

The motion is agreed to.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michelle Bowman, of Kansas, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2006.

The PRESIDING OFFICER. The majority whip.

#### SENATE ACCOMPLISHMENTS

Mr. CORNYN. Mr. President, as I return to the Nation's Capital from home, back in Austin, TX, so we can finish our work out before the end of the year, I want to relay some of the wisdom that I heard from working families and Texans back home about their verdict on what we have done so far this year and actually even last year.

I stopped by a couple of food banks—one in North Texas and one in El Paso—ahead of this year's upcoming holiday season. This is when they have the greatest demand for food by people who need either to supplement their diets or who rely on food banks to provide them with their basic sustenance.

I also had a chance to visit with a Nobel Prize winner at the MD Anderson Cancer Center, Dr. Jim Allison, to discuss his groundbreaking work in cancer treatment, much of which was funded by money we have appropriated to the National Institutes of Health, which, in turn, provides grants for basic science and other research that come up with lifesaving cures, such as Dr. Allison has come up with.

Then I met with the local leadership in the Corpus Christi area, down in the gulf coast, to discuss their Hurricane Harvey recovery process. It has been a little over a year since Hurricane Harvey hit. Of course, many of those communities and many families are continuing to recover from that devastation.

I also held a roundtable with local leaders and the drug-free communities councils to discuss how local, State, and Federal leaders can work together to fight the supply of illegal drugs coming into the country and to support those who are in recovery from addiction. It won't surprise you that people had a lot to say. Yet their stories remind me that while being back here in Washington—although Texas is a long way away, about 3 hours or so by jet—folks back home are paying attention to what we are doing here, and I know some of that gets lost in the back-and-forth of the political campaigns that have just passed.

There is one thing that we have done that I think has been well received, and that is, since the voters gave us a Republican in the White House and gave us Republican majorities in the House and the Senate, we have put our foot on the gas pedal and haven't let off since. We have delivered concrete results for the American people, and they

have continued to see gains under this administration—promises made and promises kept.

I will start with the transformation of the Federal judiciary. One of the most important jobs the U.S. Senate has under the Constitution is to provide advice and consent on executive branch nominations—in this case, to our article III courts. A historic number of judges who will interpret the law as written have been confirmed under the administration. That number is 84, and it includes the most ever appellate judges—the midlevel Federal courts—to have ever been confirmed during a President's first 2 years in office. These are principled, experienced, highly skilled lawyers and judges who respect precedent and understand their critical but limited role under our system of government. Their job is to interpret the law; they shouldn't rewrite it. That is one of the principal battles we end up fighting when Supreme Court nominations come across the well of the Senate floor. There are those who think that judges should be able to impose their views on the American people even though they don't run for election and have lifetime tenures, but that is simply not our system. In my view, that is an impermissible role to be played by a judge.

When it comes to judges, perhaps our two greatest achievements have been Neil Gorsuch and Brett Kavanaugh, both of whom were confirmed to the U.S. Supreme Court. Yet, as I say, we have confirmed a total of 84 other Federal judges, including 3 on the Fifth Circuit Court of Appeals from Texas. All of these nominees and now judges have brought great intellect, legal expertise, impartiality, and good will to bear as they make decisions with their very distinguished colleagues.

We saw the first major overhaul in the Tax Code in 31 years. It lowered rates for every tax bracket, doubled the child tax credit to help working families, and made our business tax scheme more competitive globally. All of this has allowed many of those employers to pass along benefits through bonuses and higher wages. We have also incentivized investment in economically distressed communities in every State through the Opportunity Zone Program.

Some like to shrug off the benefits of the Tax Cuts and Jobs Act by calling the savings crumbs, which is what Ms. PELOSI has called them, but they are certainly not taking into account what I am hearing from my constituents back home in Texas. The effects of tax reform are real, and they are extremely significant to every American. All employers have been able to provide additional benefits—as I said, some in the form of bonuses or in increased pay. Those who have seen their pay remain the same have seen more take-home pay because their tax obligations have been reduced.

One of the taxpayers I heard from in Texas was a gentleman by the name of

David Tong from Arlington, TX, which is halfway between Fort Worth and Dallas. Dave wrote to me to say that the company at which he is employed has increased the number of hours people are able to work. He said Christmas bonuses have been promised, too, and that the company has hired more people, has bought more new machinery based on the accelerated depreciation provided for under the bill, and has made long overdue repairs to their working place. Now, with the tax law changes in place, David says the guys down on the shop floor are taking home a little more in their paychecks each week. He said all of this adds up and makes a huge difference in the lives of the guys on the shop floor.

We have heard similar stories from around the country because more than 700 companies, including many that are based in Texas, have used the tax savings to benefit their employees and their customers. They have announced pay raises, as I said, and 401(k) match increases.

We have actually seen seniors and people on fixed incomes have a decrease in their utility bills, when their electricity is provided by investor-owned utilities, because of the reduction in taxes to be paid by those investor-owned utilities. So there are lower utility rates for seniors and those on fixed incomes.

These developments are part of the reason the economy is thriving. Since tax reform was signed into law, the economy has added more than 2 million jobs, and unemployment has been at its lowest rate since 1969. My State has a population that is roughly 38 to 40 percent Hispanic; yet Hispanic unemployment sits at the record low of 4.4 percent. That is a big deal to my constituents back home. Joblessness for African Americans has fallen to its lowest level ever—the lowest level ever—under this administration.

Then, of course, with more demand—with more money in people's pockets, more money to spend—there is more demand for goods and services. So in October alone, the economy has added another 250,000 jobs, exceeding all expectations. As a matter of fact, the biggest concern I hear from employers now is that they are looking for qualified employees who are able to perform the jobs that are now available, and many of these are very well-paying jobs.

So people are back to work. They are earning more. They are investing, and the economy is moving at full throttle.

But it wasn't just the work of the tax bill. That was just part of it. Part of it has to do with the increased confidence and optimism that people feel about their future as a result of the improvement of their economic circumstances. We saw that with the passage of the bipartisan Dodd-Frank reform. We have also provided additional relief to our community banks and credit unions so they are able to spend less money on redtape and have more money invested

in their local communities and in their small businesses.

We also know that regulation is important, but overregulation is a job killer. We have rolled back overregulation that was stifling job creation, and we are creating an environment that fosters job growth. Our reforms have created a savings of at least \$50 billion for small businesses and entrepreneurs. That is why the economy is on fire.

We have also done important things to help improve access to healthcare. We have repealed the Independent Payment Advisory Board provisions of ObamaCare and repealed the costly individual mandate, which essentially was a tax on poor people and middle-income people when they couldn't afford to buy the ObamaCare policies with all of the coverage that they didn't necessarily even want or need, but it added to the cost of the policy. When they couldn't afford the policy, they were taxed by their own government and punished through the individual mandate.

What we have done is to try to restore the authority and the power of citizens themselves to make healthcare decisions for themselves and their families that they want and that they can afford by starting to recreate an individual market. To me, that is the best way for us to offer choice and to keep prices down—to create an individual market, not for government to mandate a one-size-fits-all approach, which is what ObamaCare did. It forced many young people to pay a lot more for their insurance to subsidize others who were covered by ObamaCare.

We also addressed the public health challenges we face in this country in another significant way. The Nation's drug addiction epidemic killed roughly 72,000 Americans last year. Some 72,000 Americans lost their lives to drug overdoses. Nearly 50,000 of those were related to opioids, whether a prescription drug or heroin or fentanyl. It has left many families in disarray and overwhelmed medical professionals and emergency personnel in many communities.

Through the collaboration of about 70 bipartisan proposals—people say nothing bipartisan happens here, but thanks to 70 bipartisan proposals—that were included in this landmark opioids bill, we are not only addressing stemming the tide of drugs coming across our border but also supporting those who are trying to recover from a drug addiction.

Among other reforms, the law requires screening of packages being mailed from overseas for substances like fentanyl. It increases access to treatment for people with substance disorders. It expands research into non-addictive painkillers, and it provides more money for enforcement and interdiction.

But healthy communities are also safe communities. In addition to the opioids bill, we took further steps to enhance the safety of our communities

and to help victims. With three new laws, we aimed to reduce the backlog of untested rape kits in forensic labs so that perpetrators of sexual assault can be identified with near certainty and those wrongly charged can be exonerated.

We also have assisted our law enforcement in prosecuting cold cases and eradicating the scourge of online sex trafficking. We didn't stop there, though. We kept communities' needs in mind and turned toward fixing our Nation's outdated infrastructure.

In October, we passed a major water infrastructure bill that helps to keep our communities safe by providing dams and levees and addressing the need for drinking water—clean, safe drinking water—and addressing the underdevelopment of wastewater systems across the country.

But our work on infrastructure extended far beyond public water systems. It also included passing the Federal Aviation Administration Reauthorization Act, which modernizes airport infrastructure, increases safety, and boosts industry innovation.

We also helped to support our men and women in uniform, past and present. By passing a Defense authorization bill, we gave our troops the largest pay raise in nearly 10 years and began to restore military readiness in an increasingly dangerous world.

The National Defense Authorization Act, named after our former chairman of the Armed Services Committee, John McCain, ensures that our troops have the resources, the equipment, and the training they need to defend our country and keep Americans safe.

For our veterans, we passed the VA Mission Act—again, a bipartisan piece of legislation. Access to healthcare had become a nightmare for many who sacrificed so much for our country. We saw them being met with difficulty getting appointments because they were backlogged so much, or they had to drive great distances to get access to basic healthcare. So we passed the VA Mission Act with an eye toward providing more efficient access to care in local communities.

Beyond that, we did the basic work of funding the Federal Government on time and through regular order. We haven't finished that job yet. We have until December 7 to finish the job, and I hope we do. It is not a particularly flashy topic, but it is one of the most fundamental duties of the Congress.

So our record is clear, and the voters responded by rewarding the majority with an even greater Senate majority in the next Congress. But we need to finish out the rest of this year strong. We are adding to our list of accomplishments this week by passing a bipartisan bill to provide critical funding for the Coast Guard. Our Coast Guard is made up of men and women who risk their lives to save others and to protect our ports and to stop illegal drugs from reaching our country. This bill ensures that they can continue that

work with the predictability they deserve.

Moving forward, we have a significant to-do list before we break for Christmas. We need to finalize the farm bill. We need to reauthorize a number of other bills, and despite the large number of nominations we were able to get done before we recessed, there is still a huge backlog of many executive branch nominations. For some reason, after the 2016 election, our Democratic colleagues decided they were going to obstruct or delay as many Trump nominations to executive agencies on the bench as they could. Unfortunately, they have been too successful in doing so, but I am confident that the Senate Majority Leader, Senator McConnell, will use the leverage of people wanting to get home at Christmastime and Thanksgiving to ensure that we get a maximum number of these noncontroversial nominees supported. These are people who will enjoy broad bipartisan support if we can just get our Democratic colleagues to quit the obstruction.

We have just a short time left to finish this Congress strong, but the past 2 years have been an unmitigated success for the country. We have delivered on promises we have made. We have put money back in the pockets of hard-working families. We enhanced community safety and fought for victims. We have modernized infrastructure and supported our men and women in uniform. I hope we can continue this momentum into the 116th Congress that begins in January.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Washington.

#### COAST GUARD REAUTHORIZATION BILL

**Ms. CANTWELL.** Mr. President, I come to the floor this afternoon to speak about the Coast Guard reauthorization legislation that just passed the Senate today. I thank my colleagues for all of their hard work on this important measure that literally has taken years to piece together. I thank Chairman THUNE and Ranking Member NELSON for working on this legislation and for incorporating many of the things that the people of Washington were interested in seeing as part of this comprehensive bill. I certainly want to thank Senator CARPER and the EPW staff for working on major provisions of this bill relating to ballast water and the solutions they put forward. This bill includes many provisions important to our Coast Guard, our environment, and to our shipbuilding community. It represents a true bipartisan effort to find solutions and to put those solutions into action.

Our State of Washington is rich in its maritime heritage. The Coast Guard is a large part of that. With so much coastline, and so many rivers and streams, the Coast Guard is so important. Our State is home to fishermen, shipbuilders, Tribes, trade operators, and a thriving tourism economy. So for places from Cape Disappointment and

Grays Harbor to Neah Bay and all the way up the Columbia River, our Washington State Coast Guard works tirelessly to protect the Northwest and our environment.

In our State, there are more than 2,000 Active-Duty coasties, 440 reservists, 192 civilian employees, and an impressive 869 volunteer auxiliary members in the Coast Guard.

The Coast Guard plays an important role in the safety and oversight of our fisheries. Thousands of Pacific Northwest fishermen call Washington State home, and over 35,000 Washington State jobs are supported by the Alaska fisheries.

While we usually talk about big assets here on the floor, like icebreakers and national security cutters, Washington State is also home to heavy surf stations that serve in some of the most extreme conditions that people have to operate under.

This bipartisan Coast Guard legislation has many provisions that I would like to talk about this afternoon. I want to again thank my colleagues for their great bipartisan work on this legislation.

This legislation has many different solutions for many of the challenges our agencies face. I want to again thank Senator THUNE for working across the aisle on the various Coast Guard provisions that are included in this bill, and I want to thank Senator SULLIVAN for helping to cosponsor the authorization of the recapitalization of the Coast Guard heavy polar icebreaker, the *Polar Star*. The *Polar Star* is home-ported in Seattle and is our only operational heavy icebreaker, crucial for Arctic operations.

The language that we just passed improves the oversight of ships that pose an oil spill risk in Puget Sound. This is so important for us moving forward to have these types of assets in these critical waters.

This bill also includes language to strengthen the Coast Guard's family leave policies, as they moved forward to meet other branches in adding paid family leave. The legislation included language that helps to improve the flexibility of that paid family leave for various parts of our State that are most hard to serve.

The Coast Guard families should not be forced to choose between serving their country and supporting their families, and I so appreciate the incorporation of this language into this legislation.

This bipartisan deal also helps to protect good shipbuilding jobs at Dakota Creek Shipyard. I am a very strong supporter of the Jones Act, and I believe it is important that we continue to have the Jones Act in the future. I am proud that we were able to work together to find a solution to save good jobs at the Dakota Creek Shipyard, and I appreciate my colleagues working on the incorporation of that language.

This legislation also included a critical compromise to address the threat

of invasive species and the threat they pose to our waterways in many different parts of the United States. We worked hard on this solution, consulting with the State of Washington, and believe that this version, which does create regulatory certainty for maritime operators but does so while still protecting our environment, is critical.

The bill allows the State of Washington, which has a strong history of protecting our waters from invasive species, to modify the west coast ballast water management practices, which is very important for us to protect our waterways for the future. It requires that the most rigorous scientific standards are used—including the Clean Water Act's best available technology standard so important to us in the Northwest. The bill also creates tools for emergency response to invasive species so they can be stopped before they take a stronghold in our environment. Lastly, it includes a permanent fishing vessel exemption for incidental discharges which do not pose a threat to our environment.

All of these things were part of a very comprehensive Coast Guard bill that tried to give us the best tools possible to continue to operate in our coastal areas of the United States, to have the right resources, to have the right oversight, to have the right assets, and the right protection of our environment.

Again, I thank our colleagues on both sides of the aisle for working so diligently to finally get this legislation over the threshold and on to the President's desk.

The Coast Guard represents such an important maritime piece of our economy. I hope our colleagues will realize we need to give the Coast Guard the resources and assets to do their jobs, not just now in this legislation but moving forward as well.

I also want to thank our Coast Guard fellow, Lieutenant Commander Michelle Rosenberg, for her time working on this comprehensive legislation for the last several years.

I, again, thank my colleagues.

I yield the floor.

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

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

#### GUN VIOLENCE

Mr. TOOMEY. Mr. President, winter has arrived in Pittsburgh. Today, 11 3-foot-tall wooden Stars of David make up a sidewalk memorial in the city's Squirrel Hill neighborhood, and they will be brought inside the Tree of Life Synagogue to protect this display of the city's grief from the snowstorm.

Pittsburgh, the Jewish community and our entire country were shaken by

a horrific anti-Semitic attack that occurred on October 27, during Shabbat morning services. Members of three Jewish congregations were present: the Tree of Life, Dor Hadash, and New Light congregations. Eleven innocent people were senselessly slaughtered in the attack, and six others were wounded, including four police officers who responded to the attack.

Even within this act of evil, there were displays of amazing courage and humanity: the first responders, who rushed into danger to apprehend the shooter and protect others; the Jewish doctors and nurses who cared for not just the victims but the shooter as well. Like Dr. Jeffrey Cohen, president of Allegheny County Hospital—who is actually a member of the Tree of Life Synagogue—displayed an amazing, remarkable courage and humanity in visiting the shooter to ask him about his care and to try to make some sense of the attack.

After such an inexplicable event, all of us looked for the motivation of the perpetrator and asked why.

Well, let's be clear about what this shooting was about. It was a cowardly act of brutal violence, fueled by anti-Semitism, a corrupt and repulsive ideology that really betrays our most fundamental values and distorts history.

John Adams had an interesting quote. John Adams said:

If I was an atheist and believed in blind eternal fate, I should still believe that fate had ordained the Jews to be the most essential instrument for civilizing the nations. They are the most glorious nation that ever inhabited this Earth. The Romans and their Empire were but a Bauble in comparison to the Jews. They have given religion to three quarters of the Globe and have influenced the affairs of Mankind more, and more happily, than any other Nation ancient or modern.

Despite Judaism's incredible contributions to mankind and to our own country and our country's founding, anti-Semitism is still far too prevalent. We can't ignore it. We must condemn it. We must challenge it.

I think there is a lesson here from Dr. Cohen, whom I mentioned earlier. When asked how he could visit a patient with so much hatred, Dr. Cohen replied:

I thought it was important to at least talk to him and meet him. You can't on one hand say we should talk to each other, and then I don't talk to him.

I think Dr. Cohen's wisdom and insights in humanity could be useful for this body as well. I have spent a lot of time working with colleagues and others to try to find some commonsense solutions to address some element of the gun violence that plagues this country. Too often, it seems to me, we talk past each other rather than speaking with each other.

I know there are strongly held views on the Second Amendment, and I am one of the Senators who has strongly held views on the Second Amendment. I am a strong supporter of the Second Amendment, but I am also convinced

there is common ground among people who have different views on the Second Amendment.

In this session of Congress that we are wrapping, we overwhelmingly enacted legislation to improve NICS, the National Instant Criminal Background Check System, which is used to prevent the sale of firearms to people who should not have firearms. Now think about that. We all agree firearms should not be sold to criminals and the dangerously mentally ill. I have never heard any colleague in this body suggest that firearms should be sold to violent criminals or dangerously mentally ill people. No. We all agree, as does our entire society, that these are people who shouldn't have firearms. So we have a NICS system that is designed, when it works well, to identify people who should not be able to have firearms because they are convicted criminals or dangerously mentally ill, or both, and we in this body recently passed legislation to improve the effectiveness of that NICS system.

Since we all accept the premise of the NICS system, and we have in fact enacted legislation to improve the effectiveness of the NICS system, shouldn't we also agree to close the remaining loopholes in the background check in this NICS system?

One measure that I think ought to be a consensus measure, and I know has bipartisan support, is that using the NICS system, we should cover all commercial sales of firearms with a background check. This is just a common-sense measure that is entirely consistent and compatible with the Second Amendment.

The Constitution guarantees the rights of law-abiding people to own firearms, but there is no such right for violent criminals and those who are dangerously mentally ill. I am not the only one who believes that. None other than the very pro-Second Amendment Justice Antonin Scalia wrote that it is completely compatible with the Second Amendment to have regulations like a background check.

Senator JOE MANCHIN and I have introduced bipartisan legislation that would address this loophole, that would expand background checks. It is pretty simple. It simply says that all commercial sales of firearms, including those sales at gun shows and over the internet, need to be subject to criminal and mental background checks. If you pass the background check, you get to buy your gun, but if you fail the background check, then you are exactly the kind of person we have all agreed shouldn't be able to get a gun. This is just common sense. By the way, he and I built into this legislation a number of provisions to allow law-abiding gun owners to more fully exercise their Second Amendment rights.

So I hope my colleagues will join me in working to advance this common-sense, bipartisan measure to keep our communities a little bit safer. I have never suggested that this would end

mass shootings in America—that would be absurd—but it might make it a little more difficult for someone who doesn't belong owning a firearm to obtain one.

I know in our country many people feel a deep sense of division. We saw it after the shooting at the Tree of Life. We see it sometimes in the debates here, including over gun safety, but this isn't the first time or even the worst time we have been divided.

Interestingly, Pittsburgh's Tree of Life Synagogue was founded in 1864 during the Civil War. When I was in Pittsburgh following the tragedy, the day after the attack, I attended a beautiful memorial service just a few miles from the Tree of Life Synagogue. The service was at the Soldiers & Sailors Memorial Hall. At that ceremony, Catholics, Protestants, Muslims, Jews, people from every walk of life were represented. People from the Greater Pittsburgh area united to support their Jewish neighbors.

It was fitting to gather at the Soldiers & Sailors Memorial. This memorial was founded by veterans of the Civil War in Allegheny County to honor the sacrifice and valor of those who were willing to die to save our country during that war. The very first soldier from Allegheny County to die in the Civil War was a married salesman in his early thirties from Pittsburgh. He died at the Battle of Williamsburg on May 5, 1862. His name was Jacob Brunn. He was Jewish. That didn't matter to Pittsburgh. The entire city turned out for his funeral, the entire city. As one historian put it, "the city put religious and political differences aside to honor the man who was first to fall."

I hope the Senate can also put aside some of our political differences and do something sensible. It is our duty, and it would be a fitting act of remembrance for victims of mass shootings—at the Tree of Life, Thousand Oaks, Sandy Hook, and all the others whose deaths from gun violence have scarred our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—S. 2644

Mr. FLAKE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 393, S. 2644. I further ask that the committee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

SPECIAL COUNSEL INDEPENDENCE AND INTEGRITY ACT

Mr. FLAKE. Mr. President, I rise to speak in defense of Special Counsel

Robert Mueller and to defend the vital role he has played since May of last year in yet another act of service to his country in what has been a lifetime of distinguished service.

For his trouble, Mr. Mueller has been accused repeatedly and without basis in fact of conducting a "witch hunt" in the course of his current investigation by none other than the President of the United States. So I would like to take this opportunity to say a few words about what Special Counsel Mueller and his team have been investigating and why, as the point of this vital investigation seems to have been purposely confused and maligned by the White House in a rather alarming way.

My colleague from Delaware, Senator COONS, and I have made the unanimous consent request to bring this to the floor, but it has been objected to already.

This bill is designed to do one thing: protect the integrity of the special counsel's investigation and spare it of any influence or interference from the executive branch, including from those who may themselves be subjects of the investigation.

The findings of Mr. Mueller's investigation are of utmost importance to the security of this country and to the well-being of our democratic institutions as well. In America, as we all know, no one is above the law. Our doctrine of separation of powers and the independence of the judicial system is what sets us apart from lawless countries, and Presidents do not get to determine who gets investigated and who and what does not.

For the record and for history, this special counsel was appointed to thoroughly investigate the attacks on our electoral system by elements of the Russian Government during the lead up to our 2016 general election. How such an investigation can be a cause of controversy is beyond me. Surely, we all recognize it is essential to understand this new form of foreign aggression so that we might better defend America against such attacks in the future; right?

One would think there would be unanimous national resolve to get to the bottom of such aggression from an enemy or foreign power, especially a foreign power with whom we spent much of the second half of the 20th century locked in a global ideological struggle, especially when in their renewed aggression toward us, they have targeted the institution we have and they don't—free and fair elections.

Vladimir Putin knows he could not defeat us on the battlefield, and he knows the ideas at the center of his former empire were soulless and bankrupt. He wants to rob us of what makes the United States superior to his autocracy. His goal is to turn us against ourselves and, in doing so, to try to destroy our democracy.

This is a matter of grave national importance. This is not a moment for our national leadership to be weak or

irresolute or compromised in any way. Some of us in Washington have seemed strangely incurious about just what the Russian malefactors did to America in 2016 at the direction of Vladimir Putin.

Our President has been so incurious that at times over the past 2 years he has been eager to accept Putin's denials at face value. In fact, our executive branch has generally been in such a state of denial about the attacks on our democracy that the White House has not been aggressive at all in defending against future attacks.

I defy any of us to name a threat so grave to which the government of the United States—that we, all of us, including this Senate—has responded so lackadaisically. Why is that? With the firing of the Attorney General and, in my view, the improper installation of an Acting Attorney General who has not been subject to confirmation by this body, the President now has this investigation in his sights, and we all know it.

My purpose here is not to divine the President's motives in his seeming determination to sow doubt about and curtail Mr. Mueller's investigation. If, as the President says, there was no involvement by anyone in his campaign with the Russian malefactors, then this investigation—properly conducted—will discover and document that.

Mr. Mueller has already brought dozens of indictments against Russian nationalists. It is in the national security interest of the United States to fully understand what they did to us in 2016. If the President doesn't understand this, we must. If he doesn't prioritize that, we will.

We—all of us—talk much in this place about the defense of “all that we hold dear.” Those are the words we speak—“all that we hold dear.” What do we actually mean when we say those words? Speaking personally, I can't think of values held more dear than the independence of our judicial system and an electoral system free of malign influence, either foreign or domestic. When I think of the things we must hold dear, those things are right at the top of the list. It is our sworn oath to keep it that way.

On one further note on this unanimous consent request that has just failed today, Senator COONS and I are prepared to make it again and again until there is a vote on this vital bipartisan legislation on the Senate floor. I have informed the majority leader that I will not vote to advance any of the 21 judicial nominees pending in the Judiciary Committee or vote to confirm the 32 judges awaiting confirmation on the Senate floor until S. 2644 is brought to the full Senate for a vote.

Mr. President, I yield to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, first, I want to thank my colleague and my

friend, Mr. FLAKE, the Senator from Arizona, for joining me today in calling for action on a balanced bipartisan bill to uphold the rule of law, to avoid a constitutional crisis, and to secure the ongoing position of Special Counsel Robert Mueller, as he moves to complete his investigation.

This is a critical moment. Just a week ago today, President Trump forced the resignation of his Attorney General, Jeff Sessions, and effectively stripped Deputy Attorney General Rod Rosenstein of his authority to supervise the ongoing investigation by Robert Mueller—an investigation which, I will remind you, just the same day he forced Attorney General Sessions' resignation, the President attacked publicly as a hoax and a witch hunt.

Let's take a step back to remember the bigger picture here. Robert Mueller—a career Federal law enforcement leader, a decorated combat veteran, a lifelong Republican—is leading an investigation into a foreign adversary's attack on our last election.

This isn't about relitigating that election. It isn't about partisan politics. It is about protecting our democracy. As my colleague Senator FLAKE said, it is about protecting what defines us as a democracy. Yet our President is now in a position easily to interfere with or even end the Mueller investigation. Compounding that threat is the person who has been appointed as the Acting Attorney General, Matthew Whitaker.

I have separate concerns about Mr. Whitaker's novel legal theories well outside the mainstream, about whether his experience makes him an appropriate person to be Acting Attorney General, whether his appointment is consistent with the Constitution and Federal law, but I will leave those concerns for another day. At the moment, I think Mr. Whitaker's comments about the Mueller investigation made a year ago make him a clear and present danger to the independence of the special counsel.

In an editorial last year, Mr. Whitaker argued that Mueller is “dangerously close to crossing” a redline, following reports saying he was looking into the President's finances. He said that without any examination of the facts or evidence. He said that if the investigation goes too far, then—and he openly pondered ways—an Attorney General could reduce special counsel Mueller's budget “so low that his investigation grinds almost to a halt.”

For these reasons and others, I think Mr. Whitaker should recuse himself from overseeing the Mueller investigation, and we cannot wait for that action. We have asked our colleagues today to take a simple yet critical step to protect the special counsel and future special counsels in future administrations by supporting the bipartisan Special Counsel Independence and Integrity Act. This is a bill crafted by Senator GRAHAM, Senator BOOKER, my-

self, Senator TILLIS—a bipartisan bill that, with the support of Senator FLAKE and the Chairman, Senator GRASSLEY, passed the Judiciary Committee in April by a strong bipartisan margin of 14 to 7. We had a hearing. We had a markup. We had a vote. It is ready for committee action.

While I appreciate repeated assurances by the majority leader and many other Senators of the other party that it is not needed because they are confident the President will take no inappropriate action to interfere with the ongoing investigation, why would we not take this simple preventive measure? Given the President's repeated actions, given his repeated statements about the Mueller investigation, why pose this risk when a simple vote on the floor of the Senate could move this toward enactment?

Let me be clear about what the bill does. It says that if the special counsel is removed, counsel has the opportunity to challenge the removal in court. A panel of three Federal judges would have 2 weeks to hear and determine whether the removal was based on good cause. If the panel doesn't find good cause, the counsel would be reinstated. It preserves staffing, documents, and materials of the investigation while that matter is pending for that brief period.

The bottom line is this. The special counsel legislation we are urging today protects the integrity of this special counsel and future special counsels, something that Members of this body of both parties have repeatedly and publicly said we value. It strengthens the rule of law. It strengthens the principle that no one is above the law, and it ensures that we are not back on this floor trying to unravel an emerging constitutional crisis should the President precipitously act or should Matthew Whitaker precipitously act to impede Special Counsel Mueller's ongoing investigation.

Let me close today by asking my colleagues who are listening to consider the fundamental principles that form the basis of our democracy—free and fair elections, respect for the rule of law, strong independent institutions that deliver justice impartially and transparently.

It is because of these principles, enshrined in our founding documents, that the United States has grown from a fledgling experiment—at that time on the very fringes of world civilization—to a strong, vibrant, and inclusive nation that is a beacon for the world and the most sustained and greatest democracy in the history of the world.

We cannot take these principles and we cannot take the institutions of our democracy for granted. They don't protect themselves. Every now and then, when founding principles are threatened, we have to demand elected officials put aside disagreements and come together to defend them. This is one such moment.

I am grateful to my colleague from Arizona for his statement and his leadership today. I am confident that if given the opportunity to come for a vote, this bill would get at least 60 votes, having spoken to colleagues on both sides of the aisle yesterday and today. I am puzzled as to why there are leaders in this body who continue to have great confidence given the President's statements and actions.

I think the time for action has long since passed. We should have taken that action today. I will continue to work tirelessly with my colleague from Arizona until we secure passage of this bill.

With that, I yield the floor to my colleague and cosponsor, the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, first of all, I want to give gratitude to both of the Senators who spoke before me, my friend Senator COONS and my friend Senator JEFF FLAKE. I want to especially thank JEFF FLAKE for his willingness not just to lead with words but to make a commitment on the Senate floor that he will not be voting on judicial appointments until this is brought to a vote.

Senator FLAKE and Senator COONS have said pretty much all of what I was going to say. Perhaps just very succinctly and very candidly, I want to reiterate this moment we are in and the gravity of the moment we are in. This bill is not a partisan piece of legislation. It comes from a bipartisan effort. It started many months ago, when Senator GRAHAM and I started talking and Senator TILLIS and Senator COONS started talking many months ago, not just for this moment in history but also understanding that we have a flaw in our system that does not have an appropriate check and balance on a Presidential power that can put them in a position where they are not subject to the laws of our land.

This Special Counsel and Independence Integrity Act came from a bipartisan effort to try to make sure that we have appropriate checks and balances to prevent a constitutional crisis. It is actually a forward-thinking bill, understanding that we should not be reactive in the cause of our democracy but proactive in preventing and securing the great Nation and our laws and our rules that we all cherish.

We see a bipartisan bill worked on, crafted, compromised, brought to committee, be voted out of committee, and languish now without a vote, and I agree with Senator COONS that it would get more than 60 votes and would provide a reasonable check and balance. This is a bill that is important for history, but the urgency of this moment Senator COONS has already gone over.

We now have the firing of Jeff Sessions, and Jeff Sessions was said to be fired by a President who literally said: "I would not have hired you if I thought you were going to recuse your-

self." He was replaced with a person—and Senator COONS has read the quotes—who talked about this investigation and what he would like to do. He called it a witch hunt, and he compromised himself now in the position he is in. The idea that the integrity of this investigation and the idea that the urgency of this investigation will continue under his leadership are in question. That is why this bill is necessary.

More than that, we are a nation that has been, is, and will be under attack. All of our intelligence agencies have a consensus on the conclusion that our democracy is under attack.

We need to understand what happened, what is happening, how to prevent it from happening again, and hold those people accountable.

This investigation has led to numerous guilty pleas. This investigation has led to numerous indictments, and it should be able to run its course without interference.

So I will conclude by saying that there is urgency in our country to uphold an ideal and a principle that no one, not a Congress person, not a Senator, not a mayor, not a Governor, not the President of the United States—not one in this country is above the law.

There is ample evidence of this body taking reasonable, measured, bipartisan actions to make sure we have the balanced government that was designed and intended by our Founders. This is a reasonable, modest check and balance on Presidential power to ensure that no one, including the President of the United States, is above the law.

I am deeply grateful for Senator COONS, Senator TILLIS, Senator GRAHAM, and especially for the leadership shown right now by Senator FLAKE in this important moment to avoid a constitutional crisis.

Thank you.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I want to thank the Senator from Delaware, Mr. COONS, and the Senator from New Jersey, Mr. BOOKER, for doing this together with us to make sure that we have this bipartisan piece of legislation here on the Senate floor.

It is not unremarkable to have such a bipartisan piece of legislation pass out of the Judiciary Committee. We don't have very many bipartisan pieces of legislation coming out of the Senate Judiciary Committee, but this one was—by a vote of 14 to 7, including the chairman of the committee.

There is no reason it shouldn't be brought to the floor. It was passed out of the Judiciary Committee on April 26.

I should note that the Judiciary Committee has been busy sending things to the floor during the intervening time. In fact, since April 26, when this bill passed the Judiciary Committee, we have sent 49 nominations through to the floor that we have voted on and confirmed here on the

floor. Since that time, the floor actually has voted on 50. There was one that was already in the queue.

So on the floor, since this bill passed the Judiciary Committee, we have voted on 50 confirmations of the President's nominees. Many of these nominees were blue-slipped in Democratic States; some, in Republican. We have been able to move on all of them. There is no reason we shouldn't move on this vital piece of legislation to protect the special counsel.

When the leader said in April that there was no move on the special counsel, nobody was being fired, nothing to worry about here—if that was the case then, that certainly is not the case now. Since then, the Attorney General has been fired, and the oversight for this investigation, which sat with the Deputy Attorney General, has been wrested from him and turned over to someone who has not received Senate confirmation, someone who has expressed open hostility to the Mueller investigation. Does that not ring alarm bells around here? If that doesn't, what will? Why are we so sanguine about this? This would provoke a constitutional crisis. Yet, when we have the opportunity to pass legislation to protect the special counsel, which received a bipartisan vote in the Judiciary Committee, we fail to bring it up on the Senate floor. Why?

Why do we do this to protect a man, seemingly, who is so incurious about what Russia did during the 2016 elections? Why do we do that?

Do we have no more institutional pride here? Don't we more jealously guard our prerogative as Senators than to simply let this go? What will it take?

I am prepared—and I know that the Senator from Delaware is, as well—to bring this up again. We will bring it up again until we can get a vote on the Senate floor.

I hope in the next few days and in the coming weeks that the public will rise up and say that this needs to be done. A bipartisan piece of legislation that has passed the Judiciary Committee ought to be brought to the Senate floor for a vote. We are not saying that it has to pass, although we think it will; for sure it will. It has overwhelming support. We are just saying: Bring it to a vote; bring it to a vote. Until we do, the 21 nominations that are in the Judiciary Committee waiting for a vote there will not receive a vote, nor will I give my vote to the 32 nominations that are sitting here on the Senate floor.

This is important. This should be a priority. I thank the Presiding Officer, and I thank the Senator from Delaware, and I will yield to him.

Mr. COONS. Mr. President, I will just conclude by saying that I could not agree more with the comments of the Senator from Arizona, my friend and colleague.

There come moments when we should step up and defend the prerogatives and



the role of this body. This is one of them. I understand it may annoy, it may displease the President for there to be a speed bump put in the way of interference with the special counsel. But this isn't just about the current special counsel; this is about taking Department of Justice regulations and making them statute. This is about providing a small modicum of protection for the groundless removal of a special counsel.

This is something that, as my colleague has said, deserves prompt attention on the floor. We have a few weeks between now and the end of this Congress, time when we could be taking up and confirming nominees, time when we could be taking up and moving other pieces of legislation, but you have heard a very clear position by my colleague that we won't be moving forward nominees in the Judiciary Committee, and if just one more colleague joins him, we might well begin to prevent nominations from moving on the floor as well. To what end? Simply to get a vote on the floor. Simply to get an opportunity to be heard and for there to be a vote taken on this important piece of bipartisan legislation.

I am grateful to my colleague for his work on this and for his stand today, and I look forward to continuing to work tirelessly with him on it.

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.

The PRESIDING OFFICER. The Senator from Rhode Island.

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

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

#### REMEMBERING CLAIBORNE PELL

Mr. REED. Mr. President, next week will mark what would have been the 100th birthday of my predecessor, Senator Claiborne de Borda Pell, who was born on November 22, 1918. This year, appropriately enough, the date falls on Thanksgiving.

We lost Senator Pell nearly 9 years ago after a long struggle with Parkinson's disease, which robbed him of his mobility but not his spirit. He was sustained by the love of his wonderful family, especially his beloved wife, the late Nuala Pell.

A person who dedicated his life to selfless service to Rhode Island and the Nation, Senator Pell would not want a showy commemoration of his centenary. He was not one to seek the limelight. Moreover, for him, his birthday—November 22—became a somber day for remembrance and mourning the loss of his dear friend, President John F. Kennedy.

But at a time when differences seem more striking than our common cause and when there is a question of whether America's role in the world community should be guided solely by nar-

rowly defined self-interest or by our democratic ideals, it is helpful for us to recall the example and standard Senator Pell set—both his accomplishments and the civility he maintained throughout his career.

He was born into a family of great wealth and privilege, yet Claiborne Pell never exhibited a sense of entitlement. At a defining moment in the history of our country and a defining moment in his life, Claiborne Pell demonstrated that privilege and wealth was not a way to avoid the rigors of life. Rather, for him, they offered the opportunity and responsibility to meet the challenges of the times with vigor and wisdom and optimism.

As World War II approached, Claiborne Pell, with family connections, poor eyesight, and a high draft number, could have easily secured a sinecure, a safe posting to ride out the war. Instead, before Pearl Harbor, he decided on his own to enlist in the Coast Guard and eventually sailed the dangerous North Atlantic convoy runs. Significantly, Claiborne chose to enlist not as an officer but as a seaman so that he could get a chance at sea duty.

The complete lack of regard for status or pretense, which he showed in his World War II service, would continue to mark his public service and endear him to generations of Rhode Islanders. For 36 years, Claiborne Pell did not simply represent Rhode Island in the U.S. Senate; he represented the ideal of what a public servant should be.

He said that his motto or statement of purpose was to “translate ideas into action and help people.” And that is what he did. One hundred years after his birth and 58 years after his first election to the Senate, millions of Americans continued to be helped by his ideas translated into action.

He believed that government had a critical role in providing opportunity, particularly the opportunity for a good education for every American, and he knew that there were unbounded horizons for the initiative, invention, and innovation of these well-educated sons and daughters of America. Truly, they would continue and enhance the great endeavor that is America.

He authored the legislation that established the Basic Education Opportunity grant, now known as the Pell grant. Today, roughly 7.5 million students rely on Pell grants to help pay for college.

He wrote the legislation that created the National Endowment for the Arts and the National Endowment for the Humanities. To this day, these agencies support artistic, educational, and cultural programming in communities large and small across the Nation, fulfilling Senator Pell's commitment to strengthening and preserving our national cultural heritage for all Americans.

He led the effort to establish the Institute of Museum and Library Services, helping libraries and museums across the Nation transform their com-

munities through access to information and opportunities for lifelong learning. According to the Institute, people visited libraries over 1.3 billion times in 2015, and 55 million student groups visit museums each year.

The vision he articulated in the early 1960s for high-quality passenger rail service connecting the major population centers on the east coast into a megalopolis led to the creation of Amtrak and the Northeast Corridor. Decades later, it is interesting to see not only how much of his vision has been achieved but also how much of his vision is now reflected in ideas like Elon Musk's “hyperloop.”

Touched by the death of two members of his staff who were killed by drunk drivers, Senator Pell authored the first Federal anti-drunk driving bill in 1976—4 years before the founding of advocacy group MADD, Mothers Against Drunk Driving. Senator Pell's legislation became the model for Federal policy efforts to combat impaired driving by giving the States strong incentives to toughen their laws.

Senator Pell was also deeply committed to America's role in securing world peace. His notion of a powerful America leading the world—not standing apart from it—and his notion that our values, our system, and our commitment to human decency would prevail in the face of totalitarianism were wisdom of the ages. In his service on the Senate Foreign Relations Committee, he espoused those views, seeking to remind us that our destiny would take us far beyond what simply a military operation or our economic power might because of our ideals and commitment to creating a world community.

Senator Pell's approach to legislating was unfailingly kind and civil. In his farewell speech to the Senate, he laid out his guiding rules. In his words: “First, never respond to an adversary in ad hominem terms.”

In his six campaigns for the U.S. Senate, Claiborne Pell never ran a negative ad or attacked his opponent personally. Rhode Islanders rewarded him with an average vote of more than 60 percent for each of his elections.

“Second, always let the other fellow have your way.”

For Senator Pell, winning an ally to achieve a legislative victory was more valuable than getting exclusive credit.

“Third, sometimes half a loaf can feed an army.”

He lived by those rules, but he feared that our politics and our media were pulling us in the opposite direction. That is why he used his farewell speech to urge us to stay true to a practice of politics worthy of our Democratic tradition, saying:

If I could have one wish for the future of our country in the new millennium, it would be that we not abandon the traditional norms of behavior that are the underpinning of our democratic system.

Comity and civility, transcending differences of party and ideology, have always

been crucial elements in making Government an effective and constructive instrument of public will. But in times such as these, when there is fundamental disagreement about the role of Government, it is all the more essential that we preserve the spirit of civil discourse.

Those words ring very true and relevant today as they did when he gave them in his farewell address.

Following in Senator Pell's footsteps, I am one who is in awe of his presence and accomplishments and feel a deep responsibility to continuing his legacy. He forged an enduring bond with the people of Rhode Island. He put ideas into action to help people. He was always civil and ready to find common ground.

As we celebrate Senator Pell's 100th birthday, let's take inspiration from his spirit of service and collegiality. Let's translate ideas into action and help people.

Mr. President, I know my colleague Senator WHITEHOUSE is here. Mr. WHITEHOUSE is someone who knew Senator Pell well, and he continues in the image and spirit of Senator Pell by being someone who brings his great talents and skills to serve the people of Rhode Island and the Nation with dignity, civility, and great energy. With that, Mr. President, I would like to yield to my colleague Senator WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me begin by thanking my senior Senator, JACK REED, for calling us to the floor to reflect and memorialize a truly splendid Senator who represented the State of Rhode Island, our friend and a great Rhode Islander, Claiborne Pell.

I think my senior colleague has done an exemplary job of following in Senator Pell's footsteps of decency, civility, and quiet determination in the seat that Senator Pell once held. I cannot claim to hold the seat the Senator once held, but I can claim to have the desk at which Senator Pell once sat. If you look here right under where it says "Pastore"—a Rhode Island Senator—in carved letters, you see in very small letters "P-e-l-l" and then "R.I."—like anybody needed to know that Claiborne Pell was from Rhode Island.

Claiborne Pell was very important in my political life. He spent years—in fact, decades—refusing to get involved in primaries. "It is up to the party," he would say. When I ran for attorney general the first time I ran for elected office, I was in a three-way primary, and Claiborne Pell, for the first time in his career, endorsed me in that primary. He more than endorsed me; we went to a little park near his house in Newport, and he allowed me to film myself walking with him and conversing with him for my first commercial. Well, you can imagine, in a State like Rhode Island, when a legend like Claiborne Pell in the Democratic Party suddenly appears in your commercial in a primary—let me just say it was

not a good day for my primary opponents. It was incredibly generous of Claiborne Pell to break a multidecade tradition on primaries in order to launch my first political effort, and I hope I have conducted myself since then in such a way that I never gave him or his family cause to regret it.

As Senator REED pointed out, one of the significant lessons from Claiborne Pell's career here in the Senate—and it is one that I think of all the time—was that he looked beyond the scrum of the moment. There is always something going on here in the Senate. There is always some fight or some issue that is on the front page of the Washington Post and on the news channels. That is always, always, always going on, and that bright, shiny object very often attracts an enormous amount of attention in this body. I suspect that Senator Pell paid less attention to that daily scrum than almost anybody who has served in the Senate. He had a much more patient soul and steadily and quietly and modestly worked away at his priorities.

He used to make fun of himself for his interest in "choo-choos." He would say "choo-choo." Well, we have Amtrak in large part because of Senator Claiborne Pell's work. The Pell grant is named after him because of persistent leadership making sure that such a grant existed. Over years of work, he finally got it done. It was ultimately named for him, and it remains today an important part of how many young people here in the United States actually get to college and move toward their dreams.

He fought for years to create the National Endowment for the Arts and National Endowment for the Humanities, and those institutions still exist. They are still doing great work today.

In Rhode Island, we are very proud of Sea Grant. Sea Grant has programs in all of our coastal States. Sea Grant was the invention of Claiborne Pell and Dean John Knauss, later dean of the Graduate School of Oceanography at the University of Rhode Island.

When you look back and think of who the Senators were at the time that Claiborne Pell served, you can go through all these desk drawers that I showed you, and there are lots of names of Senators. Many of them are ones you never heard of. They were certainly important in their day, but their day is done and their names are no longer remembered. Senator Pell is remembered. He left lasting legacies like those, and he did it by quietly and patiently sticking with his priorities, which he knew were Rhode Island's priorities and America's priorities. He might not have been on the talk shows as much as other Senators. He might not have been quoted on the front page of the Washington Post as much as other Senators. He was not as attentive to the daily scrum of Washington conflict. But, my goodness, when you look back at the legacy that he left that still operates today, it is hard to find

somebody of his era whose footprint is larger than that of this shy, quiet, patient, civil, and persistent man.

I would add to Senator REED's comments about Claiborne Pell's philosophy a statement that he made to me that he made quite often. He said:

One of the things that you must learn in politics, Sheldon, is how to let the other fellow have it your way. Always let the other fellow have it your way.

What does it mean to always let the other fellow have it your way? What I take from that is that it means you have to stand by your principles. You have to achieve the goals you have set out for yourself and for your constituents, but on the way to getting there, if you can give others credit, if you can let other ideas join yours, if you can let other people have it your way, you are more likely to succeed. To this day, I still repeat that quote to new hires in my office.

The picture of Claiborne Pell that he signed for me is still right there on my bookcase, and I see it every time I sit in the chair in my office. He was a remarkable and special individual. He was not your standard-issue U.S. Senator. The particular way he chose to go about his duties has left a larger footprint than most of his colleagues were able to leave.

I will end with a story about one of my final memories. Senator Pell was out of the Senate. His illness had caught up with him to the point where he was barely able to speak any longer. His friend Ted Kennedy, who sat in this space right here—at a different desk but right here at this spot on the Senate floor—was sailing through Rhode Island, and he called up Senator Pell, and he said: I would like to take you out on my boat. So it was arranged that Senator Pell would go out on his sailboat. That required getting a wheelchair onto a sailboat, over the tippy docks that Senator Kennedy's boat pulled up to. Sure enough, we all grabbed a piece of the wheelchair and hoisted it up and stepped over into the boat and set his wheelchair down in the cockpit of the boat. Senator Kennedy started up the motor and drove it off down into Newport Harbor and then shut off the motor and put up the sails. As the wind caught the sails, the boat heeled over, and this old coastguardsman, Claiborne Pell, smiled a smile that I will never forget as the wind took the boat and we began to move out into Narragansett Bay.

The only other thing that was really fun about that was, because Senator Pell could barely speak any longer, he was actually a perfect fit for Senator Kennedy, who could basically not stop talking. There was this wonderful conversation with Teddy Kennedy and Claiborne Pell wherein Teddy Kennedy did all the talking for the both of them, and they both had a lovely time. They reflected on decades of friendship and service here. It was a real privilege to have a chance as a very new Senator to share that moment with those two



very different but mutually beloved lions of the Senate.

I particularly thank my distinguished senior colleague for organizing our chance to come here and reflect on our friend Claiborne Pell. I think nobody better than he carries on the Pell tradition.

I thank Senator REED.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I again want to thank my colleague Senator WHITEHOUSE for his very eloquent words about a great American, Claiborne Pell.

Just a final comment. If you ever want to feel truly beloved, embraced by constituents, respected and admired, do what I did several times—march in a parade with Claiborne Pell and pretend they cheer for you.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### COAST GUARD REAUTHORIZATION BILL

Mr. THUNE. Mr. President, I know the perception out there is often that bipartisanship is dead, but the bill we passed this afternoon, the Coast Guard Authorization Act, is a good reminder that we can still come together and get things done for the American people.

The bill we just passed overwhelmingly, which is headed to the President's desk, has been negotiated for almost 2 years. Portions of this bill have been discussed for over a decade. It is good to see Senators and Representatives of both parties come together in compromise on such an important piece of legislation.

We celebrated Veterans Day earlier this week. As always, it was a powerful reminder of everything we owe to the men and women who keep us safe, like the men and women of the U.S. Coast Guard. This key branch of the military is responsible for defending our Nation's waters. The men and women of the Coast Guard stand on the frontlines preventing dangerous drugs, weapons, and individuals from entering our country by sea. When disaster strikes in the form of storms and hurricanes, the Coast Guard is on the scene conducting search and rescue and carrying people to safety. We owe the men and women of the Coast Guard a tremendous debt of gratitude. We owe it to the American people to ensure that our Nation's coastguardsmen have the tools and resources they need to carry out their mission.

This bill will improve maritime safety, security, and stewardship. It gives the Coast Guard the authority it needs to conduct its military and law enforcement missions and authorizes the

equipment it needs to react to national emergencies.

The bill also creates uniform national ballast water and discharge standards for commercial vehicles that give industry certainty while ensuring the protection of our environment. It also reauthorizes the Federal Maritime Commission and the National Oceanic and Atmospheric Administration's hydrographic services.

As chairman of the Commerce Committee, I have been honored to work with dedicated committee members of both parties. I would like to personally thank the members of our committee for all their hard work this Congress.

Special thanks on this bill go to Senator NELSON, the committee's ranking member; Senators SULLIVAN and BALDWIN, the chairman and ranking member of our Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee; and to Senators FISCHER and PETERS, chairman and ranking member of our Surface Transportation Subcommittee.

I would also like to thank Chairman BARRASSO and Ranking Member CARPER from the Environment and Public Works Committee and Chairman SHUSTER and Ranking Member DEFAZIO of the House Transportation and Infrastructure Committee. They have been great partners. I appreciate everything they have done to help get this bill across the finish line.

Finally, I would like to thank all the staff from both Chambers who worked tirelessly—including many late nights and weekends—on this bill. Without their efforts, the final product would not have been such a success. While everyone on the team worked hard on the bill, on my staff, I would like to especially thank Nick Rossi, Adrian Arnakis, Fern Gibbons, Jason Smith, Patrick Fuchs, Andrew Neely, Chance Costello, Alison Graab, Frederick Hill, and Brianna Manzelli.

On Senator NELSON's staff, thanks go to Kim Lipsky, Jeff Lewis, Devon Barnhart, Sarah Gonzales-Rothi, and Catherine Carabine.

From the Environment and Public Works Committee, I want to thank Richard Russell, Elizabeth Horner, Mary Frances Repko, Andrew Rogers, Christophe Tulou, and Zach Pilchen.

I also would like to place in the RECORD the names of the staffers from our partner committees in the House who played key roles in this important legislation. On Chairman SHUSTER's staff, the individuals who should be thanked include Chris Vieson, Geoff Gosselin, John Rayfield, Bonnie Bruce, Luke Preston, and Cameron Humphrey. From Ranking Member DEFAZIO's staff, thanks goes to Kathy Dedrick and Dave Jansen.

I am sure I have left someone off this list, and for that, I apologize. It underscores the amount of collective effort that went into our work here.

I could also easily expand the list to include those at the Coast Guard and at the Environmental Protection Agency who provided valuable assistance

and technical expertise. We look forward to working with them on the implementation of this bill.

As I said earlier, the Coast Guard reauthorization that we just passed is a reminder that we can work together and get things done for the American people. It is a timely reminder given the election. Last week, the American people elected a Democratic majority to the House of Representatives and re-elected a Republican majority to the Senate. If we are going to get things done in the new Congress, we are going to need to work together.

Here in the Senate, we have spent the past 2 years working on an agenda to expand opportunities for working families and to put more money in Americans' pockets. We have also worked hard to ensure that those who keep our Nation safe have all the tools and resources they need. We are going to continue that agenda in the lame-duck session and in the new Congress. I really hope Democrats will join us. We can work together to grow our economy, lift up working families, and protect our Nation, but it is going to require Democrats to make a choice.

Democrats have spent most of the past 2 years attempting to relitigate the 2016 election. Losing elections is a fact of life in a democracy, but Democrats just haven't seemed to be able to let this one go. Over the past 2 years, they have focused most of their energy on knee-jerk opposition to anything Republicans or the President propose, even when they have agreed with us. They routinely delayed confirmation of the President's nominees—not just the ones they didn't like but the ones they ended up supporting. They refused to work with Republicans on an overhaul of our Nation's burdensome, outdated Tax Code even though Democrats supported many of the measures that ended up in the final bill. Obviously, there are going to be times when the right thing to do as a Member of Congress is to oppose. We have a responsibility to say no when we think a bill or nominee would profoundly damage the country. But that is not what Democrats have done. Too many of them have made opposition not a tool to be deployed when needed but their standard operating procedure.

I say again, Democrats have a choice. They can continue down the path of partisanship and opposition, or they can decide to start afresh and to work with Republicans. I hope they choose the latter.

I look forward to working with my Democratic colleagues in this new Congress on the priorities that the American people sent us here to work on—to make our economy stronger, to grow at a faster rate, to create better paying jobs, to raise wages in this country, and to give future generations of Americans more opportunities at a higher standard of living and a better quality of life.

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. WHITEHOUSE. 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. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes as in morning business.

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

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, it is hard, particularly for those of us from coastal States, to overstate the importance of the Earth's oceans as a storehouse of our food, as a regulator of our climate, as a highway for our travel and trade, and as a source of wonder, joy, and recreation. According to the Organization for Economic Cooperation and Development, oceans contributed \$1.5 trillion to the global economy in 2010. But climate change is putting this all at risk.

I have spoken frequently here on the floor about the threat climate change poses to our oceans and of the warning signals blaring around the world. One of the most overlooked of those signals is the enormous amount of heat accumulating in the oceans.

As CBS News reported last week, "recent revelations have been particularly alarming" and "deserv[ing] of a big neon sign on Broadway." My humble floor speeches may not be a big neon sign on Broadway, but I do hope they shine a little light on the plight of our oceans, which ultimately is our human plight.

We know that more than 90 percent of the excess heat trapped by our greenhouse gas emissions has been absorbed by the oceans—no dispute, not even by the Trump administration. The Federal Government's "2017 Climate Science Special Report," a multi-agency report by experts from NOAA, NASA, and the Department of Energy, labeled as "the United States' most definitive statement on climate change science" by the New York Times, found that the oceans absorbed more than 9 zettajoules of heat energy per year.

What is a zettajoule? A zettajoule is a billion trillion joules. A joule is a measure of heat energy, J-O-U-L-E. So 9 zettajoules is 9 billion trillion joules. That is more than 12 times the total energy that human beings use globally each year, just to put a scale on what 9 billion trillion joules is.

To get another measure of how much energy that is, visualize the power of a detonated Hiroshima-style atomic bomb. Imagine its classic mushroom cloud erupting into the sky. Imagine all of that energy from a Hiroshima-style atomic bomb captured as heat—pure heat.

Now imagine four Hiroshima-sized atomic bombs exploded every second—every second. That is the equivalent of the excess heat going into our oceans

because of climate change, because of our carbon emissions. More than four atomic bombs' worth of excess heat energy is being absorbed by the oceans every second of every day of every year. That is a massive amount of heat energy, and adding it to the oceans has consequences.

The most direct consequence of all that energy being pumped into the seas obviously is increased water temperatures. Global average ocean surface temperature is up around 0.8 degrees Celsius, or 1.5 degrees Fahrenheit, since preindustrial times. That is enough to throw off the delicate balance of ocean conditions that marine creatures rely on to survive. Within that global ocean warming are extreme ocean temperature spikes around the world. These marine heat waves in the ocean were first identified and characterized in 2011. This is a newly described phenomenon that climate change has brought to our seas.

Although marine heat waves were first identified and characterized in 2011, they have already caused permanent damage in our oceans. The Great Barrier Reef is the largest coral reef in the world. It stretches for 1,400 miles off Northeastern Australia, and it is one of the seven natural wonders of the world. It is made up of corals—corals that can become heat stressed and evict the tiny algae that support corals and give corals their bright colors. Without the algae, the corals appear white, so these events are called coral bleaching.

In the summer of 2016, the Great Barrier Reef was hit by the most severe marine heat wave on record. It caused the longest and worst mass coral bleaching event in history. Then another heat wave and bleaching occurred the next year, in 2017. These unprecedented back-to-back bleaching events killed half of all corals in the Great Barrier Reef. If there is a wonder of the world, if there is a majestic feature of God's creation, it is the Great Barrier Reef, and we are busily wrecking it in this generation through carbon emissions.

The prognosis for the rest of the world's coral reefs is grim. The U.N. International Panel on Climate Change released a report last month, finding that coral reefs will all but disappear from Earth if we warm by 2 degrees Celsius—which, by the way, is the goal we are trying to stay under through the Paris accord. Even if we stay under that goal, corals will suffer immensely. Without any changes to our fossil fuel consumption, we are on track to blow by 2 degrees and hit 3 degrees Celsius of global warming by 2100, making corals virtually extinct.

Warming oceans are wreaking havoc on the world's fisheries. Fish feed the world and power coastal economies. The World Health Organization says that fish are the main source of protein for around 1 billion people worldwide. The U.N. Food and Agriculture Organization estimates that 60 million people

are employed in fisheries and agriculture.

Across the globe and here at home we are seeing dangerous shifts affecting the fishing industry. Rhode Island once had a booming lobster industry. But the lobster population is shifting north as our waters warm, leaving Rhode Island lobster traps empty. The National Oceanic and Atmospheric Administration reports, "The lobster industry in New York and southern New England has nearly collapsed." Maine, as Senator ANGUS KING has pointed out, is temporarily benefiting from the northern movement of lobster, but the lobster will keep moving north into Canada as the oceans continue to warm.

Rhode Islanders and other New England fishermen are also looking worriedly at declining shellfish populations. Total landings for eastern oysters, northern quahogs, softshell clams, and northern bay scallops declined 85 percent between 1980 and 2010. The National Oceanic and Atmospheric Administration identified warming ocean temperatures as the key driver for that decline. On the other side of that decline, of course, are the livelihoods of all the men and women in that industry.

The accumulating heat energy in our seas is also causing them to rise. As water warms, it expands. This thermal expansion is responsible for around one-third of the rise we have measured in sea levels. The rest comes mostly from melting ice, again, thanks to climate change. Global sea level has already risen over eight inches on average in the past 100 years—more in certain locations—and the rate of increase is accelerating.

Warming and expanding waters eat away at the large ice sheets in the Antarctic. As the edges melt away, the glaciers behind them melt more quickly, adding additional water to the ocean. The IPCC warns that as the world reaches warming levels of 1.5 to 2 degrees Celsius—again, what we are trying to stay at; this is our target. This isn't if it is worse. At that 1.5 to 2 degrees Celsius, ice sheet melt could trigger multiple meters of sea level rise over time—meters, not inches. We are already 1 degree Celsius above preindustrial times, so there is not much room for maneuver between where we are and 1.5 to 2 degrees.

Warmer seas also supercharge storms. Hurricanes gain strength from heat energy in the oceans below them. Warmer oceans also evaporate more water to the atmosphere, generating more rainfall. Stronger and wetter storms then ride ashore on higher sea levels, pushing larger storm surges ahead of them into our coastal States.

Many of us remember the devastation Superstorm Sandy brought to the mid-Atlantic and southern New England States in 2012. Here is what Dr. Michael Mann, professor of atmospheric science and director of the Earth System Science Center at Pennsylvania State University, said about that storm:

Sea level rise adds to the storm surge of every single storm that makes landfall. In the case of Superstorm Sandy, in 2012, it added a foot to that 13-foot storm surge. One foot . . . meant 25 more square miles of coastal flooding. It meant several billion dollars worth of additional damage.

At one point during this year's hurricane season, our tropics faced nine active tropical storms. The hallmarks of these warm, ocean-fueled storms can be seen in powerful hurricanes that hit United States territories in recent years. Hurricane Harvey hit Houston; Hurricane Maria hit Puerto Rico and the Virgin Islands; Super Typhoon Yutu hit the Northern Marianas, Hurricane Florence hit in the Carolinas, and Hurricane Michael hit in Florida.

No one storm can be blamed wholly on climate change, but scientists are increasingly able to link the increasingly dangerous level of storm damage to climate change, and we have had an eerie streak of record-setting storms in the past few years. Hurricane Harvey was the single greatest downpour in U.S. history, according to the U.S. Geological Survey. It dumped over 50 inches of rain on Houston and over 30 trillion gallons of water over Texas, Louisiana, Tennessee, and Kentucky. How much is 30 trillion gallons of water? For comparison, the Chesapeake Bay holds around 18 trillion gallons of water. Basically, it dumped nearly two Chesapeake Bays onto those States.

Harvey's deluge was fueled by record warm temperatures in the Gulf of Mexico. Scientists from the University of California, Berkeley, found that Hurricane Harvey was over three times more likely to have occurred due to climate change and that its rainfall was increased by around 38 percent due to climate change.

Hurricane Florence intensified over water 1 to 2 degrees Celsius above average and dumped record rainfall and flooding on the Carolinas in September. Preliminary analysis suggests that Florence's rainfall was more than 50 percent higher due to climate change.

When Hurricane Michael hit Florida just last month, it passed over water 2 to 3 degrees Celsius warmer than average. As it passed over these waters, Michael's winds increased by 80 miles per hour in just 48 hours, a phenomenon scientists refer to as "rapid intensification." It became the strongest storm ever to make an October landfall in the United States.

The direct link between sea temperature and hurricane intensification is well established: Each degree Celsius of ocean warming causes a 7-percent increase in maximum wind speed, and a storm's destructive potential increases by three times the wind speed increase.

So how does that play through? To quote Professor Mann again:

A 7 percent increase in wind speed is a 21 percent increase in the destructive potential of the storm. That is with one degree Celsius ocean warming. With Hurricane Michael, those temperatures were 2 to 3 degrees Cel-

sus above preindustrial temperatures. If you do the math, that means it was probably twice as destructive as it would have been in the absence of human-caused warming.

The result of the destructive power of Hurricane Michael was the almost complete demolition of the town of Mexico Beach, FL. Michael hit with 155 mile per hour winds and a storm surge of around 9 feet, completely demolishing 70 percent of homes and severely damaging many more.

The degree of damage and the imposing costs of rebuilding mean that many Floridians simply will leave, and that is playing out across coastal properties.

A falloff of coastal property values will spread, many sources anticipate, as people see more events like the destruction of Mexico Beach. Insurance companies, banks, and institutional property investors are already showing signs of anxiety in coastal communities.

Freddie Mac has described the effect of this property value crash on America's coastal regions as follows. Freddie Mac—the great housing powerhouse—has said: "The economic losses and social disruption may happen gradually, but they are likely to be greater in total than those experienced in the housing crisis and Great Recession."

Any of us who lived through the 2008 mortgage meltdown should take that warning deadly seriously. It is not just Freddie Mac. Moody's now rates coastal municipalities' bonds for this risk—Moody's, Freddie Mac, Union of Concerned Scientists, the experience of coastal communities. It is all piling up, and yet we do nothing. I haven't even talked about acidification. That is a separate speech—the chemical changes happening in the ocean, in addition to the physical changes of warming and rising. Set that aside, but it is just as dangerous.

Despite these warnings just about ocean warming, Republican heads in Congress and in the White House seem determined to remain buried in the sand. I don't know how many more storms need to hit us before we are willing to take meaningful action. Americans who live and work along our shores—Rhode Islanders and people who live in other coastal States—are the ones who are suffering the most from all of this, and they are the ones who will have to explain our delay. Those Americans are entitled to a voice, not just the lobbyists of the fossil fuel industry. We must protect our coasts for when the next storms batter their way ashore.

This is getting worse, not better. We must take responsibility for the changes we are causing in the world's oceans. We will not be forgiven for our indolence and disregard just because there is a big industry behind our indolence and disregard. Our oceans are warning us loudly, and they are warning us clearly: It is time to wake up.

I yield the floor.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I have come to the floor for three different reasons. Out of courtesy to the Democratic leader, who I see coming in, I will wait until he is here.

Mr. SCHUMER. I am here.

TENNESSEE VALLEY AUTHORITY

Mr. ALEXANDER. Good.

Mr. President, as the world knows, the country's largest public utility is the Tennessee Valley Authority and serves 9 million customers in our seven-state region. It is enormously important to our State of Tennessee. Its CEO, Bill Johnson, announced today that he is leaving. I will have more to say about him later, but he and the Board of Directors have led TVA in an excellent direction, and it is now up to the Board of Directors to choose his successor. It is a big job. As I said, it is a \$10 billion-a-year company.

John Ryder, of Memphis, was nominated by President Trump 282 days ago to be one of those Directors. He has been approved by voice vote by the Environment and Public Works committee. For the last 176 days, he has been waiting for confirmation. He has the approval of the ranking Democrat on the committee, the Senator from Delaware, Mr. CARPER. He has the approval of the ranking Democrat on the subcommittee, Senator WHITEHOUSE. It is time Mr. Ryder, who is consistently named one of the finest lawyers in Memphis—he has been recognized by Business Tennessee Magazine as among the 101 Best Lawyers in Tennessee and listed in Best Lawyers since 1987. In other words, he is a well-qualified, non-controversial nominee who is needed by the people of our region to select a successor to Bill Johnson, the CEO. The other nominees have been confirmed. The nominee from Alabama was confirmed. The nominee from Kentucky was confirmed but not the nominee from Tennessee.

I am taking the step today of coming to the floor to ask that he be confirmed by consent. I can think of no reason why he would not be.

UNANIMOUS CONSENT REQUEST—EXECUTIVE  
CALENDAR NO. 856

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive calendar No. 856, the nomination of John Ryder to be a member of the Board of Directors of the Tennessee Valley Authority; that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's actions; that no further motions be made in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there an objection?

The Senator from New York.

Mr. SCHUMER. Reserving the right to object. Very simply, there has to be some comity here. Republicans cannot

block Democratic nominees and then expect Republican nominees to go through, so I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. To my friend from New York, who is he talking about? He knows my record. I worked with him three times when President Obama was there, worked with him directly to make it easier for President Obama to have nominees.

Let me go through that because I think it is important the people know the efforts we made together. In 2011, working with the Senator from New York, we got rid of secret holds. We permitted waiver of the 72-hour rule that was used to block nominations and delay. We created 272 expedited privilege nominations. In 2012, we eliminated Senate confirmations for 163 positions, all to make it easier for President Obama to make Presidential nominations. In 2013, we created some new rules which said that Executive nominees could only be debated post-cloture for 8 hours and district judges for 2 hours.

I personally made sure the current chairman of the Democratic Party, Tom Perez, got cloture so the Senate could vote on him. I voted against him, but I made certain he could come to a vote.

When President Obama had a vacancy in the Department of Education in his last year, I went to President Obama and said: Mr. President, I think it is inappropriate for us not to have a confirmed Senate nominee in a principal position like U.S. Secretary of Education. If you will please nominate John King, with whom I disagree, I will make sure he is confirmed, and we confirmed him. That has been my record in terms of dealing with nominees of the President of an opposite party.

I ask through the Chair, why pick on Tennessee? Why confirm Kentucky nominees, why confirm Alabama nominees, why work with me in three different Congresses to make it easier for President Obama to confirm nominees, why applaud me for allowing the chairman of the Democratic Party today to be confirmed as Secretary of Labor and then block a nominee for the Tennessee Valley Authority, who is eminently well-qualified, who is supported by the Democratic members of the committee who have jurisdiction and who is needed on the Board to pick a CEO for the millions of people in the seven-state region? Why pick on Tennessee, I would say to my friend from New York through the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, we have to have some bipartisanship here. I understand my friend from Tennessee. He is my friend. I hope he would work with us to create bipartisan packages to get nominees through. That is not happening. We need to do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I don't know what he is talking about. I am the chairman of the Health, Education, Labor, and Pensions Committee. I have, during my time, regularly confirmed Democratic nominees and Republican nominees. I have worked with the Democratic leader to make it easier for President Obama to confirm nominees and now he gives me no specific reason why he is objecting to the nominee from Tennessee.

I ask him further—even though he has left the floor in what I would consider to be an act of discourtesy while I am speaking to him, and I mean that. I am very upset about this. I consider that an act of discourtesy when the Democratic leader leaves the floor while I am speaking directly to him through the Chair on a matter of importance to 9 million people in our area. I ask him what kind of precedent is he setting, the Democratic leader.

Let's think about this for a minute. One hundred and nineteen times the majority leader, Senator MCCONNELL, has had to file cloture to cut off debate in order to just get a vote on a nominee like Mr. Ryder, named one of the best lawyers in Tennessee since 1987, approved by Democratic colleagues, needed by the Tennessee Valley Authority, certain to be confirmed here almost unanimously. One hundred and nineteen times the Democratic opposition has required the Republican leader, Senator MCCONNELL, to use a whole week to confirm a nominee. That happened 12 times to President Obama. That happened four times to President George W. Bush. It happened 12 times to President Clinton and zero times to George H.W. Bush, whose administration I served in. That is the number of cloture votes on nominees required for previous Presidents in the same timeframe as President Trump. What kind of precedent does this set?

Let's talk about that for a moment. This is a body of precedents. For many years, we always confirmed nominees with 51 votes. That was until George W. Bush became President of the United States and the Senator from New York, before he was a Democratic leader, and others, decided they would use a cloture vote, a requirement for 60 votes, to block George W. Bush's nominees.

That was the first time that it had happened. Up until that time, the tradition of this body was that while you could require 60 votes, at least since about 1920, no one ever did. Even Clarence Thomas—and that was a very controversial Supreme Court nomination—was confirmed by 52 to 48. No one thought at the time of requiring that his nomination require 60 votes. They could have but didn't. So that was the tradition in the Senate—always nominations by 51 votes. The one exception in the Supreme Court throughout the history of the Senate was Abe Fortas, under President Johnson, and that was

an unusual situation. Never had a Federal district judge been required to have 60 votes.

In fact, what the Democratic leader—I wish he were here on the floor to hear this—may have forgotten is that Senator MCCONNELL tried at one time to require a cloture vote of Judge McConnell in Rhode Island, and I and a number of other Republicans objected because we had never done that before. We had never said that you have to have 60 votes to be confirmed as a Federal district judge. So we rejected that motion by the Republican leader, and as a result of that, never in the history of the Senate had we required 60 votes for a Federal district judge to be confirmed. Never in the history of the Senate had we required 60 votes for a Cabinet member to be confirmed. But then in the early years of George W. Bush, in 2003, I had just come to the Senate. The Senator from New York and others said: Well, we will do that for the first time. We will block George W. Bush's nominees.

I don't want to debate that back and forth today except to say that became a precedent. And, sure enough, what goes around comes around. A few years later, by 2013, things had gotten so that the Democrats decided to break the rules to change the rules and used the so-called nuclear option, and when Republicans did the same thing that the Senator from New York had done, Democrats overruled that and seated judges on the Court of Appeals.

So as a result of the precedent set by the Senator from New York on judges with George W. Bush, we had the nuclear option in the Senate, a using of that. Republicans then did what the Democrats did. That is what you call precedent.

Well, it happened a second time. That first use of the nuclear option left it so you could require 60 votes in order to have a Supreme Court Justice.

When President Trump nominated Neil Gorsuch to be a Supreme Court Justice, the Democrats filibustered Justice Gorsuch, an enormously well-qualified person. Remember, throughout the history of the country, we had not blocked a Supreme Court Justice by filibuster with that single exception of the Abe Fortas instance. Yet they did that. And as a result of that, the Republicans then said: Well, we will use the nuclear option and change the rules to 51. So that is what happened with the precedent.

Now let's look at this precedent. Are we going to block for 282 days—let me get my numbers exactly right; it is 176 days on the calendar awaiting confirmation—a noncontroversial Board of Directors member for the Tennessee Valley Authority. That is what we have come to.

So are we going to say, as the U.S. Senate minority, that we will effectively block—we will effectively block—those kinds of nominations and effectively keep an elected President from setting up a government? Is that what we are going to say?

It looks like that is what we are saying if you are going to say that 119 times the majority leader of the Senate of whichever party will have to invoke cloture. That means it takes 3 or 4 days to confirm even a noncontroversial Presidential nomination, when there are 1,200 such nominations.

Let's say we have a Democratic President one day and a Republican U.S. Senate, or a Republican President and a Democratic U.S. Senate. But let's just for purposes of discussion, since we are talking about precedent, let's say the Democrats make a big comeback and elect a Democratic President next time around. It is only 2 years before the Presidential election.

And let's say the Republicans stay in power and still have a majority in the Senate and Republicans say: Well, we are a body of precedent. We will do to the Democratic President exactly what the Senate did to President Trump.

If Republicans are in the majority, the Democratic President might not even be able to staff the government because the Republicans could say: We will not confirm anybody.

Or even if the Republicans were to be in the minority and there were a Democratic President and the Republican minority did to the next Democratic President what this minority is doing to this one, then 119 times you would see this happen, at least through the first part of the administration.

So where does that leave us as a Government of the United States?

Well, here is where it would leave us. It would leave us with a government of the United States with the Senate having no role in the appointment of its principal officers. That is what it would leave, because there is on the books legislation called the Vacancies Act, which allows any President of the United States to appoint acting people to all of the positions in the government. They can serve for 210 days at least, and there are a wide variety of people who can be chosen for those positions. They can be people who are confirmed or they can be senior people in the government.

We happen to have an example of that today in the United States Department of Justice—Matthew Whitaker. The Attorney General, Jeff Sessions, whom I admire and all of us know, resigned at the request of the President. And instead of nominating or picking a Senate-confirmed successor as the Acting Attorney General of the United States, President Trump did, as the Vacancies Act allows him to do, appointed Matthew Whitaker, Attorney General Sessions' Chief of Staff. I suppose a President could do that for every position.

I mentioned earlier that toward the end of President Obama's term, he had no Education Secretary. Arne Duncan had decided to leave, and they used the Vacancies Act to allow John King, who was not confirmed by the Senate, in effect, to be the Acting Secretary of Education.

As I said earlier, I had that conversation with President Obama. I said: Mr. President, I believe that, institutionally, we should have a Senate-confirmed Secretary of Education. Even if I disagree, as I did, with John King's education views, I will see to it that if you nominate him, he is confirmed. President Obama did that. He respected the importance of having institutionally confirmed principal officers in the government, and then we confirmed him.

So I don't know where this is leading us. I think this is the same kind of dangerous precedent that was established when Democrats for the first time used a 60-vote opportunity to block President George W. Bush's judges, and what the Democrats then did—what most of them tell me they wish they hadn't done—was that they used the nuclear option and required a 51-vote cloture. So now they can't eventually block anyone, even John Ryder, if we all decide that we want to take a whole week to confirm him. That is what Senator MCCONNELL has been doing. He has been putting a priority on district judges and on circuit judges, and the Democrats have been saying: We are going to slow you down.

But you can't win that way. All that happens is that the Senate gradually gives up its advise-and-consent authority under the Constitution to help the President form a government. That is one of the important parts of what we do in this government.

The late Justice Scalia said: Every tin horn dictator has a bill of rights. What the United States has that is different is checks and balances. One of the most important parts of that checks and balances is for the Senate to advise and consent on about 1,200 different Presidential nominees.

That is why I worked with Senator SCHUMER and other Democrats, like Senator Levin, and Republicans, like Senator McCain and Senator BARRASSO, and we took steps during the Obama administration three different times to reduce the number of Presidential nominees, to speed up Presidential nominees, and to put 272 of them at a privileged status so they could come through more rapidly.

This goes in entirely the opposite direction, and it is a terrible precedent for this institution. So I am extremely disappointed.

I am disappointed for John Ryder, who is a prominent lawyer, who thought he might get to be on the TVA Board and was nominated 282 days ago. I am disappointed for the people of Tennessee and the Tennessee Valley Authority region. There are millions of people who have had a very good Chief Executive Officer for the TVA for the last several years in Bill Johnson and now need a fully functioning Board of Directors to pick his successor, and yet the Democrats say: Even though we approve of him, even though we have no reason not to confirm him, we are just going to slow the train down just because we can.

Well, if they can, someone else can later. That does not serve the people well. I don't see any partisan political advantage to the Democrats for doing something like this. I never have thought that. I always thought that it was the right thing to do to let a President staff his administration. If you don't like the nominee, you can always vote no, but at least you can have a vote.

So he is talking about bipartisan packages. This nominee has been waiting for a long, long time. So I am not through with this. I think this is something that the people of Tennessee are going to be very disappointed about, and I would ask my friend from New York again: Why are you picking on Tennessee? Why would you confirm the Alabama nominee? Why would you confirm the Kentucky nominee? And why would you not confirm the Tennessee nominee? Why would you make him swing in the wind for 176 days when everybody approves of him—even the Democratic ranking member of the committee and Democratic ranking member of the subcommittee? Something smells here, and it is a bad precedent for the Senate. It is not good for our country, and it is completely contrary to the way that I have enjoyed working with the Senator from New York in 2011, 2012, 2013 to make it easier, then, for President Obama, but later for every President of the United States, to have his Presidential nominees promptly considered by the Senate and voted up or down.

While I am on the subject of the Tennessee Valley Authority, I want to mention the fact that Bill Johnson, who has been the Chief Executive Officer of the Tennessee Valley Authority for the last several years announced today in a Board meeting of the TVA of Mississippi of his intention to retire next year. My hope would be that John Ryder, whose term could have begun earlier this year, would be there to help select his successor. Bill Johnson and the board have done a good job for the last few years with TVA. They have reduced its debt. They have kept electricity prices low. They provided a reliable, ample supply of electricity for a rapidly growing part of America, making it easier for us to recruit jobs, and the air is clean.

As I will say more about this in just a minute, the new Foothills Parkway opened just outside the Great Smoky Mountains this past weekend, and it was packed with local people. On Sunday I was up there myself. We can see the mountains because TVA, over the last several years, has put pollution control equipment on all of its coal plants, and we could immediately see the difference. Other Federal regulations have made the air cleaner.

In fact, a lawsuit from North Carolina with TVA to keep dirty air from Tennessee from blowing into North Carolina has now been made a Federal regulation, and dirty air from Kentucky or Texas or other States can't

blow into Tennessee. The result is that when you come see the Great Smoky Mountains, you can call them the Great Smoky Mountains and not the great smoggy mountains, which they were some time ago.

So I would congratulate Bill Johnson on his tenure as CEO. He has got TVA on the right track, and I would urge the Board of Directors to think long and hard as they select someone to fill his shoes because as a former Governor of that State and now as a U.S. Senator from Tennessee for 16 years, I know the importance of having ample supply of low-cost clean electricity to heat our homes, run our computers, and attract our jobs.

Now, I have a Thanksgiving thought, to move away from the disagreeable, acrimonious dealings of the Senate for a moment.

#### GREAT SMOKY MOUNTAINS

Mr. President, I suggest two more things that Tennesseans can be grateful for this Thanksgiving.

One, there is a new 16-mile section of the Foothills Parkway, creating a spectacular view of the Great Smoky Mountains, and, two, because the air is now so much cleaner, you can actually see the mountains from this spectacular drive.

In the 1990s, on the clearest days, according to the National Park Service, you could see for around 50 miles in the Smokies. Today you can see more than 90 miles on the clearest days. Even on the haziest days, visibility has improved. In the 1990s, visibility was less than 10 miles. Today you can see more than 30 miles on the haziest days, according to the Park Service.

While that is still less than the natural visibility of 150 miles on the clearest days—by natural visibility, I mean the blue haze the Cherokees used to sing about that exists because of the moisture in the Smokies—and 90 miles on the haziest days, we have made great improvements in the last two decades, and visibility is continuing to improve in the park.

The new section of the Foothills Parkway between Walland and Wears Valley is one of the prettiest drives in America. If you want the best view of the highest mountains in the Eastern United States, you will drive the Foothills Parkway. Last Sunday, when my wife and I drove it on the third day, it was open; it was packed, most of it with local people taking pictures of each other because they were so astonished by the view. It was a view so magnificent it surprises even those of us who grew up driving through the Smoky Mountains. Soon this drive will attract many of the more than the 11 million visitors who come to our park each year—twice as many as any national park.

But 16 years ago, these visitors would not have had such a good view. In 2002, the year I was elected to the Senate, the National Parks Conservation Association said that the Great Smoky Mountains National Park was the most

polluted park in America. There were 3.5 million people who would visit the park in the summertime and the air was hazardous to breathe. The views were extremely limited due to pollution. Instead of the blue haze I mentioned earlier, we saw smog. The Great Smoky Mountains had become the great smoggy mountains just 16 years ago. Then a lot of people went to work. Federal clean air regulations, which I supported, required cleaner burning diesel fuels and cleaner vehicle engines, which also helped lower emissions. This especially helped the Smokies because of the large number of visitors' vehicles and because three interstates carry heavy truck traffic through nearby Knoxville, TN.

I also voted to support other Federal clean air regulations that limited emissions from smokestacks of sulfur, nitrogen, and mercury and established rules to prohibit dirty air from blowing from one State into another. I have always thought that operating a coal-fired powerplant without air pollution control equipment on it was like driving at night without the lights on. We have equipment and TVA has proved, as other utilities have, that you can burn coal in a clean way if you will simply put on pollution control equipment for mercury, nitrogen, and sulfur.

One of the biggest impacts, therefore, came in 2008, when the Tennessee Valley Authority began installing pollution control equipment on some of its coal-fired powerplants near the park. TVA has invested nearly \$6 billion to reduce air emissions. That is money out of our pockets—we ratepayers. These efforts have resulted in a 94-percent reduction in sulfur dioxide emissions and a 91-percent reduction in nitrogen oxide emissions. Nitrogen and sulfur emissions have harmful effects on human health, the environment, and visibility.

Those of us who live near the park can see the impact of TVA's actions almost immediately. Today, TVA has installed some type of emission control equipment on all of its coal-fired powerplants and continues to improve that equipment so that the air will become even cleaner.

Over the years, I met and worked with mayors in counties surrounding the park who did what they could locally to make the air cleaner; that is because one of their top priorities is clean air. The Sevierville Chamber of Commerce, when I walked in there not long ago, told me it was their top priority because tourists come to spend money in Sevierville and Pigeon Forge to see the Smokies, not to see the smog. Now ground-level ozone that creates the smog that is harmful to human health and the environment and reduces visibility has improved significantly—by 36 percent according to the Great Smoky Mountains Association. All of the counties in the region around the park meet the EPA's environmental quality standards for ozone pollution.

On the parkway, in 1944—that was the year Congress first authorized the Foothills Parkway—this is what was going on: Allied Forces were invading Normandy Beach, Franklin D. Roosevelt was President, and Bing Crosby was singing "I'll Be Seeing You." The State of Tennessee began acquiring right-of-way to the parkway and donating it to the Federal Government.

In 1960, the construction of the parkway actually started. Dwight D. Eisenhower was President. Elvis had just come home from 2 years in the Army, and American women were wearing beehive hairdos. That was 1960, when construction on this parkway began.

When I became Governor in 1979, the State had completed acquiring the right-of-way, and the State took the lead on 10 miles of the parkway between Carrs Creek and Wears Valley. Then construction halted because of environmental problems.

By the time I got to the Senate in 2002—the same time the Smokies was declared the most polluted national park—all of the parties had agreed on a plan to build bridges to complete the so-called 1.65 mile "missing link" on the parkway. Then President Bush's administration and the 2005 Federal highway bill, President Obama's administration, and Governor Bill Haslam's State administration in Tennessee all chipped in effort, time, and taxpayer money to finish the job after 50 years and \$200 million of construction.

Since it was first authorized, it has taken 75 years to build a parkway and two decades to make the air clean enough so that visitors can see the mountains for 90 miles. So if you are looking for something else to be grateful for on Thanksgiving, try being grateful for the many visionaries, park officials, road builders, engineers, scientists, editors, and political leaders who have had the foresight to make it a priority to build the Foothills Parkway and clean up the air so that we can see the mountains. It has taken 75 years, but the views are so picturesque that it has been well worth the wait.

#### SENATE ACCOMPLISHMENTS

Mr. President, on another subject, to people who come up to me with some wonderment and ask what it is like working in the U.S. Senate, I often say: Think of Washington, DC, as a split-screen television.

Let's take the 30 days between September 4 and October 6, between the beginning of Judge Kavanaugh's hearing and his confirmation. On one side of the screen there was as much acrimony as you could ever expect to see in the U.S. Capitol—protesters, Senators upset, Judge Kavanaugh upset. It was a very difficult situation. That was on one side of the television set. But on the other side of the television set was one of the most productive 30 days we have ever had in the U.S. Senate, with 72 Senators working together—half Democrats, half Republicans—to pass landmark opioids legislation to deal



with the largest public health crisis we have today.

A lot of other things happened during that time. There was a major copyright bill, the first in a generation, to make sure songwriters get paid for their work. The Senator from North Carolina helped with that. There were appropriations bills which, for the fourth consecutive year, had record funding for national laboratories, supercomputing, biomedical research to cure cancer, all of those things, all of those miracles, and an important bill to make our airlines safer for the next 5 years, probably the most important infrastructure bill on locks and dams that we have had in several years. We even passed a bill Senator FEINSTEIN and I had worked on for a few years to make it illegal to make cell phone calls from airplanes so that you won't have to sit next to somebody revealing their innermost thoughts on a 5-hour flight across the country. All of that happened on this side of the screen during the same 30 days we saw the Kavanaugh hearing. I want to talk about the most important thing that happened during those 30 days, which is the opioids legislation.

Opioids affect every single part of our country—we have established that—which is why 72 Senators worked together, eight committees in the House and five in the Senate, to produce a complex bill right in the middle of an election—right in the middle of the Kavanaugh hearing. One of the things we talked about was what do we do about synthetic opioids—fentanyl.

Most of that fentanyl originates in China. Last week, I led a delegation of five Senators and two Members of the House of Representatives to China, where we met with officials for the express purpose of asking for their help in dealing with our opioids problem—our fentanyl problem. We didn't say to them: It is all your fault. We said: Look, it is our problem. China doesn't have a user problem with opioids today like we do. In fact, no other country has had more of a struggle with opium throughout its history than China. They know how terrible it can be. We said: We would like for you, Chinese officials, to help us by doing more of what you are already doing, by doing what we have done about fentanyl, by controlling every form of it, listing every form of fentanyl as a controlled substance so that our Department of Justice and our Drug Enforcement Agency can go after people who are distributing it illegally.

Fentanyl is a white powder synthetic opioid that can come in a small package. If you open the package and a few grams escape into the air, DEA agents tell me they are almost overcome. They have to leave the room. A few grams can kill you, and it often is killing Americans. Among drug overdoses, it is the fastest rising killer in our country, with a 70-percent increase in our State between 2016 and 2017.

The government of China has already been a good partner. I said this to the

Chinese officials with whom we met. They work with our Drug Enforcement Agency and other law enforcement agencies to try to stem the flow of the chemicals that are produced in China but then find their way through Mexico and Canada, mainly, into the United States or through the mail directly into the United States.

What China has already done, which we appreciate—and I said that to them—is that they have made 25 fentanyl compounds illegal, and according to the U.S. Drug Enforcement Agency, when China did that, we saw an immediate and dramatic decrease in those chemicals coming into the United States. This action boosted our counternarcotics operation and made a dramatic decrease in the amount of those substances subsequently found in the United States.

China cooperates with the United States, but our cooperation faces challenges when a fentanyl substance is not on China's control list. So the request that I made at each of our meetings was this: Would you please control all fentanyl substances? The Trump administration did this in the United States in 2017. We would like for China to do the same thing. That is the way to help stem the flow of fentanyl substances from China to the United States and other countries.

I said to them: Look, we are trying to do our part. We just passed our landmark opioid legislation. It included Senator PORTMAN's STOP Act, which many of us cosponsored, which would make it easier for us to stop fentanyl through the mail. We are doing everything we can think of to do, but when you do not control all fentanyl substances, what happens in China is, outside of the 25 you have controlled, some smart entrepreneur in China will figure out a different class of fentanyl and begin to sell it and mail it, and it comes to the United States through Mexico and Canada, and the drug agencies in China aren't really empowered to deal with that.

To be clear, this is not a problem that the Chinese Government has caused, but this is a problem the Chinese Government can help us solve. This is not pointing a finger at China and saying: You are doing the wrong thing.

In fact, they are doing the right thing by cooperating with us and classifying 25 substances. We want them to do more than what they are already doing, and they can be seen as the world leader in dealing with this dangerous synthetic opioid because most of the chemicals are produced in that country.

On the trip with me was a very senior delegation: the chairmen of the House Appropriations and Budget Committees this year, Congressmen FRELINGHUYSEN and BLACK; then Senator SHELBY, ENZI, ROBERTS, and KENNEDY from this body.

We worked with the U.S. Ambassador to China, Terry Branstad. He is an exceptionally able representative of our

country. He is the longest serving Governor in the history of the United States. Six months ago, when I first talked to Governor Branstad about our proposed trip to China, he said: I am going to ask you to do one thing, make fentanyl and the opioid crisis the primary point of your visit in China to help Chinese officials understand how important it is to us because we are working on many other issues with China right now.

The President of the United States is meeting, apparently maybe next week, with the President of China in Argentina. Perhaps out of that, we will have a great deal. We have a lot of issues with China.

Fentanyl and opioids doesn't rise to the top of the list in the Chinese minds, our Ambassador was saying. One reason it doesn't is because China doesn't have much of a problem with people using illegal opioids. Certainly, it has nothing like what we do. We know—and we heard and we said on this floor and we all voted for the opioid bill because we know what is happening in our country. Overdoses involving opioids killed more than 42,000 people in this country in 2016, and roughly 45 percent of those were due to synthetic opioids like fentanyl, the kind we are asking China to help us with.

In my home county of Blount County in East Tennessee, there are 130,000 people. Last year there were 130,000 opioid prescriptions—1 for every person. The legislation we passed will help reduce the number of prescriptions. That is one way to deal with the problem.

Another way is to stop the fentanyl from coming into our country. Our new law helps address the opioid crisis by the STOP Act. That is the fentanyl bill. The new law supports research to find new nonaddictive painkillers. It helps reduce the supply of opioids by empowering the FDA to require manufacturers to sell certain opioid pills in so-called blister packs. It provides more opportunity for treatment and recovery and helps babies born with opioid withdrawal. During this past year in our appropriations bills, we appropriated \$8.5 billion to deal with opioids.

Still, we have our problem with fentanyl that the Chinese can help us solve. Several of the Chinese officials reacted with surprise—and some not too well—when I told them most of the fentanyl that comes into our country originates, in one way or another, in China. The reason for that is not because they are not helping us; it is because of the ingenuity of Chinese entrepreneurs who, as soon as China lists a fentanyl substance as controlled, they create another kind of fentanyl substance and keep selling it. The Chinese officials were generous and respectful of our time. They listened and promised to consider our request. We met with Li Keqiang, the Premier; Zhao Kezhi, State Councilor and Public

Security Minister, under whom directly are the narcotics agents; Yang Jiechi, the Politburo Member and Communist Party Foreign Affairs Director. They understand how serious this is for us. They know it hurts because they had a long history with opioids which they dealt with. I appreciate the fact that they said they are willing to explore this. I intend to report our visit to President Trump and urge him to continue to ask China to help us.

We also met with Ambassadors of other countries who are affected, such as Mexico and China and other countries whom Ambassador Branstad invited to the U.S. Embassy for a meeting. They agreed to form a working group to try to help make clear to the Chinese we weren't pointing the finger at them saying it is your problem. We are just saying the only finger we would like to point is saying you can do more than anybody else to help solve the problem.

I want to thank Ambassador Branstad, Terry Branstad, for setting up the relationships we had with the Ministers in China to help deliver the message that opioids is our biggest public health epidemic and that the fentanyl flowing into the United States is the most severe part of that.

The staff at the U.S. Embassy were very helpful. In particular, I would like to thank Steve Churchill, Rob Fordan, and Richard Jao for all their work.

I want to thank, again, some of the Chinese officials with whom we met, Premier Li Keqiang, Minister Zhao Kezhi, and Director Yang Jiechi, for the time they spent with us and the commitment they made to continue to work with us on this public health epidemic.

In conclusion, there is no public health crisis in the United States of America that compares with the opioid crisis. The most severe part of that crisis right now is the flow of fentanyl coming into the United States. What we respectfully ask China to do is more of what they are already doing. They are already controlling 25 different classes of fentanyl. We want them to control all of those classes of fentanyl. That frees their narcotics agents—and they are pretty good—to go after anyone in China who uses or produces fentanyl illegally or improperly.

We saw the difference that made when China controlled 25 of the fentanyl substances. We look forward to the difference it will make when it controls the rest.

My hope is, the President of the United States and the President of China will discuss this and that they see each other next week in Argentina. I hope the President will thank President Xi for what they have already done and ask him to do more. It is not China's problem. It is really our problem. We are the ones with the opioids problem. China can help us solve it by doing what we have already done about fentanyl in this country and doing more of what they have already done.

If they do that, China can be seen as the country in the world doing the most to stop the flow of this deadly fentanyl, and the American people will be grateful for that action.

I thank the President.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from Alaska.

COAST GUARD REAUTHORIZATION BILL

Mr. SULLIVAN. Mr. President, I want to echo what my colleague from Tennessee just mentioned about a lot of bipartisan accomplishments on the Senate floor over the last several weeks. They are really important ones.

He led the charge on the opioid bill which is going to help our entire country and so many others. They don't always get reported in the press, but it is important to make sure our fellow Americans, our constituents, know that is happening.

This afternoon, I want to talk about another one that is a really important accomplishment that we were able to achieve on the Senate floor a couple of hours ago; that is, the Coast Guard Authorization Act of 2018.

A number of Senators have already been down on the floor to talk about this: JOHN THUNE, the chairman of the Commerce Committee, which is where the oversight and responsibility of the Coast Guard lies; Senator WICKER from Mississippi; Senator CARPER—so many Senators contributed to this important piece of legislation that we just passed today by almost a vote of over 90 Senators.

It is a very bipartisan piece of legislation that we were able to get through the Senate floor today. As you know, this has taken some time. For almost 2 years, we have been working on the Coast Guard bill. A number of us put a lot of time and effort into it.

I do want to do a shout out to my staff: Eric Elam, my legislative director; Tom Mansour, a Coast Guard fellow in my office; and Scott Leathard. All of them worked literally for the last year and a half, night and day, on this bill.

Again, it is important for America and certainly important for my great State of Alaska. It raises a broader issue. We just celebrated Veterans Day. Our country was rightfully focused on our veterans. There was a lot of focus on the centennial of the Armistice of World War I, the ending of World War I. Often when there is a focus on the armed services, it focuses on the armed services at the Pentagon—Army, Navy, Air Force, and Marines—and sometimes the brave men and women in the Coast Guard can be overlooked. They shouldn't be. We all know that.

One of the things I tried to focus on in my time in the Senate is making sure they are not. Prior to 9/11, the Coast Guard was probably the only service in the entire U.S. military—because they are a member of the services of the U.S. military—whose members were risking their lives every single day on the job. Post-9/11, with the

national security challenges we have, every member of our military—all the services—are risking their lives every day, but the Coast Guard does it day in and day out.

Pre-9/11 and post-9/11, men and women in that wonderful service undertake a heroic mission with actions that we see saving American lives and defending our national security.

What do they focus on and what does this bill focus on? Well, the bottom line is, this bill is focused on making sure the men and women of the Coast Guard have the resources to do their job. Their job is varied and extremely important.

We have all seen the Coast Guard coming out of the sky to rescue us—rescue Americans on seas when they are in trouble; with the hurricanes we have seen over the last couple of years; the heroic pictures of the men and women in the Coast Guard doing thousands of rescues. We see that as part of their mission. They have been described as angels in helicopters. When they show up, it is certainly witnessing America at its very best. We have seen a lot of that. The mission of the Coast Guard also includes ice-breaking, marine environmental protection, port security, and international crisis response. Many members are deployed overseas in places like the Middle East, combating illegal fishing by other nations, protecting American fishermen, protecting Alaskan fishermen, readiness to support the Department of Defense operation. It is a long list. The Coast Guard does it very well.

Importantly, the bill we just passed today will significantly help the men and women with this important mission. You and I serve on the Armed Services Committee. Again, what my colleague from Tennessee was talking about is another one of these bipartisan areas of achievement that we have seen in the Senate in the last year, year and a half, consensus on issues like rebuilding our military. We are doing that on the Armed Services Committee through the National Defense Authorization Act that passes the Senate and the House every year.

I am certainly honored to be on the Armed Services Committee, where we are working on rebuilding from the cuts of 2010 to 2015. They were almost 25 percent of the Department of Defense budget while national security challenges were increasing all over the world.

The other thing we are rebuilding—and it doesn't always get a lot of attention—we are rebuilding the Coast Guard. In essence, this bill we passed today is the NDAA for the U.S. Coast Guard. The recapitalization and rebuilding of the Coast Guard is a core element of the bill we just passed.

Let's run through a couple of examples. Like what we just did in the NDAA, increasing the end strength of the Army, Navy, Air Force, and Marines, this bill today works to increase the end strength of the U.S. Coast

Guard. Importantly, it starts to really accelerate what we are doing in terms of recapitalizing the Coast Guard fleet. For example, this bill authorizes the building of six more fast response cutters—these are critical cutters for the U.S. Coast Guard—and three more national security cutters for the U.S. Coast Guard. These are incredible vessels. They are huge—400-plus feet.

I had the honor to go out to a commissioning of the *Douglas Munro*, one of the new national security cutters. These ships can do it all. They look like big Navy ships that can do it all. That is what these national security cutters are doing.

This legislation also helps to streamline the building of Navy ships, which is important as we recapitalize the fleet. It directs the Coast Guard's overall policies.

Now I want to talk a little bit about some of the more specific provisions in this bill that relate to my great State, the great State of Alaska, where the Coast Guard and the people of Alaska have a very special relationship. We love the men and women of the Coast Guard. We see them in action all the time, doing heroic missions. We had the largest Coast Guard base in the country in Kodiak, AK, and District 17—that is the Coast Guard district in Alaska—is the largest geographic district in terms of square miles in the entire Coast Guard area of responsibility. There are close to 4 million square miles and over 47,000 miles of coastline just in the State of Alaska. That is more coastline than in the rest of the lower 48 States combined. So the Coast Guard has a huge mission in Alaska—a really important mission in Alaska—and it covers all kinds of territory.

Let me just give you, again, a sense of the importance that District 17 and the men and women of the Coast Guard in Alaska have to my constituents, to their fellow Alaskans—a snapshot from District 17's website. It reads, just in an average month in Alaska, that the Coast Guard saves 22 lives, performs 53 assists, and conducts 13 security boardings and 22 security patrols throughout this gigantic area of District 17, just to name a few of its duties, in addition to making sure that illegal fishing in this part of our Nation doesn't occur.

I am also grateful that as we look at the recapitalization of the Coast Guard's fleet, the former Commandant of the Coast Guard, Admiral Zukunft, recognized how important Alaska was and sent me a letter, as I am the chairman of the subcommittee in the Commerce Committee that is in charge of the Coast Guard. My team and I put in a lot of effort with Chairman THUNE and others in writing this bill and in working on it for the last 2 years.

In a letter to me prior to his retirement, the former Commandant of the Coast Guard said that we know there are challenges and that there is a growing mission, from the Coast Guard's perspective, in Alaska. In terms of this

recapitalization, we see a lot of these vessels coming to Southeast Alaska. For example, six fast response cutters that are being built and that are part of this bill are slated for Alaska, and two additional patrol boats are for Petersburg and Juneau. The FRCs will be home-ported—two of them—in Kodiak, one in Seward, one in Sitka, and two previously commissioned FRCs will remain stationed in Ketchikan. So those are a lot of assets coming, and I believe there are going to be more. We are going to continue to work on that.

I thank the former Commandant and the current Commandant, Admiral Schultz, who has been on the job for about 6 months and has already been to Alaska three times. That is just another testament to recognizing how important the Coast Guard is to the great State of Alaska. I can't thank enough the men and women of the Coast Guard nationally and in my State for the great work they do.

There are a number of provisions in this legislation, in addition to the national areas of recapitalizing the Coast Guard, that are actually focused, not surprisingly, on Alaska, given how important the Coast Guard is to Alaska. Let me just highlight a few of them.

There is a provision that says the Coast Guard must position assets to respond to any incidences given the national security and economic significance growing in the Arctic region. The Department of Defense is starting to focus on the Arctic region, and, certainly, the Coast Guard is.

The provision further states that it requires the Coast Guard, in consultation with the Department of Defense, to report to Congress on the progress being made in implementing the Coast Guard's Arctic strategy and to provide an assessment of the placement of additional Coast Guard assets and cutters in light of meeting those strategic objectives in the Arctic.

We know that the demands of a more strategic Arctic are putting a strain on the Department of Defense and the Coast Guard. We believe—I believe—that the provisions in this bill state that the Coast Guard needs to look at that and provide more assets to do the mission if need be.

As we are recapitalizing the fleet, it also talks about moving bigger cutters in for smaller ones in region 17 because the Coast Guard must continue to have adequate coverage. You don't want to move one ship out and another ship in and have a gap in coverage. This bill focuses on that—no gaps in coverage.

The bill also requires the Coast Guard to deliver a plan to extend the life of the *Polar Star*, which is the heavy icebreaker that is home-ported in Seattle and has a critical mission. Again, in the NDAA this year, we received authorization for six additional heavy icebreakers—three heavies, three mediums. Yet we need to make sure that we still have coverage with the icebreakers we have as we look to build and deploy the new Coast Guard

icebreakers that were authorized in the NDAA this summer. This provision focuses on that.

It directs the Coast Guard to conduct persistent, aircraft-based surveillance in terms of monitoring illegal, unreported, and unregulated fishing in the Western Pacific. This is a huge problem. We have our 200-mile limit where American fishermen and Alaska fishermen can fish off the coast of Alaska and other States, but we often have pirate fishing going on. We have countries such as China that come and illegally take fish that should be in our economic zone or on the high seas. The Coast Guard does a great job in monitoring and catching this illegal fishing, which harms the oceans and harms our fisheries. This bill underscores how important that mission is and directs the Coast Guard to make sure there is persistent, aircraft-based surveillance in monitoring what we call IUU fishing—illegal, unreported, unregulated fishing—in the Western Pacific.

The bill requires the Coast Guard to have tested the capability of oilspill vessel response plans in Alaskan waters and to report to Congress on these capabilities.

It also, importantly, focuses on funding to update and maintain the Nation's nautical charts with there being an emphasis on the Arctic, where there is growing vessel traffic. Yet we have nautical charts that are 70 or 80 years old, and some places have never been charted.

This bill facilitates the construction of a viable home port for the NOAA research vessel *Fairweather* in Ketchikan, AK, which is an issue that is important to my constituents, and to be perfectly honest, with regard to NOAA, it has been hanging out there for too long. This bill helps to make sure that the vessel is going to be home-ported where it should be legally home-ported under the law, and that is in Ketchikan.

Those are just a few examples of the national aspects of this bill for the Coast Guard's recapitalization effort and of some of the more important provisions that focus on the Coast Guard's special relationship with Alaska.

This act also contains many important items for our fishermen and fisheries and our maritime industry throughout the United States, whether in the oceans, whether on the Great Lakes, whether in the rivers that we have. It is very, very important to our fishing community, to our fishermen, and to the maritime workers throughout the country.

Of course, this is important to my State. I often refer to Alaska as the superpower of seafood. What am I talking about? Almost 60 percent of the commercial and sport fish that is harvested in the United States of America comes from Alaska. It is billions of dollars in terms of the economic impact for our State. So included in this legislation is important language to permanently address issues that have plagued Alaskan fishermen, American fishermen, and

commercial vessel owners and operators of maritime fleets and, importantly, the workers in these important industries for decades—regulatory problems and challenges that these important industries and the important men and women who work in these industries have been struggling with for decades with no long-term solutions. At long last, this bill addresses these—the long-term, permanent solutions.

What am I talking about?

Currently, our fishing fleets throughout the entire country, as well as vessel owners and operators—again, throughout the entire country in rivers, lakes, and oceans—are forced to comply with a patchwork of burdensome Federal and State regulations that are well-intentioned but often conflicted for incidental discharges off the decks of these ships and for ballast water. Let me start with the incidental discharges.

Again, it is very important to my State but very important to any State with regard to the fishing industry and fishermen who work hard every day. If you are a commercial fisherman on a fishing vessel and you have caught some fish and you want to hose down your deck—because let's face it; fishing can be a bit of a messy business—through a long history of requirements and lawsuits, you are forced to report to the EPA these incidental discharges, and you need to get a permit to hose down your deck of a fishing vessel or you will face a fine.

Now, you don't have to be a fisherman to recognize that this is ridiculous and that people—Democrats and Republicans in this body—have been trying to address this issue for decades because it creates inefficiency, and it certainly doesn't help the environment. It adds to costs, inhibits economic prosperity, and hurts fishermen and the vessels they operate. This body has introduced short-term fixes for years to try and address this. Those have not been sufficient. So this bill addresses it for good.

Let me talk about another provision that tries to cut through the patchwork of burdensome State regulations—again, well-intentioned but often conflicted for ballast water and vessels. Currently, ballast water is regulated by both the Coast Guard and the EPA. They both have separate, inconsistent, and sometimes directly conflicting sets of Federal requirements that are interdispersed with requirements from States. This is literally a patchwork of requirements for vessels that move through different State waters. Let me give you an example.

You are the owner-operator of a commercial vessel that is going up the full length of the Mississippi River. You are moving commerce and keeping a strong economy stronger. As you do that, not only must you comply with inconsistent Coast Guard and EPA requirements, but you also will likely have to comply with different and separate requirements regarding ballast

water for Minnesota, Wisconsin, Iowa, Illinois, and Missouri. You get the picture. It is a patchwork of regulations—all well-intentioned—that has the impact of inhibiting commerce and, most importantly, of inhibiting job opportunities for the men and women in this commerce. Twenty-five States have been regulating ballast water under separate, inconsistent, and sometimes directly conflicting sets of requirements. This has not only inhibited U.S. economic growth, but it also actually makes it more likely that invasive species will accidentally be introduced into this ballast water because the requirements are so different, it is hard to keep up with them.

So, again, what this bill does at long last, working across the aisle—and trust me, we worked on this for over a year, on these provisions, Democrats and Republicans rolling up their sleeves, in good faith, getting to work. Because we know how important this is to our constituents, we looked at and focused on getting permanent solutions, not quick fixes—the way these issues have been handled in the past, for over a decade—to these significant challenges.

This bill will provide a permanent exemption on incidental vessel discharges for all commercial fishing vessels and commercial vessels under 79 feet in length. This is very important to the American fishing industry, the men and women in that industry, and it is something that they have been advocating for and Members of this body, of both parties, have been trying to get for well over a decade. Well, we did it today. That is important. As I said, without this exemption, small vessel owner-operators would be required, as they have been for years, to get an EPA permit to hose off their decks—not a good use of the EPA and not a good use of the hard-working time of American fishermen.

Similarly, this bill provides a comprehensive solution to this patchwork ballast water challenge that I just described, establishing a single, nationally uniform standard for the regulation of ballast water and other vessel discharges, and the EPA and the Coast Guard, with input from the States, will work together. This uniform standard will have the impact of helping our environment and our maritime industry and fishing industry workers and the U.S. economy all at the same time. That is an important accomplishment, and that is why over 90 Senators voted for this bill today.

In conclusion, the men and women of the U.S. Coast Guard do heroic work day in and day out. I am honored to chair the subcommittee of the Commerce Committee in charge of the Coast Guard. This bipartisan bill will support them and their incredibly important mission, and it was long overdue. It was long overdue, but we got it done.

The Coast Guard's motto, "Semper Paratus"—"Always Ready"—is a

motto I think we can learn from here in the U.S. Senate. It is so appropriate for what they do for us. I want to make sure that the members of the Coast Guard who are watching or learning about this bill know that it is a signal that they have strong bipartisan support from the vast majority of the Members of the U.S. Senate.

Hopefully, this bill will get over to the House quickly. We have been working closely with the House on a number of these provisions, and they are going to pass it, we hope, and we will get it to the President soon for his signature.

Going forward, we have to work to make sure there is not an almost 2-year delay in getting the Coast Guard Authorization Act passed in the U.S. Senate. When we work together, we can see that it is very bipartisan.

As a member of the Armed Services Committee, the Presiding Officer and I both know that the National Defense Authorization Act moves every year. What I think we need to do is make sure, when we start debating the NDAA in late spring, early summer every year, as we do, that we reserve time to move and debate and pass the Coast Guard bill as well. This is an issue I have raised with the leadership on both sides of the aisle, with the chairmen of the Commerce Committee and the Armed Services Committee, and I am hopeful that we can make some progress on that so we are moving a Coast Guard Authorization Act, as we should be, with the other services in the NDAA. But that is for tomorrow. For today, we have an important accomplishment for our country, an important accomplishment for the State of Alaska, and most importantly, an important accomplishment for the men and women of the U.S. Coast Guard who continue to undertake heroic actions day in and day out on our behalf.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### TRIBUTE TO STEVE MAGRUDER

Mr. DURBIN. Mr. President, Steve Magruder has devoted his life to helping working families. For more than 40 years, Steve faithfully served as a member of the International Brotherhood of Electrical Workers International Local 176. Last week, Steve retired as the business manager of Local 176, a position he held for 8 years.