

American businesses find themselves increasingly under attack from a sophisticated effort to steal the very things that give them a competitive edge in the 21st-century economy—things such as codes, formulas, and confidential manufacturing processes. While it has never been easier for these thieves to launch attacks on innovation, sometimes armed with little more than a jump drive, many American businesses now find themselves less able to protect their important assets under current law.

Senator HATCH knew we had to do something about this. He knew it was time to modernize our trade secret laws to keep pace with rapid advances in technology and in criminal techniques. He knew it was time to streamline and simplify the process for U.S. companies to effectively defend American jobs, American growth, and the American innovation that is increasingly at the heart of our modern economy. Senator HATCH worked across the aisle with Senator COONS to develop the Defend Trade Secrets Act. This bipartisan legislation eventually gained the cosponsorship of a majority of the Senate.

This bipartisan legislation also passed the Judiciary Committee unanimously. That is impressive, and it wouldn't have happened without the able leadership of the chairman of that committee, Senator GRASSLEY from Iowa. Since the new majority took office, Senator GRASSLEY has been a highly effective legislator as chairman of the Judiciary Committee. From comprehensive legislation to address America's opioid epidemic, to protecting the victims of modern slavery, to today's effort to support American innovation, he has received widespread praise from both sides of the aisle for leading a very productive committee. Senator GRASSLEY is a hard worker, and he is again winning kudos on this bill.

The organization that represents America's tech sector said that "the committee's process has been very open and thoughtful." A broad cross section of American businesses wrote that "the approach to the bill has been consensus-oriented." This, they said, "led to broad and enthusiastic support from a wide range of American organizations and companies . . . representing the technology, medical device, agriculture, biotech, pharmaceutical, automobile, clean energy, consumer products and manufacturing sectors."

Here is what I say: Today's trade secret theft is high-tech. It is fast moving, and it threatens America's economy, America's jobs, and America's innovation.

I ask that my colleagues join me this evening in voting to fight back on behalf of the American people. I ask them to join me in supporting the bipartisan Defend Trade Secrets Act.

TERRORIST THREATS

Mr. McCONNELL. Mr. President, in recent weeks we have again been reminded of the pervasive threat posed by Islamic terrorists to the world. We have seen ghastly images in places as diverse as Brussels, Yemen, and Lahore. Attacks seem to be coming nearly weekly now, and it feels as if we hear of a new one almost every time we flip on the news.

Over the weekend, the chairman of the Intelligence Committee delivered an address focused on the threat facing us and what we can ultimately do to overcome it. Senator BURR noted that he could not remember a time when the United States and its allies faced a greater array of threats across the world, which is why, as he put it, "we cannot simply focus our efforts on how to best respond to attacks once they've already happened." Senator BURR spoke on the significance of working with our allies to target threats at every level. He talked about the importance of ensuring that law enforcement has the tools and authorities needed to keep Americans safe. He also underlined the need for President Obama to do more in directly taking on ISIL and made clear that doing so would require leadership that reached beyond the administration's current containment strategy.

It is clear that defeating ISIL, Al Qaeda, and its affiliates will require concerted action by our military, the intelligence community, and international partners around the globe. That is why we have continued to press the administration for a serious plan to defeat these terrorist groups and not simply attempt to contain them. In addition to the ongoing air campaign, the President has lauded deploying special operations forces to target and pursue ISIL. It is a positive step, but a credible ground force will be needed to defeat ISIL.

As Senator BURR put it, "We're beyond containment and must move decisively and with purpose to eliminate the Islamic State."

"The President," he continued, has accurately stated "that 'ISIL poses a threat to the entire civilized world.' Now is the time for our strategy to match that threat."

AMERICA'S SMALL BUSINESS TAX RELIEF ACT OF 2015—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.R. 636, the vehicle we will use for FAA reauthorization.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 55, H.R. 636, to amend the Internal Revenue Code of 1986 to permanently extend increased expensing limitations, and for other purposes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

DEFEND TRADE SECRETS BILL

Mr. REID. Mr. President, I understand why my friend the Republican leader is doing everything he can to shine a bright light on the Judiciary Committee. It is kind of hard to do that considering everything that is going on today. The bill that we will vote on at 5:30 p.m. would have passed with unanimous consent, and everybody knows that. We don't need to take up the Senate's time on a bill that would pass just like that. We are doing it because it focuses less attention on the inadequacy of the Judiciary Committee. The Defend Trade Secrets Act was easily reported out of committee. There were no problems. It was a bill on which everybody agreed. There may be some reasons for it, but I don't see why the Judiciary Committee should be given a few pats on the back. The problem is that the committee does not deserve any pats on the back at this stage.

JUDICIAL NOMINATIONS

Mr. REID. Mr. President, as U.S. Senators we have a constitutional obligation to consider nominees to important positions. That is one of our constitutional responsibilities. Judges play an essential role in our society, and we should give qualified nominees the fair shot they deserve. Sadly, the Republican Senate has refused to do its job. They have a new standard: Unless the judge-to-be passes the test on the National Rifle Association, as stated by the Republican leader on national TV, they can't vote for him.

The Judiciary Committee has been hammered—and that is an understatement—day after day in the State of Iowa, the home State of the chairman of the committee. This is a headline from the largest newspaper in the State, the Des Moines Register: "Grassley leads slowdown of judicial confirmations." Here is what this headline is all about:

The Republican-controlled Senate Judiciary Committee and its Chairman, Senator Grassley, have fallen far behind any comparable Senate in confirming judicial nominations.

Reading directly from the Des Moines Register article:

Even before the current controversy over consideration of a Supreme Court justice, action on federal court nominations has slowed markedly since U.S. Senator Chuck Grassley took control of the Senate Judiciary Committee.

Since Republicans won a Senate majority in 2014, the number of President Obama's nominees winning confirmation to the bench has fallen compared with previous years and long-term averages, as have the number advancing out of Grassley's Judiciary Committee, according to data from the Congressional Research Service and the federal judiciary.

The article also quotes Professor Sheldon Goldman, an expert on judicial confirmations from the University of Massachusetts Amherst. He said: "With Republicans taking over the Senate, the strategy has been to obstruct, delay and slow-walk these

nominees at every stage of the process.”

Statistics from the nonpartisan Congressional Research Service confirmed Professor Goldman’s assertion. Under Chairman GRASSLEY’s leadership, the Judiciary Committee is grinding the nomination process to a halt. The number of judicial nominations confirmed in this Congress is the worst. To date, this Republican-controlled Senate has confirmed only 16 judicial nominations. That is one judge a month.

Contrast that with the last years of George W. Bush’s Presidency. We had a Democratic Senate and we had a Republican President. Then-Democratic Chair LEAHY and his Senate colleagues confirmed 40 judges—40 confirmations compared to 16 under Chairman GRASSLEY. The numbers speak for themselves.

But to better understand the dysfunction of Senator GRASSLEY’s committee, we have to consider the slow pace at which he and Republicans are reporting judicial nominations. We have to go back more than six decades to find a Senate Judiciary Committee that was less productive than Chairman GRASSLEY’s committee is today.

Republicans will doubtless claim that their committee has stopped working because it is the last year of Obama’s Presidency. That is simply nonsense. In 1988—President Reagan’s last year—the Senate Judiciary Committee reported circuit and district court nominations as late as October. The Senate considered President Reagan’s, President Clinton’s, and President George W. Bush’s judicial nominations in the eighth year of their terms, and many other Presidents were treated the same way.

The Republican leader is on the record advocating for the confirmation of judicial nominees in a President’s last year in office. This is what the Republican leader said in July of 2008: “Even with lame-duck Presidents, there is a historical standard of fairness as to confirming judicial nominees, especially circuit court nominees.” Those are the Republican leader’s own words. Yet now he refuses to extend that “historical standard of fairness” to President Obama’s nominees. Why are Republicans changing the rules for President Obama’s nominees?

Given that the chairman of the Judiciary Committee refused to attend to the judiciary, how is the Republican Committee spending its time? We know Chairman GRASSLEY’s committee is refusing to consider President Obama’s Supreme Court nominee, Chief Judge Merrick Garland. We know Chairman GRASSLEY’s committee is refusing to adequately report district and circuit court nominees.

This much is clear: The Republican Judiciary Committee is not doing its job. Instead, the senior Senator from Iowa is taking his marching orders from the Republican leader and has instituted a blockade of judicial nominations at every level. The once proud

and powerful Judiciary Committee, established hundreds of years ago, has become a mere shadow of its former self. He has turned the once powerful and independent Judiciary Committee into an extension of the Republican leader’s office.

This is the same gridlock the Republican leader has imposed upon the Senate for the last 8 years. Since his party assumed the majority in the Senate last January, the Republican leader’s carefully orchestrated obstruction of judicial nominations has accelerated to historical levels and judicial emergencies have tripled.

My friend—we have served together in the Senate for decades—can come to the floor all the time to speak about the success of the Senate. No matter how many times you say a falsehood, it is still false.

Senator MCCONNELL once declared himself the “proud guardian of gridlock.” Senator GRASSLEY has become his most willing disciple. It is disappointing that the senior Senator from Iowa has surrendered his committee to the Republican leader.

The lack of progress on judges should alarm Members of the Senate—even Republican Senators. Take, for example, the nomination of a man by the name of Waverly Crenshaw, who was recommended by Senators ALEXANDER and CORKER to be a district judge in the Middle District of Tennessee. Mr. Crenshaw is a superb nominee who has broken barriers all of his life. He is currently a partner at a well-renowned law firm in Nashville where he became the first African-American partner in 1990. The senior Senator from Tennessee said that Mr. Crenshaw would be “an excellent federal district judge.” I agree. He was reported out of the Judiciary Committee unanimously in July of 2015—almost 10 months ago.

The vacancy in the Middle District of Tennessee is a judicial emergency, meaning there are more cases than the judges on the court can handle. The junior Senator from Tennessee said: “I know there is a tremendous load of work in the Nashville office that needs to get done, and we’ve talked a great deal with the other judges there and know this position needs to be confirmed.”

Last month, the Senators from Maryland asked to bring the Crenshaw nomination to a vote, but the assistant Republican leader objected. Both Senators brought this forward. The objection was the same. The senior Senator from Texas said it will lead to “chaos” to schedule a vote on Mr. Crenshaw.

Chaos is exactly what the Republicans are bringing to the judiciary. From the Supreme Court, to the circuit courts, to the district courts, our entire judicial branch of government is under siege by this Republican Senate. After they have crippled the judiciary, the Republican leader and Chairman GRASSLEY want to hand it over to Donald Trump. That would be disastrous. That is not what the American people

want. They want Republicans to do their constitutional duty and give these judges due consideration. That is not asking too much.

So I say to the chairman of the Judiciary Committee: Stop blocking these nominees. Do what other Judiciary chairs have done for 200 years and move the process forward. These nominations are important. Or, put simply, do your job. This—a historic slowdown of judicial confirmations—isn’t your job, and it is not what the people of Iowa sent you here to do, as indicated by the Des Moines Register: “Grassley leads slowdown of judicial confirmations.”

Mr. President, I see no one here wanting to speak. Would the Chair announce the business for the rest of the day.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REMEMBERING DR. JOSEPH MEDICINE CROW

Mr. DAINES. Mr. President, yesterday Dr. Joseph Medicine Crow passed away after a long life at the age of 102. Dr. Joseph Medicine Crow leaves an unmatched legacy as the Crow Tribe’s historian and storyteller, a decorated World War II veteran, and the first member of the Crow Tribe to ever obtain a master’s degree.

Medicine Crow lived a life filled with numerous accomplishments. He enlisted in the U.S. Army and joined the 103rd Infantry Division. As a proud member of the Crow Tribe, he never went into battle without his war paint beneath his uniform and a sacred Eagle feather beneath his helmet. In fact, during World War II he achieved the war deeds to be declared chief. In 2006 his personal memoir, “Counting Coup” was published by National Geographic. When he earned the Medal of Freedom in 2009, our Nation’s highest civilian honor, the White House identified him as both “a warrior and a living legend.” He is considered one of the most