



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, MONDAY, NOVEMBER 6, 2017

No. 180

## Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

O God, You are our God. Please draw near to all who are affected by the violence in Your house of worship in Sutherland Springs, TX. Comfort those who mourn, bring healing to the injured, and shower Your mercy upon us all.

Lord, keep our lawmakers composed even in life's storms. May they acknowledge their need of Your power, Your wisdom, and Your might. May they run toward life's challenges and hardships, knowing that they are never alone. Satisfy their souls with good things, and transform the mundane into the meaningful. Lord, purify their hearts, creating within them a hunger and thirst for righteousness. Reveal to them Your plans for their well-being, providing them with a future and hope.

We pray in Your loving Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

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

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The legislative clerk read the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order of November 2, which notwithstanding rule XXII, be modified to have all executive session cloture motions ripen following the disposition of the Gibson nomination; further, that if cloture is invoked on the Engel nomination, the time postcloture be counted as if invoked at 5:30 p.m. on Monday.

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

#### TEXAS CHURCH MASS SHOOTING

Mr. MCCONNELL. Mr. President, for most Americans, a church is a place of worship and love, a place where the faithful go to feel mercy and compassion, which is why what happened in Texas yesterday is so difficult for many to comprehend. Why would an individual do this? Families lost so much. Our hearts go out to them in this time of untold grief. Our gratitude goes out to the civilians and first responders who answer the call when others are in need.

As we continue to learn the details of yesterday's tragic events, I, along with all Members of the Senate, will keep the victims of this tragedy and their families in my prayers.

Mr. President, on a completely different matter, last Monday I said the Senate would confirm four excellent

judicial nominees by the end of the week. That is just what we did—Amy Barrett, confirmed; Joan Larsen, confirmed; Allison Eid, confirmed; Stephanos Bibas, confirmed.

After 8 years of a President who selected judges based upon an ideological litmus test designed to find nominees who favor certain groups or individuals over others, we now have a President who is sending over nominees who will ensure that the judiciary is actually living up to the role we expect in our democracy: treating everyone equally, giving every litigant a fair shake, applying the law as it is actually written, not as the judge wishes it might be. The four circuit court nominees the Senate confirmed last week will do just that.

Democrats have put up a lot of procedural roadblocks to prevent the Senate from moving forward all year. We have moved ahead anyway. As a result, despite all the obstacles from the other side, we are making significant progress.

Of course, none of this would be possible without the hard work and notable leadership of Judiciary Committee Chairman CHUCK GRASSLEY, and I want to thank him again for everything he has done.

We are not finished yet. We are going to keep pressing forward on judicial nominees. We are going to keep confirming the other nominees before us as well.

This week the Senate will consider some of President Trump's other qualified nominees for various positions throughout the Federal Government. Each of these individuals will help lead their agencies to fulfill their particular mission in running the government.

First, we will advance the nomination of Steven Engel to serve as Assistant Attorney General for the Office of Legal Counsel. Mr. Engel previously worked in the OLC, having done so under President Bush. He also served as Deputy Assistant Attorney General

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



Printed on recycled paper.

S7005

and counsel to the Assistant Attorney General. He obviously has a lot of experience advising senior policymakers on a wide variety of legal issues facing the executive branch. That is good because the role he has been nominated to has the responsibility for providing legal advice to the executive branch on all constitutional questions and reviewing pending legislation for constitutionality.

I look forward to advancing Mr. Engel's nomination tomorrow so that he can begin putting his experience to work for our country as soon as possible, and then we will turn to the various other nominees before us so they can begin doing the same. Confirming the President's nominees is an important part of the Senate's business, and I urge all of our colleagues to work together so we can get this done.

#### TAX REFORM

Now on one final matter, Mr. President, today our colleagues on the House Ways and Means Committee began marking up the tax reform legislation they unveiled last week. Under Chairman BRADY's leadership, the committee is continuing its work to get our economy reaching again for its true potential. This is yet more momentum for our country's once-in-a-generation opportunity to update the tax system, deliver relief to hard-working American families, and get our economy creating more opportunities and prosperity.

Under Chairman HATCH's leadership, the Senate Finance Committee is continuing to move forward on its own legislation to increase opportunity and to provide more take-home pay for American families. In an open process through regular order, members of the committee will continue to have input in the writing of this tax reform legislation.

Both Chambers are working with the President and his team to overhaul our country's complex and outdated tax system. We are united around a commonsense set of goals to make taxes lower, simpler, and fairer; take more money out of Washington's pockets and put more money in the pockets of America's middle class; and level the playing field for American workers and businesses so they can compete against foreign competitors on an equal footing and not only create more jobs in America but keep them here too. These are goals shared by so many across our country regardless of party.

It is time to deliver real tax relief for hard-working families, and we are going to keep working together to do just that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### TEXAS CHURCH MASS SHOOTING

Mrs. GILLIBRAND. Mr. President, I rise to speak about the mass shooting in Texas yesterday—the latest mass shooting in what seems like never-ending gun violence in our country. My heart breaks for the victims and their families and for the community of Sutherland Springs in Texas.

We are still gathering all the facts about this specific crime. We are still learning about what happened, how this murderer was able to purchase a gun, whatever his twisted rationale was for walking into a house of worship in a small town and slaughtering more than 20 people, including young children, with an assault weapon. Our incredible law enforcement officials are working hard to answer all of that, but the most important fact of all is something we already know very well. This was yet another case where someone on American soil who had absolutely no business getting his hands on a weapon of war was able to get one and use it to commit heinous mass murder.

Of the five worst mass shootings in our history, three of them have occurred in just the past 17 months. Think about that. In a small town in America, nearly 7 percent of the town's population was slaughtered just because they went to church that day. The weapon he used was based on a military weapon designed for a war zone, but this was not a war zone. It was a church. People were singing and praying and savoring life.

I reject the notion that it is too soon to act. If not now, then when? We should ban assault weapons and bump stocks today. People who don't want to have an honest conversation say we need to wait. Well, for how long? Because we wait, and we wait, and we will see evil rear its ugly head over and over again, and we are told to wait again.

We have enough information today for Congress to do its job and try to keep our constituents safe from gun violence. We had enough information before yesterday to act, but what Congress does not have is the political will to act. My friends, this must change. Thoughts and prayers are not going to stop the next mass shooting. Merely talking about doing something about the mentally ill obtaining guns isn't going to stop the next deranged person with hate in their soul from committing yet another mass murder. The Second Amendment does not mean that Americans should have to risk getting shot because they walked down the wrong street in a city or decided to go to a music festival in Las Vegas or a night club in Orlando or an elementary school in Newtown or a movie theater in Aurora or a church on Sunday in Texas.

After each of these horrific acts of violence, what happened here in Congress? Nothing. More than a month after Las Vegas, we still can't even tackle the most obvious fixes like banning bump stocks. Plain and simple,

Americans are being slaughtered and Congress is refusing to protect them.

I hear my colleagues who rightly say we can't pass laws to stop every instance of a deranged gunman who wants to kill innocent men, women, and children, just like our other criminal laws will not necessarily stop every instance of crime, but there is no excuse for not even trying. Everyone in this Chamber knows that a shooting in a church is something that should never happen in this country. Mr. President, I think you would agree with that. I think everyone who serves in this Chamber would agree with that. So then why aren't we doing anything to stop this violence? Why aren't we making it harder for a crazed, evil person to get their hands on a weapon of war?

It makes me wonder what our colleagues are waiting for. Are they waiting for the NRA to come in and give them cover and tell them it is OK to act? Are they waiting for the NRA to give them permission to stand up and do something? If the NRA said today assault rifles or bump stocks should be banned, it would be done tomorrow. That is the sad truth of this place, but we know the NRA will not say that because they want to keep selling these weapons of war to anyone who is willing to buy them, no matter how unsafe it makes it for the rest of us.

Congress has caved in over and over again to the enormous pressure by the NRA and the gun industry—which just wants to protect their profits—and has ignored the vast majority of Americans. Gun owners and nongun owners alike support commonsense measures to keep their fellow Americans safe.

These mass slaughters continue, and Congress has done nothing—absolutely nothing. To me, this is a monumental failure of leadership, and it is no wonder that gun violence and mass shootings happen here at a higher rate than any other developed country in the world. This has to change. It is not enough to solve the individual crime after the fact. We have to take meaningful, real action to prevent the next one. This is what has to happen. To those who doubt that Congress can actually get something done, we already know that, depending on the motivation, depending on whom Congress is actually listening to, Congress is fully capable of moving quickly to enact change. Instead of acting like its hands are tied and refusing to do anything—which is what is happening right now—far more often than not, Congress listens to the special interests instead of the people who actually elect them to keep them safe.

Look at the shameful state of our gun laws now and tell me if you think these laws came about because families in our States demanded them or was it because the NRA demanded them? Congress has turned a collective back on strengthening and expanding our national background check system. We should be fixing the holes in the system—whatever is necessary—not just

shrugging our shoulders and saying there is nothing that can be done. Who do you think demanded that we don't fix the background check system? Was it families in your State or was it the NRA? Congress refuses to ban high-capacity magazines, which are literally made for war, and let killers fire dozens of rounds without having to stop and reload. Who do you think demanded that, families or the NRA?

Congress still refuses to ban assault weapons, which are designed for war—designed to kill as many people as possible as rapidly as possible but are given different names so they can be sold in the civilian world. Who do you think demanded that, our families or the NRA?

Congress is on the verge of passing legislation to make it easier right now for killers to buy suppressers, known by many of us as silencers, to attach to their weapons and make it harder for the police to do their jobs and catch violent criminals. Who do you think demanded that? Certainly not the police and not our families—the NRA.

Congress is dragging its feet on banning bump stocks, the inexpensive piece of equipment the killer in Las Vegas used to turn its already-powerful firearm into an automatic weapon capable of firing hundreds of rounds per minute. Who do you think demanded that, families or the NRA?

Just this February, Congress overturned a rule that had prevented people who were so incapacitated that they could no longer handle their own finances from getting their hands on a gun. Who do you think demanded that, families or the NRA?

Congress even went so far as to pass a law that blocked the Centers for Disease Control from studying the issue of gun deaths the way they are allowed to study any other cause of death in this country. Why? Because it is an attempt to hide the overwhelming data showing that keeping guns out of the hands of dangerous people would decrease gun crime. Who do you think demanded that? Who do you think demanded that Congress suppress the facts and the alarming data about gun violence? Do you think it was families or the NRA?

This really has to change. Congress needs to start protecting the people we were elected to represent. Their voices matter, and it really does matter whom you are listening to. Their voices matter, and they must be heard. We must listen and enact change that would actually help to keep our States safer from gun violence. We are the ones who need to act. We can't ignore our responsibility to keep our country safe from this kind of violence.

To all the people who are watching us right now, I would say this: After all these massacres, pay attention to what your elected leaders are saying. Pay attention to what they are actually doing. Watch how they react. Look closely at how they use their time here. Listen to what they say or don't say. After these mass shootings, did

they tell you we were going to bow our heads for a moment of silence and leave it there or did they tell you we were going to fight with every bit of energy to actually fix these broken gun laws and protect our American citizens?

Democracy only works when regular people stand up and demand action. I urge everyone listening today to demand that action and to hold elected leaders accountable and to ask them to pass meaningful gun reform now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, today we join the stunned community of Sutherland Springs, TX—a small town near San Antonio—in mourning the loss of too many innocent lives. One innocent life is too many.

I listened to the impassioned comments of our colleague from New York asking us to do something, but I actually think it is important we understand exactly what did happen, and once the fog of this terrible tragic event lifts, after the law enforcement agencies can do the appropriate investigation, then I think it is appropriate for us to ask: What can we do, consistent with the Constitution and laws of the United States—what can we do to make something like this less likely?

I wish I was optimistic there was some magic wand we could wave and that we could prevent terrible tragedies like this, but in a free and open society, unfortunately, we don't have that magic wand.

On the other hand, we have arrived at a consensus, I think, in this country, that background checks, for example, are appropriate for people suffering from mental illness, people who committed previous felonies. Those people are banned from possessing or purchasing firearms, and there is a consensus that they should be banned.

There are some early reports—and, again, the fog of this terrible tragedy has not yet lifted. We need clarity in order to know what did and did not happen and where we might be able to act to make a difference. There is some indication by some news reports that this individual had committed domestic violence and had been convicted of that by a court-martial. That, too, would likely have been a disqualifying factor in his ability to possess or purchase firearms. So we need to know exactly what the facts are.

I appreciate the passion of our colleague from New York. We are all stunned by what happened, but I think being rational people, we ought to want to know exactly what the facts are before we decide what the best course of action might be. It may be that, like we saw a few years back at Virginia Tech, an individual who had previously been adjudicated mentally ill, that determination, that judgment was not entered into the National Instant Background Checks System run

by the FBI, and because it wasn't—because of a failure of communication between the State and Federal authorities—he was able to purchase a firearm when he was legally disqualified from being able to do so.

So those are the sorts of things I think we could work together on. I know, for example, after the terrible shooting in Las Vegas, I was shocked, like so many others were, that somebody could essentially bypass the prohibition against making a semiautomatic weapon into an automatic weapon by the use of the so-called bump stock. As somebody who enjoys the outdoors and is a hunter and enjoys recreational shooting, I can tell you I know of no sportsman, no hunter, who uses a bump stock. It seems to me the sole purpose of this is to bypass the prohibition about turning semiautomatic weapons into automatic weapons. That is something I hope the Senate Judiciary Committee will continue to look into and determine whether the Bureau of Alcohol, Tobacco, and Firearms ought to be extended the authority to regulate the so-called bump stocks.

Back when President Obama was President of the United States, the Bureau of Alcohol, Tobacco, and Firearms said they did not believe they had the authority, but several of us have written to them and asked them to clarify for us just where they think they do have authority and where they feel they need additional authority so we can work with them, hopefully, to prevent terrible tragedies like that from occurring in the future.

Yesterday we all received the news that a gunman opened fire on parishioners at First Baptist Church in Sutherland Springs, TX, killing at least 26 people during the Sunday morning church service. I can't imagine a more vulnerable time. People were sitting in the pews with their heads bowed and their eyes closed and then were exposed to this madman unleashing death in that house of worship. The victims included young children and a pregnant woman, among others. All 26 of them are now gone, aged 18 months to 72 years old.

This small community and an entire Nation must now bind its wounds as we mourn the dead and meet the face of evil with moral clarity and a newfound determination to stem the violence that continues to plague the United States of the America.

We saw in New York that somebody used a vehicle—a car—to mow down people and to kill people as an act of terrorism.

We are vulnerable in so many ways because we are an open society. Unfortunately, these sorts of tragedies seem to come back to us time and again, and we in Texas are not immune.

We remember the knife attack at the University of Texas in Austin earlier this year. We remember the shooting of police officers in downtown Dallas last year, where five police officers perished, and at Fort Hood in 2009. Each of

these events has been shocking, inexplicable, and, certainly, reprehensible.

This tragedy may be the worst of all. That this event occurred in a house of worship makes it all the more grotesque and despicable. Hymns of praise were silenced, and those led to cries for help.

The shooting in Sutherland Springs has been called the deadliest mass shooting in Texas history. It is perhaps better understood by the words of one man whose mother and father were both killed yesterday. He was sitting on the curb, outside the emergency room, at Connally Memorial Medical Center in Floresville, a town nearby. Shaken to the core, he called the events of yesterday "unimaginable." It is impossible to comprehend what it must have felt like to wake up this morning in Sutherland Springs—a small, tight-knit, rural community that is roughly 35 miles southeast of San Antonio—with so many neighbors lost and the sound of yesterday's gunfire and sirens still ringing in the air.

One of the people who lost her life was Crystal Holcombe, who died with her unborn child and several relatives. Another was Annabelle Pomeroy, a shy 14-year-old girl, whose uncle describes her as an "angel in the flesh."

We know, thankfully, that two Good Samaritans turned on and pursued the shooter and may have prevented this nightmare from lasting even longer. We are grateful for the heroism and the quick decisive action of these two men. We know that about 20 injured remain in hospitals, including a 5-year-old, Ryland Ward, who was shot multiple times.

Yesterday I spoke with Texas Governor Greg Abbott and Wilson County Sheriff Joe Tackitt, Jr., and offered not only my condolences but my unequivocal and complete support. Sheriff Tackitt said that the bloody scene inside First Baptist was horrific, but that the response to the tragedy was instantaneous. First responders from the surrounding area, as well as State and Federal officials, inundated Sutherland Springs with logistical resources and personnel, offering their love and compassion, as well—a proud display of what I often see, which is an attitude that being a Texan doesn't describe just where you are from. It describes who your family is.

Today I join the sheriff, as well as Governor Abbott, and my friend Representative HENRY CUELLAR, in whose congressional district this tragedy occurred, my colleague in the Senate, Senator CRUZ, and so many other Texans in asking God for healing and for understanding.

We know the investigation into exactly what happened and why is ongoing, and it is important that we allow this investigation to be completed so we can know what happened and exactly what we might be able to do to prevent tragedies like this from occurring in the future.

I hope that Texans who call Sutherland Springs and First Baptist Church

home will soon have some answers. I send my thoughts and prayers to those who lost parents, children, friends, and relatives in this outrageous and inhuman act. I hope each of us will pledge to be a light in the darkness. To the families whose lives are forever changed by this atrocity, let us provide a strong shoulder of support.

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.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

(The remarks of Ms. COLLINS and Ms. CORTEZ MASTO pertaining to the introduction of S. 2076 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. CORTEZ MASTO. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### TAX REFORM

Mr. DAINES. Madam President, today the U.S. House of Representatives begins marking up H.R. 1, the Tax Cut and Jobs Act, and as the U.S. Senate continues to debate tax cuts, I am reminded of a speech that former Democratic President John F. Kennedy delivered in New York City in 1962. In fact, it was in December of 1962, when he said:

In short, it is a paradoxical truth that tax rates are too high today and tax revenues are too low and the soundest way to raise the revenues in the long run is to cut the rates now. The experience of a number of European countries and Japan have borne this out. This country's own experience with tax reduction in 1954 has borne this out. And the reason is that only full employment can balance the budget, and tax reduction can pave the way to that employment. The purpose of cutting taxes now is not to incur a budget deficit, but to achieve the more prosperous, expanding economy which can bring a budget surplus.

President Kennedy went on to say:

I repeat: our practical choice is not between a tax-cut deficit and a budgetary surplus. It is between two kinds of deficits: a chronic deficit of inertia, as the unwanted result of inadequate revenues and a restricted economy; or a temporary deficit of transition, resulting from a tax cut designed to boost the economy, increase tax revenues, and achieve—and I believe this can be done—a budget surplus. The first type of deficit is a sign of waste and weakness; the second reflects an investment in the future.

If someone had just tuned in, they might think I was quoting, perhaps, President Reagan or perhaps some

other Republican leader. This was President John F. Kennedy in 1962.

We need to cut taxes once again and put money back into the pockets of the American people. I can state that Montanans need more jobs, but, importantly, we need better paying jobs. Most importantly, they need bigger paychecks. The best way to give Montanans a pay raise—how about cutting their taxes? We need tax cuts.

#### TEXAS CHURCH MASS SHOOTING

Madam President, separately, I just want to express my sincere and heartfelt sympathies to the people of Sutherland Springs, TX. What a devastating turn of events there—men, women, and children showing up for worship on a Sunday in a church. This was an act of pure evil.

My wife Cindy and I are praying for the victims, their families, and the community that has been changed forever.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### NATURAL GAS LIQUID STORAGE

Mrs. CAPITO. Mr. President, I would like to talk about an issue in my State of West Virginia—really my region—that is becoming very important, I think, to this country's energy security and prosperity.

As we know, West Virginia has extensive natural gas liquid resources. Nearly a century ago, when these resources were discovered, the rapid growth that followed turned Central West Virginia into a national hub for the petrochemical industry. You know what, we have never looked back.

Today, chemistry remains our State's second largest industry and directly impacts other major sectors like energy, biomedical engineering, and manufacturing. West Virginia is home to 140 different chemical companies that employ nearly 13,000 workers. West Virginia's share of GDP from the chemical industry is the sixth largest in the country, and these products are about one-quarter of our State's major international exports. We still have one of the highest concentrations of chemical, polymer, and resin manufacturers in the world.

The sector is sort of a microcosm of the challenges and opportunities facing this important American industry during a time of fierce international competition. Estimates show, more than 100,000 workers in West Virginia already have the industrial skills to fill jobs in this sector, and there are thousands more who could easily be retrained to fill these jobs in this important industry. With our region's abundance of natural gas from Marcellus

and Utica shale, West Virginia is perfectly positioned for a massive increase of economic growth and new jobs.

Natural gas liquids provide the building blocks for many of the products used by our consumers every single day—products ranging from the dashboard in your car or the water bottle that many of us use. Right now, we don't have the right infrastructure in place to store and distribute the building blocks that make up these products. As a result, these valuable resources are being used to generate heat and electricity, instead of being made into consumer products. As Energy Secretary Perry put it, that's like cooking your breakfast over a fire of hundred dollar bills. This represents a huge opportunity to act on this administration's "America First" energy policy. It is an opportunity to grow an industry here at home with an American workforce and America's natural resources.

To elevate these issues in Congress, I am proud to serve as the cochair of the bipartisan Senate Chemistry Caucus. We host briefings about the importance of this industry to America's economy and national security. States that may not have robust petrochemical sectors, nonetheless, rely on its products for manufacturing, agriculture, and several other key industries.

For months—I would say more than months, years—I have been advancing the development of an Appalachian natural gas liquids market to improve our storage and distribution capabilities. New drilling technologies have unlocked access to trillions upon trillions of cubic feet of natural gas and their associated liquids in West Virginia, Pennsylvania, Ohio, and Kentucky. Some of our most downtrodden economic areas have this valuable asset right there.

Unpredicted just a decade ago, this asset can create a renaissance in the region's petrochemical industry, but this can only happen if policymakers and the private sector seize this once-in-a-generation opportunity. To do that, we need to create a natural gas liquid storage hub in Central Appalachia. The concept of this new hub is simple. Right now, because we don't have a way to store these liquids, we are unable to fully maximize this resource. That hurts producers, refiners, and our manufacturers in the State of West Virginia, and Ohio, and beyond.

A storage hub and the necessary pipeline infrastructure would create a robust Appalachian market for natural gas liquids. This would have major national benefits, and here is why. Let's think about the hurricane that just occurred and devastated our friends in Texas. The gulf—and particularly Houston and the storage hub at Mont Belvieu, TX—dominate the domestic market there. Hurricane Harvey knocked out as much as 60 percent of that supply. It knocked it offline, and it took a month to get the hub back up and running. By establishing an Appa-

lachian storage hub away from Hurricane Alley, we would add redundancy that protects our economy and our national security. Having all this storage capacity in only one region of the country only drives up production costs for American manufacturers. I would also add that this resource is in Appalachia. Appalachia should have this storage hub to be able to capitalize and create the jobs right in our own neighborhood.

As Appalachia has become a robust producer of natural gas liquids, pipelines that used to flow from the gulf to the Northeast have been reversed. They are now sent to the gulf for storage and refining. It is sent back as ethylene to the interior of the country—often Appalachia itself—and to the Midwest for manufacturing. This back-and-forth obviously drives up prices for the goods you buy every day, from furniture to toys, to cars.

To be clear, development of an Appalachian hub would not come at the expense of the gulf's market. It is a comparative advantage. The Appalachian hub can more efficiently serve many of the domestic manufacturers, while the gulf can expand its export capacity. Besides making the national market more efficient and resilient, an Appalachian market will drive significant development in a region that desperately needs a boost.

A recent study found that the Appalachian States of West Virginia, Ohio, Pennsylvania, and Kentucky would see as much as \$35.8 million in new capital investment, creating more than 100,000 jobs by 2025 with this new hub.

When Secretary Perry accepted my invitation and visited West Virginia in July, the development of an Appalachian natural gas liquid storage hub and market was a great topic of emphasis. The Secretary met with several business leaders as part of a roundtable discussion to discuss paths forward in developing a regional ethane market. Needless to say, the Secretary saw the obvious benefits of such a project and that the hub could play a key role in the administration's related goals of rejuvenating the Appalachian economy and achieving an "America First" energy policy.

The Secretary and I have discussed how best to bring this public-private partnership to life since his visit to West Virginia. I think all of my colleagues—particularly those representing Appalachia—should be as excited about this concept as the Secretary and I are. Several private entities are undertaking that initial development work right now, with interest coming from both domestic and foreign investors.

I have been engaging frequently with Secretary Perry and with Commerce Secretary Ross about making this storage hub a reality. The Trump administration understands the importance of this project to the economies of West Virginia and the region. I appreciate their efforts to help move our State

forward beyond the economic disasters we have had over the last several years. I will continue my advocacy for this enormous economic development opportunity and encourage my colleagues—not just from the States I mentioned but all around the country—to join as partners in this effort.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

NOMINATION OF PETER ROBB

Mr. BROWN. Mr. President, this morning I drove from Cleveland to Youngstown. I was in Youngstown, OH—Mahoning Valley—at Teamsters Local 377 talking to workers. There were maybe 200 of them in the room, mostly retirees who are in danger of having their pensions cut—pensions they earned over a lifetime of hard work.

To understand how that happens, when workers are at the bargaining table, whether it is Teamsters, electricians, Steelworkers or SCIU, they so often are willing to give up wages today in order to have a secure retirement in 5 years, 10 years, 20 years, 30 years.

That is what these workers chose to do. They chose to give up wages. Whether they worked for Schwebel's in Youngstown, whether they worked for Roadway, over the road, whether they were working for any number of companies, they were willing, at the bargaining table, to give up higher wages today to have money to set aside that was then invested often in Wall Street. We will get to that in a minute. It is bad enough Wall Street squandered those workers' money. It is worse that the government that is supposed to look out for these workers simply isn't doing it. One of the retired workers, Ed Barker, told us: We did our part. Now it is time for Members of Congress to cross party lines and do theirs.

We talk a good game in this body about how we respect workers and respect their work, but I am not sure we always live that. If we really value a hard day's work in this country, we start by keeping our promise to these hard-working Ohioans, Virginians, Montanans, and all over this country. We keep our promise to those hard-working people in our country, but we can't end there. That is just the beginning of what we need to do to ensure that hard work pays off for ordinary Americans.

During his campaign, Candidate Trump made a lot of big promises to workers in Ohio. He ran some of his big rallies across our State. He made big promises to workers in Ohio and across the country. He told them he would put American workers first. Well, the White House today looks like a retreat for Wall Street executives, and many of the people the President has put in charge have a record of doing the opposite of putting American workers first.

That is certainly true of Peter Robb, the nominee to serve as the general

counsel of the National Labor Relations Board. Mr. Robb has spent his career working to strip workers of their rights, defend corporations accused of mistreating workers, and he has tried to undermine the watchdog agency he is now seeking to join. He will be working at the National Labor Relations Board, which is supposed to strike a balance and advocate only for American workers. The President's nominee is someone who received a very high salary building his career defending corporations accused of mistreating workers, working to strip workers of their rights, and trying to undermine the NLRB's effort to get a fair shake and build a level playing field for workers.

Someone who views unions and collective bargaining as a threat to be dealt with was primarily the story of Mr. Robb's career, instead of helping to protect the central rights for workers. A person like that has no business serving as the top lawyer for the National Labor Relations Board.

His nomination is just the latest in a long line of evidence that work simply isn't valued in this country the way it used to be. People in Ohio and around the country work harder. They work more days, more hours, longer hours, harder than ever before, and they have less to show for it.

Over the past 40 years, GDP has gone up, corporate profits have gone up, and executive compensation has gone up—all because of the productivity of the American worker, but, fundamentally, the workers haven't shared in the wealth they have created. Again, GDP goes up, profits go up, executive salaries go up, productivity goes up, but workers' wages are stagnant or worse. We know that.

We also know people in this body rarely side with workers in that equation. One major reason the economic growth has not brought higher wages to workers is Americans are less likely to have a union card to protect them. When Americans reminisce about the good jobs that disappeared, I am willing to bet most of those jobs were union.

As manufacturing employment declined, the share of workforce represented by unions declined with it—only more rapidly. I can accept that the workforce is changing, but what we can't accept is more and more of our workers are paid less in wages, have fewer benefits, and have little economic security.

It is no coincidence that over the same timeframe, economic growth in this country has been shared among fewer and fewer Americans. Keep in mind, as the 1 percent gets richer, they take more and more of the profits, they take more of the productivity gains, and workers are left further behind.

We know what will happen with this so-called tax reform that is being considered in the House. They are then going to negotiate it right down the hall here in the majority leader's office

the same way they did healthcare. They will be right down the hall in the majority leader's office with lots of lobbyists but no light shone, no public, and no media coverage.

We know what happens. We know what happens with tax reform like that. The rich get richer and the middle class shrinks. That is the story of those Teamsters in Youngstown today. As I walked with the crowd of Teamsters, I spoke with a number of them on the way in and the way out. I asked how long they had driven a truck. Most had driven 30, some 40, and a few 45 years. They worked that hard. They gave up wages today so they would have a pension in the future. Yet, right now, because of Wall Street misfeasance and malfeasance, in large part, and because government, the people in this body don't have the guts to stand up for these workers, we know what has happened to their pensions, and we know what will happen to their pensions if we don't step in and do the right thing come December this year.

We know what will happen with the tax reform bill, again, written down the hall in the majority leader's office—the same thing. The wealthiest 1 percent get richer. The rich get richer and the powerful get more power and what happens is, the middle class shrinks. We know that.

Last week, I was on the floor with many of my colleagues talking about a case before the Supreme Court—*Janus v. AFSCME*. The case is part of a decades-long attempt to chip away at workers' power in the workplace. Mr. Robb has been part of that effort. The nominee to be the top lawyer at the National Labor Relations Board has been part of the effort to chip away at workers' rights, to continue the demeaning and diminishing role of workers in this country, to suppress wages in this country. He is the person the President of the United States wants to serve as the top lawyer on the National Labor Relations Board.

What is wrong with that picture? He defended corporations accused of discrimination of not paying their workers the paychecks they earned. Imagine, he represented the corporations that tried to keep these workers from getting the paychecks they earned. He worked for an energy company that was working to defeat workers' organizing effort. His own law firm's website brags about how they delayed the election 2 more years.

You know how it works. My colleagues know this. These workers signed a petition. They signed a card, if you will, saying they would like to have a union election. A majority of these workers—probably a majority of 60, 70 percent—signed a card saying they wanted to have a union election. It is a right in this country. It is a right since the 1930s. When President Roosevelt pushed through the National Labor Relations Act, workers received the right to vote on a union. Mr. Robb's company was bragging. They

were bragging that they were able to delay the election for 2 years. So maybe they couldn't defeat the workers, but do you know what you do then? You delay the election because you have really good, high-priced lawyers who know how to do this for management, for the corporation.

If you delay the election for a week, for a month, for a quarter, for half a year, for a year, for 2 years, you know what happens. Many of those workers who signed that petition who thought they might have a shot at the union, some of them got fired, some just left, some of them were ready to retire, maybe some of them died. So by the time the election is held, you have pretty much defeated the organizing effort. That is why people like Mr. Robb don't belong at the National Labor Relations Board.

We need someone in this job who wakes up every day ready to defend American workers, not oppress them, not shut them down, not depress their wages. You don't want somebody who has spent his career trying to bring these workers down.

What Mr. Robb doesn't seem to understand is, it is not corporations that drive the economy, it is workers. We grow the economy from the middle class out.

I know you are going to hear a number of my colleagues who support this huge tax break in this tax bill. It is all about cutting the corporate tax so corporations make more money, have higher profits, have higher executive salaries. It will not have anything to do with wages. It never does. No matter how profitable the companies are, they are not willingly giving higher wages to its workers. You are going to hear from these companies. You are going to hear the defenders of these companies come to this body, and they are going to talk about how corporations are driving the economy; that if you give tax breaks to the richest people in the country, it will trickle down and create jobs and increase wages. Well, it hasn't worked that way in the past.

In the 1990s, Bill Clinton grew the economy. He focused the tax breaks in the tax bills on the middle-class workers and grew the economy out from the middle. Twenty-two million net private sector jobs increased during the Clinton years.

The next 8 years, under President Bush 2, the tax cuts all went to the rich, two major tax cuts—not entirely to the rich but overwhelmingly to the rich. For trickle down, zero net increase of private sector jobs. There were 22 million during the Clinton years because he focused on the middle class. There was zero job growth during the Bush years because it was trickle-down economics.

What is going on in the back room in the majority leader's, Senator McConnell's, back office? It is another tax cut for the rich, trickle down, see what happens. The rich get richer, and the middle class shrinks.



What Mr. Robb doesn't understand is, it is not corporations that drive the economy, it is workers. When the workers are doing better, they are buying more things, they are creating more demand, companies sell more products, the economy grows. If work isn't valued, if corporations short-change workers with the help of lawyers like Mr. Robb, then Americans can't earn their way to a better life for their families no matter how hard they work.

We all know, workers are working harder than ever before. They are working longer hours than ever before. They are more productive. Profits are up. Executive compensation is up. Wages have been flat. What is fair about that? What should we do about that? What we should do about that is not to put people on the National Labor Relations Board who want to do more of the same.

Whenever we face another attack on American workers and their freedom to organize, I think of the words of Pope Francis. He said: "There is no good society without a good union, and there is no good union that is not reborn every day in the peripheries—that does not transform the disregarded stones of the economy into cornerstones." We need laws that reflect the dignity of every discarded stone, of every American working too many hours for too little pay. The last thing we need is another nominee who doesn't value work, another nominee who doesn't respect the Americans who do it, another nominee who always lines up on the side of the richest people in the country and always is working to take rights away from workers, to take wages away from workers, and to take benefits away from workers. That is the story of Mr. Robb's work history in the private sector.

Is that the kind of person you want representing workers and representing the American economy at the National Labor Relations Board? I think not.

I urge my colleagues to listen a little bit more. Go to the Teamsters' hall in Youngstown like I did today. Listen a little more to the Americans we serve. Listen a little less at the country club, to the big corporations trying to squeeze every last penny out of these workers' hands, to squeeze every last penny out of these workers. Reject Mr. Robb's nomination.

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

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

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Sen-

ate 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 DR. JOHN LOGAN

Mr. McCONNELL. Mr. President, today I wish to congratulate a dear friend whom I have known for more than 30 years, Dr. John Logan III, of Henderson, KY. John was recently honored by his community for a lifetime of servant leadership. The city dedicated a plaque on the Henderson Riverwalk, which is one of the many landmarks that John had an indispensable hand in building and one I was proud to work with him to help secure. In a surprise ceremony—John thought he was simply going to lunch with a friend—they honored him for decades of philanthropy and service to his community.

The plaque includes a quote from author Margaret Mead, which reads, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." These words perfectly encapsulate the impact of my friend John.

John serves as the chief medical officer of the Methodist Hospital in Henderson, where he started working in 1962 specializing in family medicine. A number of years ago, John embarked on a mission to highlight the extraordinary history of the hospital. Because of his tireless work, the successes of this Henderson institution will continue to be remembered for years to come. In addition to his work caring for patients and leading the administration of the hospital, John gives of himself to other aspects of the community.

In 1971, John joined the Family YMCA's capital campaign, working to help the group move from its old home downtown to a much larger facility on 5 acres of land. He has continued to work with the YMCA, making sure that young people in Henderson have a well-equipped facility to enjoy and grow. John also helped establish other community initiatives, including Henderson's Depot Welcome Center and the Methodist Hospital's Neonatal Intensive Care Unit.

In 2012, the Henderson Community College board of directors presented John with an award recognizing his substantial service to the school. Through the years, John has taken a keen interest in the students. He worked with State legislators and community leaders to raise \$1 million to support scholarships to the college and to build a fine arts center. His impact will be felt by students for years to come.

John has spent his life giving to others—his community, the Methodist Hospital, and his friends. So many of the projects in Henderson would not have been possible without John's dedi-

cated leadership, and I am immensely proud to call him my friend. His decades of service have truly made Henderson and Kentucky a better place.

I ask all of my colleagues to join me in paying tribute to the selfless work of Dr. John Logan, a remarkable Kentuckian and a wonderful friend.

Mr. President, The Gleaner in Henderson recently published an article on John's career of service. I ask unanimous consent that a copy of the article be printed in the RECORD.

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

[From the Gleaner, Oct. 26, 2017]

DR. JOHN LOGAN HONORED FOR LIFETIME OF COMMUNITY VOLUNTEERISM

(By Douglas White)

It's hard to name a community institution in Henderson that Dr. John Logan hasn't helped or been part of creating.

So when it came time to honor his decades of organizing, cheerleading and fundraising for the Henderson community as a whole, city officials picked perhaps the most scenic spot he's had a hand in bringing to reality.

"Every day he wakes up and works to make this community better," said Dr. Lee Newberry, one of Logan's colleagues at Methodist Hospital, as a plaque was dedicated Tuesday afternoon at the Seventh Street overlook on the Henderson Riverwalk.

"He's a true example of a servant leader."

Newberry and other speakers at the event offered a long list of community projects, programs and buildings that Logan has helped make happen.

A few examples include the modern YMCA facilities, the fine arts center on the campus of Henderson Community College, the downtown Depot building, St. Anthony's Hospice, Colonels to College, the Sandefur Center, and currently in the works, the new 1-69 bridge over the Ohio River.

Attorney David Thomason noted, "Many of those things wouldn't have happened if it hadn't been for John."

Thomason recalled how Logan pushed for, and got, money inserted into the state budget for Henderson's fine arts center. It came literally at the midnight hour, but with a catch: Henderson would have to find a way to contribute \$200,000 to make the bonding a reality.

When asked, in the middle of the night, if Logan could make it happen, he replied quickly: "You're damned right!"

"He never met a challenge he didn't embrace," said Thomason. "Once he's on board, the ship doesn't sink. In my opinion, he has done more than any other volunteer in the past 50 years."

### VOTE EXPLANATION

Mr. NELSON. Mr. President, I was necessarily absent for the November 2, 2017, vote on calendar No. 433, confirmation of the nomination of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. I would have voted nay.

### REMEMBERING BERNARD SHAW

Ms. COLLINS. Mr. President, Bernard Shaw devoted his life to supporting Maine's family farms and to preserving our State's agricultural heritage. His recent passing at 88 years of