



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, SECOND SESSION

Vol. 164

WASHINGTON, MONDAY, APRIL 16, 2018

No. 61

Senate

The Senate met at 3 p.m. 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.

Eternal God, from whom comes all things good and true, we give reverence to Your Name. Lord, forgive us when we don't take time to think clearly, pray sincerely, and cultivate the sense of Your presence. Thank You for strengthening our faith, renewing our courage, and sheltering us from harm.

Bless our Senators. May Your grace and peace sustain them as they find in You the source of all mercy and comfort. Grant that their faith in Your power will strengthen them through every season of trials. Lord, give them the wisdom to pray for one another so they will cooperate with each other in working for Your glory.

We pray in Your Holy 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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. YOUNG). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 140, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 140, a bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund.

Pending:

McConnell motion to concur in the amendment of the House to the bill.

McConnell motion to concur in the amendment of the House to the bill, with McConnell amendment No. 2227 (to the amendment of the House to the bill), to change the enactment date.

McConnell amendment No. 2228 (to amendment No. 2227), of a perfecting nature.

McConnell motion to refer the message of the House on the bill to the Committee on Indian Affairs, with instructions, McConnell amendment No. 2229, to change the enactment date.

McConnell amendment No. 2230 (to (the instructions) amendment No. 2229), of a perfecting nature.

McConnell amendment No. 2231 (to amendment No. 2230), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I rise to urge my colleagues to vote in support of the Tribal Labor Sovereignty Act.

My legislation is about bringing jobs to the most economically disadvantaged communities in Montana and empowering Indian Tribes to determine their own destinies. In fact, for 14 years, the Federal Government has placed prohibitive regulations on tribes, which has infringed on their rights and cost them jobs and economic opportunities. Now Montana's Tribes and the Tribal communities across the country suffer from some of the Nation's highest unemployment. This legislation will restore the parity between Tribal governments and Federal, State,

and local governments as well as protect and respect the Tribes' right to sovereignty.

It is time for the Federal Government to step out of the Tribes' way so they can make the right decisions for their communities, for their people, and create good-paying jobs on reservations.

On behalf of Montana's 12 federally recognized Tribes, as a member of the Senate Committee on Indian Affairs, as the chair of the Senate Western Caucus, and as an original author of this legislation both in this Congress and the last, I urge my colleagues to make the right choice and support the Tribal Labor Sovereignty Act.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

AIR STRIKES ON SYRIA

Mr. MCCONNELL. Mr. President, I want to begin this afternoon by commending the men and women who make up the world's most capable military. Over the weekend, America's all-volunteer Armed Forces executed a challenging mission with precision and with excellence. At the President's order, the United States joined with our British and French allies in military action to respond to Bashar al-Assad's use of chemical weapons against the Syrian people.

I support both the actions taken and the underlying objectives.

The tactics the Assad regime has deployed to consolidate gains and terrorize the people of Syria have stood in defiance of the clear U.S. position that the use of chemical weapons is simply unacceptable. It was time to act.

Americans have become used to flawless execution on the part of our uniformed military. Times like these compel us to pause and appreciate their excellence and their heroism. We must remember that none of it could occur without extensive training, careful planning, robust investment, and the professionalism, dedication, and bravery of our servicemembers.

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



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S2131

Mr. President, on a completely different matter, this afternoon the Senate will vote to advance legislation from Senator MORAN that would bolster the proper sovereignty of American Indian Tribes in the face of excessive Federal regulations.

From the passage of the National Labor Relations Act of 1935 all the way until 2004, the NLRB respected the sovereignty status of Tribal government employers. But because the law does not technically provide that exemption, the NLRB discarded that precedent in 2004 and has become entangled in local Tribal decisions.

By intervening in Tribal affairs on a case-by-case basis, the NLRB has effectively been picking winners and losers among different businesses. The result has been regulatory confusion and a lessening of Tribal governments' authority to govern their own lands.

This legislation would correct the 83-year-old oversight that led to this confusion. It would codify in law that federally recognized Tribal governments should be exempt from such regulation, just like other State and local governments.

More than 160 Tribes, Tribal corporations, and Tribal trade associations support Senator MORAN's legislation. I am proud to support it as well, and I urge every one of us to vote to advance the bill later this afternoon.

TAX REFORM

Mr. President, tomorrow's tax filing deadline is not exactly a national holiday, but millions of Americans use the end of tax season as a time to pause and to take stock. In recent weeks, at kitchen tables in Kentucky and across the country, working families have been crunching the numbers. For too long, our country's outdated and unfair Tax Code made life more difficult than it needed to be for middle-class families. Now all of that is changing.

Tomorrow marks the last time America's working families, entrepreneurs, and job creators will have to file under that old Tax Code. This Republican Congress and President Trump got rid of it and put a brandnew 21st century Tax Code in its place. Now Americans are rightly anticipating a better year ahead, and they aren't having to wait very long.

President Trump is in Florida today to hold a roundtable discussion with small business owners. On Main Streets from Miami to Tallahassee, tax reform is empowering local employers to create more prosperity for their employees and for their communities.

In Melbourne, the owner of Stellar Transport, a shuttle service that works closely with Florida's elderly, is using tax savings to raise wages, expand paid vacation, and cover a 26-percent increase in healthcare costs for his 60 employees.

In Jacksonville, Magellan Transport Logistics is planning to buy a new 47,000-square-foot facility and hire 100 new employees as part of an ambitious plan to succeed under the new pro-

growth Tax Code. Of course, these are among the first fruits of the U.S. economy under this historic new law.

Millions of U.S. workers are receiving bonuses, raises, and special benefits, not to mention lower utility rates and increased opportunities. As employers adopt new withholding practices, more and more workers will see more of their own money going into their own pockets.

Florida's workers and entrepreneurs should be proud of Senator RUBIO, who was instrumental in getting tax reform across the finish line. In particular, his efforts helped Republicans to secure a significant increase in the child tax credit.

It is surprising that Florida's senior Senator didn't want any part of all these tax cuts and new jobs. He took every opportunity to vote with every other Democrat and try to block these tax cuts from happening. Fortunately, Republicans overcame partisan opposition and made tax reform a reality.

MEASURE PLACED ON THE CALENDAR—S. 2667

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

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

The bill clerk read as follows:

A bill (S. 2667) to amend the Agricultural Marketing Act of 1946 to provide for State and Tribal regulation of hemp production, and for other purposes.

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

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

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. 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. BARRASSO. Mr. President, I come to the floor as a former chairman of the Indian Affairs Committee of the Senate to talk about the issue of the Tribal Labor Sovereignty Act—the package before us today to be discussed and voted on within the next hour.

I know we are going to be hearing from the current chairman, Senator HOEVEN. We are going to be hearing from Senator MORAN, Senator FLAKE, and others. I would like to associate my remarks with those I know they will make, specifically, those of the chairman and my other colleagues, and emphasize the need to recognize and respect Tribal sovereignty.

As Senator MORAN will explain shortly, this legislation seeks to fix the National Labor Relations Board's 2004 decision to treat Tribal government employers and tribally owned businesses

as private entities, not as sovereign governments.

They are sovereign governments.

The National Labor Relations Board's decision, I think, is the wrong decision. It increased uncertainty for Tribes, as Tribes suddenly faced regulation from a body that failed to recognize their government-to-government relationship. I think it was a complete mistake by the National Labor Relations Board, which is why I am proudly here to support the legislation we are discussing here today.

Suddenly, as a result of this ruling, these Tribal businesses became commercial entities. These businesses provide critical services on Tribal lands and in their communities. I believe the National Labor Relations Board's decision—and the litigation that inevitably followed—has only increased uncertainty in Indian Country and is in direct opposition to the entire notion of Tribal sovereignty.

Indian Tribes have a right to sovereignty. We must work to ensure there is true parity between governments. We must actively respect the government-to-government relationship.

Over the last many years, Congress has worked to address policies that have been detrimental to Tribes, including those affecting Tribal sovereignty. That is why we are here today to vote on this important piece of legislation. Tribal sovereignty allows Tribes to govern themselves, to regulate Tribal businesses, and to provide essential services for Tribal members.

As we consider this package before us today, I want to commend Chairman HOEVEN, Vice Chairman UDALL, and others for working together to move this important legislation through the Senate.

This package is no different. Senator MCCAIN and Senator FLAKE have worked for many years to resolve the White Mountain Apache water settlement issues. I see Senator FLAKE is here to discuss those issues. Senator HEINRICH and Senator UDALL recognize the need for greater certainty in land management through the Santa Clara long-term lease. Senator MORAN has been a great leader on this issue. That is why I am proud to be standing with him today.

I would urge all of my colleagues to join Chairman HOEVEN, Senator MORAN, and our committee in providing the parity for Tribal governments as they govern their future.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I thank the Senator from Wyoming for his comments and all those who have worked so hard to bring this legislation to the floor, which we will be voting on later tonight.

Indian water settlements are an invaluable tool to ensure that Tribes receive the water rights they are entitled

to and that other water users are given the certainty they require.

In States like my home State of Arizona, water rights have a substantial impact on the lives and livelihoods of so many residents. So these measures are critical to communities around the great State of Arizona.

I rise today to support the legislation I introduced aimed at ensuring that the previously enacted White Mountain Apache Tribe Water Rights Quantification Act of 2010 is properly interpreted by the Department of Interior. This bill clarifies that settlement funds awarded to the Tribe may be used for a critical rural water system. This new system is essential for the Tribe and will allow them to deliver drinking water to their members.

The measure I am proposing today is also time sensitive. The White Mountain settlement includes an enforceability date that means if this water system project is not completely approved by May 2021, it becomes void. In order to realistically meet this deadline, this bill must pass as soon as possible so that the Tribe has time to complete the necessary project studies.

This bill also corrects an issue with the National Labor Relations Act. For nearly 70 years, Tribal governments were exempt from the act, just like local and State governments and the Federal Government. However, in 2004 the NLRB inappropriately ruled that Tribes were no longer exempt. This measure would create parity for Tribal governments, giving them the same employer rights afforded to other Federal, State, and local governments.

Importantly, this element of the bill also applies to Tribal employers on Tribal lands, meaning any tribally owned and operated institution not on Tribal land would be treated as normal, private-sector employers. This bill also offers two important clarifications—one of which is desperately needed to allow the White Mountain Apache Tribe to move forward on a vital rural water system project.

I urge the bill's passage so that we can ensure that Tribes are best able to serve their people and to improve their communities.

I yield the floor.

The PRESIDING OFFICER (Mr. BARASSO). The Senator from Kansas.

Mr. MORAN. Mr. President, thank you for your remarks on the floor earlier this afternoon. I rise to have the Senate consider and to have a conversation about S. 140, a package of three bills that will have positive benefits on Indian Country.

Two bills in the package—the Senator from Arizona was talking about one of them. Two bills in this package, S. 140, the White Mountain Apache Water Rights Quantification Act, sponsored by Senators Flake and McCain, and S. 249, a bill to provide that the Pueblo of Santa Clara may lease for 99 years certain restricted land, sponsored by Senators UDALL and HEINRICH of New Mexico, have already received unanimous consent from the Senate.

The third bill in the package, the Tribal Labor Sovereignty Act, was attached as a message from the House to S. 140 in January. I am the sponsor of this legislation in the Senate, which should be noncontroversial in a chamber where Members of the Senate profess to be supportive of Tribal sovereignty. This concept has been around since 2005, and I became interested in this topic and introduced legislation in 2013—now 5 years ago.

I suppose all of us, from time to time, may introduce legislation that is a messaging point or a talking point. In this and in most every other case, when I introduce legislation I work hard to see that it becomes law. I work in a bipartisan way to bring Republicans and Democrats together and for rural and urban Members of the Senate to work together. This is an example of that. There is nothing about this legislation that is a messaging to Tribes or to others. It is not an introduction of a piece of legislation designed to make a point. It is a piece of legislation designed to become law.

This bill has passed the House and is now pending here in the Senate today. I hope to use this opportunity to convey to my colleagues that this legislation is not a radical proposition but rather a restoration of the sovereign status of Tribal governments. Indeed, by moving forward with this legislation, we can enshrine the status quo that existed for 70 years after the passage of the National Labor Relations Act, until the National Labor Relations Board stripped Tribes of their government status under the NLRA. By making explicit that Tribal governments are distinct and sovereign and capable of making their own decisions, we will correct a decade-old error made by the NLRB.

(Mr. YOUNG assumed the Chair.)

The Tribal Labor Sovereignty Act is simple and narrow. It amends the NLRA to exempt tribally owned entities operated on tribally owned lands—no more, no less. Businesses owned by individual Tribal members or operations off Tribal lands still remain subject to the scrutiny of the NLRB.

Many of those who have expressed opposition to this bill will say: I support Tribal sovereignty—but. If you have to qualify your support for Tribal sovereignty in order to protect your own interests instead of the Tribes, then, no, you really don't support Tribal sovereignty. Tribal sovereignty is something we believe in. Tribes of Native Americans—those who inhabited this country before our ancestors arrived—were granted sovereignty over their own businesses decades or generations ago.

Senators have voiced on the Senate floor that this is not about sovereignty but about an attack on labor. That is simply not true. One accusation is that this bill is truly an attack on labor because it doesn't provide exemptions from other Federal legislation. If my colleagues are objecting to this bill be-

cause of its narrow scope, then will they support making it broader? I think the answer to that is clearly no. If they are serious about that, then let's have a conversation.

I am not new to Tribal issues. My introduction to this topic began when I was elected to the Kansas State Senate a long time ago now. I was a freshman member. I happened to have a law degree and was assigned by the leadership of the State senate to conduct negotiations and to chair a committee on Indian gaming in Kansas. I spent the next 2 years in front of a Federal district judge, negotiating an agreement under IGRA for Indian gaming in Kansas.

Other examples of our efforts include the passage of general welfare exclusion legislation with Senator HETKAMP of North Dakota that passed this Senate and became law several years ago now. Again, it was trying to make clear that Tribal decisions made on behalf of Tribal members are much better decisions than those made by Congress but especially by those made by agencies and bureaucracies—in that case, the IRS; today, the National Labor Relations Board.

We have also worked on other issues related to Tribal interests, including a Carcieri fix and the ability to bring land into trust—issues that are important to Tribes across the country. My point is, this is another piece of legislation in a series that the Senate has pursued in which we are doing right by those who preceded us as our ancestors settled in America.

I don't think that the critics of this bill want Tribal governments exempt from the other statutes either. No, the objection isn't about the sovereignty granted by this legislation. It is not that it doesn't go far enough; it is what it does grant sovereignty for.

I would ask my colleagues: If the Senate denied Tribal sovereignty in this instance, what Tribal rights are going to be targeted next? The point is, if you are for sovereignty, you are for sovereignty in all circumstances, and you don't have the ability to choose. It is based upon a legal and moral obligation that we have to Tribes here in the United States.

Others have criticized this legislation. They have said that non-Tribal members cannot vote for Tribal governments, and therefore this is different from States. Again, this legislation puts Tribes in the same position, under NLRB, as States and other local units of government—but that is not true either. A person living in the District of Columbia, who works in Virginia, is subject to Virginia labor laws without having a say in forming those laws.

In 2013, there was an issue of Tribal sovereignty on the U.S. Senate floor. It was broader than that. It was VAWA—the Violence Against Women Act. I supported its reauthorization, which included new authorities for Tribal governments to protect Native American women when they are harmed by

non-Indians. With VAWA's passage, Congress placed our trust in Tribes to exact justice in the circumstance of domestic violence and violence against women.

The point here is that we rightly determined that Tribes should have the ability to punish Indian and non-Indian violent offenders, but today it is being argued that we can't trust them to treat Indian and non-Indian employees justly.

I remember the allegations against my colleagues who voted against VAWA were that they were not supportive of Tribal sovereignty. Those who oppose this bill today are subject to exactly the same criticism.

There is also an assumption being made that employees of tribally owned entities are being treated poorly or will be treated poorly if this legislation passes. The majority of Tribes are located in rural areas, where the labor pool is often inadequate. It is to the Tribes' advantage to treat their employees fairly in order to retain them. As a matter of fact, many Tribes have the highest wages and provide the best benefits in their region. Tribal jobs are coveted because prospective employees know what they stand to gain by their employment.

The idea that Tribal government enterprise workers should be treated as commercial rather than governmental workers doesn't hold up. A Tribal casino worker is no less of a government employee than an employee of a State-owned-and-operated enterprise that includes liquor stores, ski resorts, and, yes, casinos.

In 2015, the Senate Indian Affairs Committee held legislative hearings on the Tribal Labor Sovereignty Act—the legislation we are considering today—and testifying before the Committee was Robert Welch, chairman of the Viejas Band of Kumeyaay Indians in California. Despite being a unionized Tribe—employees of the tribally owned facilities are union members—Chairman Welch testified in support of this bill.

Many Tribes welcome labor unions. That is fine. The point is, it is their decision. The Tribal decision is where this issue rests. The point of this legislation is it is up to the Tribes to decide, not the NLRB.

More than 160 Tribes and Tribal organizations support this legislation and have worked hard to see its passage. They support it because the principle of Tribal sovereignty is critical to their well-being.

The vote I seek today is not a partisan ploy. I have worked to pass this legislation without a recorded vote. I have taken to the floor to do live UC requests on a number of occasions but have been met with objections. I have worked to get this legislation included in appropriations bills, but it was always forced out at the last minute.

In recent bipartisan legislation, Republican leadership, Chairman HOEVEN, and I were open to attaching both

NAHASDA and TLISA, but TLISA's inclusion was deemed unacceptable. This is not about making anybody cast a difficult vote. We have tried to do this in a way that eliminates that option, that necessity. We had two victories lined up for Indian Country—NAHASDA and TLISA—and we got nowhere because of opposition to Tribal sovereignty. That brings us to where we are today on the Senate floor. It requires a Senate vote that will take place in a little more than half an hour.

It is important to note that Tribal sovereignty enjoys bipartisan support. Nearly two dozen Democrats, including Members of the House Democratic leadership, supported this legislation in January when it passed the House, and we have strong bipartisan backing in the Senate as well. The Senate Committee on Indian Affairs reported this out by voice vote last summer. Democratic colleagues of mine have spoken in favor of it.

The late Senator Daniel Inouye of Hawaii wrote in 2009: "Congress should affirm the original construction of NLRA by expressly including Indian tribes in the definition of employer." Senator Daniel Inouye continues to be held in high regard in the U.S. Senate for his work in the U.S. Senate, for his service to his Nation, and for his firm commitment to Tribes and to Native Hawaiians. Again, Senator Inouye, who is no longer with us, said: "Congress should affirm the original construction of the NLRA by expressly including Indian tribes in the definition of employer."

What this bipartisan consensus demonstrates is that this is not about labor. This is about the ability of Tribal governments to be treated equally as other levels of government and to provide vital services to their people without fear of work stoppages.

Jefferson Keel, president of the National Congress of American Indians, wrote in February:

Tribes make an array of public services available to their tribal citizens and other local residents: law enforcement, fire and EMS departments, schools and hospitals, and natural resource management.

These are things Tribes do on a daily basis for Tribal members and for residents.

All tribal governments play critical roles in ensuring the safety, health, and stability of tribal and surrounding communities.

He goes on to write that in 1935, Congress "did not want the kind of labor strife and work stoppages that could paralyze federal, state and local governments, jeopardizing public health and safety in the process."

Eighty years later, why it is that every other form of government in this country is treated one way and Tribes another? That, my colleagues, is not right. Why do Tribes have to accept others determining their workplace rules but not their counterparts? Why is it that the well-being of Native Americans on reservations, who rely on

these services, might be placed at risk? But most importantly, why would we deny sovereignty when Tribes are entitled to it?

Senator UDALL, my friend and colleague from New Mexico, who serves as our committee's vice chair, the ranking member, understands the importance of self-governance. He recently said: "Decisions made by Tribes for Tribes produce the best outcomes for their unique communities."

Is there a U.S. Senator who doesn't believe that decisions made at home are better because we are all unique? We have unique circumstances in every State across the country and in every community. Local folks can make better decisions about what makes sense in their local community. We know that for our constituents; we should know that for Tribal members. Again, Senator UDALL said: "Decisions made by Tribes for Tribes produce the best outcomes for their unique circumstances."

What we will be voting on shortly is really a question of whether the Members of this Chamber—U.S. Senators who swore to uphold the Constitution and fill their responsibilities—believe that Tribal governments, elected by their members, possess the right to make informed decisions on behalf of those they represent. I say they do, and I hope that most of my colleagues—in fact, I hope all of my colleagues agree with that sentiment.

We have been working at this legislation for 5 years now. Decisions will be made 30 minutes from now that will have a huge consequence, perhaps not on me, perhaps not on many of my constituents but on Tribal leaders and the individual Tribal members who elected them to make decisions on their behalf. We would be offended if people intruded on our abilities to make decisions for our constituents, and Tribal leaders are no different.

This is important legislation. It is not political. It is about making the right decision for the right reason so that good outcomes can benefit all Americans—all who live here in the United States—and I ask my colleagues to seriously consider and, ultimately, vote for this bill, S. 140, which includes the Tribal Labor Sovereignty Act.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Ohio.

Mr. BROWN. Mr. President, I strongly encourage my colleagues to reject this anti-worker bill masquerading as an issue of Tribal sovereignty.

I strongly support Tribal sovereignty. I can't speak for everyone in this body, but I am virtually certain that every single Democratic Member of this body supports Tribal sovereignty, and I am pretty certain that most Republican Members of this body support Tribal sovereignty, but that is not what this bill is about. This is just the latest battle in the decades-long war that so many in this town have been waging to undermine the rights of

American workers. This bill strips away the rights of 600,000 employees at Tribal casinos, so 600,000 employees at casinos on Tribal lands will lose their right to collective bargaining. We know what that means to their wages and their benefits. Seventy-five percent of these 600,000 employees are not members of a Tribe. So when these casinos all over the country, on reservations, these casinos on Indian lands—most of the 600,000 employees at the Tribal casinos have the right to collectively bargain, to form unions if they choose, to collectively bargain if they choose, and to get better wages and benefits if that is what brings them to it. Again, 75 percent of these workers are not members of any of these Tribes. There are other Federal laws that apply to workplaces on Tribal lands.

The Fair Labor Standards Act, the Occupational Safety and Health Act, the Employment Retirement Income Security Act—so-called ERISA—and title III of the Americans with Disabilities Act all apply on Tribal lands, but this bill only goes after collective bargaining rights, only goes after those workers. There is no reason Congress should single out and attack the rights of these workers to organize and advocate for themselves in the workplace.

We can protect Tribal sovereignty. I want to do that. I am leading the charge against this bill. I want to protect Tribal sovereignty, but you can also protect workers' rights at the same time. You don't have to jettison workers' rights. You don't have to hurt these workers. We don't have to take rights away from these workers—the right to organize and bargain collectively—in order to protect Tribal sovereignty. Our laws do that right now.

Some of my colleagues will say they want to make sure that Tribes have the same rights as States, whose workers are carved out of the National Labor Relations Act, but Tribal government employees are already exempted from the National Labor Relations Act. This bill eliminates the Federal labor rights of workers at for-profit businesses, like casinos.

So who is behind this? The national chamber of commerce wants to go after unions every chance they get and take away collective bargaining rights. Do you know what that means when companies do that? It means higher profits. It means they can pay less to workers. It means they can strip workers of their healthcare and their retirement. Of course these companies want to take away collective bargaining rights and put unions out of business. That is the whole point of this bill.

Again, Tribal government employees are already exempted from the NLRA. This bill eliminates the Federal labor rights of workers at for-profit businesses, like casinos. You don't think these casinos are making lots of money? Of course they are. They will make more money if you take away the collective bargaining rights of employees. Employees will make less.

Employees will, in some cases, lose their health insurance. Employees will get fewer dollars for retirement, but profits will go up for these casinos.

These casinos are often run by companies that have nothing to do with these Tribes. That is not establishing parity. States can't carve out home State, for-profit businesses from the NLRA. Nevada can't say that it has decided its casinos on the Vegas Strip are exempt from Federal labor laws. So why would we treat these private, for-profit casinos any differently?

Supporters of the bill will say it is necessary to prevent overreach by the National Labor Relations Board. That argument doesn't hold up either. The Board is methodically evaluated when they do and don't assert jurisdiction on Federal lands. They use a very careful test to ensure that the Board's jurisdiction does not infringe on Tribal rights or interfere in the Tribes' exclusive right to self-government.

All of us in this body—at least all of us on this side of the aisle; I think all of us in the body—of course we want to make sure that Tribal rights are enforced and that we don't interfere in the Tribes' exclusive right to self-government. These, though, are for-profit businesses on these reservations.

In a June 2015 decision, the Board used the test and did not assert jurisdiction in a labor dispute on Tribal lands.

As I said, I think all of us here support Tribal sovereignty. I wish all of us here supported American workers' right to organize just as strongly.

My friends on this side of the aisle have spent day after day, week after week, month after month, doing all they can to stop workers in my State, in the State of Kansas, and all over this country from organizing. This bill is an attempt to take advantage of Tribe support in Congress to attack workers.

There is another provision slipped in. At a time when Congress is engaged in a long-overdue discussion about sexual harassment in the workplace, this bill repeals all Federal protections against harassment for the 600,000 workers. So it strips collective bargaining rights from 600,000 people. It also repeals all Federal protection against sexual harassment for those same 600,000 workers. Right now, these workers cannot bring Federal harassment claims. Their only Federal protection against harassment is the NLRA. Under that law, workers have the right to collectively protest harassment. They can file grievances under union contracts to enforce their rights. If this bill passes, that Federal protection will disappear. All of the collective bargaining agreements in these workplaces would expire at the end of their terms, and the union-won protections against harassment would simply disappear along with all of them.

We are going in the wrong direction. Today more than ever, workers need a voice in the workplace.

Think about this: Over the last 40 years, gross domestic product has gone up and up and up. Corporate profits have gone up and up and up; worker productivity has gone up and up and up; executive salaries have gone up and up and up—all because of the productivity of American workers. But workers haven't shared in the wealth that they have created for their bosses. Workers haven't shared in the growth of those companies. Wages are flat.

So think about that again. Profits go up, productivity goes up, executive salaries go up, productivity of American workers, as I said, goes up, but wages are flat. A big part of that is because of this attack from this body and the House of Representatives—the attack on workers trying to organize and bargain collectively. So if this bill passes, we are going to make sure that 600,000 fewer Americans have the right to organize and bargain collectively. Again, it means profits will go up at these casinos, executive salaries will go up at the casinos, and wages will be flat and go down even as these companies do better and better.

Workers don't share in the growth they create. Hard work just doesn't pay off the way it used to. The dignity of work has been undermined by this Senate, by the House of Representatives, and by the White House. If work isn't valued, then Americans can't earn their way to a better life for their families no matter how hard they work. This bill will make it harder for these workers to ensure that their work is valued.

This bill undermines the dignity of work in this country. We ought to be lifting up workers. We shouldn't be undermining their right to advocate for themselves. These are workers banding together to advocate for themselves. Their voices are stronger when they are together, and that is when management has to listen to them. That is why they get better wages. That is why they get better healthcare. That is why they get better retirement. But we know what this bill does. It doesn't protect Tribal sovereignty. That is just what they say it does, just like they said—80 percent of the tax cut went to the richest 1 percent of Americans, and they called that a tax cut for the middle class. Surely it wasn't that. Just like the bank bill that rolls back some tough rules on Wall Street—they like to say that was a bill for the small banks. No, it wasn't. It was much about Wall Street. Just like this bill is not for Tribal sovereignty—it is to help put labor unions out of business and depress wages. That is why I oppose this bill.

I urge my colleagues to vote no.

NOMINATION OF RONNY JACKSON

Mr. President, over the next few weeks, the Senate will consider the President's nominee to head the Department of Veterans Affairs, Dr. Ronny Jackson. I will be meeting with Dr. Jackson tomorrow, and I look forward to that meeting. I am eager to

hear what his plans are and how he will make the VA system work better for the women and men who serve our country. I will have some tough questions for him. I know my friend, the Senator from Kansas and the current Presiding Officer, who also sits on the Committee on Veterans' Affairs, has the same concerns that I have.

One of my top priorities will be finding out his views on the misguided idea that some are pushing of privatizing the Veterans' Administration. Privatizing the VA would mean putting profits ahead of veterans. It would mean depriving the women and men who served our country the best possible care just to line the pockets of healthcare executives.

We have seen what happens when we introduce corporate profit motives into organizations that should be set up to serve the American people. Just look how private, for-profit charter schools have failed children in my State. The owners of the private, for-profit charter schools have done well, while taxpayers have been fleeced and students have been betrayed. We know that privatization of the prison system or privatization of Social Security or privatization of Medicare or privatization of the Veterans' Administration all works the same way. The people who are to be served find they have less quality care or service. The people who own the newly privatized agencies or companies do very well.

Study after study in my State shows these for-profit charter schools don't give Ohio students an adequate education and cost taxpayers more. According to a report from Stanford University's Center for Research on Education Outcomes, students at Ohio's charter schools lose 43 days of math instruction and 14 days of reading instruction, compared with traditional public schools in the State. We allowed for-profit school operators to inject profits into Ohio's public education, and they treated taxpayers like ATM machines and shortchanged students. We can't allow the same thing to happen to veterans. I will fight any effort to use America's veterans to pad the profits of wealthy corporations. Dr. Jackson will have to commit to oppose any VA privatization efforts to earn my vote.

We know the VA system isn't perfect, and we know it can improve. We have work to do to rebuild and strengthen it. Dr. Shulkin was trying to do that and made some inroads in doing it, but it will be hard. It is the largest healthcare system in the country. It serves 9 million veterans every year and provides care at more than 1,200 facilities across the country, including about three dozen in my State.

Some of those serve veterans very well, while others need significant investment to improve their services. Too many veterans still face obstacles to get the highest quality care through the VA system. I know veterans service organizations, some of the best groups

and civic organizations in our country—to name a few, knowing I will leave some out: the Disabled American Veterans, the American Legion, the AMVETS, the Veterans of Foreign Wars, the Paralyzed Veterans of America, the Polish American Veterans—all these organizations have said: We don't want to privatize the VA. We want improvements in the Veterans' Administration, but we want to keep it a public organization that serves veterans who fought for this country.

Just because the task to fix the VA is hard doesn't mean we abandon our responsibility to the men and women who served this country. We need to redouble our efforts to strengthen the VA, not tear it down and not privatize it.

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.

Mr. HOEVEN. Mr. President, I understand there is 4 minutes left, and I might go a few minutes over. I ask unanimous consent to complete my remarks.

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

Mr. HOEVEN. Mr. President, I rise in support of S. 140, as amended, the bill sponsored by the outstanding Senator from the great State of Kansas, Mr. MORAN. This bill affirms Tribal sovereignty and upholds the unique government-to-government relationship the United States shares with the Indian nations.

As chairman of the Indian Affairs Committee, I have long said there is far more common ground than division on Indian issues. Our committee has a strong tradition of working in a bipartisan manner to improve the lives of Indian people and to build stronger Native American communities.

With the support of Indian Country, we have successfully advanced important initiatives to support Tribal economic development, healthcare, public safety, and housing. Additionally, we have worked to support our many Native veterans. Native Americans proudly serve and defend our great country at some of the highest rates per capita of any ethnic group.

Of the 29 bills we have cleared through the Indian Affairs Committee this Congress, 18 have passed the Senate by unanimous consent and 4 have already been signed into law.

Jefferson Keel, lieutenant governor of the Chickasaw Nation and president of the National Congress of American Indians, recently stated in an op-ed piece to *The Hill*: "Both political parties have seen the wisdom of supporting strong tribal governments and tribal sovereignty and have to realize

that as the most local of governments, tribes know best how to solve local challenges."

Tribal sovereignty is the inherent right of Indian Tribes to govern themselves on their own lands, and it is the cornerstone of our government-to-government, nation-to-nation relationship. Today marks a real opportunity for the Senate to affirm and celebrate Tribal sovereignty and self-determination.

The Senate will be considering S. 140, as amended, "An Act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010." This bill combines both Republican and Democratic bills into three sections of S. 140. Each of these bills—S. 140, S. 249, and S. 63—all passed out of the Indian Affairs Committee with bipartisan support.

The first section of S. 140 would allow for a technical amendment so the White Mountain Apache Tribe can use all or a portion of already appropriated funds from a water rights settlement to complete their drinking water system in Arizona. This section was originally sponsored by Senators FLAKE and MCCAIN as S. 140. The bill was voice-voted out of the Indian Affairs Committee and passed the Senate by unanimous consent.

Section 2 of S. 140 would amend the Indian Long-Term Leasing Act so that the Pueblos of Santa Clara and Ohkay Owingeh are authorized to lease their respective Indian trust and restricted lands for up to 99 years. This is identical language to S. 249, a bill that was introduced by Senators UDALL and HEINRICH of New Mexico. That bill was passed by the committee on February 8, 2017.

Section 3 of S. 140 would amend and clarify the National Labor Relations Act so that Indian Tribes, Tribal governments, and tribally owned and operated institutions and enterprises that are located on Indian lands would be provided parity under the law with respect to other governments. This would reverse the 2004 National Labor Relations Board decision that found Tribal governments to be private organizations. That NLRB decision overturned years of precedent.

Let's listen to Tribal leaders. In his prepared statement to the Committee on Indian Affairs regarding the Tribal Labor Sovereignty Act of 2015, then-Governor Paul Torres of the Pueblo of Isleta stated:

This bill is essential to restore the dignity and equality of Indian tribes as sovereigns, which the National Labor Relations Board is seeking to deny us. The Board treats every sovereign, all the way down to local governments and political subdivisions of the state, as exempt from the National Labor Relations Act except for one—Indian tribes. It does so even though Congress made clear, when the NLRA was enacted, that the Act does not apply to sovereign entities. The NLRA does not mention Indian tribes and for a long time the Board recognized that the Act does not apply to Tribes. Since 2004, it wants that power—but it did not ask Congress for it. Nor did it ask the Tribes for their views.

So this clearly goes beyond what should be allowed under the law. We have accomplished a lot in our committee, and it is because we have listened to Tribal leaders and their communities. This bill, S. 140, has the support of every Tribal leader across the country, the National Congress of American Indians, the National Indian Gaming Association, the U.S. Chamber of Commerce, and many other organizations.

With that, Mr. President, I urge a “yes” vote on cloture and on passage of this bill.

With that, I yield the floor.

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 motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Qualification Act of 2010 to clarify use of amounts in the WMAT Settlement Fund.

Mitch McConnell, Cory Gardner, Orrin G. Hatch, Tom Cotton, Steve Daines, Roy Blunt, Mike Crapo, James E. Risch, Johnny Isakson, John Thune, Thom Tillis, James M. Inhofe, Pat Roberts, John Hoeven, John Boozman, Jeff Flake, Jerry Moran.

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 motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Qualification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted “yea”.

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH), is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—55

Alexander	Cassidy	Daines
Baldwin	Collins	Enzi
Barrasso	Corrigan	Ernst
Blunt	Cornyn	Fischer
Boozman	Cotton	Flake
Burr	Crapo	Gardner
Capito	Cruz	Graham

Grassley	King
Hatch	Lankford
Heinrich	Lee
Heitkamp	McConnell
Heller	Moran
Hoeven	Murkowski
Hyde-Smith	Paul
Inhofe	Perdue
Isakson	Risch
Johnson	Roberts
Kaine	Rounds
Kennedy	Sasse

NAYS—41

Bennet	Harris	Peters
Blumenthal	Hassan	Portman
Booker	Hirono	Reed
Brown	Jones	Sanders
Cantwell	Klobuchar	Schatz
Cardin	Leahy	Schumer
Carper	Manchin	Shaheen
Casey	Markey	Smith
Coons	McCaskey	Stabenow
Cortez Masto	Menendez	Van Hollen
Donnelly	Merkley	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Nelson	

NOT VOTING—4

Duckworth	Rubio
McCain	Tillis

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

MOTION TO REFER WITH AMENDMENT NO. 2229

Mr. MCCONNELL. Madam President, I move to table the motion to refer.

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

MOTION TO CONCUR WITH AMENDMENT NO. 2227

Mr. MCCONNELL. Madam President, I move to table the motion to concur with further amendment.

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

MOTION TO CONCUR WITH AMENDMENT NO. 2232

Mr. MCCONNELL. I move to concur in the House amendment to S. 140, with a further amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to concur in the House amendment to S. 140, with an amendment numbered 2232.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under “Text of Amendments.”)

CLOTURE MOTION

Mr. MCCONNELL. Madam President, I send a cloture motion to the desk on the motion to concur with further amendment.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 140, an act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund, with a further amendment.

Mitch McConnell, John Barrasso, Roy Blunt, Johnny Isakson, Todd Young, Tom Cotton, Tim Scott, Roger F. Wicker, Cory Gardner, John Thune, Jerry Moran, John Hoeven, Lamar Alexander, Pat Roberts, Mike Crapo, Jeff Flake, John Boozman.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the mandatory quorum call be waived.

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

Mr. MCCONNELL. I ask for the yeas and nays on the motion to concur with amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2233 TO AMENDMENT NO. 2232

Mr. MCCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2233 to amendment No. 2232.

Mr. MCCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end add the following.

“This Act shall take effect 1 day after the date of enactment.”

MOTION TO REFER WITH AMENDMENT NO. 2234

Mr. MCCONNELL. Madam President, I move to refer the House message on S. 140 to the Committee on Commerce with instructions to report back forthwith.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] moves to refer the House message to accompany S. 140 to the Committee on Commerce, Science, and Transportation with instructions to report back forthwith with an amendment numbered 2234.

The amendment is as follows:

At the end add the following.

“This Act shall take effect 2 days after the date of enactment.”

Mr. MCCONNELL. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2235

Mr. MCCONNELL. Madam President, I have an amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2235 to the instructions of the motion to refer.

Mr. McCONNELL. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike “2” and insert “3”

Mr. McCONNELL. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2236 TO AMENDMENT NO. 2235

Mr. McCONNELL. Madam President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2236 to amendment No. 2235.

The amendment is as follows:

Strike “3 days” and insert “4 days”

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 609.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of JAMES BRIDENSTINE, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

Mitch McConnell, John Hoeven, Johnny Isakson, James Lankford, Steve Daines, Mike Crapo, John Kennedy, John Barrasso, John Thune, Thom Tillis, Roger F. Wicker, James M. Inhofe, Richard Burr, Mike Rounds, Shelley Moore Capito, Tom Cotton, Cory Gardner.

Mr. McCONNELL. I ask unanimous consent that the mandatory quorum call be waived.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Madam President, I ask unanimous consent that the Senate resume 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.

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

VOTE EXPLANATION

• Mr. RUBIO. Mr. President, today I joined President Trump in Florida to discuss the benefits of the Tax Cuts and Jobs Act with local businesses. Due to these important discussions, I will miss today's vote.

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

VOTE EXPLANATION

• Ms. DUCKWORTH. Madam President, I was necessarily absent for vote No. 74 on the motion to invoke cloture on the motion to concur in the House amendment to S. 140. On vote No. 74, had I been present, I would have voted nay on the motion to invoke cloture on the motion to concur in the House amendment to S. 140.

AMENDING THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION BILL

Mr. INHOFE. Madam President, I am delighted the Senate has decided to take up S. 140, a bill to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify the use of amounts in the WMAT Settlement Fund which, in part, includes a bill I have cosponsored, S. 63, the Tribal Labor Sovereignty Act of 2017.

S. 63 is a much needed reform measure aimed at correcting excessive government overreach by the National Labor Relations Board, NLRB. In 2004, the NLRB overturned longstanding precedent by asserting its authority over Native American Tribes. The NLRB never should have expanded its authority to Indian Tribes located on Tribal land. This decision has caused tremendous legal confusion and stagnation of Indian business development. Fortunately, with passage of S. 140, the Congress is acting to address bureaucratic overreach by the NLRB. I urge my colleagues to support its passage.

NOMINATION OBJECTION

Mr. WYDEN. Madam President, I am putting a hold on the nomination of Mr. Jason Klitenic to be General Counsel of the Office of Director of National Intelligence. I intend to maintain the hold until there is a satisfactory response to the March 6, 2018, letter Senator GRASSLEY and I sent the Director of National Intelligence regarding the Intelligence Community Office of Inspector General, OIG, and the termination of its Executive Director of Intelligence Community Whistleblowing and Source Protection. To date, we have received no response to the letter, nor have we been provided the documents related to the Executive Director's termination requested in the letter.

My hold is not connected to the qualifications of Mr. Klitenic to serve in the position to which he has been nominated, and it is my intention to release the hold once my concerns related to the OIG are resolved.

I ask unanimous consent to have the March 6, 2018, letter printed in the RECORD.

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

MARCH 6, 2018.

Hon. DANIEL COATS,
Director of National Intelligence,
Washington, DC.

DEAR DIRECTOR COATS: We write to express deep concern about the Office of the Intelligence Community Inspector General (OIG) and to urge that you stay actions taken by the OIG pending confirmation of the new Inspector General. We are writing to you because the current acting leadership of the OIG is the subject of our concerns as well as the subject of allegations in connection with the specific personnel matter in question.

Late last week, the OIG's Executive Director of Intelligence Community Whistleblowing and Source Protection (the "Executive Director") was terminated in a process marked by procedural irregularities and serious conflicts of interest. Further, the termination of the Executive Director came after an extended period during which the acting leadership of the OIG demonstrated a lack of support for the critical whistleblower protection mission of the office.

The timing of these actions, which occurred during the confirmation process for Mr. Michael Atkinson to be the new Inspector General, is especially troubling. We are concerned that the termination of the Executive Director may constitute an effort to preempt the nominee's authority to make his own decisions upon confirmation. Moreover, during the nominee's hearing, multiple U.S. Senators expressed the expectation that the nominee would, if confirmed, address their concerns regarding the current acting leadership of the OIG and its approach to whistleblowers. We are concerned that any preemptive steps taken by the acting leadership risk undercutting the constitutional authority of the U.S. Senate to provide advice and consent through the confirmation process.

We therefore write with several urgent requests. First, on November 29, 2017, Senator Grassley sent you and the Acting Inspector General letters urging the preservation of all records relating to the Executive Director's then-proposed termination, as well as all the contents of the Executive Director's office.