fiscal year 2016 annual report for the Department’s Office for Civil Rights and Civil Liberties; to the Committees on Homeland Security and Governmental Affairs; the Judiciary; and Select Committee on Intelligence.

EC-3701. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-190, “Fiscal Year 2018 Budget Support Clarification Temporary Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-3702. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-191, “At-Risk Tenant Protection Clarifying Temporary Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-3703. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-192, “Operator’s Permit and Drug Offense Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-3704. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-193, “Exhaust Emissions Inspection Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-3705. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 22-194, "DMV Services Amendment Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3706. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-197, "Mobile DMV Act of 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-3707. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3708. A communication from the Vice President for Congressional and Public Affairs, Millennium Challenge Corporation, transmitting, pursuant to law, the Corporation's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3709. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Semiannual Report of the Inspector General for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3710. A communication from the Acting Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report relative to the extension of locality based comparability payments; to the Committee on Homeland Security and Governmental Affairs.

EC-3711. A communication from the Secretary of Education, transmitting, pursuant to law, the Department of Education Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC-3712. A communication from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the Federal Housing Administration's fiscal year 2017 Annual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3713. A communication from the Acting Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the Department's fiscal year 2017 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-3714. A communication from the Human Resources Specialist, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, (20) reports relative to vacancy announcements within the Department; to the Committee on the Judiciary.

EC-3715. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, a report relative to H.R. 3354, the Make America Secure and Prosperous Appropriations Act; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

\*Barry Lee Myers, of Pennsylvania, to be Under Secretary of Commerce for Oceans and Atmosphere.

\*Coast Guard nominations beginning with Rear Adm. (lh) Pat DeQuattro and ending

with Rear Adm. (lh) David G. Throop, which nominations were received by the Senate and appeared in the Congressional Record on May 16, 2017. (minus 2 nominees: Rear Adm. (lh) Steven J. Andersen; Rear Adm. (lh) Keith M. Smith)

\*Coast Guard nomination of Rear Adm. Andrew S. McKinley, to be Rear Admiral (Lower Half).

\*Coast Guard nomination of Capt. James M. Kelly, to be Rear Admiral (Lower Half).

\*Coast Guard nominations beginning with Capt. Thomas Allan and ending with Capt. Matthew W. Sibley, which nominations were received by the Senate and appeared in the Congressional Record on October 23, 2017.

Mr. THUNE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

\*Coast Guard nominations beginning with George Bamford and ending with Tabitha A. Schiro, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 2017.

\*Coast Guard nominations beginning with Stephen J. Adler and ending with Torrence B. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 2017.

\*Coast Guard nominations beginning with Lawrence F. Ahlin and ending with Russell R. Zuckerman, which nominations were received by the Senate and appeared in the Congressional Record on November 16, 2017.

\*Coast Guard nomination of Meghan K. Steinhilber, to be Commander.

By Mr. BARRASSO for the Committee on Environment and Public Works.

\*R. D. James, of Missouri, to be an Assistant Secretary of the Army.

By Mr. ALEXANDER for the Committee on Health, Education, Labor, and Pensions.

\*James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

\*Kate S. O'Scannlain, of Maryland, to be Solicitor for the Department of Labor.

\*Mitchell Zais, of South Carolina, to be Deputy Secretary of Education.

\*Preston Rutledge, of the District of Columbia, to be an Assistant Secretary of Labor.

\*William Beach, of Kansas, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

\*Scott A. Mugno, of Pennsylvania, to be an Assistant Secretary of Labor.

\*Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

\*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.

#### 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 Ms. BALDWIN (for herself, Mr. JOHNSON, and Ms. KLOBUCHAR):

S. 2223. A bill to amend the Agricultural Act of 2014 to clarify forest, rangeland, and watershed restoration services under good neighbor agreements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DONNELLY (for himself, Mr. JOHNSON, and Ms. KLOBUCHAR):

S. 2224. A bill to establish best practices for teaching financial literacy, and to establish an annual estimate of student borrowing costs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself and Mr. TILLIS):

S. 2225. A bill to reauthorize the Blue Ridge National Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. RUBIO (for himself, Mr. KENNEDY, and Mr. NELSON):

S. 2226. A bill to prohibit recipients of disaster recovery relief assistance from the Department of Housing and Urban Development from penalizing applicants that declined assistance from the Small Business Administration; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PORTMAN (for himself and Ms. CANTWELL):

S. 2227. A bill to reauthorize the Money Follows the Person Demonstration Program; to the Committee on Finance.

By Mr. LEE:

S. 2228. A bill to amend the Higher Education Act of 1965 to provide for accreditation reform, to require institutions of higher education to publish information regarding student success, to provide for fiscal accountability, and to provide for school accountability for student loans; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN):

S. Res. 359. A resolution commending the Government of Bangladesh for its compassion during the Rohingya humanitarian crisis and commending Pope Francis for his message of peace; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN):

S. Res. 360. A resolution calling for international accountability for the crimes against humanity committed by the Burmese military against the Rohingya in Burma; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 925

At the request of Mrs. ERNST, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. 1055

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. 1055, a bill to restrict the exportation of certain defense articles to the Philippine National Police, to work with the Philippines to support civil society and a public health approach to substance abuse, to report on Chinese and other sources of narcotics to the Republic of the Philippines, and for other purposes.

S. 1118

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1118, a bill to reauthorize the North Korea Human Rights Act of 2004, and for other purposes.

S. 1161

At the request of Ms. DUCKWORTH, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1161, a bill to amend title 38, United States Code, to eliminate copayments by the Department of Veterans Affairs for medicines relating to preventative health services, and for other purposes.

S. 1835

At the request of Ms. COLLINS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1835, a bill to provide support to States to establish invisible high-risk pool or reinsurance programs.

S. 2038

At the request of Mr. MORAN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2038, a bill to amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2076

At the request of Ms. CORTEZ MASTO, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2076, a bill to amend the Public Health Service Act to authorize the expansion of activities related to Alzheimer's disease, cognitive decline, and brain health under the Alzheimer's Disease and Healthy Aging Program, and for other purposes.

S. 2152

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2159

At the request of Mrs. GILLIBRAND, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace

Rights for covered harassment and covered discrimination complaints, and for other purposes.

S. 2184

At the request of Mr. MORAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2184, a bill to amend title 38, United States Code, to improve veterans' health care benefits, and for other purposes.

S. 2200

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 2200, a bill to reauthorize the National Integrated Drought Information System, and for other purposes.

S. 2219

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2219, a bill to reduce the number of preventable deaths and injuries caused by override crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

S. RES. 139

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 139, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 359—COMMENDING THE GOVERNMENT OF BANGLADESH FOR ITS COMPASSION DURING THE ROHINGYA HUMANITARIAN CRISIS AND COMMENDING POPE FRANCIS FOR HIS MESSAGE OF PEACE

Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 359

Whereas Bangladesh has taken in Rohingya refugees fleeing persecution in Burma since the 1970s;

Whereas at least 300,000 Rohingya refugees were still in Bangladesh prior to August 25, 2017;

Whereas an August 25, 2017, attack on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal and methodical reprisal by the Burmese military on Rohingya villages;

Whereas more than 624,000 Rohingya refugees have fled to Bangladesh since August 25, 2017, alone, most located in or near the coastal city of Cox's Bazar;

Whereas the Rohingya refugee crisis is the fast-growing refugee crisis in the world;

Whereas the Government of Bangladesh has accepted nearly 1,000,000 Rohingya refugees in total despite facing their own domestic challenges;

Whereas the Government of Bangladesh has notably allowed full access for international relief organizations;

Whereas, on September 22, 2017, Bangladeshi Prime Minister Sheikh Hasina urged before the United Nations General Assembly an end to the violence against the Rohingya and full implementation in Burma of the recommendations made by Kofi Annan's Advisory Commission on the Rakhine State;

Whereas, on November 23, 2017, the Government of Bangladesh and the Government of Burma signed a Memorandum of Understanding on a repatriation agreement;

Whereas the Memorandum of Understanding on a repatriation agreement is modeled after a flawed 1992–1993 repatriation pact between Bangladesh and Burma, and does not resolve critical questions on the potential repatriation process for Rohingya refugees, including verification of residency, where refugees would be permitted to return, and whether they would enjoy equal access and rights;

Whereas, on November 25, 2017, the Bangladeshi Foreign Minister Abdul Hassan Mahmood Ali said that Bangladesh would support the United Nations High Commissioner for Refugees being involved in any process to repatriate Rohingya refugees to Burma;

Whereas Pope Francis, who has been recognized for his humility, dedication to the poor, and commitment to dialogue and reconciliation, has previously denounced the "persecution of our Rohingya brothers" who were being "tortured and killed, simply because they uphold their Muslim faith";

Whereas Pope Francis traveled to Burma on November 27, 2017, and urged "a peace based on respect for the dignity and rights of each member of society, respect for each ethnic group and its identity";

Whereas Pope Francis, in a visit to Bangladesh on November 30, 2017, recognized the generosity of Bangladeshis in caring for Rohingya refugees and called on the international community to "take decisive measures to address this grave crisis, not only by working to resolve the political issues that have led to the mass displacement of people, but also by offering immediate material assistance to Bangladesh in its effort to respond effectively to urgent human needs"; and

Whereas the United Nations has estimated a need of \$434,000,000 to respond to the Rohingya refugee crisis: Now, therefore be it

*Resolved*, That the Senate—

(1) commends the Government of Bangladesh for its admirable compassion and tolerance in accepting Rohingya refugees;

(2) commends the United Nations agencies, nongovernmental organization (NGO) partners, and all aid workers providing relief to Rohingya refugees in Bangladesh, and urges the Government of Bangladesh to continue to help coordinate critical humanitarian work and ensure ease of access for those carrying out such efforts;

(3) urges the Government of Bangladesh and the Government of Burma to consult and coordinate with the United Nations High Commissioner for Refugees, the International Organization for Migration, and NGO partners on any and all safe and voluntary repatriation efforts;

(4) urges the Government of Bangladesh and the Government of Burma to address the flaws of the November 23, 2017, Memorandum of Understanding on repatriation through consultation and agreement with the United Nations High Commissioner for Refugees;

(5) urges all parties involved in the repatriation process to reject any actions which could continue or worsen the harsh conditions faced by Rohingya refugees, including the confinement of the Rohingya in camps, contained ghettos, or villages where movement is restricted in Burma, or on the flood-

prone Bhashan Char island in the Bay of Bengal in Bangladesh, or any other location that would result in further isolation; and

(6) commends Pope Francis for his thoughtful remarks about the future of Burma that respects rule of law, the democratic order, and the dignity and rights of all of its people.

**SENATE RESOLUTION 360—CALLING FOR INTERNATIONAL ACCOUNTABILITY FOR THE CRIMES AGAINST HUMANITY COMMITTED BY THE BURMESE MILITARY AGAINST THE ROHINGYA IN BURMA**

Mr. DURBIN (for himself, Mr. MERKLEY, Mrs. FEINSTEIN, Mr. MARKEY, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

**S. RES. 360**

Whereas actions by the military of Burma, known as the Tatmadaw, including continuing assaults on personnel and territory controlled by armed ethnic organizations, military offensives immediately preceding and following national peace conferences, and human rights abuses against noncombatant civilians in conflict areas, undermine the confidence in establishing a credible nationwide ceasefire agreement to end Burma's civil war;

Whereas Burmese military officials have a long-standing history of targeting ethnic groups and armed ethnic organizations in Burma, in addition to the Rohingya, and whereas there are ongoing conflicts currently in the Shan, Kachin, and Rakhine states;

Whereas August 25, 2017, attacks on security posts in Burma by the military group Arakan Rohingya Salvation Army resulted in a brutal, systematic, and disproportionate reprisal by the Burmese military and security forces on Rohingya villages;

Whereas more than 624,000 Rohingya refugees have fled to Bangladesh since the Burmese military commenced its scorched-earth campaign, with the burning of villages and local monuments, and reports of widespread rape, starvation, killing, and forcible deportation;

Whereas Burmese military officials have promulgated fabrications about the Rohingya to sow negative public perception of the minority ethnic group, including that they are not Burmese, that they are uniformly implicated in terrorist activities and controlled by international terrorist groups with the intention of creating an Islamic State, that they attacked their own people and burned down their own villages in order to gain international sympathy, and that they are fleeing to Bangladesh for economic reasons or to create the appearance of ethnic cleansing;

Whereas the Government of Burma has consistently denied access to the United Nations Fact-Finding Mission on Myanmar established to investigate human rights violations around the country;

Whereas the Commander in Chief of the Burmese military, Senior General Min Aung Hlaing, has made statements communicating his antipathy for the Rohingya people, including on March 27, 2017, where he reportedly said that “[t]he Bengalis in Rakhine state are not Myanmar citizens and they are just people who come and stay in the country,” and on September 2, 2017, where he reportedly said that the ongoing military operations against the Rohingya were aimed at “unfinished business” from World War II;

Whereas a Human Rights Watch report entitled, “‘All of My Body Was Pain’: Sexual Violence Against Rohingya Women and Girls in Burma,” documented the Burmese military's widespread acts of sexual violence against women and girls since August 25, 2017;

Whereas Article 7 of the Rome Statute of the International Criminal Court includes murder, forced deportation, rape, and persecution among its definition of “crimes against humanity”;

Whereas, on September 11, 2017, in his opening statement for the United Nations Human Rights Council's 36th session, United Nations High Commissioner for Human Rights Zeid Ra'ad al Hussein reiterated his concern about the pattern of gross violation of human rights of the Rohingya in Burma, calling the persecution a “textbook case of ethnic cleansing”;

Whereas, on October 23, 2017, the Department of State suspended travel waivers for Burmese military leaders, found that all Burmese military units and officers involved in operations in northern Rakhine State are ineligible for United States assistance programs, rescinded invitations for Burmese security leaders to travel to United States-sponsored programs, and pressed for access for the United Nations Fact-Finding Mission on Myanmar to hold responsible those who have committed violence against the Rohingya;

Whereas, on November 3, 2017, the international human rights organization Human Rights Watch called for the United Nations Security Council to refer Burma to the International Criminal Court in light of Burma's failure to investigate mass atrocities against the Rohingya;

Whereas, on November 6, 2017, the United Nations Security Council issued Presidential Statement SC/13055 calling on Burma to “end the excessive military force and intercommunal violence that had devastated the Rohingya community in Rakhine State” in Burma;

Whereas, on November 16, 2017, the United Nations General Assembly Third Committee approved draft resolution A/C.3/72/L.48 calling for an end to the abuse of human rights against the Rohingya by Burmese authorities, accountability for the perpetrators, and unrestricted access for United Nations investigators in Burma;

Whereas, on November 22, 2017, Secretary of State Rex Tillerson declared that the Burmese military's crackdown “constitutes ethnic cleansing against the Rohingyas”;

Whereas, on November 28, 2017, the United Nations Committee on the Elimination of Discrimination against Women called on Burma to report within six months on rapes and sexual violence against Rohingya women and girls by its security forces in northern Rakhine State and further to take measures to punish soldiers responsible for these acts;

Whereas the United Nations Human Rights Council held a Special Session on December 5, 2017, where it adopted a resolution strongly condemning the alleged systematic and gross violations of human rights and abuses committed against the Rohingya in Burma and requested the High Commissioner for Human Rights to continue to track the progress concerning the human rights situation of Rohingya people; and

Whereas the United Nations High Commissioner for Human Rights Zeid Ra'ad al Hussein recommended on December 5, 2017, the establishment of “a new impartial and independent mechanism, complementary to the work of the Fact-Finding Mission, to assist individual criminal investigations of those responsible”;

Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the adoption of the resolution (A/HRC/RES/S-27/1) on the situation of human rights of Rohingya Muslims and other minorities in Burma by the United Nations Human Rights Council on December 5, 2017;

(2) condemns the Burmese military for its atrocities against the Rohingya, which constitute ethnic cleansing and crimes against humanity;

(3) reaffirms the longstanding international prohibitions and norms against the use of ethnic cleansing and crimes against humanity in any circumstance and calls on the United Nations to pass resolutions condemning the human rights violations by Burmese security forces against the Rohingya;

(4) urges the Government of Burma to allow for full, unhindered humanitarian access to the affected areas, and to allow the United Nations Fact-Finding Mission to Myanmar to examine the human rights violations by military and security forces in Burma and others abuses, with a particular focus on the situation in Rakhine State;

(5) urges State Counsellor Aung San Suu Kyi to fully implement the Final Report of the Advisory Commission on Rakhine State;

(6) urges the Government of Burma to take immediate steps to close internally displaced persons (IDP) camps and the Rohingya ghetto at Aung Mingalar in Sittwe while respecting the rights and dignity of populations currently residing in these camps, and to further lift restrictions on freedom of movement of Rohingya living in villages throughout northern Rakhine State;

(7) calls on the Secretary of State and the Secretary of the Treasury to impose targeted sanctions and travel restrictions against senior leaders of the Burmese military implicated in atrocities, including its multiple holding companies and banks;

(8) urges the international community to assist with the economic development of the Rakhine State, one of the poorest states in Burma, in which poverty exacerbates tensions between ethnic groups;

(9) urges the Government of Burma to conduct a comprehensive and transparent investigation—with the support of a credible international third party—to examine abuses against the Rohingya and hold perpetrators accountable;

(10) urges the United Nations to establish an independent mechanism to assist individual criminal investigations of those responsible for atrocity crimes against the Rohingya and refer those responsible to the International Criminal Court;

(11) calls on the United Nations Security Council to impose a comprehensive arms embargo against Burma; and

(12) calls upon the nations of the world to revoke travel visas for Burmese Commander-in-Chief Senior General Min Aung Hlaing and all other members of the Burmese military responsible for the ethnic cleansing campaign and crimes against humanity against the Rohingya.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. BLUNT. Mr. President, I have 12 request 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 Wednesday, December 13, 2017, at 9:30 a.m. in room SR-328A to conduct a hearing.

## COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SH-216 to conduct a hearing.

## 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 13, 2017, at 9:50 a.m. in room SD-406 to consider the nomination R. D. James, of Missouri, to be an Assistant Secretary of the Army for Civil Works, Department of Defense.

## 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 13, 2017, at 10 a.m. in room SD-406 to conduct a hearing entitled "Oversight of the Nuclear Regulatory Commission".

## COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 9:30 a.m. to conduct a hearing entitled "Using Force: Strategic, Political, and Legal Considerations".

## COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 2:30 a.m. to conduct a hearing entitled "Treaties".

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SD-430 to conduct a hearing entitled "Implementation of the 21st Century Cures Act: Responding to Mental Health Needs".

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, in room S-216 to conduct a hearing on the following nominations: Johnny Collett, of Kentucky, to be Assistant Secretary for Special Education and Rehabilitative Services, Mitchell Zais, of South Carolina, to be Deputy Secretary, and James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, all of the Department of Education, William Beach, of Kansas,

to be Commissioner of Labor Statistics, Kate S. O'Scannlain, of Maryland, to be Solicitor, and Scott A. Mugno, of Pennsylvania, and Preston Rutledge, of the District of Columbia, both to be an Assistant Secretary, all of the Department of Labor, and other pending nominations.

## COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SD-226 to conduct a hearing on the following confirmation: Elizabeth L. Branch, of Georgia, to be United States Circuit Judge for the Eleventh Circuit, R. Stan Baker, to be United States District Judge for the Southern District of Georgia, Charles Barnes Goodwin, to be United States District Judge for the Western District of Oklahoma, Matthew J. Kacsmaryk, to be United States District Judge for the Northern District of Texas, Matthew Spencer Petersen, of Virginia, to be United States District Judge for the District of Columbia, and Eli Jeremy Richardson, to be United States District Judge for the Middle District of Tennessee.

## SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Service is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. to conduct a closed hearing.

## SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 10 a.m. in room SR-253 to conduct a hearing research, diagnosis, and treatment for traumatic brain injury/concussion in servicemembers.

## SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

The Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, December 13, 2017, at 2 p.m. in room SD-226 to conduct a hearing entitled "The Consumer Welfare Standard in Antitrust: Outdated or a Harbor in Sea of Doubt?".

## PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Nima Binara, a detailee on my Judiciary Committee staff, be granted floor privileges for the remainder of the 115th Congress.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Alisha Bi, be granted floor privileges for the remainder of the day.

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

## ORDERS FOR THURSDAY, DECEMBER 14, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 14; 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 Ho nomination; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Ho nomination.

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

## ORDER FOR ADJOURNMENT

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, following the remarks of our Democratic colleagues.

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

The Senator from Florida.

## DACA

Mr. NELSON. Mr. President, Senator DURBIN has been leading a group of us talking about DACA, or the Dreamers. I wish to tell the Senate two stories.

I wish to tell you about Elisha Dawkins. He was a baby who was brought from the Bahamas at age 6 months. He grew up in America. He grew up in Jacksonville, FL. He never knew anything about his roots. He only knew that he was in America.

He served two tours in Iraq. He came back and joined the Navy Reserve. He had a top secret clearance and was sent to the very sensitive post of Guantanamo, where he was given a job as a photographer—obviously, a very sensitive position.

Through an application for a passport and checking on the background of the passport, it came to be learned that he had come to America as an infant, and for what reason—for the life of me, it has not been explained—he was arrested and thrown in jail by a U.S. attorney. Once this case came to the light of day and some of us started speaking out about it, a Federal district judge took it in her hands to lecture the U.S. attorney, and only because of that, Elisha Dawkins was released from jail.

As a result, we then started getting into it, and Elisha Dawkins was finally given his citizenship, and he is now serving in his native Jacksonville. He is a nurse.

Here is an individual who had served two tours in Iraq and was in a top secret clearance in the service to the

Navy Reserve in Guantanamo. This just shouldn't happen. Individuals in good faith have gone about carrying on—some not even knowing; and Elisha certainly didn't know of his undocumented status—but now we have many others. These individuals, in good faith, have divulged personal information to the Department of Homeland Security, which could eventually deport them, and that is why it is critical that we pass the Dream Act as soon as possible.

I have heard from DACA recipients from all around the country, but especially I have heard from a lot of the 30,000 who are in the State of Florida. I have heard from DACA recipients who are valedictorians, medical students, even priests. Many are the primary breadwinners for their families.

Senator DURBIN has already highlighted some of my constituents over the years, including Cristina Velasquez, a graduate of Miami Dade community college who will soon graduate from Georgetown University and fulfill her dream of becoming a teacher for Teach For America.

Cristina came to America at age 6 from Venezuela, a country whose problems Senator DURBIN and I, but also the Presiding Officer today, have consistently been concerned about—the plight of Venezuela.

If we fail to pass the Dream Act, are we saying that we are going to send Cristina back to the Maduro dictatorship in Venezuela, a dictatorship that can't even provide the basic staples for its citizens? Are we going to allow this young lady—who grew up thinking she was an American, now graduating from Georgetown—to channel her skills and her passion toward bettering our communities in need as a teacher? It doesn't make any sense to deport these kids.

The contributions that Dreamers have made are countless, and Cristina and Elisha are just two examples. These Dreamers will continue to better our communities if only we will pass the legislation that Senator DURBIN is sponsoring and many of us are cosponsoring.

Rhetorically—this was going to be a time of question and answers, but Senator DURBIN allowed me to kick off this session, and I see that we have many other Senators to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Thank you, Mr. President, for the recognition.

Mr. President, the President of the United States terminated the Deferred Action for Childhood Arrivals Program, otherwise known as DACA, 3 months ago. He gave Congress 6 months to act. We are no closer today to helping our Dreamers than the day the President so callously canceled the program.

We have almost 800,000 young people whose lives, dreams, and futures hang in the balance. They are scared. Their

families are scared. Everything they have worked for is at risk.

Dreamers represent some of our very best and brightest. They are going to school, holding down jobs, volunteering in our communities. They want to be doctors, lawyers, engineers. They want to start businesses.

They came here as children, and they are American through and through. They love our country as much as any of us, and they want to stay and contribute.

We have almost 7,000 Dreamers in my home State of New Mexico. Carlos is one of them. Carlos was brought to New Mexico from Mexico when he was less than 1 year old. New Mexico is the only home Carlos has ever known.

Because of Carlos's immigration status, his opportunities were limited. He couldn't play sports in school, and he couldn't go on field trips, even though he pledged allegiance to the United States, just like his classmates.

Carlos registered with DACA 2 years ago, and in his words, he was given "wings." He is now a full-time student at New Mexico State University, studying to be a mechanical engineer. He volunteers as a firefighter. He works as a server at a local restaurant, and he began a drive to help Hurricane Harvey victims.

Carlos says: "We, as Dreamers, have proven ourselves to be worthy of being here in the United States."

Carlos's story can be told hundreds of thousands of times over. Congress must act, and we must act now. We owe it to these young people. We must give Carlos and all other Dreamers their wings.

Passing the Dream Act is the morally right thing to do, but it is also the economically smart thing to do. Dreamers' contributions to the U.S. economy are astounding. Their jobs span the spectrum. They work in health, education, nonprofits, wholesale, retail, business, and hold professional jobs. Most of the top 25 Fortune 500 companies employ Dreamers, and that is why more than 400 CEOs of major U.S. companies have urged Congress to pass the Dream Act.

If Congress fails to act, it will cost us 700,000 jobs—as many as 30,000 jobs a month—causing chaos for employers, and we could see a \$460 billion decrease in economic output over a decade. Social Security and Medicare contributions could drop by \$39.3 billion over the same period.

In my State, New Mexico would lose nearly 6,000 DACA workers and take a \$385 million hit. We simply cannot afford it.

We have a bipartisan Dream Act before us. Senator DURBIN is working with our Republican colleagues, Republican friends, to get us over the finish line. Let's do the right thing by these young people, and let's do it now so Carlos can become an engineer and so hundreds of thousands of Dreamers can stop living in fear and move forward with their lives. It is our moral obligation to do this.

We also must do right by the 11 million immigrants in our Nation who are working, raising families, contributing to our economy, and helping in our communities. Congress must stop kicking the can down the road. We must do our job. We must debate and pass comprehensive immigration reform. Law-abiding immigrants who are contributing to our Nation should be given a pathway to citizenship.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, on September 5 of this year, Attorney General Jeff Sessions announced the repeal of the Deferred Action for Childhood Arrivals Program, known as DACA. That same day, President Trump called on Congress to come up with a solution to legalize DACA.

He challenged us; he said to the Senate, and he said to the House: I am going to eliminate this Executive order of President Obama. Now it is your turn. Pass a law if you want to protect 780,000 young people who had signed up under DACA.

DACA was the direct result of the DREAM Act, which I introduced 16 years ago, to try to protect young people who came to the United States, brought here by their parents at an early age, who grew up here and don't have a future. They don't have a home. They don't have a legal status. They don't have a country to call their own.

It strikes me that these young people themselves did nothing wrong. I can even argue that their parents did what every parent would do—the best thing they could for their kids. But in this situation, trying to focus on what their future will be, their future is clearly in doubt, and right now many of them are worried about what is going to happen next.

You see, without the protection of DACA, they can be deported. They are undocumented. They can't legally work in the United States, and many of them have wondered whether they should continue school or what they will do when they can't go to work. These are real-life challenges, and many times they break down emotionally as they talk about the uncertainty of their future.

Just outside this Capitol is a beautiful Mall, and smack dab in the middle of it are two white tents. They are tents that have been built by these young Dreamers in an effort to process hundreds of people, just like themselves, who are coming to Washington to tell their stories to Senators and Congressmen in the hopes that we will do something.

There are some in the Senate who don't want to help them at all. They



don't believe they should receive any help in any way whatsoever. There are others who say: Let's put it off. Let's do it sometime, maybe next year. Next year is coming soon, and under the President's decision, on March 5 of 2018—just a few weeks from now—there will be no DACA protection whatsoever.

It means that today, 122 a day of these DACA-protected young people will fall out of protected status. March 5 of next year, the number goes to 1,000 a day—1,000 a day—who will be subject to deportation, uncertain about what their future might be.

I think it is time for us to do something, and I hope that we can do it on a bipartisan basis and do it in a timely fashion. It is important that we fix our entire immigration system, but let's not try to do everything that needs to be done on immigration when we should be taking care of these young people as our highest and first priority.

I am ready to sign up for immigration reform. I was there before. It was called the Gang of 8—four Democrats and four Republicans. A few years ago, we came up with a comprehensive bill to pass the Senate. The Republicans in the House refused to even call for a hearing, let alone a vote on the floor.

We should do our part to pass the new DACA, the new Dream Act. Do it before we leave this year. Do it this year so that we can spare these young people the anxiety and stress and fear they have because of the current situation and so that we can meet President Trump's challenge.

I didn't like the fact that he eliminated DACA, but it is fair for him to say to us: You have 6 months, Congress. Now do something.

I am not in control here. I am in the minority, being a Democrat. It is up to Republican leaders here.

All I hear from Republican leaders is: Let's wait until next year and see if we have time to get around to this. We have the time, all the time we need now, to do this.

I want to thank a number of people. First, I want to thank the 34 Republican House Members who, last week, sent a letter to the Speaker of the House, PAUL RYAN, saying that we should fix the DACA system before we leave this year. Thank you to those 34 Republicans.

In this Chamber, I want to thank 6 or 10 Republican Senators who have either cosponsored the Dream Act or are now actively engaged in helping to rewrite its replacement in the Senate. I am sure this kind of bipartisanship is a surprise to those who follow Congress, but it is an indication that many people share my belief that it is a simple matter of justice to give these young people their chance to become part of America's future.

I started a few years ago, when the Dreamers worked up the courage to declare publicly that they were undocumented—frightening their parents but giving them some unity and identity in

America. I started coming to the floor when they sent me their color photos and telling their stories because there is no speech I could give that matches the stories of their lives. Each time I tell a story, I know it makes a difference. I know the people who are watching this on C-SPAN and those who are in the Galleries here in the Senate pay close attention because we are talking about real lives and real people.

Tonight I want to tell you about Carla Martinez. Carla Martinez was brought to the United States from Mexico at the age of 8. She grew up in the Austin and Pflugerville area of Texas, and she was an excellent student. In middle school and high school, she enrolled in advanced placement and community college courses, and she was recognized as an AP scholar student. In high school, she participated in the band, and she worked and volunteered in her community. During her senior year, Carla would go to school from 9 a.m. until 2:30 in the afternoon, then she would work from 3 in the afternoon until 11 at night and only then start her homework.

In August 2012, Carla began her studies at the University of Texas, San Antonio, obtaining a bachelor's degree in civil engineering. A student like Carla, who is undocumented, did not qualify for Federal Government assistance. It meant there was no Pell grant to help her pay for college or a Federal loan to help her pay for college. She had to work to earn the money to pay her way through school. Something which many people would shrink away from, she accepted the reality of being undocumented in America. Because she was ineligible for financial aid, she worked to support herself, and she often had to choose between food and buying books.

During college, Carla was also an officer in a number of organizations, including the Society of Women Engineers. She was a College of Engineering Ambassador, which means she had to maintain a very high GPA at the University of Texas. During her summers, Carla interned at Alpha Testing and the San Antonio Water System while she also worked as an engineering camp counselor.

In August of 2016, Carla was the first DACA recipient to study abroad with the University of Texas at San Antonio's Education Abroad Program. She studied in as part of the first group of students to participate in the Urbino, Italy, civil engineering program.

Because she couldn't get financial aid, studying abroad was more difficult for her than the other students who were part of the program. Not only did she need the money to go to college, she needed to raise the money to pay for the study abroad. She never gave up.

One of her professors said:

Carla is a very dedicated student. She has excellent organizational skills and works well with her classmates. She is a team play-

er. Her involvement with the College is fantastic—she has been an ambassador.

In May 2017, Carla graduated from the University of Texas at San Antonio with a civil engineering degree and two job offers. Today she works full-time at M&S Engineering as a water/wastewater engineer.

Her dreams for the future are to go back to school and get a master's in business and engineering and to give back by creating a scholarship program to help fund other engineering students.

Carla wrote me a letter about her worries because of President Trump's decision to take away her protection from being deported from the United States. Here is what she said: "Every day that passes, it's a day closer to not being able to work, not having a driver's license, and not being able to financially provide for my family as the head of the household."

People like Carla are the reason more than 400 business leaders signed a letter to all Members of Congress urging us to do something and pass a bipartisan Dream Act. The letter says:

Dreamers are vital to the future of our companies and our economy. With them, we grow and create jobs. They are part of why we continue to have a global competitive advantage.

That gathering of Dreamers out on the Mall, just away from the Capitol dome here, are a lot of young people just like Carla. They are coming here in the hopes that Members of Congress will slow down in the hallways on the way to their office or to a committee hearing and just hear for a moment their stories—stories just like Carla's—stories that really beg us to do something. We know we have to, we know we should, and there is absolutely no reason to delay it.

Why would we want this amazing young woman, who has done so many extraordinary things in her life, to live with this uncertainty 1 minute more than she has to? Why wouldn't we step up and do what we are supposed to do?

I am working on this with colleagues. A number of Republican Senators have been sitting down in my office, even today, trying to work out the details on a compromise. We are not quite there, but there was a determination in our meeting today to get there, to put something together.

I would like to do this before we leave for the holidays. I think it is only right that we try our very best to achieve that, and I think we can. I think if Members of both sides show good faith, we can reach that goal.

I want to especially thank LINDSEY GRAHAM, my cosponsor of the Dream Act, and JEFF FLAKE of Arizona, another cosponsor, who have stepped up and really just shown extraordinary commitment to this cause. We also have LISA MURKOWSKI and CORY GARDNER as well who are cosponsors of the same legislation, and there are other Senators who are working with us behind the scenes to get this done. Some

of them I know are taking a political risk to do it, but they believe it is the right thing to do, and they want to be on the record to be part of the solution. I am looking forward to working with them.

In a few weeks—maybe only 10 days now—Congress is going to adjourn to go home for the holidays, but Dreamers can't go home for the holidays because they really don't have a home. They are homeless in America because they are waiting on us to come up with the legislation that defines their status and gives them a future. Hundreds of thousands of Dreamers can't enjoy the holidays the way many of us can because of their concern about being deported from the United States of America, separated from parents, brothers and sisters, friends, family, and loved ones.

When we introduced the Dream Act, Senator LINDSEY GRAHAM, a Republican from South Carolina, said: "The moment of reckoning is coming." Well, that moment is here. Congress has the responsibility to do our job to make the Dream Act the law of the land before the end of this year or bear the responsibility for forcing hundreds of thousands of talented young immigrants out of the workforce and putting them at risk of immediate deportation.

The question we face is very basic. Will the United States of America be a better nation if Carla is forced to leave? This woman's determination, her drive, and her talent have brought her to this glorious moment when she finally graduated college. With this degree and with this education, she can offer us so much more and really serve America and its future.

This is the country she loves. She deserves the respect of this country, and she deserves the determination of the Members of the Senate to take this up as a highest priority in the closing days of this Senate session.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I thank the Senator from Illinois for all the work he does on behalf of Dreamers throughout the country. His leadership in this effort is absolutely inspiring.

I am here to speak out in favor of passing a clean Dream Act to create a pathway to citizenship for young immigrants who enrich our country and strengthen our economy and national security. The passage of the Dream Act is critical to the thousands of Dreamers living in Illinois.

I want to share one young woman's story. This is Christian Villalobos. Christian traveled from Mexico with her mother and younger sister because her mother was fleeing an abusive marriage. At only 6 years old, Christian was brought to the United States not knowing a word of English. She needed to adapt quickly to her new home.

Christian worked hard in school to learn English and made great efforts to

excel in all of her academic subjects. Then, when she was in the third grade, she was diagnosed with a learning disability, which might have caused her to become frustrated and to see a decline in her grades. However, in her own words, she said:

I didn't let that get in the way and I did not let bad influences in my neighborhood get to me. There, in the back of my head, there was always a little voice saying, "Education is the way to a better life."

Christian pushed through and finished middle school and high school as an honor student and, despite her constant hard work and proven academic record, she faced an unexpected obstacle—adults in her life who doubted her ability to attain a college education. As she tells it, many adults in her life simply assumed that an undocumented student like Christian could not obtain a college education. While these doubts broke her heart, she was not deterred.

Christian's hard work, grit, and academic merit all earned her admission to Northern Illinois University where she received a private scholarship. She also worked multiple retail jobs selling flowers, shoes, and clothing to fund her education. Although her future was uncertain, Christian never let up on her academics or her many work responsibilities to put herself through school.

Finally, in the last few years of her college education, she received some relief with the implementation of the DACA Program. In 2015, she became the first person in her family to graduate with a bachelor's degree.

She had a job offer right after graduation which, as anyone can tell you, is not an easy feat. Although her DACA work permit expired that summer, when she had intended to start working full-time, her company was so invested in having her come on board that they worked with Christian to ensure that her DACA work permit was renewed. Their investment was worthwhile. Within the first 2 years at her company, Christian reached No. 1 in sales nationwide. She is now a branch manager of her company and consistently one of the top performers in sales.

Christian also opened doors for other DACA recipients who have joined her at her company and are also excelling in their roles. She is just one of thousands of Dreamers who positively contribute to our Nation.

It is evident that our businesses and communities benefit and thrive from the work ethic and the perseverance Dreamers like Christian possess. There are no truer American values than to work hard, accomplish your goals, and to have the ability to fully contribute to society.

Unfortunately, due to the Trump administration's elimination of DACA, nearly 800,000 of our young people like Christian are now vulnerable to deportation. Thousands of young people who participated in the DACA Program and who are legally in the United States may no longer be able to serve as doc-

tors, teachers, students, and, yes, even servicemembers in our military. This decision will also tear families and communities apart.

I implore my colleagues in the Senate to recognize the contributions of our DACA recipients throughout the country. I urge my colleagues to not shortchange the thousands of Dreamers who learn and work alongside our families and friends. We must do everything we can to make sure the Dream Act is addressed before the holidays.

I will not turn my back on Dreamers like Christian, and I will fight to protect DACA recipients as we work to make the Dream Act the law of the land.

Thank you.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Ms. KLOBUCHAR. Mr. President, I rise to join my colleagues in expressing my support for taking action on the Dream Act, as well as to express my continued opposition to the administration's decision to end the Deferred Action for Childhood Arrivals.

I thank my colleague Senator DURBIN for organizing today's remarks, as well as for his years of leadership and tireless advocacy on behalf of the Dreamers, along with Senator GRAHAM, who is leading this very important bill with Senator DURBIN.

It is critically important that the Senate pass the Dream Act and not wait any longer to take action. There are 22,000 eligible DACA recipients who did not meet the administration's deadline to renew their statuses, and as a result, about 122 Dreamers are now losing their DACA statuses every day. That is more than 11,000 who have already lost their statuses as of today, and that number will continue to increase every single day that we fail to act. This is nothing on which we can wait—wait a week, wait 1 month, wait 2 months. Every single day, it affects more people. So, while some have suggested that we wait until March to fix this issue, the reality is that the Senate needs to take action now.

Since it was first established in 2012, DACA has helped nearly 800,000 young people who have lived since childhood in the United States to better contribute to their families and communities, including more than 6,000 who are in my State. I recently met with the archbishop of the Twin Cities, along with some of these Dreamers, and we talked about how important this was to the fabric of life in our

community, to our economy in Minnesota—where we have one of the lowest unemployment rates in the country—to the Dreamers, and to their communities, themselves.

The Dreamers were brought to our country as children, and they know only one home. That is the United States of America. The average Dreamer has called this country home since he was about 6½ years old. That is the average. Dreamers serve in our military; they pay taxes; and they contribute to communities across our country. More than 97 percent of Dreamers are now in school or in the workforce—97 percent—and all DACA recipients are required to meet the program's education requirements. In fact, 72 percent of all DACA recipients who are currently in school are pursuing bachelor's degrees or higher. According to the American Association of Medical Colleges, more than 100 students with DACA status applied to medical school last year. This is at a time when we have a shortage of doctors in my State, particularly in the rural areas.

The administration's decision to end DACA has created tremendous uncertainty and the risk of deportation for the Dreamers who work and study in the States across our Nation. It, simply, doesn't make economic sense. One recent study estimated that ending this policy would cost the country over \$400 billion over the next 10 years.

I would like to point out to my colleagues that for immigrants as a whole, 25 percent of our U.S. Nobel laureates were born in other countries and that 70 of our Fortune 500 companies are headed up by immigrants. Why would we cut off this talent flow? Look at these DACA recipients. Ninety-seven percent of the Dreamers are working or are in school.

That is why I strongly disagree with the President's decision to end DACA, as do many Republicans, Democrats, business, labor, and religious leaders, and it is why I support the bipartisan Durbin-Graham Dream Act. America is truly a country built by immigrants, but just as importantly, these immigrants and their families have helped America succeed. They have been part of our Nation's greatest achievements.

I look at my own family.

On my dad's side, my great-grandparents came from Slovenia. My great-grandfather worked in the mine, and my grandpa worked in the mine because they needed people to mine iron ore in order to make all of the armaments and all of the ships that helped us to win World War II. That happened. They were so proud of what they had done to contribute to our country's efforts.

On my mom's side, my actual grandparents, who were Swiss, came to this country—my grandma as a 3-year-old, to Wisconsin, with her parents.

My grandpa, when he was about 18 years old, came over. He found out that there was a limit on Swiss immigrants. He somehow got through Canada and

then got through to Wisconsin. He met my grandma and had my mom and her brother, my Uncle Dick, and, at some point, decided that he would try to change his status from "alien" to "legal immigrant." That was when the Congress had just passed the Alien Registration Act. Because World War II was before us, he had to register. That went smoothly, so he decided to apply for citizenship. That was when they discovered that he had entered the country twice—once when he had said that he was going to Canada, on Ellis Island—but he went to Canada only for a week—and the second time when he had gotten through to Wisconsin.

I don't know what would have happened to my grandpa now. Back then, he went through the immigration hearing; he got his status. There is a picture of him in his bow tie—in an old black and white—and he is smiling. He was much older than when he had come to our country and become a citizen. I don't know what would have happened, because what he had done wasn't really legal.

Back then, they said: Do you know what? We want you in our country. You are a worker. You have raised two kids. You live in Milwaukee. We want you to be a citizen. They gave him that citizenship just a few weeks before the United States entered World War II. Otherwise, I guess he would have been deported to Switzerland right in the middle of the war.

That is my story, and everyone has an immigrant story.

The Senate-passed bill, when we did comprehensive reform—and I was one of the people very involved in that on the Judiciary Committee—included a version of the DREAM Act, which would have created a path to citizenship for those eligible for DACA who had graduated from high school and gone on to complete higher education or to serve in the military. We must end this uncertainty for Dreamers. That is why I have joined with so many of my colleagues in calling on Leader MCCONNELL to hold a vote.

Here is a Dreamer whom I will never forget. I was trying to find examples for people in my State so that they may understand what this "Dreamer" term is all about, and I found one a few years ago—Joseph Medina. At the time, he was 99 years old, and he was a decorated Army veteran. We lost him only last month at age 103. He told me his story back when he was 99.

He was brought to our country from Mexico when he was 5 years old. He had no idea that he was not born in our country. He grew up in Sleepy Eye, MN. Then he signed up to serve in World War II. That was when they had found out that he was, in fact, undocumented and had not been born in our country. Back then, as he had described it to me, the military had wanted people to serve, so they had him go to Canada. At the direction of our military, he went to Canada for 1 night, stayed—his words—in a nice

hotel and then came back to Minnesota, and—magic—he was legal. He served under General MacArthur in the Pacific. He then came back to the United States, met his wife, got married, and had kids. His son served in the Vietnam war.

I had the privilege of hosting him at the World War II Memorial, which he had never seen before—with his son, who is a Vietnam vet—so that he could see the memorial for the first and the last time. With us were two Dreamers from high schools in the suburban Twin Cities area who wanted to serve in the Air Force but couldn't because we don't have the same rules we had during World War II. It was, basically, because of their statuses that they couldn't serve.

We lost Joseph Medina—the advocate that he was not only in words but by example—just last month. I think of his service, and when I see him standing in front of that memorial with those two Dreamers who weren't themselves allowed to serve, it really hits home to me and to everyone who has heard his story as to what these Dreamers are all about.

We all have our stories, and we owe it to these Dreamers and we owe it to our country and the values of our country to stand up for these Dreamers. I stand with my colleagues on both sides of the aisle who have spoken out in support of the Dream Act and who agree that we must take action in the Senate to protect these Dreamers in the name of Joseph Medina and in the name of all of our relatives who have always come from somewhere. Let's get this done.

Thank you.

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

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

#### WALL STREET AND WORKERS' WAGES

Mr. BROWN. Mr. President, this month, this body has spent much of its time pushing a tax bill that rewards corporations that ship jobs overseas while doing nothing for hard-working families. It has spent time cutting taxes on the wealthiest people in the country—cutting taxes for corporations that ship jobs overseas and giving them more incentives to do it by the way they have actually constructed the bill and rewarding their largest billionaire contributors. At the same time, they have ignored the Children's Health Insurance Program.

Letters are going out to families. There are 200,000 children in my State who are enrolled in the Children's Health Insurance Program. Parents in many States are getting letters from

the government that read: Sorry, your insurance is going away. Because of the inaction of this body—of Senators and House Members who have insurance provided for by taxpayers—we are not doing our jobs. We get insurance paid for by taxpayers while 200,000 children in Ohio and 60,000, 70,000, 80,000, 90,000, 100,000 families are going to lose theirs. That is it.

We are giving tax cuts to the richest people in the country and tax breaks to corporations that ship jobs overseas instead of fixing the healthcare law, instead of doing the Children's Health Insurance Program—instead of doing infrastructure, instead of doing the things that we should be doing. Forget about what we are not doing to serve the public; the priorities reflected in this tax bill are completely backward, which has become pretty standard in this Congress.

Time and again, our economy, our leaders, our politics reward Wall Street, not just instead of workers; we reward Wall Street at the expense of workers. The people of Ohio and people around the country are working harder than ever and working longer than ever, but they have less and less to show for it.

Imagine this: 44 percent of Americans who have an emergency—that would be four out of nine Americans—cannot afford that emergency expense of \$400. Four out of every nine Americans cannot come up with \$400 to pay for an emergency, but Wall Street is doing just fine. It is getting richer. So what do we do? We give more tax cuts and more tax breaks to corporations that outsource jobs, and we give more help in the Banking, Housing, and Urban Affairs Committee for some of the most profitable banks in America. Yet we can't do anything for workers, and we can't do anything for families.

The wealth held on Wall Street has gone up. Corporate profits have gone up. CEO salaries have gone up. CEO salaries are 271 times greater than workers' pay. For a worker who makes \$20,000—I almost can't even do the math—it is 271 times that. Imagine that. For every \$1 a worker makes in the country, the average CEO makes \$271. How much do they need? Do you know what the answer to that is? Let's give tax cuts to the people making \$271 and maybe a few crumbs for the workers making \$1. Is that fair?

Over the next few months, I am going to lay out the case for how Wall Street undermines American workers and lay out some of the changes that we need to make in this country to grow our middle class and make hard work pay off. Each installment of this series, which we are calling Wall Street's War on Workers, will be posted on my medium page. You can follow along at [www.medium.com/@SenatorBrown](http://www.medium.com/@SenatorBrown).

Today, I want to talk about workers' paychecks. It is pretty simple. It is really simple. Wall Street doesn't want you to get a raise. It doesn't sound plausible. You heard that right. Wall

Street doesn't want you to get a raise. Let me explain. Wall Street tries to convince us that when the stock market does well, the economy does well and vice versa.

Well, look around. Visit the town where I grew up, Mansfield. Visit Chillicothe, visit Dover, New Philly, visit Lima, Middletown or Hamilton. Visit a community in my State that was once a proud industrial town that has been hit by globalization. Talk to the workers.

Stock prices are still going up. Yes, they are, and the President of the United States likes to take credit for that as if that is the only story. Talk to workers who haven't had a meaningful raise in years. Talk to workers who have seen their retirement cut. Talk to workers who have watched their healthcare premiums rise. Talk to workers who have seen the cost of childcare and saving for their kids' college and paying off their student loans go up and up and up. That is what happened.

For most Americans, the idea that a stock market rally means more money in their pocket is laughable. That is why, when the President—even today, when he was talking about this tax cut, he was promising that we are doing all these tax cuts for middle-class Americans. Well, if you want to give tax cuts to middle-class Americans, give tax cuts to middle-class Americans. Don't cut taxes on corporations, cutting them 43 percent—that is what the bill does—if they would let us read it. The last time I read it, that is what it said. They cut the corporate tax rate by 43 percent. They say that money will trickle down, you will get a raise, there will be more jobs. It has never really worked that way. It didn't work in North Carolina that way. It hasn't worked in Ohio that way. It simply doesn't happen.

The President stands there and says: We are going to give the best tax cuts for Christmas you ever saw. He brags about the stock market going up. One of the reasons two-thirds of Americans don't much like this President is because they heard him brag about the stock market and how great that is, but there is nothing in their own pockets when he does that. The money is not trickling down. Workers aren't seeing a \$4,000 raise. Nobody really believes that.

The White House made up some phony study that said all this money is going to workers' pockets. It never works that way. It didn't work that way when President Bush—in 2001, 2003, President Bush did a big tax cut bill. Let me give you one statistic about that tax cut bill in 2001 and 2003, those two bills. In that tax cut bill, 27 percent of the benefits went to the richest 1 percent—27 percent.

The pages are pretty good in math because they are still taking math class—27 percent of the benefits of that tax bill went to the richest 1 percent. That sounds pretty outrageous, be-

cause the richest 1 percent didn't really need it. Now, in this tax bill, 62 percent of the benefits in this tax bill go to the richest 1 percent—62 percent of the benefits in this tax bill go to the 1 percent. Why is that? Well, one reason is that a number of Members of Congress have said this. When they go across the street to Republican headquarters to make their fundraising calls, their contributors say: Don't call me back for campaign money until you give me and my friends a tax cut.

Get that. Don't call me for campaign money until you go back across the street and give me and my rich friends a tax cut. How corrupt is that? How awful is that? How unfeeling is that? How counterproductive is that for our economy?

The data backs that up. Workers' share of income has fallen over the last four decades. Wage inequality has risen, especially at the largest companies. Some may argue that workers who have retirement accounts share in the benefits when the stock market does well. Only 50 percent of private sector workers have these types of accounts at all, and they use them to make long-term investments for their retirement. The short-term profits that drive so much of corporate decision making have little effect on accounts workers will not touch for several decades. Just because workers have retirement accounts doesn't mean they are able to save. In fact, 70 percent of Americans have less than \$1,000 in retirement savings.

Remember I said four out of nine or 44 percent of Americans couldn't come up with \$400 in emergency spending for a trip to the dentist or \$400 to fix a car? Four out of nine Americans couldn't come up with that. Well, it is even worse because 70 percent of Americans have less than \$1,000 in retirement savings. Do you know why they have less than \$1,000 in retirement savings? Because their wages haven't gone up for a decade or so.

The fact is, a paycheck is how most workers pay their bills every month and put food on the table each night. Wall Street has a lot to say about how much should be in that paycheck.

Remember, at the beginning of this speech, I stated that Wall Street doesn't want you to get a raise. Some of my colleagues—particularly those who get a lot of money from Wall Street and think Wall Street should run the country even more than they do—but when I said Wall Street doesn't want people to have a raise, here is how that works.

Last month, Bank of America downgraded Chipotle's stock because an analyst decided the company employees were working too many hours and getting paid too much. Wall Street downgraded their stock because the analyst said their workers were making too much.

Do you remember what happened when American Airlines gave their employees a raise? They were punished in

the stock exchange. They were getting paid too much. The banks decided that Chipotle employees worked too many hours and earned too much money. The stock declined by 3 percent. It didn't matter that they were profitable, employees were happy. It didn't matter that their employees were productive. It didn't matter that they were a good company. Their stock price went down because the analyst said they were paying their workers too much. Some of you have been to Chipotle. I am guessing their workers are not making \$100,000 a year. I guess they are making \$10, \$12 an hour.

I went to my high school reunion a couple of years ago. I sat across from a woman who worked at a major national bank, a well-known bank. I don't need to cite the name. When I worked at my family farm growing up, I used to put my \$120-every-2-week paycheck in that bank. It has been sold several times and is now part of a major Wall Street bank. She has worked there 30 years. She has been a teller in that bank for 30 years. She makes \$30,000 a year. She has 30 years of service in this bank and makes \$30,000 a year. Do you want me to list what the top management of that bank makes? Tens of millions of dollars in compensation, stock options, and stock buybacks, huge dividends because they own so much of the bank. This woman makes \$30,000 a year. What is right about an economy like that?

The entry level wage at Chipotle is between \$9 and \$10 an hour. It is typical for fast food. It is clearly not enough to lift a family of three out of poverty. So Chipotle wanted to give raises to their workers, and Wall Street slapped them for doing it. Wall Street's attacks on workers' wages have not been limited to Chipotle.

I mentioned American Airlines. They announced pay raises for their pilots and flight attendants earlier this year. Wall Street punished the company, dropping its stock by 5 percent.

Citibank, one of the Wall Street firms we sometimes talk about, is a \$2 trillion bank—somewhere close to that. I may be wrong about that, but there are six banks in the country whose assets are over \$1 trillion, as high as—I think JPMorgan Chase is higher. Citibank analysts actually wrote this about American Airlines:

This is frustrating. Labor is being paid first again. Shareholders get leftovers.

Think of that. So they gave their workers, their pilots—I assume the Senator from North Carolina and Leigh and all the people at the desk there—I think that probably you want airline pilots to be paid pretty well. I think you do. Flight attendants make all the flying we do a little bit easier. This company wanted to pay them more and Wall Street says:

This is frustrating. Labor is being paid first again. Shareholders get leftovers.

Really? Think about this. Companies are more profitable, CEOs are getting paid more and more, and executive

compensation is up, stock prices are up, and workers are getting paid less. Then, when they want to pay the flight attendants and the pilots a little more, they complain because labor is being paid first again. Never mind that the labor in question simply pushed to get paid the same as their counterparts at United and Delta. Think about that.

American Airlines decided they should pay their workers who do roughly the same job the same as United and Delta. They thought that would be a good thing for competition reasons, for hiring workers, and maybe even for Wall Street. Wall Street said: No, really, we don't want that to happen.

I wonder how much that analyst at Citibank is paid. Some of you would call that class warfare, but I would call it an interesting fact if I knew what it was, but imagine the nerve of saying that shareholders get the leftovers. When is the last time Wall Street got the leftovers?

By "labor," what we are talking about is people who create wealth for the company. It is the workers who create wealth. Management is important, of course, setting the direction of the company and doing all that management does in most corporations and does well, but rank-and-file workers—whether it is the woman who cleans the floor or the food service people in the basement, or whether it is the data entry person or whether it is the mid-level management person, whether it is the sales force, whether it is the CFO, workers create wealth for their companies, and shouldn't they share in some of that wealth? Don't you think pilots provide a lot of productivity and wealth to that company?

A JPMorgan analyst described the raises to the American Airlines pilots a different way. He said it is a "wealth transfer of nearly \$1 billion to its labor groups." Think about that.

One of the things that amuses me—except it bothers me more—whenever we talk about a wage increase, do you know what companies always say? They say: If we raise the minimum wage for these \$7 or \$8 or \$9 workers, we are going to have to raise prices and lay people off, but they never say that when a top management employee gets a \$1 million raise. You only have to lay people off and raise the price of the product if you raise the minimum wage, but if you give somebody a six- or seven-figure bonus, you don't have to worry, that is not going to cause anything. That is how phony these arguments are that they make and frankly how revolting these arguments are.

Wall Street didn't call it a wealth transfer of \$1 billion to its labor group. Wall Street didn't call it a wealth transfer when the CEO of JPMorgan got a 4-percent raise and was paid—anybody want to guess? Do any of the pages want to guess? Does any of the staff want to guess? Their CEO is paid \$28 million a year, but that happens to be the same company where the woman

I sat across from at a high school reunion makes \$30,000 a year after 30 years of service. I don't wish him any ill will, certainly, for the \$28 million he makes. The people who work directly with the public, who have to listen directly to the complaints, who have to spend money coming to work and wearing nice clothes because they are a bank teller, making \$30,000 a year? What is fair about that? None of the banks complained about that being a wealth transfer.

Remember that line, a wealth transfer of \$1 billion to its labor group? None of the banks complained about a wealth transfer when Wells Fargo CEO John Stumpf was allowed to retire with tens of millions of dollars in compensation after overseeing a massive scandal that caused the bank's stock to tank.

Do you know what I hear in the Banking Committee from time to time? These CEOs, if their company has cheated people, their company has made a huge mistake that caused problems for the company, they often come in and say: You know, we are sorry—we are kind of sorry—and we are going to give up our bonus. They say they are going to give up their bonus. They are already making \$8 or \$10 or \$12 or \$15 million. Now they are going to give up their bonus. How generous of them.

If paying employees is a wealth transfer, as the JPMorgan analyst said, but CEO bonuses are not a wealth transfer, it raises the question: Who exactly does Wall Street think the wealth belongs to? Who does it think is creating the wealth for these companies? Companies can't be profitable without the workers. Wall Street seems to think the whole cake belongs to the CEOs and stockholders while workers only deserve crumbs.

It has not always been like this.

In the past, banks actually invested in businesses and the workers on Main Street, but the corporate business models have changed. According to a recent analysis, only 15 percent of Wall Street funds are invested in businesses, down from the majority of funds several decades ago. Instead of investing in real businesses, in real towns that create real jobs and build real communities, they spend billions buying back stock and handing out CEO bonuses. This change has worked out pretty well for Wall Street.

Even though Wall Street has 4 percent of all U.S. jobs, it accounts for 25 percent of all corporate profits. Pretty good, huh? It is not for that teller who works at the bank in Mansfield, OH, but for the stockholders and the CEO. As anyone can tell you, it hasn't worked out that well for most people.

CEOs are evaluated on the quarterly performance of their company's stock. They are compensated, in large part, with company shares, but most Americans don't think in terms of 3-month earnings quarters. They think in terms of school years, they think in terms of 30-year mortgages, and they think in

terms of how many years before I retire and how much money do I have to save to be able to.

Main Street investors and workers only make a profit when a company's stock market value continues to rise over time. Wall Street and Main Street's interests no longer match up. That is the problem with our economy today. Wall Street's interests are not the same as Main Street's interests. Wall Street does well, Wall Street gets bigger and bigger compensation, and workers see their wages stagnate. Folks in the corporate boardroom are not forced to consider what is in the long-term interest of workers, what is in the long-term interest of small-time investors, what is in the long-term interest of the communities that have helped them grow and made them rich. For them, workers are nothing more than a line item in a budget that ought to be minimized. It is why they have no problem taking pay out of the pockets of workers—pay that would otherwise drive innovation and productivity—all to boost short-term profits for CEOs and speculators.

When you get short-term profits, you are going to get more money in your

bonus, you are going to get more money in your stock buybacks, and you are going to get more money in your executive compensation. All of it is set up and all of it is aimed at helping top management and top stockholders enrich themselves. It is not giving back to the community, not creating workers' wealth, and not investing in the future. It is all about short-term profits because that means huge compensation for the CEOs of America. Nothing in their business model forces these executives to view the workers making burritos at Chipotle as real people with real families.

I will go back to that. Chipotle did the right thing, and they gave raises to their employees. American Airlines did the right thing, and they gave raises to their employees. But the stock market, Wall Street crushed them for it, and that is what has to change.

Until the banks and Wall Street respect a hard day's work and understand that work must have a value for the economy to grow, we will continue to see the consequences. The gap between Wall Street and Main Street will keep growing. Workers' wages will decline. Our middle class will shrink. Wall

Street executives and CEOs will get bigger and bigger bonuses.

We will continue here to give tax cuts to the richest people in the country, and our economy and our economic growth will continue to lag. The rich get richer and the middle class shrinks. That is the formula. The rich get richer and the middle class shrinks. Haven't we had enough of that? Why should we still be doing that?

I yield the floor.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:02 p.m., adjourned until Thursday, December 14, 2017, at 10 a.m.

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CONFIRMATION

Executive nomination confirmed by the Senate December 13, 2017:

THE JUDICIARY

DON R. WILLETT, OF TEXAS, TO BE A CIRCUIT JUDGE, UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.