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Senate

The Senate met at 9:30 a.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 Spirit, source of the light that never dims, empower us to glorify Your Name. Forgive us when we cast away our confidence in You. Lord, thank You for Your infinite goodness that directs our hearts to seek Your wisdom, power, and love.

Remember our lawmakers. Give them a faith that can overcome obstacles, challenges, and setbacks. Fill each of us with the joy and peace that comes from believing in You.

And, Lord, we thank You for the gift of Barbara Bush, as we praise You for her life and legacy.

We pray in Your strong 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. PAUL). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 57, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act.''

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided between the managers or their designees.

If no one yields time, the time will be charged equally.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

REMEMBERING BARBARA BUSH

Mr. MCCONNELL. Mr. President, the Senate pays tribute this morning to a beloved American who passed away yesterday.

To our 41st President, her lucky husband, Barbara Pierce Bush was a beloved wife and partner for more than seven decades. To the American people, whom she lovingly served as an exemplary First Lady, she was one of the most respected and well-liked public figures of her generation. And to the 5 children, 17 grandchildren, great-grandchildren, and all the family Barbara Bush leaves behind at the age of 92, she was a beloved matriarch. By all accounts, she was equally capable of building up those she loved most and poking fun at them when they deserved it. Put simply, Barbara was a founding partner of the most influential political family of our era.

The epic love story of George Bush and Barbara Pierce began at a Christmas dance in 1941. The intimacy of wartime love letters beat back the vastness of oceans, and they married just weeks after George returned from the Pacific.

George once wrote that his beloved wife has ''given me joy that few men know.'' Barbara put it this way just a few weeks before her passing: ''I am still old, and still in love.'' The love story grew and grew. Eventually, it incorporated the entire Nation.

Barbara embraced the mantle of ''America's grandmother.'' The self-deprecating humor in that title was classic Barbara, but her plainspoken humility concealed formidable strengths and talents. Even under all the bright lights and the pressures of public scrutiny, she always combined wit with warmth, smarts with common sense, and great toughness with greater compassion. The beneficiaries of these qualities were many. The cause of literacy, in particular, bids farewell to a devoted champion, but above all, Barbara's life was defined by love. She loved her husband and her family. She loved her country, and America loved her back.

Today, the Senate stands united, as does the Nation, with the Bush family and their great many friends. We join them in mourning their loss and in prayer.

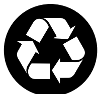
CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. President, later today, the Senate will vote on rolling back another piece of Obama-era overreach. Just like the historic 15 times we have already used the Congressional Review Act, the goal here is simple: We want to protect consumers and job creators from needless interference by the Federal bureaucracy. Today, thanks to Senators MORAN and TOOMEY, we can make it 16. We can nullify a particularly egregious overstep by President Obama's Consumer Financial Protection Bureau and notch another victory in this Congress's record of rolling back overregulation.

NOMINATION OF CARLOS MUNIZ

Mr. President, we will also vote to confirm President Trump's choice to serve as general counsel at the Department of Education, Carlos Muniz. This qualified nominee has been waiting for his confirmation vote since October. I would urge everyone to join me in voting to confirm him.

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



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COAST GUARD AUTHORIZATION BILL

Mr. President, we will also vote today to advance the Coast Guard Authorization Act. This is an important step for brave men and women whose work often flies under the radar. Today, as ever, the United States calls on our Coast Guard to carry out critical safety and security missions with little room for error. Just last year, Coast Guard personnel stopped over $7 billion in illegal drugs and contraband from crossing our borders. They guarded and maintained shipping lanes, and they risked their lives to lead heroic rescues after Hurricanes Harvey and Irma.

In addition to authorizing funding for the Coast Guard, this legislation includes a bipartisan measure that is particularly important to States with navigable inland waterways, such as Kentucky, Mississippi, Alaska, and others. I am very proud to have worked with Senators WICKER, SULLIVAN, THUNE, and RUBIO to make sure this provision was included. In Kentucky, 1,900 miles of navigable waterways are used to ship everything from agriculture to coal. They support 13,000 maritime jobs, and those jobs support countless others throughout America—moving food from the fields, energy to homes and businesses, and exports to market.

Our vessel owners and operators have been saddled with uncertainty. They have faced a patchwork of overlapping, duplicative regulations enforced by the Coast Guard, the EPA, and the States. This inefficient regulatory regime unnecessarily raises costs and jeopardizes jobs.

Our provision, the Commercial Vessel Incidental Discharge Act, would clean up that mess and make life easier for American mariners and vessel operators, while still protecting our environment. It would give them regulatory certainty and a single, uniform, cost-effective standard enforced by the Coast Guard. This predictable structure will protect our natural resources, while ensuring that commerce can flow freely to market.

This provision commands broad bipartisan support. It has been reported favorably out of the Commerce Committee six times during the last three Congresses, including when my Democratic colleagues controlled the committee.

I am glad that this year we have the opportunity to reauthorize funding for our Coast Guard and deliver this key victory at the same time.

TAX REFORM

Mr. President, on another matter, I noticed that a number of my Democratic colleagues attended a small protest rally yesterday. It was right here on the Capitol grounds. Apparently, it was put out by a number of leftwing pressure groups, including moveon.org, Planned Parenthood, and Big Labor.

What were they protesting out there? What outrage brought leading Democrats to join this protest on the east front of the Capitol? It turns out it was the fact that Republicans let middle-class families and American small businesses keep more of their own money. That is right. The Democrats are rallying to repeal the tax cuts. Never mind that our own pro-growth tax reform has led to thousand-dollar bonuses, pay raises, educational opportunities, or other new benefits for literally millions of Americans. Democrats still want to repeal it. Never mind the new estimate that says tax reform will yield more than 1 million new jobs in the next decade or the fact that jobless claims are at their lowest levels since—listen to this—1973.

No amount of good news will shake Democrats' confidence that they know how to spend the American people's money better than the American people themselves. My friend the Democratic leader said so right here on the floor a few weeks ago. This is exactly what he said: ''There are much better uses for the money.'' Really? On average, a family of four earning a median income will save about $2,000 on their taxes. I don't think a middle-class family will have difficulty finding good ways to use $2,000. They certainly don't need a bureaucrat to do it for them. Maybe they need a new washer and dryer or a new refrigerator. Maybe it will help them make the downpayment on a second car. Maybe they will use it to keep up with rising health costs since ObamaCare has utterly failed to keep costs down for American families. Whatever they choose, I am glad Republican tax reform is letting hard-working parents keep more of their own money.

But my Democratic colleagues obviously disagree. They are rallying to take back—to take back—that family's money so they can spend it themselves. They are so out of touch that they scoff at $2,000 tax cuts, thousand-dollar bonuses, and permanent wages increases for hourly workers. They call them ''crumbs''—''crumbs.'' To be fair, in the wealthiest parts of San Francisco or New York, maybe $1,000 does look like a rounding error. We know those are the places our Democratic colleagues are literally focused on. When President Obama was in power, Democratic policies fueled an incredibly uneven economic recovery. By one estimate, the biggest, richest urban areas captured 73 percent of all job gains.

Meanwhile, millions of Americans in smaller cities, small towns, and rural areas saw little or no progress. Believe me, after years of being left behind by Democratic policies, the middle-class Kentuckians I represent and hard-working Americans all over the country do not see a $1,000 bonus or a $2,000 tax cut as ''crumbs.''

Democrats protest America's tax cuts, bonuses, and new jobs. They can protest it all they want to, but Republicans will keep defending middle-class families.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I want to briefly address an issue that has been raised in the context of the vote we will have later today. As you know, later today we will be using the Congressional Review Act to repeal a very ill-conceived regulation imposed by the CFPB. Some of our colleagues and some outside this Chamber have suggested that it is somehow problematic to use the Congressional Review Act—to use this device—for the repeal of a regulation that is promulgated by guidance as opposed to those regulations promulgated in accordance with the Administrative Procedure Act, which we usually refer to as a rule, or a rulemaking.

The reality is that the applicability of the Congressional Review Act to a guidance, in my view, is very obvious and very well-established and should not be controversial. I understand that people might like the CFPB's rule, which I don't, but to suggest that because they issued it through a guidance rather than through the appropriate rulemaking process, we shouldn't be using the Congressional Review Act, I think, is completely mistaken.

First of all, there is the CRA's definition of a rule. It is very broad and intentionally so. I will quote in part that definition. It says: ''The whole or a part of an agency statement of general or particular applicability.''

The text says nothing about limiting the Congressional Review Act procedural device to formal rulemakings that follow from the Administrative Procedure Act. It is much broader than that. Instead it says: ''The whole or a part of an agency statement.''

You don't have to just take my word for this. You could go back to the statements of the authors of the Congressional Review Act itself, the legislation that makes this vote today possible. One of the authors was none other than Harry Reid, the former Senate majority leader and Senate minority leader. Senator Reid was very clear about the intention. He and Senator Nickles, at the time, and Senator Stevens put out a joint statement, which I will quote. It is brief, but it is important. It says:

> The authors are concerned that some agencies have attempted to circumvent notice-and-comment requirements by trying to give legal effect to general statements of policy, ''guidelines,'' and agency policy and procedure manuals. The authors admonish the agencies that the APA's broad definition of ''rule'' was adopted by the authors of this legislation [the CRA] to discourage circumvention of the requirements of [the] chapter.

Here is the irony implied by the position of those who suggest we can't use the Congressional Review Act to repeal a guidance. What they really are suggesting is that the regulators and the agencies ought to be able to circumvent the very public process that is established in law—the Administrative Procedure Act—for rulemaking. They ought to be able to avoid the need to collaborate with other regulators to

issue a proposed rule to the public for an extensive comment period and to make it subject to scrutiny—all of the things we demand of a proper rulemaking so that we end up with a better rule—right?—one that has been vetted, one that has been fully considered.

What you are saying is that the CRA is not applicable. When this is done by a guidance, you create an incentive for the agency to circumvent this very public scrutiny so that they can impose their will directly without it. That would clearly be a terrible outcome. Fortunately, the authors of this legislation wrote it precisely so that it could apply to a guidance, and they made it clear that was the outcome they wanted.

It doesn't end there, though. There have been more than a dozen instances already when Members of the Senate have asked the GAO to review guidance to determine whether that guidance rises to the level of importance and has the nature of a rulemaking so that it would be subject to the Congressional Review Act. As a matter of fact, within a single year of the passage of the Congressional Review Act, Congress asked GAO to review a guidance for this purpose. This has been done many times. In fact, it is our Democratic colleagues who set the precedent for attempting to overturn a guidance after the traditional CRA time window had expired because the guidance was not in the nature of a formal rulemaking.

In 2008, there was an effort by Senators Rockefeller and Baucus to overturn a CHIP guidance and to use the Congressional Review Act to do it, exactly as we are going to use today the Congressional Review Act to overturn a different guidance. That effort by Senators Rockefeller and Baucus had 41 cosponsors, including then-Senator Obama, Senators Biden, Clinton, Schumer, Durbin, Brown, and many other Democratic Senators who are still serving today. Senator Baucus, a Democrat, laid out the case. He said:

> One agency attempted to ignore its obligations and circumvent the process established by the CRA. And the agency should not be rewarded.

I couldn't agree more. He is exactly right. Here is more from Senator Baucus:

> This resolution is a way for Congress to send the message that it expects agencies to comply with the law. Congress should stand up for itself and disapprove of this rule, because it was not promulgated properly.

It makes perfect sense to be able to overturn a guidance that has the force of a rule, which is to say—really, let's be honest—the force of law was always contemplated as part of the CRA, and our Democratic colleagues attempted to use it for that very purpose. To do anything else would be to encourage the agencies to sneak around the Administrative Procedure Act, to avoid the public scrutiny and disclosure requirements, and promulgate rules through guidance routinely.

There is another more fundamental issue that I think we should be acknowledging; that is, the use of the Congressional Review Act is a really important—a modest but important step in the direction of restoring accountability to Congress.

As the Presiding Officer understands very well, the Constitution is completely unambiguous. It is very clear. Legislative authority is vested in Congress. It is supposed to be our responsibility to write the laws, but we delegate a huge amount of authority and power to the executive branch. We say: Well, you write these rules. Maybe, it is too complicated or, maybe, we don't want to be held accountable for the outcome. It happens all the time. There has been a huge shift whereby the permanent bureaucracy, the administration, has an enormous amount of power to effectively write laws. We call them rules, sometimes guidance, but they have the power of law. They have the force of law. They are not optional. They are imposed on whatever industry or individual is subject to them. At a minimum, I think, Congress ought to be reviewing this. This is a mechanism for holding Congress accountable for the rules that we tolerate the agencies to promulgate. I think it is a really important step in that direction.

Again, to summarize, the use of the Congressional Review Act to repeal a guidance is well established. It is consistent with any plain reading of the law. It is consistent with the intent of the authors at the time. Congress has attempted to do so in the past. Democrats have attempted to do it, and it is a modest but important step in restoring the accountability of Congress with respect to the regulations that we encourage the executive branch to promulgate. There is no evidence that this somehow opens a floodgate of repeal, as some have suggested. But any guidance—in fact any rulemaking, I think, ultimately should be subject to congressional review because, after all, it is our authority in the first place that is used to generate it. I am pleased that we were able to agree to the motion to proceed yesterday. My understanding is that we will be voting sometime around noon or so on this. I urge my colleagues to vote in favor of repealing this ill-conceived regulation and restoring some modicum of congressional accountability to the rulemaking process.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

REMEMBERING BARBARA BUSH

Mr. SCHUMER. Mr. President, first, I send my heartfelt condolences to the Bush family on the passing of former First Lady Barbara Bush. Simply put, Mrs. Bush was the personification of grace and class as First Lady and as a human being throughout her life. She will be missed by people on both sides of the aisle and by all Americans.

FOREIGN POLICY

Mr. President, let me begin with the issue of our Nation's foreign policy.

Over the weekend, the Ambassador to the U.N., Nikki Haley, went on national television to announce a new round of sanctions against Russia for enabling the brutal Assad regime to commit chemical weapons attacks against its own people. Only 24 hours later, the White House reversed course, and senior administration officials blamed Nikki Haley for being ''confused.''

The word ''confused'' may, in fact, define this administration's foreign policy. Does anyone at the White House talk to each other? Is there a coordinated strategy or is our foreign policy completely subject to the President's fleeting whims, changing as they do, day-to-day and moment-to-moment, often being guided by what some commentator says on television? Unfortunately, that is what it looks like from the outside, and it is going to put America and our interests abroad in danger.

Predictability and consistency in foreign policy are not boring. They are fundamental assets. It lets our allies know that we will support them, and it lets our adversaries know that they cannot get away with violating national norms. The erratic nature of this administration's foreign policy, exemplified by the abrupt reversal of Nikki Haley's announcement, is something all Americans should be worried about.

All Americans should be concerned about President Trump's disturbing decision to pull back from sanctioning Russia for its support of Assad and for its enabling of his use of chemical weapons in the wanton murder of his own people. This extends a sad pattern of inconsistency toward Russia's malign activities, both here in America and across the globe, when what is required of this administration are more aggressive, comprehensive, and consistent policy actions that impose on Putin and his allies sufficient costs to change their behavior.

A second foreign policy issue is the administration's ongoing efforts to secure a diplomatic deal with North Korea. We all want diplomacy to succeed with North Korea. My primary concern with the President and his efforts with respect to North Korea relate to preparation and to discipline. We are all aware that the President makes decisions about sensitive issues without seeking—or in spite of—expert advice. Indeed, his decision to move forward with the North Korea summit was an example of this type of decision making. Yet, whether or not there is ever a time and place for this sort of

decision making, it is unquestionably the wrong way to approach a tense summit between two nuclear-armed adversaries.

We should all root for a diplomatic solution to the decades-long North Korean conflict because we know the costs of war on the Korean Peninsula would be catastrophic. That is why the United States should pursue a diplomatic opening, including through direct diplomacy with Pyongyang. Yet, thus far, we have not seen any indication that North Korea is willing to take concrete measures toward denuclearization.

We have read this book before, and I am concerned that the administration, without its having a clear or coherent strategy, is buying a pile of magic beans at the cost of our allies and partners and our own security. As Secretary Gates once said, ''I'm tired of buying the same horse twice.'' There is a diplomatic pathway forward with North Korea. It is just not clear that President Trump is on it or would even know how to find it or stay on it.

TRADE

Mr. President, on another matter, trade, the President and I don't agree on a whole lot, but on the issue of China's rapacious trading policies, we see eye to eye. Presidents from both parties, in my estimation, have failed to act strongly enough against the threat posed by China. President Trump, unlike both Presidents Bush and Obama, is finally doing something about it. I remain disappointed, however, that the President passed up the opportunity, once again, to label China as a currency manipulator.

Nonetheless, yesterday, a really good thing happened. The FCC voted unanimously to advance a measure to limit the ability of Chinese telecom companies to sell in the United States—chiefly Huawei and ZTE, two major Chinese telecom companies. Huawei and ZTE are both state-backed companies. Their effort to enter the American market is a great example of how China attempts to steal our private data and intellectual property. The FCC has said that allowing these two companies into the United States would pose a national security threat because it would give state-backed Chinese companies ''hidden 'back doors' to our networks'' that would allow them ''to inject viruses and other malware, steal Americans' private data, spy on U.S. businesses, and more.'' Those are the FCC's words.

The United States is a world leader in high-tech manufacturing and development, so, naturally, China's Government is going after that lucrative industry and continues to try to steal its way to a competitive advantage. Every one of our top industries that employs millions of Americans in good-paying jobs and makes our economy the envy of the world is targeted by the Chinese. This one is no different.

So I applaud the FCC's decision and President Trump for pursuing a tough course of action against China and its rapacious trading policies. The President is exactly right about China in that it seeks to take advantage of the United States in innumerable ways by undercutting our products, stealing our intellectual property, and denying American companies market access. I strongly encourage the FCC to finalize this measure, and I encourage President Trump to stick with his tougher posture toward China.

LEGISLATION BEFORE THE SENATE

Mr. President, finally, a note about floor action this week. The Republicans are pushing, in succession, legislation that hurts labor rights and working people, consumers, the environment, and communities of color. President Trump, during his campaign, would often wonder aloud about what these folks had to lose by voting for him. Now we know.

The Republican majority seems intent on putting forward heavily partisan bills that have no chance of passing or have little practical impact but are simply designed to be divisive. That is not going to get us anywhere, and it is turning the Senate, which all of us want to be a deliberative, bipartisan body, into a bit of a farce this week—no debate, no amendments.

So I suggest to my colleagues on the other side: Let's get back to pursuing bipartisan accomplishments that actually advance the interests of the American worker, the American consumer, and the middle class. After all, that is what we were elected to do.

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. MORAN. 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. MORAN. Mr. President, thank you very much.

I come to the floor again today to visit a moment about S.J. Res. 57. It disapproves the CFPB guidance on indirect auto lending. This is a piece of legislation I introduced, and I appreciate the strong and valuable assistance I have had from the Senator from Pennsylvania, Mr. TOOMEY, and certainly the chairman of the Banking Committee, the Senator from Idaho, and other colleagues.

I want to talk just a moment about process, the use of a CRA, and the fact that the CFPB utilized what they called guidance as compared to a rulemaking process.

I want to make certain that my colleagues understand that Agencies and Departments still would be encouraged to put out guidance to ensure appropriate compliance with the law. This CRA resolution ought not have a chilling effect on guidance because guidance is a useful tool. It can be helpful to those who are being regulated, but it needs to be issued for traditional purposes—guidelines for complying with Federal law.

One of the CFPB's errors in issuing this guidance in this instance was that they proceeded down the path of an aggressive enforcement action in search of market-tipping settlements. If enforcement action is desired on the part of the agency, then a full rulemaking process ought to be conducted, and that is what the CFPB did not do. The CFPB used the guidance as an enforcement weapon instead of guidance in its more traditional and helpful purpose. It is important that we in Congress reorient the guidance process back to its intended form by ensuring that the CFPB cannot replicate its mistakes with regard to indirect auto lending.

The authors of the Congressional Review Act that we are operating under on this resolution, Senators Nickles, Reid, and Stevens, in the CONGRESSIONAL RECORD of April 1996, said: ''The authors are concerned that some agencies have attempted to circumvent notice-and-comment requirements by trying to give legal effect to general statements of policy, 'guidelines,' and agency policy and procedure manuals.''

Even in 1996, my previous colleagues were concerned about what actually transpired at the Consumer Financial Protection Bureau. Clearly, the CRA was passed in 1996 with the understanding that agency guidance had been used inappropriately.

It is important for Congress to reassert its role in policymaking from the executive branch. All Members of Congress ought to be committed to conducting oversight over the rest of the Federal Government. Failure on the part of Congress to hold Federal agencies to account when they stray from their statutory and congressionally intended jurisdiction means we will get de facto legislation being originated in the executive branch. This effort is about making certain that the form and function of the Federal Government is accountable to the American people.

Kansans hold me to account for the actions I take in Washington, DC, on their behalf. In turn, they expect me to hold other components of their government to account. Congress is the link between the American people and the Federal Government. I will continue to use the position that Kansans have entrusted to me to make certain I am representing their interest in Washington, DC, and can do so only by working with my Senate colleagues to oversee and correct mistakes made by other branches of the government. Today, we will do that with the adoption of S.J. Res. 57.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

REMEMBERING BARBARA BUSH

Mr. SULLIVAN. Mr. President, I want to say a few words—I know a number of my colleagues have—before I start my discussion on the very important Coast Guard bill we are debating on the floor.

America lost a wonderful example of a strong woman, Mrs. Barbara Bush, yesterday. I think the entire country and I know the whole Senate sends its prayers and condolences to the Bush family.

If you want an example of an American citizen who represents strength, dignity, and class, and who really served our Nation so well, it was Barbara Bush. The thoughts and prayers of the Senate are with the Bush family right now.

COAST GUARD AUTHORIZATION BILL

Mr. President, as the Presiding Officer who sits on the Armed Services Committee with me knows, each year this body, the Congress—House and Senate—passes the Defense Authorization Act or the NDAA as it is called. It is an important bill. It moves forward the policies and authorizations of spending for the men and women serving in the military. It can be contentious, but at the end of the day for over a half century we have moved that bill forward each year.

We always forget one of the branches of the U.S. military—the men and women who serve in the Coast Guard of the United States of America. We don't always move the Coast Guard Authorization Act forward. That is not because they are not as important as the other Members of the military. In some ways, it is just a twist of the organization here in Congress. The Coast Guard is under the jurisdiction of the Commerce Committee not the Armed Services Committee and is under the executive branch jurisdiction of the Department of Homeland Security, not the Pentagon. It is still an incredibly important organization for all of us, and so today we are going to vote on the Coast Guard Authorization Act, that we should be moving every year just like we move the NDAA because the men and women who serve in the Coast Guard are some of America's finest citizens.

I see my colleague from Mississippi, Senator WICKER, joining me on the floor. We have been working on this bill, the Coast Guard Authorization Act, for about 1 year now. We faced a lot of roadblocks, and we have moved forward on a bipartisan basis to finally get this important bill to the floor.

As the chairman of the subcommittee in charge of the Coast Guard, I feel it is very important to take a minute on the Senate floor to speak about what the men and women in our Coast Guard do on a daily basis so everybody, the people watching back home and the people in my State, the great State of Alaska, know just how important the Coast Guard is and how we are focusing on them.

Many people in the country know the Coast Guard as the heroic Americans who literally come out of the sky to rescue us when we are in trouble, particularly on the high seas. I have heard them described as angels in helicopters with courage and dignity and strength. When they show up, it is certainly America witnessing its very best.

Let me give just a few examples of what the Coast Guard does on a daily basis—certainly in my State. Here are a few examples from just the past few weeks:

In Oregon, a Coast Guard aircrew rescued four commercial fishermen after their 54-foot fishing vessel capsized off the coast of Rockaway Beach.

In Kauai, HI, the Coast Guard is assisting in recovery efforts following a storm dropping more than 27 inches of rain, causing severe flooding.

On Sunday, the Coast Guard rescued four people from the water in Blackwater Sound near Key Largo, FL, and they rescued eight people aboard a disabled vessel just a few days ago near Pensacola Bay Bridge, FL.

In New York, the Coast Guard crew just medevacked a 25-year-old man from a fishing vessel.

In my great State of Alaska, the Coast Guard is vital. Alaska has more coastline than the rest of the country combined. Think about that. Just in the past few weeks, there have been numerous rescues, as there typically are in Alaska given our tough weather, including a 44-year-old man from a fishing vessel outside of Dutch Harbor, a 59-year-old man from the waters off the Aleutian chain, and another 43-year-old man who was stranded on the barrier islands—just in the last couple of weeks.

Every one of these individuals—Americans—is alive today because of the Coast Guard. They are someone's father, brother, mother, daughter. They are someone's loved ones, and the men and women of the U.S. Coast Guard had the courage to go out and rescue them.

All in all, in addition to numerous humanitarian and law enforcement operations, including drug interdictions and coming to the rescue of hundreds of migrants who were on overcrowded and unsafe vessels, the Coast Guard is working 24/7 for us, 365 days a year. Their mission also includes icebreaking, marine and environmental protection, port security, international crisis response—the response to hurricanes that so many Americans saw over the last several months—and readiness to support Department of Defense operations, as they are the fifth branch of the U.S. military. Sometimes we forget that.

So this bill that we are debating right now and that we are going to be voting on in a little bit here on the Senate floor is the bill that sets the policies, the spending authorization, and the readiness standards for the entire U.S. Coast Guard. It is enormously important, and I believe it should pass in a bipartisan way—the way it passed out of the Commerce Committee—with a strong vote from Senators, Republicans and Democrats, on both sides of the aisle.

The Coast Guard Authorization Act also contains many important items for our fishermen, fisheries, maritime industries, maritime unions, and maritime workers. Let me give some important examples.

Included in this legislation is language to permanently fix issues that have plagued our fishermen and our commercial vessel owners and operators in the maritime industry and the workers in that industry for decades. We have an opportunity here to make good policy—again, bipartisan policy—that we have been debating for years in the Congress.

Currently, our fishing fleets and vessel owners and operators are forced to comply with a patchwork of burdensome Federal and State regulations for ballast water and incidental discharges.

Let me start by talking about the incidental discharges. If you are a commercial fisherman on a vessel and you catch some fish and you want to hose off your deck because you have fish parts where you may have gutted and headed fish—let's face it, the fishing industry can be a bit messy—under current law, believe it or not, you have to get permission from the EPA to do this. You need a permit, and if you don't have one, you can face a fine. OK, think about that. You have taken a fish out of the water. You have processed it. You are hosing down your deck. It has some fish guts on it. For the fish parts to go back into the ocean, you need a permit. Yes, everybody in the country thinks this is ridiculous, and it is. It creates inefficiencies, adds business costs, inhibits economic prosperity in States like mine, certainly, and it kills jobs.

Most fishermen—most fishing vessels—are small business owners. They are the ultimate small business owners. They take risks. They work hard. They create and produce a great product, such as wild Alaska salmon. Yet we are regulating them with these kinds of inefficient regulations that nobody supports. It is just another burden that we put on the men and women who are actually trying to make a living and create economic opportunities for others. So this bill, which has strong bipartisan support, does away with that because it makes no sense.

Another provision in this bill tries to cut through a patchwork of burdensome State regulations for vessel ballast water. Currently, ballast water is regulated under both the Coast Guard and the EPA—dual regulations. That is trouble enough. They each have separate and inconsistent and sometimes directly conflicting sets of Federal requirements, and then you layer on State requirements too.

Let me give an example. You are a commercial vessel owner/operator going up the full length of the Mississippi River. Right now, not only must you comply with the inconsistent Coast Guard and EPA requirements, but you also have to comply with different and separate requirements from Minnesota, Wisconsin, Iowa, Illinois, Missouri, Arkansas. Again, it makes no sense. There are 25 States regulating

ballast water under separate, inconsistent, and often directly conflicting sets of requirements. This cripples not only the American economy but also the hard-working men and women of our country who work in the maritime industry.

By the way, it makes it more likely that invasive species—a very real and serious issue—will accidentally be introduced because there is such a conflicting patchwork of regulations. I am very aware of the invasive species issues that plague different States. There are a lot of concerns we have heard, and certainly we have addressed it in this bill—from the Great Lakes.

If the current patchwork system worked, well, I think a number of us would be supportive, but it simply doesn't work. It is not working at all, and it is only getting worse. This confusing array of requirements will only continue to grow, confusing vessel owners and operators and their workers and making it literally almost impossible to comply. The EPA says one thing, the Coast Guard says another thing, and 25 different States say 25 different other things.

One person who knows this issue very well is the current Commandant of the Coast Guard, Admiral Zukunft. Just yesterday, he told the House Appropriations Committee that ''it makes sense to have one entity'' regulating vessels—at very high standards but one entity. ''I really put myself in the shoes of a mariner,'' he said, talking about how difficult it is with the current system. ''Competing entities doing the enforcement operations'' is not working. He said that the Coast Guard understands the issue best, understands the mariners, and also, importantly, understands the technology.

Even the EPA has said that the rules developed by the Coast Guard, which knows this issue best, will work for them because our bill requires concurrence with the EPA. Under the legislation that we are debating right now in the Senate, you cannot set a standard unless the EPA concurs, which is important. They essentially have a veto over this, but they know that the Agency that is best suited to regulate moving vessels on the water is not their Agency—the professional staff of the EPA have said that—it is the Coast Guard, which is where we put the regulatory authority in this bill.

Further, under the bill, States have the authority to enforce the Federal regulations regarding ballast water and incidental discharge. So the States still have a lot of power and authority on the enforcement side in this bill.

This confusing patchwork of regulations only diminishes the overall effectiveness of U.S. efforts to meet the high environmental standards that we all want. We need strong, uniform, national standards to keep our waters clean and to defend against invasive species, and we also need these standards so the workers and the people in this industry—a huge industry for America—can go and do their job.

The good news here is that we have been working on this issue for at least the past 3 years that I have been in the Senate, but we have really been working on it for decades. For the most part, we have had strong bipartisan support to get this bill done. Let me give some examples.

There are 23 Members from both sides of the aisle who have cosponsored these vessel incidental discharge provisions that I am talking about—23 cosponsors. Many more signed on to a letter of support for this, Democrats and Republicans.

This bill has been voted out of committee several times. It has strong bipartisan support—including when the Democrats were in control of the Senate a couple years ago. We all worked diligently to make sure we addressed all the issues and concerns raised by many Members, and we even got some longtime opponents to come over and support this bill, again through the great work of my colleague from Mississippi. Let me give another example of that.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of support from a very broad-based group of unions, workers, small businesses, maritime operators, and fishermen.

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

APRIL 16, 2018.

DEAR SENATOR: We are writing to express our strong support for Title VIII of S. 1129, the Coast Guard Authorization Act of 2017, the bipartisan Vessel Incidental Discharge Act (VIDA). Our organizations represent U.S. and international vessel owners and operators; fishing vessel, passenger vessel and charterboat operators; labor unions; marine terminals and port authorities national business organizations; and industries that rely on maritime shipping to transport essential cargoes in domestic and international commerce.

VIDA is the product of bipartisan leadership and negotiation to construct a framework that will protect our waterways, foster efficient and cost-effective maritime commerce, and maintain appropriate roles for the Coast Guard, EPA and states. It is imperative that this legislation be enacted without further delay. We respectfully urge you to support the motion to proceed, cloture and final passage of S.1129.

VIDA, which currently has 24 bipartisan Senate cosponsors and 37 bipartisan House cosponsors, would eliminate a regulatory burden hindering interstate and international commerce by replacing a patchwork of federal and state regulations with uniform national standards for the regulation of ballast water and other discharges incidental to normal vessel operations. The bill would also maintain protective measures jointly undertaken by industry and federal agencies to reduce the movement of invasive species on the navigable waterways.

Without VIDA, commercial vessel owners will spend millions of dollars installing onboard equipment to comply with Coast Guard and EPA requirements, but still be at risk of fines and penalties for violating state requirements that cannot be met by existing technology. This overlapping patchwork of federal and state regulations kills jobs, undermines the efficiency of maritime transportation, increases business costs, and places mariners at risk of civil and criminal prosecution. It also delays investments in treatment technology that will strengthen environmental protection.

VIDA would provide vessel owners and mariners with a predictable and transparent regulatory structure in which vessel incidental discharges are regulated and enforced by the U.S. Coast Guard, using as its baseline the ballast water discharge standard that EPA's Science Advisory Board has determined to be the most stringent currently achievable. The bill will ensure the installation of high-performing technologies on commercial vessels, and allows for improvements in the national standard as technology improves. VIDA also preserves the ability of states to enforce the federal ballast water discharge standard, petition for a higher standard, work with Coast Guard to develop best management practices, and regulate recreational vessels operating in their waters.

VIDA will also permanently exempt fishing vessels and vessels under 79 feet from EPA's National Pollutant Discharge Elimination System permit program. These vessels have been operating under a series of temporary exemptions enacted by Congress. Permanent relief is needed for the operators of these vessels, as long-term regulatory certainty is needed for the operators of large commercial vessels.

VIDA will strengthen protections for America's waterways, provide a stable regulatory structure for interstate and international maritime commerce, and eliminate needlessly duplicative regulatory programs. Please support passage of the Coast Guard Authorization Act of 2017.

Respectfully,

ADM; AccuTrans, Inc.; AEP River Transportation; AK Steel; Alabama Charter Fishing Association; Albany Port District Commission; Alaska Charter Association; American Association of Port Authorities; American Commercial Barge Line LLC; American Fuel & Petrochemical Manufacturers; American Great Lakes Ports Association; American Institute of Marine Underwriters (AIMU); American Iron and Steel Institute; American Maritime Congress; American Maritime Officers; American Maritime Officers Service; American Petroleum Institute; American Petroleum Tankers; American President Lines, LLC; American River Transportation Company.

American Roll-on Roll-off Carrier (ARC); American Steamship Company; American Tunaboat Association; Amherst Madison, Inc.; Andrie Inc.; ArcelorMittal USA; Armstrong Steamship Company; Associaçao E6 de Armadores da Marinha do Comércio; Atlantic Intracoastal Waterway Association; Atsea Processors Association; Avalon Freight Services; Bahamas Shipowners Association; Bay Shipbuilding Company; Baydelta Maritime; Bay-Houston Towing Company; Beach Haven Charter Fishing Association; Bell Steamship Company; Benchmark Marine Agency; Blessey Marine Services, Inc.; Borghese Lane LLC.

Bren Transportation Corp.; Brown Water Marine Service, Inc.; Buffalo Marine Service, Inc.; C & J Marine Services, Inc.; C&M Shipping & Trading Agency, Inc.; Callais & Sons, LLC; Calumet River Fleeting, Inc.; Campbell Transportation Company, Inc.; Canal Barge Company, Inc.; Canfornav Ltd.; Cape Cod Charter Boat Association; Carmeuse Lime and Stone; Central Boat Rentals, Inc.; Central Dock Company; Central Marine Logistics; CGBM 100, LLC; Chamber of Marine Commerce; Chamber of Shipping (Canada); Chamber of Shipping of America; Channel Design Group.

Charterboat Association of Puget Sound; Chesapeake Bay Charter Boat Association;

Chicago & Western Great Lakes Port Council, MTD, AFL-CIO; Chicago Sportfishing Association; Chincoteague Island Charterboat Association; City of Superior, Wisconsin; Cleveland-Cuyahoga County Port Authority; Cliffs Natural Resources Inc.; CN, Duluth, MN; ConocoPhillips; Consumer Energy; Consumer Energy Alliance—Midwest; C-PORT, Conference of Professional Operators for Response Towing; Crounse Corporation; Crowley Maritime Corporation; Cruise Lines International Association; CSX Transportation, Toledo Docks; Cyprus Shipping Chamber; D & S Marine Service, L.L.C.; Daniels Shipping Service.

Dann Marine Towing, LC; Dann Ocean Towing, Inc.; Deale Captains Association; Deloach Marine Services; Detroit-Wayne County Port Authority; Devall Brothers Barge Line II, LLC; Devall Brothers Towing II, LLC; Devall Commercial Barge Line, LLC; Devall Diesel Services, LLC; Devall Enterprises, LLC; Devall Offshore Barge Line, LLC; Devall Offshore, LLC; Devall Resources, Inc.; Devall Third Generation Towing, LLC; Devall Towing & Boat Service of Hackberry, L.L.C.; Dock 63; Donjon Marine Co., Inc.; Donjon Shipbuilding & Repair; Dredging Contractors of America; DTE Electric Co.

Duluth Seaway Port Authority; Durocher Marine; E Squared Marine Service, LLC; E.N. Bisso & Son, Inc.; Eastern Lake Erie Charterboat Association; Edw. C. Levy Co.; Ergon Marine and Industrial Supply; Erie-Western Pennsylvania Port Authority; European Community Shipowners' Associations; Evansville Marine Service, Inc.; Faroese Merchant Shipowners Association; Faulkner, Hoffman & Phillips; Fednav Ltd.; Fishing Vessel Owner's Association; Florida Guides Association, Inc.; Foss Maritime Company; Fraser Shipyards; General Marine Services LLC; Genesee Charter Association, Inc.; Global Marine Transportation, Inc.; Golden Gate Fishermen's Association.

Golding Barge Line, Inc.; Grand River Navigation Company; Great Lakes District Council-ILA, AFL-CIO; Great Lakes Dredge & Dock Company, LLC; Great Lakes Fleet; Great Lakes Maritime Task Force; Greater Point Pleasant Charter Boat Association; Gulf Intracoastal Canal Association; Hackberry Land, LLC; Hallett Dock Company; Harbor Towing & Fleeting, LLC; Harley Marine Services; Hawaii Resource Group LLC; Higman Marine Services, Inc.; Homer Charter Association; Hong Kong Shipowners Association; Hughes Bros., Inc.; Huntington District Waterways Association; ILA Lake Erie Coal & Ore Dock Council; ILA Local 1317.

ILA Local 1768; Illinois Chamber of Commerce; Illinois International Port District; Illinois Marine Towing, Inc.; Ilwaco Charter Association; Indian National Shipowners' Association; Indiana's North Coast Charter Association; Ingram Barge Company; Inland Lakes Management; Inland Marine Service; Int'l Association of Machinists & Aerospace Workers District Lodge 1943; Int'l Association of Machinists & Aerospace Workers District Lodge 4; Int'l Association of Machinists & Aerospace Workers District Lodge 60; Int'l Association of Machinists & Aerospace Workers District Lodge 65; Int'l Association of Machinists & Aerospace Workers District Lodge 98; Integrity—Black Lake Fleeting Services, LLC; Integrity Terminal and Marine Services, LLC; International Association of Drilling Contractors; International Association of Machinists & Aerospace Workers; International Brotherhood of Boilermakers.

International Chamber of Shipping; International Longshoremen's Association; International Organization of Masters, Mates & Pilots; International Propeller Club of the United States; International Shipmasters' Association; International Shipmasters' Association (St. Catharines ON); International Union of Operating Engineers, Locals 49, 139, 150 and 324; InterShip, Inc.; INTERTANKO; Irish Chamber of Shipping; J&J Maritime Operators, LLC; Jacksonville Marine Transportation Exchange; James Transportation, LLC; JANTRAN, Inc.; Japanese Shipowners' Association; JB Marine Service, Inc.; JEFFBOAT LLC; Juneau Charter Boat Operators Association; K&L Gates LLP; Kindra Lake Towing, LP.

Kirby Corp.; Lake Carriers' Association; Lake Erie Ship Repair & Fabrication; Lake Michigan Carferry Service; Lake Michigan Yachting Association; Lakes Pilots Association; LeBeouf Bros. Towing, LLC; Liberian Shipowners' Council Ltd; Liberty Maritime Corporation; Lorain Port Authority; Louisiana Association of Waterways Operators and Shipyards; Luedtke Engineering Company; M&P Barge Company, Inc.; Maersk, Inc.; Magnolia Marine Transport Co.; Maine Association of Charter Captains; Manatee County Port Authority; Marco Island Charter Captains Association; Marine Engineers' Beneficial Association; Marine Tech.

Maritime Association of the Port of New York-New Jersey; Maritime Institute for Research and Industrial Development; Maritime Port Council of Greater NY/NJ & Vicinity; Maritime Trades Department, AFL–CIO; Marquette Transportation Company, Inc.; Maryland Charterboat Association; Maryland Port Administration; McAllister Towing; MCM Marine; Metal Trades Department, AFL–CIO; Michigan City Charterboat Association; Michigan Maritime Trades Port Council, MTD, AFL–CIO; Midwater Trawlers Cooperative; Midwest Energy Resources Company; Mississippi Charter Boat Captains Association; Montana Coal Council; Moran Iron Works; Moran Towing Corporation; Muskegon Port Advisory Committee; National Association of Charterboat Operators.

National Association of Manufacturers; National Association of Maritime Organizations; National Association of Waterfront Employers; National Grain and Feed Association; National Mining Association; Navy League of the United States; New York Shipping Association; Norfolk Southern Corporation; Norfolk Tug Company; North Pacific Fishing Vessel Owners Association; Northeast Charterboat Captains Association; Northern Neck Charter Captains; Northwest Marine Trades Association; Octopus Towing LLC; Ogdensburg Bridge and Port Authority; Osborne Concrete & Stone Co.; Overseas Shipholding Group (OSG); P&M Marine Services LLC; P&R Water Taxi LLC; Panama City Boatmen Association.

Parker Towing Company, Inc.; Passenger Vessel Association; Pere Marquette Shipping Company; Petersburg Charterboat Association; Philadelphia Regional Port Authority; Polsteam USA Inc.; Port City Marine Services, Inc.; Port City Steamship Holding Company, Inc.; Port of Green Bay; Port of Milwaukee; Port of Monroe, Michigan; Port of Oswego Authority; Ports of Indiana; Prince William Sound Charter Boat Association; Progressive Barge Line, Inc.; Rod 'N' Reel Captains Assoc. Inc.; Ryba Marine Construction Company; Saltchuk; Sause Bros.; SCF Marine Inc.

Seabulk Towing; Seafarers International Union; Shipping Federation of Canada; Singapore Shipping Association; Solomon's Charter Captains Association; Soo Marine Supply, Inc.; Southeast Alaska Guides Organization; Southern Offshore Fishing Association; Southern Towing Company; Spanish Shipowners' Association; Spliethoff; St. Lawrence Seaway Pilots Association; Steel Manufacturers Association; Tata Steel; Ten Mile Exchange LLC; Terral River Service, Inc.; Texas Waterways Operators Association; The American Waterways Operators; The CSL Group Inc.; The Interlake Steamship Company.

The King Co.; The Port of New Orleans; The Royal Association of Netherlands Shipowners; The Upper Bay Charter Captains Association; The Vane Brothers Company; Tidewater Barge Lines, Inc.; Toledo-Lucas County Port Authority; Toledo Port Council, MTD, AFL–CIO; TPG Chicago Dry Dock; TradeWinds Towing LLC; Transportation Institute; Trojan Technologies Inc.; Turn Services, LLC; U.S. Chamber of Commerce; U.S. Steel Corporation; UK Chamber of Shipping; Union of Greek Shipowners; United Boatmen of New Jersey; United States Great Lakes Shipping Association; United Steelworkers, District 1, AFL–CIO–CLC.

United Steelworkers, Local 5000; Upper Mississippi Waterway Association; Upper River Services, LLC; VanEnkevort Tug & Barge Inc.; Verplank Dock Co.; Victoria Fleet, LLC; Virginia Charter Boat Association; Virginia Maritime Association; Wagenborg Shipping North America; Water Quality Insurance Syndicate; Waukegan Charter Boat Association; Wepfer Marine Inc; West Dock and Market—Port of Muskegon; WESTAR Marine Services; Western Great Lakes Pilots Association, LLP; Western States Petroleum Association; Westport Charter Boat Association; Wilmington Tug, Inc.; Wood Towing, LLC; World Shipping Council; and World Shipping Inc.

Mr. SULLIVAN. Mr. President, I won't go into it. I have seen a lot of these kinds of letters supporting legislation, but I have rarely seen a letter that is pages and pages long—steelworkers, International Union of Operating Engineers, Juneau Charter Boat Operators Association, International Association of Machinists and Aerospace Workers, Eastern Lake Erie Charterboat Association. This letter supporting the Coast Guard bill has many different groups supporting it, and that is why there has been so much strong bipartisan support.

Mr. WICKER. Mr. President, I wonder if my colleague will yield on that point.

Mr. SULLIVAN. Mr. President, I will be glad to yield.

Mr. WICKER. Mr. President, I appreciate the Senator from Alaska mentioning the broad base of support, and it occurs to me that this legislation has garnered the support of the chamber of commerce and organized labor.

Mr. SULLIVAN. That is correct.

Mr. WICKER. Mr. President, in an effort not to take up too much time, the Senator from Alaska didn't mention that the International Brotherhood of Boilermakers is for this bill. The International Longshoremen's Association is for this bill. We have crafted something—with the help of Democrats and the help of Republicans, with the help of labor and business—that has brought these people together to help us protect American maritime jobs.

I want to commend the Senator from Alaska also for the work he has done in accommodating people.

I ask my friend, am I correct that this is not the first version we had of this bill?

Mr. SULLIVAN. That is correct.

We actually made literally dozens of changes over the last several months

to accommodate almost every single Senator that had requested a change to address some of their issues. We have made numerous changes to this bill, for Republicans and Democrats, to make sure we have strong bipartisan support, and we are certainly hoping that the changes we made for so many Senators who have been supportive of the bill will now lead a strong bipartisan vote here in a little bit.

Mr. WICKER. I am not going to ask my colleague to yield all of his time to me, but I would just observe this to my friends on both sides of the aisle. This is the kind of bipartisan legislative effort on the part of my colleague from Alaska that ought to be rewarded.

A Member of the minority party has come to him expressing concerns, and those concerns have largely been met at every pass. It is not like we are trying to jam something on the part of the business community or the far right. I just have to say to my colleague from Alaska that he has done a heroic effort. We need a couple of more votes from people who have, at one time or another, expressed strong support for this legislation.

Mr. SULLIVAN. They have not only expressed strong support but have cosponsored this legislation.

Mr. WICKER. We really should send a signal to the American people that we trust each other, that we appreciate somebody like the Senator from Alaska who has bent over backward to make this work for America, to make this work for labor, to make this work for the waterway operators, and to make this work for the environment. I think this will enhance the environmental system in our waterways all over the country.

I thank the Senator for yielding time. Once again, I just have to say how much I admire the statesmanship of this relatively junior Senator from Alaska in working across the aisle and making this a bill that we ought to all be proud of.

I thank the Senator for yielding.

Mr. SULLIVAN. I thank the Senator from Mississippi for his very kind words. This has been a team effort. We have been working together. Democrats have been working with us. My colleagues from Florida, from Pennsylvania—we have all been down here talking about this. I know there are going to be strong votes in favor.

I do want to mention that the minority leader was just on the floor, and he ended his remarks that he just made a couple of minutes ago about how it is really important for the Senate to get back to bipartisan accomplishments that help the American worker. He just said that. Well, my colleague from New York, I couldn't agree more. That is what this bill is.

I am going to mention one other thing before I actually do my presiding time. I appreciate the Presiding Officer giving me a few additional minutes before I get in the Chair.

We have been dealing with this issue. Some have raised the issue that they are concerned about what the vessel incidental discharge provisions in this bill that I just talked about could do to the environment. I am from the great State of Alaska. We have the most pristine, beautiful environment in the world, and the cleanest water in the world. We want to keep it that way. I am all about that.

Mr. President, I ask unanimous consent that this document be submitted in the RECORD called ''The Vessel Incidental Discharge Act: Good for the Environment—Good for Business.''

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

THE VESSEL INCIDENTAL DISCHARGE ACT: GOOD FOR THE ENVIRONMENT—GOOD FOR BUSINESS

The Vessel Incidental Discharge Act, or ''VIDA,'' would require the Coast Guard and the EPA to establish uniform, national standards for the treatment and management of ballast water and other discharges incidental to the normal operation of vessels. Treatment of ballast water is an important safeguard against the introduction of aquatic invasive species. The bill would establish an initial ballast water treatment standard equivalent to the Coast Guard and EPA's current standards—the most stringent standard current technology can achieve. For incidental discharges other than ballast water (such as deck runoff, anchor effluent, etc), the bill would require the establishment of best management practices within two years of the date of enactment of the Act.

MYTHS VERSUS FACTS

Myth #1: The bill lowers the environmental standards for ballast water.

FACT: The new standards and requirements would be required to be based upon the best available technology economically achievable (BATEA), and would ramp up over time as new, more advanced technology becomes available. Specifically, the bill incorporates the Clean Water Act's BATEA regulatory regime to establish its uniform standards and revise them to be more stringent over time.

Myth #2: The current regulatory regime works.

FACT: Today, the Coast Guard, EPA, and 25 states are regulating ballast water under separate, inconsistent, and sometimes directly conflicting sets of requirements. This not only cripples the American economy, but also makes it more likely that invasive species will accidentally be introduced.

Myth #3: The EPA has the expertise to enforce ballast water standards.

FACT: The Coast Guard is the United States' premier maritime law enforcement service. It currently enforces ballast water standards through vessel inspections, not the EPA. However, the service cannot do a thorough and robust job because of the current patchwork and contradictory regulatory regime. This bill gives the Coast Guard the clarity and authority it needs to do a good job.

Myth #4: There is no science behind the new national standards.

FACT: This bill sets a current federal ballast water discharge standard, which the EPA's Science Advisory Board deemed the most stringent currently achievable. Moreover, when ramping up those standards, the Coast Guard, in consultation with the EPA, will set the new standard based on sound science and the best available technology economically achievable.

Myth #5: The bill undermines a States' ability to regulate ballast water.

FACT: The bill ensures that States will be able to enforce Federal requirements and, importantly, that States will be able to set future standards and best practices though an exhaustive petitioning process.

As an example, both the Coast Guard and EPA require a ballast water management system (BWMS) aboard a vessel covered by their regulations. On the one hand, the Coast Guard's regulations generally require that a BWMS be type-approved by the Coast Guard. In the case of a manufacturer whose BWMS has been approved by a foreign regulatory authority pursuant to Convention standards, that manufacturer may request a Coast Guard determination that its BWMS qualifies as an Alternate Management System (AMS). On the other hand, the EPA's Vessel General Permit (VGP) requires only that a BWMS ''has been shown to be effective by testing conducted by an independent third party laboratory, test facility or test organization.'' Although a BWMS approved by the Coast Guard is deemed by the VGP to comply with its effectiveness requirement, a BWMS may also be tested and found effective under the VGP by another ''laboratory, test facility, or test organization,'' even though it has not been approved by the Coast Guard. Thus a BWMS could end up being installed on a vessel in compliance with the VGP, yet not comply with Coast Guard regulations.

On top of this duplicative, inconsistent, and confusing Federal regime, subjecting vessels to NPDES has opened the door for States to establish their own varying standards and requirements for vessel discharges. California, Michigan, Minnesota, Ohio, Oregon, and Washington are among those that already have promulgated their own ballast water management requirements that also apply to commercial vessels navigating in State waters. In 2006, the State of California enacted a ballast water treatment standard at the recommendation of the California State Lands Commission (CSLC) that requires less than 0.01 living organisms measuring between 10 and 50 micrometers per milliliter of ballast water discharged (1000 times the IMO D–2 standard) and requires zero detectable living organisms greater than 50 micrometers per milliliter of ballast water discharged. However, the State has continued to delay implementation of its requirement that vessel owner/operators install BWMS that meet these standards because no BWMS are available that meet California's treatment standards. In the CSLC staff's words: More specifically, shipboard ballast water treatment systems cannot be considered available to meet the California performance standards because: 1) no ballast water treatment system has demonstrated efficacy for all of the California performance standards based on the best available data, 2) there are no suitable methods/technology to analyze ballast water samples to determine treatment system efficacy for some of the California performance standards, and 3) a lack of sampling/compliance protocols precludes the ability of the Commission to make a conclusive determination about the availability of shipboard ballast water treatment systems to meet the California performance standards.

In all, 25 States have certified the VGP subject to additional requirements The compliance challenges posed by this situation are staggering. As an example, a commercial vessel owner/operator transiting the full length of the Mississippi River is required to comply not only with applicable Coast Guard requirements under NANPCA/NISA and the EPA's VGP requirements, but also with varying additional VGP permit requirements imposed by the States of Minnesota, Wisconsin, Iowa, Illinois, Missouri, and Arkansas. This confusing array of requirements

will only continue to grow, confusing vessel owner/operators seeking in good faith to comply, confounding law enforcement authorities, unnecessarily impeding maritime commerce, and, most importantly, diminishing the overall effectiveness of U.S. efforts to combat aquatic invasive species. Strong, uniform national standards are necessary to effectively defend against invasive species brought to the United States in ballast water. The Vessel Incidental Discharge Act would require the Secretary of the department in which the Coast Guard is operating (Secretary), in consultation with the Administrator of the EPA (Administrator), to establish and implement enforceable, uniform, national standards and requirements for the regulation of ballast water discharges and other discharges incidental to the normal operation of vessels. The new standards and requirements would be required to be based upon the best available technology economically achievable, and would generally supersede the current jumble of Federal and State incidental discharge requirements. However, States would retain authority to enforce the new requirements in their waters.—Minority Staff, Senate Committee on Commerce, Science, and Transportation.

Mr. SULLIVAN. This document has myths versus facts on what people are saying that this bill could do, and then it gives you the facts. I am not going to read each one, but if we have to have a debate on it, I certainly will read each one. It is really important to see this wasn't created by Senator WICKER or me. If you look at the author of this, it was the Senate Committee on Commerce, Science, and Transportation—our committee—written by the minority staff. What does that mean?

This is a Democratic staff under the minority and the Ranking Member on the committee saying that all the things you are hearing about how this is going to be bad are not true. Those are myths. These are the facts. These are our Democratic colleagues rebutting some of the people now looking to maybe not vote for this.

I ask all of my colleagues who are on the fence to take a look at this really well-produced myths-versus-facts sheet that was produced by our Democratic colleagues on the Commerce Committee because, again, it goes to what Senator WICKER was talking about—that this is a very strong bipartisan bill that we have been working on for months or really years. This has passed out of committee, I think, six different times with strong bipartisan support, including when the Democrats were chairing the committee.

I want to say to all of my colleagues that it is not just what is in this bill on the VIDA provision, or the discharge provision.

The bill is about the Coast Guard, the men and women serving in the Coast Guard. Every year, as I mentioned, we pass the NDAA, which is great—Army, Navy, Air Force, Marines—but we always forget about the Coast Guard, and we shouldn't be doing that. They are heroic young men and women. We can send a bipartisan signal today that we care about them. We are recognizing the heroic work you do for this country and the lives you save every day. We have your back.

I urge all of my colleagues, particularly my colleagues who know this issue, who have voted for this bill to come out of committee many times—there are well over 60 of us—to vote yes on this important bill when it comes to the floor in a few minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I rise today with my colleagues in advance of today's Congressional Review Act vote. I want to be clear about something. We are here today for a CRA vote, or a Congressional Review Act vote, that is on agency guidance—not a rule but an agency guidance from 2013—that seeks to protect consumers from discrimination.

CRAs are rule rollbacks. They are rolling back rules. They are not, though, meant to apply to years-old guidance from Federal agencies.

Today's vote is actually a radical departure of longstanding norms and statutory interpretation that will change the scope of the Congressional Review Act. What, then, could possibly be so important and so urgent that today we would break from longstanding tradition and demand a vote on something that could set an entirely new precedent for this body?

What is the guidance—not rule—that the Trump administration and Republican leadership of this body are going so far out of their way to undo? What this guidance does, very simply and very clearly, is to try to prevent discrimination in purchasing.

In 2013, the Consumer Financial Protection Bureau put this guidance in place in response to, unfortunately, widespread and well-documented persistent discrimination against Americans of color when financing the purchase of a car. The guidance did nothing more than remind indirect auto lenders that they were liable under the Equal Credit Opportunity Act for pricing disparities caused by markup in compensation policies. It offered concrete steps to those auto dealers that they could use to ensure compliance and support for fair lending.

Auto lending is the third most common source of debt for all Americans. We know that the way the established financing model works too often leaves space for implicit racial bias and leaves space for discrimination against Americans of color.

We know from studies that Americans of color who have better credit and who go in to try to purchase and finance a car, compared to White Americans with worse credit, will often get higher interest rates and worse terms on their loans set by auto dealers. In fact, in one specific study conducted by the National Fair Housing Alliance, they paired White Americans and people of color to visit auto dealerships and shop for the same car within 24 hours of each other. Unfortunately, and surprisingly—or maybe not to some—in most cases the applicant who was a person of color, despite having better credit and less debt, was offered higher cost financing options than the less-qualified White applicant. This is a practice that no one can support. This is a practice that most Americans think is outrageous. It is clearly wrong, and we should address it.

But we also know that, unfortunately, this kind of discrimination isn't unique to the auto industry. There are many areas of American lives where people of color, under the same circumstances, are often paying more. We know that implicit racial bias exists across sectors and industries and is a persistent issue causing people of color to have higher costs of living and to pay more.

Take the three largest lending markets: mortgages, student loans, and auto loans. We know discrimination persists in mortgage lending. A recent report by the Center for Investigative Reporting analyzed 31 million mortgage records from 2015 and 2016—just a couple of years ago. They found that people of color were much more likely to be denied a conventional mortgage than White applicants, even after controlling for economic and social factors, including applicants' income, the size of the loan they sought, and the neighborhood where they wanted to buy.

Look at student loans. For-profit colleges disproportionately enroll students of color and saddle them often with unaffordable student loans, while offering little in the way of value in exchange.

Look at payday loans. Study after study shows that payday lenders concentrate themselves in communities of color where they prey upon financially distressed, low-income people and make a bad financial situation markedly worse.

In 2018 we should all agree that we should be doing everything we can to protect against this kind of discrimination. When you test, time and again, better qualified loan applicants walking in and, within 24 hours, less qualified applicants walking in, as well, and they get the better loan deal, the only difference is the color of their skin. This is unacceptable in an America that believes in fairness.

We should, in a very light touch, do something about that. That is what this advice did. This advisory simply said: Hey, auto lenders, here are some steps you can take to address this issue.

The study I referenced of sending in a Black couple followed by a White couple is something that hits home for me very personally. My family, in the 1960s, was part of a similar situation. In this case, it was buying the home that I grew up in. In 1969, just 1 year after the passage of the Fair Housing Act, when my parents were trying to find a home in New Jersey, they encountered an illegal practice known as real estate steering, or trying to keep Black families like mine out of White

neighborhoods. Their bids on homes were routinely rejected in favor of White couples.

Eventually, my parents went to seek the help of a group of housing activists—volunteer lawyers, Black folks, White folks, Christian folks, Jewish folks—all part of a group in New Jersey called the Fair Housing Council. Together, they set up a sting operation where my parents went in and they were told, unfortunately, that the house they were looking at that they loved was no longer for sale. Then a volunteer White couple came right behind them and put an offer on the house, and it was accepted. Papers were drawn up. Then, on the day of the closing, the White couple didn't show up; my dad and his lawyer did. The real estate agent knew what he was doing was illegal.

First, he didn't accept it. He actually got angry. In fact, he got up and punched my dad's lawyer in the face and sicced the dog on my dad. A melee broke out. At the end, he was pleading with my father not to move into the neighborhood. He said crazy things like: Your people will not be happy here. Now, this is saying that the neighborhood didn't have things like ''my people,'' but in this country, we are all one people, one Nation, united, and indivisible. There shouldn't be different rules, different laws, and different treatment based on the color of our skin. I can't believe we are talking about this in 2018.

My family, thank God, moved into that house. I grew up in that hometown—a nurturing community, an incredible community that welcomed me and nurtured my brother and me. I am here today because of that kind of activism and people willing to stand up and say something basic and simple: You should not discriminate on the basis of the color of someone's skin.

Part of the reason I grew up where I was is because there was a law that was on my family's side and passed by this body—the Fair Housing Act. I am proud that for years, we Republicans and Democrats have stood up for this basic principle, this basic ideal. An even bigger part of the success of my family and my life is because there were people who didn't just celebrate the passage of a law, didn't just say their work was done, but they remained vigilant, active, and attentive in making sure the law was made real and practiced. They knew protecting America's civil rights was not a one-and-done endeavor but required constant vigilance.

The fact is, we have so much work left to do in this country that it is frustrating. We have a lot of work to do controlling the impact of implicit racial bias. We have people—courageous police officers, courageous activists, and police leadership—talking about the presence of implicit racial bias. I have been pleased that even Republican judges who are nominated, whom I get to interview on the Judiciary Committee, speak to the presence of implicit racial bias in the criminal justice system that often results with people who are charged with a crime, the same circumstances, getting longer sentences just because of the color of their skin.

This is not a partisan issue. This is us working against these issues and these factors of American life and making sure the basic ideal of fairness in American society is upheld. Outside of this body, American people know how implicit racial bias seeps into our criminal justice system, into our workplaces, and into our schools. The question is, What are we going to do about it? Why are we today going out of our way, possibly creating an entirely new congressional precedent, changing advisories into rules that can then be rolled back—why are we doing this on this issue, to roll back guidance that reflects something most of us should be able to agree on?

When an American goes in to buy a car and gets that car financed, the loan terms they get should be based on their creditworthiness—the amount of debt they have—not the color of their skin.

When we have comprehensive studies, empirical tests of literally sending in couples to go buy cars, why are we rolling back guidance that gives suggestions to auto dealers about how to control this? Why would this body, with the history of trying to address racial injustice, roll back a rule that is trying to address and control this practice in auto lending?

If you live in communities like mine, having to pay hundreds extra or $1,000 extra for a car, in a family making $20,000 or $30,000 a year, struggling for that moment that we all know, when you get your car, you get your keys, why should they have to pay more and have it impact on their home, their well-being, their finances, their college savings, and their ability to pay their mortgage? It is unfair. Based on what? Their skin color.

Rolling back this guidance has nothing to do with trimming bureaucracy. It is guidance. It will not help consumers. It will not help Americans of color. It will not help the ideals we swear an oath to—justice for all—and it is certainly not going to help our country to just be a place where working stiffs can get a fair shot at things we think of as the American dream: owning your home, sending your kids to college, and having a car.

At a time when the rest of the country seems to be paying closer attention to issues of discrimination, when we see anti-Semitism on the rise, greater attacks on Muslim Americans, at a time when we are looking at racial issues, why are we doing this now or at any time?

By passing this measure, we will be sending a message to millions of Americans that this body isn't just willfully out of touch but that we are going out of our way to create an environment where this practice is going to thrive, where the practice and the perpetration of discrimination against Americans of color persists in our country.

We should be beyond this. This is a chance, today, where we can make a difference. It may not seem big. We can send a message that these kinds of practices will not be tolerated. We can send a message that every American matters to this body. We can send a message that discrimination and prejudice, implicit or not, will not be tolerated on this soil.

I ask my colleagues, I beseech my colleagues, in the name of an American who is here today because of the Fair Housing Act, because of tests like this, where White couples have said—Black couples have said, ''I am here because of this history,'' why would we turn our backs on that kind of progress and not stand up for basic American fairness?

Thank you.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Florida.

Mr. NELSON. Mr. President, before the Senator from New Jersey leaves the floor, I want to say, this Senator has run into few people who are as articulate and passionate to represent the least among us in our country. I want the Senator from New Jersey to know how grateful I am for his advocacy, for his determination, for his civility, for his passion, and for his heart.

I thank the Senator from New Jersey.

Mr. BOOKER. I thank the Senator. I thank him for modeling that very character to me every day that I serve with him.

Mr. NELSON. Mr. President, before this sounds like an admiration society, I will say it is genuinely felt.

NOMINATION OF JAMES BRIDENSTINE

Mr. President, what I want to do is talk about the leadership of our civilian space program. Traditionally, the NASA administrator has been well qualified and is not controversial.

NASA is one of the few remaining areas that has largely avoided the bitter partisanship that has invaded far too many areas of government in our society today—until now.

The NASA nominee, Congressman BRIDENSTINE, was nominated to head NASA last fall. His hearing in the Senate Commerce Committee was among the most contentious I have ever been a part of. He was voted out of the committee on party lines, and Senators on both sides of the aisle have expressed doubts, both publicly and privately, to me on his qualifications for the job.

The NASA Administrator should be a consummate space professional. That is what this Senator wants, a space professional, not a politician, as the head of NASA. That space professional ought to be technically and scientifically competent and a skilled executive. More importantly, the Administrator must be a leader who has the ability to bring us together, to unite scientists, engineers, commercial space

interests, policymakers, and the public on a shared vision for future space exploration.

As you know, our goal is going to Mars in the decade of the 2030s. We set the goal first with the Obama administration and now with the Trump administration. What pains me is, I believe the one who has been nominated to head this not partisan, not bipartisan—NASA has always been nonpartisan—agency, I am afraid we are hitting a different standard.

My concern comes from having witnessed very directly the tragic consequence when NASA leadership has failed us.

When it comes to the ultimate frontier of space, there are always going to be risks involved, but the NASA Administrator bears the responsibility, accountability, and the final decision for the lives of astronauts who explore the heavens on behalf of all of us.

I have personally witnessed—in both the Challenger and the Columbia accidents, we learned that engineers at NASA knew of the dangers and tried to sound the alarm, but NASA's management and its structure, while well-intentioned in both of those tragedies, filtered out debate and dissent, and the warnings of the engineers went unheeded with heartbreaking consequences. And so it was, in 1986, with the launch of the Challenger—10 days after this Senator had returned on the 24th flight of the space shuttle to Earth—there was the tragic consequence. Even the engineers out in Provo, UT, who were engineers on the solid rocket boosters, were begging their management the night before the launch to stop the count when they saw on NASA TV the icicles hanging on the launch tower.

We learned later in the investigation, knowing as we now know, that they had received back the solid rocket boosters from previous flights in January, where they saw blow-by of the hot gases past the field joints that were supposed to be sealed with the rubberized gaskets, called O rings, but because of the cold weather, they stiffened and did not seal the field joint, and the hot gases escaped. As the Challenger was traveling into the Florida sky, it hit right at the external tank, punctured the tank, and the crew was lost.

So, too, engineers in 2003 and before and crew members—like one of the best of the best, CAPT Robert Gibson, U.S. Navy, Retired, five-time shuttle astronaut, four-time commander—had pointed out after each flight, examining the orbiter, that it looked as though it had been shredded. In his words: It was as if you had taken a shotgun out and just shot buckshot into the delicate silicon tile. As a result, on launch, on ascent, pieces of the foam of the external tank were falling off and hitting the delicate silicon tiles of the space shuttle orbiter.

Of course, on that fateful day in early February of 2003, that is exactly what happened. A chunk of the insulation foam just about the size of an insulated cooler, on ascent, as the orbiter is accelerating, falls in the acceleration and hits the carbon-carbon fiber of the leading edge of the left wing and knocks a hole in it.

Of course, on ascent to orbit, there is no problem; on orbit, there is no problem. The problem comes after the deorbit burn and after the space shuttle falls for 30 minutes through the vacuum of space and then starts encountering the molecules of air in the upper atmosphere. As those upper atmosphere air molecules hit the underside of the space shuttle, the nose of the space shuttle, and the leading edges of the wing, the temperatures grow to over 3,000 degrees Fahrenheit, and there is a big hole in the leading edge of the left wing. Of course, the left wing burns up, and the crew is destroyed high in the descent over east Texas.

NASA's management structure, well-intentioned, filtered out debate and dissent, did not listen to those astronaut commanders like Hoot Gibson, and did not listen years earlier, in 1985 and 1986, to those engineers at Morton Thiokol. The result is the loss of 2 space shuttles and 14 souls, including on the Space Shuttle *Columbia* in 2003, the first Israeli astronaut, Ilan Ramon.

In the aftermath of *Columbia*, NASA was reorganized so that safety concerns from engineering and safety personnel are not squashed like they were, but instead elevated—ultimately, to whom? To the guy at the top, the NASA Administrator. To make those decisions, the Administrator must draw on all of his or her knowledge of the engineering principles and of space flight, all of his or her experience from managing large technical organizations, and every bit of judgment, reason, and impartiality he or she can muster.

Leading NASA is a job for an experienced and proven space professional. The success or failure of leadership at NASA is, quite literally, a matter of life and death.

I commend Congressman BRIDENSTINE's time as a pilot, and his service to our country in the military is commendable. But it does not qualify him to make the complex and nuanced engineering, safety, and budgetary decisions for which the head of NASA has to be accountable.

Furthermore, Congressman BRIDENSTINE's recent public service career does not instill great confidence about his ability to bring people together. His record of behavior in Congress is as divisive as any in Washington, including his attacks on Members of this body from his own party. It is hard to see how that record will endear him—and, by extension, NASA—to Congress and, most importantly, endear him to the American people.

Finally, given NASA's mission to study the Earth—that is one of NASA's missions—Congressman BRIDENSTINE's past statements on climate change are troubling, to say the least. Particularly in this administration where words like ''science-based'' and ''climate change'' are being scrubbed from government documents and where some scientists have been restricted from speaking publicly about scientific findings, NASA needs an Administrator—a leader, a strong leader—who understands the critical importance of studying the Earth and is willing to put his job on the line to protect NASA's scientists. Congressman BRIDENSTINE's record suggests that he will do otherwise.

I don't come to this decision lightly. I hold nothing against him personally. He is a very likable fellow. My decision is not politically motivated. In fact, I supported the nomination of Chief Financial Officer Jeff DeWit because he was qualified for the job as Chief Financial Officer, and he was confirmed without a problem and is in that job. Of course, if Congressman BRIDENSTINE is, in fact, confirmed, I will work with him for the good of our Nation's space program.

My opposition to this nomination comes from decades of experience and an understanding of NASA's history and having lived through some of its darkest moments.

I have no doubt that the nominee is passionate about our space program, and I don't doubt his motivation or his intentions. What is not right for NASA is an Administrator who is politically divisive and who is not prepared to be the last in line to make that fateful decision on go or no-go for launch. Therefore, I will oppose this nominee.

I yield the floor.

Mr. THUNE. Mr. President, I rise today to voice my strong support for the nomination of Congressman JAMES ''JIM'' BRIDENSTINE to be the next NASA Administrator. On November 1, 2017, the Senate Commerce, Science, & Transportation Committee, which I chair, held a confirmation hearing for Congressman BRIDENSTINE's nomination and reported his nomination favorably on November 8, 2017, and again on January 18, 2018.

So far, it has been 1 year and nearly 3 months since this important agency has had a Senate-confirmed Administrator. What is more, NASA's Acting Administrator, Robert Lightfoot, will retire at the end of this month. Congressman BRIDENSTINE's vision, experience, and passion for NASA's vital mission are unquestionable, and I believe that his leadership will not only serve the agency well, but that his confirmation will give NASA the leadership it deserves.

Congressman BRIDENSTINE has an extensive record of both military and public service. In 1998, he began his distinguished military career serving as an aviator in the U.S. Navy. As an Active Duty pilot in the Navy, he flew the E–2C Hawkeye off the USS *Abraham Lincoln* aircraft carrier and deployed for multiple combat missions in Iraq

and Afghanistan. While still on Active Duty, he transitioned to the F–18 Hornet and flew as an ''aggressor'' at the Naval Strike and Air Warfare ''Top Gun'' Center.

After leaving Active Duty in 2007, Congressman BRIDENSTINE returned to Tulsa, OK. He continued his military service in the Navy Reserve, flying counterdrug missions in Central and South America. He is currently a member of the 137th Special Operations Wing of the Oklahoma Air National Guard, where he serves at the rank of major.

In 2012, he was elected to the House of Representatives to represent Oklahoma's First Congressional District.

He currently serves on both the House Armed Services Committee and the Science, Space, and Technology Committee, where he has distinguished himself as a leader on space policy.

In spite of Congressman BRIDENSTINE's exceptional military and public service, some of my colleagues have expressed concerns about his nomination.

With regard to these concerns, I would note that the Commerce, Science, & Transportation Committee has received significant bipartisan support from the space community for Congressman BRIDENSTINE's nomination. In fact, over 50 space-related leaders and organizations have submitted letters of support, including Democratic Congressman PERLMUTTER, former NASA Administrator Sean O'Keefe, and astronaut Buzz Aldrin.

Beyond the support of this diverse group of stakeholders in the space community, Congressman BRIDENSTINE also enjoys the support of his colleagues in the House. On March 20, 2018, more than 60 Members of the House of Representatives, both Republicans and Democrats, signed a letter to Senate leadership requesting that Congressman BRIDENSTINE's nomination move forward in the Senate.

The endorsement of so many stakeholders in the space community and the endorsement of Congressman BRIDENSTINE's colleagues are reflective of the truly bipartisan nature of what Congressman BRIDENSTINE would like to accomplish at NASA. Because of this, I am confident that Congressman BRIDENSTINE's leadership would serve NASA well.

I urge my colleagues to support his nomination.

The PRESIDING OFFICER. The Senator from Mississippi.

COAST GUARD AUTHORIZATION BILL

Mr. WICKER. Mr. President, I once again rise to express my strong support for the Coast Guard reauthorization bill and the Vessel Incident Discharge Act, which is contained within it. I also wish to thank the, literally, dozens and dozens and pages and pages of organizations that have come forward and said that this is an important piece of legislation for job creation and for those people who want to make a living on our waterways in this vital, vital aspect of our economy.

To pick up on something we were mentioning a few moments ago, not only does this legislation have the support of the chamber of commerce, business associations around the country, and job creation associations around the country, it has the support of the International Association of Machinists and Aerospace Workers, the International Brotherhood of Boilermakers, the International Longshoremen's Association, the International Union of Operating Engineers, and Metal Trades AFL–CIO and Maritime Trades AFL–CIO. I could go on and on, pointing out that this legislation has the support of both labor and management.

I appreciate people of diverse political ideologies coming together on something that is going to make it easier to do commerce in the United States. I just hope we can get the 60 votes we require for consensus here in this body. I know we are close. We have 60 people who have, at one time or another, expressed support for this legislation, and I hope we can come together in a convergence in a few moments when we vote for this.

I want to discuss a couple of misconceptions that keep floating around about the ballast water, incidental water issue.

First, some people are saying that the bill lowers the environmental standards for ballast water. Of course, nothing could be further from the truth. Why would these organizations come forward with this if we are going to lower the standards? The very language of the bill preserves current Federal standards. Also, the bill includes what is already in the law; that is, the Environmental Protection Agency will have a principal role in setting the national standard for ballast water discharge.

The new standards and requirements would be based upon a term of art, and the term of art in the language is ''best available technology economically achievable,'' BATEA. This term comes straight out of our current Clean Water Act. It is already there. But in the Vessel Incidental Discharge Act—which we hope we can bring to the floor in a few moments—the best available technology would be mandated for this new, nationwide standard. This standard would, of course, be enforced by the Coast Guard, but it would be developed by the EPA according to the most stringent, scientifically available standards we could possibly have.

What we are trying to do in this regard is free up commerce—free up working men and women, free up people trying to create more jobs in the maritime industry—from complying with a myriad of different requirements as we go State to State to State. Some 25 different States have a little bit of a nuanced approach to this. As you can imagine, if you are in the barge business or in the maritime business, it is almost impossible to comply with 25 separate standards. This would set one standard across the country, but it would be at the best available technology. So please, don't anyone think this is some sort of lesser technology. This is the best.

According to the very wording of the bill that we are asking the Senate to vote on today, EPA concurrence is required for these regulations to be established. It would not be able to be enforced unless EPA comes in and blesses it. And EPA would have a principal role in developing the proposed regulations.

Let me say a word or two about the Great Lakes. This seems to be a matter of concern and misunderstanding. There is a myth that this somehow harms the Great Lakes. I have to commend the principal author of this legislation and the Senator from Alaska, who is currently occupying the Chair, for being willing to accommodate our friends from the Great Lakes during this process. The Great Lakes gets a little extra treatment in this bill because of concerns they have raised.

Here is what will happen if we pass this bill. All vessels entering the Great Lakes will need to flush their ballast water before entering. The only ballast water then being discharged by Great Lakes vessels will be water that they have taken in from the Great Lakes. They have to flush their ballast tanks before coming in. That is an accommodation we have made to bring our friends from the Great Lakes into this issue. According to this bill, the Coast Guard, in concurrence with the EPA, would be required to establish best management practices specifically tailored to the Great Lakes.

I would just say to my friends, let's talk about the facts, but please don't make up arguments that are not based in fact. This legislation, if it passes—and I still think we have an opportunity to get 60 votes and move on to considering the substance—would use the best scientifically available enforcement possible. It would give our barge folks and our maritime folks just one thing to comply with rather than 25 or 26 or 27 different regulatory schemes. And what do those myriad of schemes do? Every time you have to hire a lawyer or a compliance person, it is money you take out of your bottom line that you would like to use creating a job in America. That is what these people want to do. They want to increase employment for these boilermakers and longshoremen who have endorsed this bill.

I say to my friends, let's not be confused with arguments that have come in in the last week or two that have no basis in fact. This is a bill about strong, strong requirements for the water that, incidentally, has to come out of the ballast tanks, and it is about strong enforcement by the Coast Guard of standards imposed by the EPA according to the best available scientific technology—strong requirements to protect our environment but also to protect jobs and commerce for Americans.

I think we are going to vote in 10 or 11 minutes. I urge my colleagues who have at one time or the other come forward and endorsed this very proposal, please stay with us on this, particularly based on the accommodations the Senator from Alaska has made to make the bill more accommodating and more conclusive of the concerns that have been raised. I urge a ''yes'' vote.

We are going to continue this fight one way or another. This is a day we ought to stand for doing something for commerce, for labor, for business, and in the name of bipartisanship and in the name of rewarding the way we ought to be legislating on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, in a few minutes, at noon, the Senate will begin the process of voting—two votes. The first of those votes will be a vote on a resolution brought to the Senate by Senator MORAN and Senator TOOMEY to reject a rule proposed by the Consumer Financial Protection Bureau's 2013 action in which it sought to assert jurisdiction over auto finance guidance. I use the word ''rule'' guardedly, though, because, as you will see from my remarks, this was an end run by the CFPB in two ways. First, the CFPB doesn't have jurisdiction over auto finance. Second, the CFPB did not use the Administrative Procedure Act to adopt a rule; it sought to implement a rule through a process of issuing a guidance to avoid the scrutiny and the legal challenges to its effort to assert this jurisdiction.

It is important that Congress disapprove this guidance because it was an attempt by the CFPB to make substantive policy changes through guidance rather than through the rulemaking process governed by the Administrative Procedure Act. As I said before, it is also an attempt to regulate auto dealers, who were explicitly exempted from CFPB supervision and regulation under the Dodd-Frank act. Finally, it is also a rule that has caused great difficulty and problems in the marketplace, hurting auto dealers and consumers alike.

The CFPB itself, when undertaking this action, admitted what it was doing. The CFPB rejected developing a rule using its statutory authority because the actions it was seeking to regulate are ostensibly those of dealers over whom it has no regulatory authority. It is interesting that even in the CFPB's own documentation of what it was doing, it indicated that it didn't have the authority to do it. So the CFPB decided to develop a guidance, rather than a rule, as a backdoor way to regulate auto dealers.

The CFPB's indirect auto bulletin represents a departure from typical Federal agency practice, as reflected in the GAO's conclusion that its rule is subject to CRA requirements. In other words, in a ruling, the GAO said: Yes, this actually is a rule even though the Administrative Procedure Act wasn't followed. That decision by the GAO gives this Congress the authority to reject the CFPB's actions.

Some of my colleagues on the other side say that disapproving guidance is somehow a loophole we are using because we should only have authority to disapprove a specific rule. The GAO's ruling on the CFPB's guidance clearly puts this within the jurisdiction of this Senate.

I would point my colleagues to a statement from, among others, Senator Reid in the CONGRESSIONAL RECORD from 1996 when the Congressional Review Act was passed, explaining what the authors' intent was when passing this legislation. He said: ''[T]he authors are concerned that some agencies have attempted to circumvent notice-and-comment requirements by trying to give legal effect to general statements of policy, 'guidelines,' and agency policy and procedure manuals. The authors admonish the agencies that the APA's broad definition of 'rule' was adopted by the authors of this legislation to discourage circumvention of the requirements'' of it.

As a result of these significant concerns, this resolution has attracted substantial support, including from 14 different organizations involved with helping consumers buy a vehicle, and an endorsement via a Statement of Administration Policy from the White House. The following organizations submitted letters: the Chamber of Commerce, the Credit Union National Association, the Independent Community Bankers of America, the American Bankers Association, the American Financial Services Association, the National Automobile Dealers Association, the Alliance of Automobile Manufacturers, the National RV Dealers Association, the National Independent Automobile Dealers Association, the Recreation Vehicle Industry Association, the American International Automobile Dealers Association, the National Auto Auction Association, the Motorcycle Industry Council, and the National Federation of Independent Business.

Finally, I would like to respond to the assertion that disapproving this guidance somehow allows auto dealers to discriminate. That is the issue that is at stake here. The reason that Congress did not give the CFPB jurisdiction over auto dealers is that the auto dealers are already subject to the Equal Credit Opportunity Act. If we reject this resolution, the auto dealers will continue to be subject to the Equal Credit Opportunity Act, which will continue to apply to all creditors, which means auto dealers who extend credit will be prohibited from discriminating against customers on the basis of race, sex, age, national origin, marital status, or because one receives public assistance.

In other words, we are not changing the law. We are not taking away any protections in the law. We are stopping a rogue agency from continuing to be able to enforce a rule which it sought to create by avoiding the Administrative Procedure Act.

I urge my colleagues to vote to support this resolution.

Mr. President, I yield my time.

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

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

ORDER OF PROCEDURE

Mr. CRAPO. Mr. President, I ask unanimous consent that there be 5 minutes of debate, equally divided, prior to the second vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CRAPO. Mr. President, I ask unanimous consent to start the first vote immediately.

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

Mr. WICKER. 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 yeas and nays were ordered.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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 result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—51

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

NAYS—47

Baldwin	Blumenthal	Brown
Bennet	Booker	Cantwell

Cardin	Jones	Sanders
Carper	Kaine	Schatz
Casey	King	Schumer
Coons	Klobuchar	Shaheen
Cortez Masto	Leahy	Smith
Donnelly	Markey	Stabenow
Durbin	McCaskill	Tester
Feinstein	Menendez	Udall
Gillibrand	Merkley	Van Hollen
Harris	Murphy	Warner
Hassan	Murray	Warren
Heinrich	Nelson	Whitehouse
Heitkamp	Peters	Wyden
Hirono	Reed	

NOT VOTING—2

Duckworth	McCain

The joint resolution (S.J. Res. 57) was passed, as follows:

S.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Consumer Financial Protection relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act'' (CFPB Bulletin 2013–02 (March 21, 2013), and printed in the Congressional Record on December 6, 2017, on pages S7888–S7889, along with a letter of opinion from the Government Accountability Office dated December 5, 2017, that the Bulletin is a rule under the Congressional Review Act), and such rule shall have no force or effect.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

CLOTURE MOTION

The PRESIDING OFFICER. There is now 5 minutes equally divided before the next vote.

The Senator from Wisconsin.

Ms. BALDWIN. Thank you, Madam President and colleagues.

The next vote will be on cloture on a motion to concur with an amendment that is the Coast Guard reauthorization, but with a special provision that I want to draw all my colleagues' attention to, dealing with incidental discharges from vessels.

I am strongly supportive of the Coast Guard reauthorization, but this VIDA provision, as it is known, is extremely troublesome. It impacts both freshwater coasts of the Great Lakes as well as our other coastal regions, and it strips the Environmental Protection Agency of its scientific role in setting standards for discharges and puts the Coast Guard entirely in charge of these decisions and enforcement.

In addition, it strips all of our coastal States of the authority to pass laws concerning the waters off their coasts. Wisconsin is a State that has passed its own water discharge rules. It has done so because we need to protect the greatest fresh drinking water source in the world and in our Nation.

We also have had threats of invasive species that would decimate our Great Lakes. Ballast water and incidental discharges can often be the cause of those invasive species. In addition, there are chemicals that can enter the water if this is not regulated. This is not the time for a one-size-fits-all approach.

We should remove the VIDA provision from the Coast Guard reauthorization, pass the Coast Guard reauthorization on a voice vote because it is absolutely not controversial, and then get to the hard work of doing VIDA the right way.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, the title that our colleagues are complaining about in this bill—the Vessel Incidental Discharge Act, or VIDA—has been introduced in the last five Congresses since 2008, several times being led by Democrats.

There have been numerous hearings, meetings, and protracted negotiations regarding VIDA, spanning days, weeks, months, and years. The bill has been passed out of the Commerce Committee two times this year and multiple times in the past always by voice vote.

There are 23 cosponsors, including many from the other side of the aisle—Senators CASEY, NELSON, SCHATZ, MCCASKILL, COONS, and SHAHEEN this year. Other cosponsors of similar past VIDA bills include Senators HIRONO, MARKEY, Pryor, WARREN, COONS, MANCHIN, and Hagan. There have been negotiations with committee members and people off the committee. We have accommodated and accommodated and accommodated so much—I have bent over backward so many times that I can't hardly stand up straight—trying to accommodate concerns that people have on this.

Many of the folks speaking against VIDA have been in those negotiations, very honestly. Some of the friends across the aisle have extracted concession after concession, only to move the goalpost whenever we get close.

Here is a list of some of the changes we have agreed to: State incidental discharge standards remain in place until promulgation of a final Coast Guard rule, allowing at least 2 years during which all the current standards remain in place. Both ballast water and incidental discharge rules will be developed by the Coast Guard in concurrence with the EPA. We respect the EPA's good work in this area and fully anticipate that the Agency will be closely involved every step of the way. States will have the authority to enforce the Federal regulations regarding ballast water and incidental discharges. States will have the authority to require that vessel operators provide ballast water compliance information prior to arrival at a port. States will have the ability to charge existing and new fees for ballast water and incidental discharge inspections.

Madam President, this was a bipartisan bill when it was introduced, and since, we have made numerous changes to accommodate concerns. VIDA preserves environmental protections and allows commerce to move. It has gone through extraordinary debate, process, and input from both sides of the aisle. It is time to pass this bill now.

The PRESIDING OFFICER. The Senator's time has expired.

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to accompany S. 140, an act to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to clarify 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.

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, with amendment No. 2232, offered by the Senator from Kentucky, Mr. MCCONNELL, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

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

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—56

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

NAYS—42

Baldwin	Feinstein	McConnell
Bennet	Gillibrand	Menendez
Blumenthal	Harris	Merkley
Booker	Hassan	Murphy
Brown	Heinrich	Murray
Cantwell	Hirono	Peters
Cardin	Kaine	Reed
Carper	King	Sanders
Coons	Klobuchar	Schatz
Cortez Masto	Leahy	Schumer
Durbin	Markey	Shaheen