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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN SASSE, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

Eternal Lord God, as the waters fill the sea, let America be filled with people who know You. Help our citizens to live for Your honor. Increase our faith, hope, and love, that we may receive Your promises.

Lord, be merciful to our Nation, for You are our hope. Today, inspire our lawmakers with the music of Your wisdom, that they may bring hope out of despair and joy out of sadness. Teach them to celebrate even in the darkness because You are the God who saves us. Give us all the strength to not become weary in doing what is right, knowing that in due season a bountiful harvest will come.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 14, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN SASSE, a Senator from the State of Nebraska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. SASSE thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

TAX REFORM

Mr. MCCONNELL. Mr. President, tax reform represents our best chance today to get the economy living up to its true potential, and it is a once-in-a-generation opportunity.

The last time major tax reform happened was more than 30 years ago. In the years since, our country, our economy, and the global marketplace have changed in profound ways. Moreover, the lingering economic challenges of the last decade only compound the urgency to get this done.

Jobs went overseas. Wages didn't grow like they should have. Hard-working families worried if they would be able to send their kids to college or save for retirement. It is clear that families and small businesses had a rough go of it during the Obama economy.

They deserve relief. They deserve the chance for something better. Tax reform is an important way to help get the economy, jobs, and opportunity moving again in a serious way.

Listen to this small business owner and franchisee from Lexington, KY. She recently wrote to my office expressing the need for tax reform: ''With the rising cost of doing business,'' she wrote, ''and the [g]overnment regulations that have been imposed on small businesses over the past several years, we desperately need tax relief and competitive rates. The current high tax rate that I pay,'' she continued, ''reduces the amount of earnings I can invest into my businesses, [into my] employees, and [into my] community.''

For small business owners in Kentucky and throughout the country, we want to make it easier to grow, invest, and hire. For families everywhere, we want to make taxes lower, simpler, and fairer. In short, we want to take more money out of Washington's pockets and put more in the pockets of the middle class. That is why we are pushing tax reform.

Yesterday, the Senate Finance Committee began to mark up its tax reform legislation. The meetings this week represent the next step in a years-long campaign, which included dozens of hearings and significant input from both sides.

Chairman HATCH said yesterday:

First and foremost, this legislation will provide much-needed tax relief to American workers and families. It reduces rates across the board, particularly for those in the middle class who have struggled to get through the past 8 years of economic stagnation.

Indeed, under the Finance Committee's proposal, the typical American family of four earning the median income could see a tax cut of nearly $1,500.

As these hearings continue, I would like once again to commend Chairman HATCH for his leadership of the committee and his commitment to regular order. As the tax proposal advances through an open process, members of the Finance Committee will consider many of the hundreds of amendments that have already been filed on the bill. Once the committee completes its work, the bill will come before the full Senate.

Along with our colleagues in the House, as well as President Trump and his team, we will continue to push for tax reform to fulfill important shared goals for our country. We have a lot of work ahead of us, but we are committed to getting this done for the

American people. I hope that our Democratic friends will join us.

As I said before, until very recently, our colleagues on the other side of the aisle used to support many of the ideas included in this bill. The underlying ideas haven't changed. The urgent need for tax reform hasn't changed. The only thing that has really changed is the occupant of the White House. So I hope Senate Democrats will put aside partisanship and work with us in a serious way to deliver this much needed relief to small businesses and the middle class.

NOMINATION OF DAVID ZATEZALO

Mr. MCCONNELL. Mr. President, in addition to the other work being done by the committees, the Senate is continuing to confirm qualified and talented nominees sent to us by the President. Yesterday we confirmed an important official for the Department of Transportation, and today we will confirm another.

Then, we will advance the nomination of David Zatezalo to serve as the Assistant Secretary of Labor for Mine Safety and Health, a position of particular importance in my home State of Kentucky, where mining supports thousands of good jobs.

Mr. Zatezalo has spent a lifetime working in the mining industry. He began as an underground coal miner and worked his way up through the ranks to most recently lead a mining company based in Lexington, KY. He knows about various levels of the business, which would be an important asset as he works with operators, miners, and inspectors to ensure that mining operations are safe for our Nation's mine workers.

Having begun his career as a coal miner himself and having later managed and operated a number of mines, Mr. Zatezalo has a keen understanding of the challenges and risks sometimes associated with mining. This firsthand experience will serve him well in his new role. As Assistant Secretary of Labor for Mine Safety and Health, Mr. Zatezalo will be given the responsibility to reduce workplace accidents and promote safe and healthy workplaces for miners.

I strongly support his nomination to serve in this role, and I would ask my colleagues to join me in advancing this nomination.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the Bradbury nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Steven Gill Bradbury, of Virginia, to be General Counsel of the Department of Transportation.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

DACA

Mr. DURBIN. Mr. President, it was 16 years ago that I introduced a bill known as the DREAM Act. The purpose of the DREAM Act was to give undocumented young people brought to the United States under the age of 18 an opportunity to go through a background check and to earn their way to legal status—16 years ago. The bill passed the Senate at various times and it passed the House, though never quite in the same year at the same time.

Now we face a crisis, literally. It is a crisis involving hundreds of thousands of these young people across America. It was just September 5 when the President of the United States announced that he was going to eliminate DACA.

DACA was the Executive order of President Obama that allowed these Dreamers to come forward, pay a filing fee of about $500 or $600, submit themselves to a criminal background check, and, after that background check, if they cleared it, to be given a 2-year allowance to live in the United States without fear of deportation—2 years at a time—and the legal capacity to work. That was what DACA was about.

So 780,000 young people did it. They came forward. They surrendered the information about themselves and their families. They submitted themselves to criminal background checks, and they ended up getting the protection of DACA. They went on to go to school, to go to work, to become teachers or engineers, to go to medical school, and to do things that really mean that they will have a future in this country that will be a benefit to them and to all of us.

So President Trump said that program will end on March 5, 2018, and he established a deadline, for those who were going to see their DACA eligibility end during that period of time, for them to renew. The deadline was October 5. It meant that they had to come forward with the filing fee and at least apply to go through the process again. It was quite a hardship on many of these young people to come up with the money for the filing fee and to realize that the clock was ticking in a very meaningful way about their ability to protect themselves. Many of them stepped forward and asked for help from families, from churches, and from friends to come up with the filing fee to make sure that they renewed their DACA eligibility in time.

Let me tell you what happened to some of them who went through this process.

Here is one case. On September 14, Allison Baker, a lawyer for the Legal Aid Society in New York, sent one of these young individuals' application to renew this permit that would let him stay and work in the United States legally as part of DACA. The date of September 14 should be remembered because the deadline for filing was October 5. To be sure, this lawyer sent this renewal application for this young man by certified mail. Back in the day when I practiced law, that was one way to make sure you had written proof of when you actually mailed something far in advance of a deadline. Tracking data from the U.S. Postal Service showed that the envelope arrived in Chicago on September 16. It was mailed from New York on September 14 and arrived in Chicago September 16, on its way to a regional processing warehouse of the U.S. Citizenship and Immigration Services, the agency that administers the program known as DACA.

Then the packet started circling the Chicago postal system in a mysterious holding pattern. From September 17 to September 19, it was in transit to destination, according to the Postal Service. Then its tracking whereabouts disappeared until October 4, where, once again, the Postal Service assured the sender that it was ''on its way.''

On October 6, the day after the deadline, this certified application, which was sent on September 14, arrived, and the application for this 24-year-old man was rejected by our government.

He wasn't alone. We know of at least 33 other cases just like this. Congressman LUIS GUTIÉRREZ, of my State of Illinois, told the story of another application renewal sent on September 13 for an October 5 deadline. It arrived on October 6, as well. Another sent their paperwork on September 21. It wasn't received until October 9. What Congressman GUTIÉRREZ said is very obvious: Because somebody else did not do their job correctly, we are taking innocent young immigrants and making them deportable. That is unacceptable, Congressman GUTIÉRREZ said.

What does the U.S. Postal Service have to say about what I just read to you, those two or three cases? On Thursday, in a rare admission from a Federal agency, the U.S. Postal Service took the blame. David Partenheimer, a spokesman for the Postal Service, said that there had been ''an unintentional temporary mail processing delay in the Chicago area.''

Remember what I am saying here. Young people, undocumented had applied successfully and had been accepted into the DACA Program. The President announced he was going to end

the program, and those—many of them—had to re-sign up, renew, by October 5. They did it. They mailed it. Their application didn't arrive in time.

It doesn't take a big leap of faith or intelligence to realize what should be done. Clearly, this agency should be giving these young people a chance. Once again, they have done everything they can think of to comply with the law and trust our government. They trusted our government to give them DACA status to allow them to stay in the United States, and they trusted the Postal Service, in a matter of 2 weeks, to be able to deliver a letter.

Yesterday I spoke to the USCIS Director, Francis Cissna, and I asked him about this. I said to him: There must be a way for us to acknowledge the obvious. These young people, in good faith, did everything we could ask of them to comply with the law, and now they have been rejected. Now they are subject to deportation because the Postal Service didn't do its job. I asked him: Are you prepared to at least reconsider this decision and give them a chance to renew their DACA status?

He said he was aware of the situation and that it was being considered at the highest levels of the Department of Homeland Security.

I raise this issue because real lives are at stake. These are real people. These are young men and women who are doing everything they can think of to become part of America's future. They are hiring lawyers, they are raising money, and they are filing the documents that are asked of them in the hopes they can stay in the United States of America, and the system is fighting them every step of the way. In this situation, this is totally unfair.

Our government is better than this. Our people are better than this. Our values are better than this. I am pleading with the Department of Homeland Security and those who are seeking positions in that Department to show some common sense and a little bit of heart when it comes to these young people who are simply trying to make a future for themselves and a better United States of America.

REPUBLICAN TAX PLAN

Mr. President, this week, Republicans in Congress are determined to barrel ahead at full speed in a rushed, partisan effort to pass a tax plan at any cost. Make no mistake, for working families in Illinois and across the United States, this is a mistake.

Preliminary analysis from the nonpartisan Joint Committee on Taxation revealed that by 2019, more than 13 million Americans who make less than $200,000 a year will experience not a tax cut but a tax increase under the Senate Republican plan. That number jumps from 13 million to 21 million by the year 2025.

In my State of Illinois, taxpayers at every income bracket are going to see their taxes increase for this tax reform that is being pushed through at the last minute of this session.

Fourteen percent of the middle fifth of taxpayers in Illinois—those who are the very definition of middle income—will see an average tax hike under the Senate plan of $1,400. So much for a tax cut. It is a tax increase. Mr. President, I don't know about taxpayers in your State, but in my home State of Illinois, a $1,400 tax hike is a gut punch to a working family.

That is not all. Further analysis from the Center on Budget and Policy Priorities shows that in addition to the millions of households which will see their taxes rise under this Senate Republican plan, 53 million households—that is 40 percent of all households earning less than $200,000 per year—will see no significant tax change under the new plan.

Let's be clear. If you are a middle-income family listening to that and you are thinking you might want to take your chances under this Republican plan, please look at the facts. Even if you are one of the lucky ones who manage not to pay more under the Republican tax plan, make no mistake, when this plan blows a $1.5 trillion hole in our Nation's deficit, it will be working families who end up paying the bill.

When Republicans' fake math indeed falls short and the deficit is skyrocketing, the Republican budget has already identified how they are going to pay for these tax cuts in the future. Are you ready? They are going to do it with an additional $470 billion in cuts in Medicare benefits—Medicare. They are paying for a tax cut for wealthy people by reducing the benefits paid out under Medicare to retired Americans and another $1 trillion cuts in Medicaid. Remember Medicaid? That is the program where the major expense is to maintain the lives and health of two-thirds of Americans who are in nursing homes.

So the Republicans want to give a tax break to the wealthy. They are going to ask seniors who are retired to pay more or receive less from Medicare and make a dramatic cut in Medicaid as well. There is no hiding. Congressional Republicans have made clear that one way or another, working families in America are going to pay for what they call tax reform. At the heart of the Republican playbook for how to bankroll massive tax cuts for the wealthy few and the largest corporations is the elimination of three vital tax breaks for working families.

The House Republican plan will be voted on this week. They are dead set to get this done in a matter of days, and they are going to eliminate in the House plan the medical expense deduction. What does that mean? It means, if someone in your family is diagnosed with a serious illness—God forbid, cancer or whatever it is—and your family ends up incurring massive debts, making sure that person survives, if you incur those debts, you currently can deduct them from your taxes that you pay, but the House Republican plan eliminates the deduction.

In my State of Illinois, 370,000 or more used the medical expense deduction. Their medical bills are that high. The Republicans in the House eliminate that deduction. That isn't going to help working families. It puts them at risk of bankruptcy. The No. 1 reason for bankruptcy in America is medical bills. The House Republican tax plan makes it tougher. More than 370,000 Illinoisans claim an average of a $10,000 deduction for medical expenses, for hospital care, long-term nursing home care, prescription drug costs. That is just wrong.

There is more. The House plan also eliminates the student loan interest deduction. Think about that for a second. Here, we have 1.5 million young people in Illinois paying off student loans. You know what they face: $20,000, $40,000, $60,000, $80,000 in debt. Some of them are still living in their parents' basement because of their student loans. We give them one little break. You know what it is? The deductibility on the interest on student loans, and yet here comes the Republicans to eliminate that deduction.

Why would we ever want to make it harder for these students and their families to pay off that mountain of debt that they incur going to college? But that is part of the so-called Republican tax reform.

They also include the one provision I know my colleague from New York, the Democratic leader, feels very intensely about because our States share the same problem. This compromise proposed in the Senate eliminates the State and local property tax deduction for State income tax, sales tax, and property tax currently in New York and Illinois and many other States. We hold to the basic principle, Americans should not have to pay a tax on a tax.

Unfortunately, the Republicans in the Senate believe they want to change that. The net result of that is to increase dramatically the burden so many taxpaying families already face. We have seen increases in our State income tax. We face regular increases in property taxes. This is the one deduction that gives these families a little bit of help, and Republicans are eliminating it.

It was a week ago when I had a press conference with the Realtors in my State and the homebuilders, who are dramatically opposed to the elimination of this deduction and other changes that are being made when it comes to purchasing homes and homeownership. They have told me: If you want real economic growth in Illinois or any State, you start with people who are building and buying homes. Sadly, the Republican approach, when it comes to tax reform, refuses to take that into consideration.

We need to stand up for working families in our States of Illinois and New York and across this Nation. This tax reform plan that has been proposed by the Republicans, who are determined to get it done in just a matter of a few

days, is going to be damaging to so many, and it is not going to help America grow. Middle-income families are going to pay for the cost of giveaways to the wealthiest taxpayers in America.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

THANKING THE SENATOR FROM ILLINOIS

Mr. SCHUMER. Mr. President, first, let me thank my dear friend and colleague from Illinois. As I have always maintained, he is one of the most articulate and eloquent Members of this Senate, on either side of the aisle, and it is a joy to listen to him—not the subject but the way he articulates it, the subject we are interested in but not happy about, which is the tax bill.

REPUBLICAN TAX BILL

Now, Mr. President, Senator MCCONNELL always comes down and says: I hope the Democrats will join us in the tax reform bill. Mr. Leader, Mr. Republican leader, we want to join you, but that doesn't mean you write a bill behind closed doors and then say support it.

The way we have done tax reform successfully in the past—I was there in 1986—is Democrats and Republicans sat down together and came up with a bill that maybe a few in each party wouldn't support, but the mainstreams of both parties would. It avoids the secrecy. It also avoids one or two Members saying: Unless I get this, I am not going to be for the bill—which pulls the bill in many different directions.

So, Mr. Leader, yes, Democrats do want to join this, but it is totally disingenuous, not honest of you, to say that without letting us sit at the table, without letting us see the bill. So let's knock it off. You want to do a bill with just Republicans, fine. You tried it with healthcare. You are trying it with tax reform. It is a lose-lose. You will either not pass the bill or you will pass the bill that was enshrouded in secrecy that will have so many problems every Republican who votes for it will regret it.

Yesterday's markup in the Finance Committee indicated the same thing. The markup of the Republican tax bill wasn't the actual bill. It was ''a preliminary draft.'' How do we know it wasn't the real bill? Well, today the Finance Committee has notified us that instead of continuing the markup as usual, the committee will recess after a morning session because the Republicans are not ready with their replacement bill—the real one.

This is crazy. The President, who doesn't know what is in the bill—we all know that—has set an arbitrary deadline, and to meet that deadline, our Republican colleagues are sacrificing the integrity of the process and the quality of the bill.

We are 2 days into a markup, halfway, and Democrats haven't even seen a real bill yet. In their desperate rush to get this bill through Congress, Republicans started by marking up a bill that is not even the one they intended to pass. It is a bait and switch. It is the perfect example of the problem with rushing a bill of this magnitude through Congress.

Republicans can't keep up with their own reckless, breakneck pace, and they are going to have to delay the markup. This same problem is going to repeat itself over and over again on issues of greater complexity and consequence.

What happens when Republicans realize their new international tax regime encourages scores of new tax savings and avoidance schemes? What happens if the independent analysts say their new loophole for passthrough businesses doesn't have enough guardrails? What happens if the House and Senate are unable to reconcile their disparate approaches to slashing State and local deductions?

In the New York Times this morning—I commend all my Republican colleagues to read it—they identified new potential problems in this Republican tax bill, problems the writers hadn't thought about, but corporate lawyers by the dozens, by the scores, by the hundreds will find a way to walk through these loopholes, even though our Republican colleagues didn't intend those loopholes to exist. You can be sure that for every 1 of these loopholes, these misadventures, the Times identified, there are 5 or 10 more lurking in the print, in the fine print. The only question is whether our Republican colleagues find them now or find them out later when it is too late after the bill passes.

Instead of rushing through a bill of such enormous complexity, sunlight is the great fermenter of this type of legislation. If it lies out there for a little while, people come in and say: This is wrong or that is wrong. Those will be individuals, those will be pundits, those will be the companies our Republican friends are trying to help. They will say: Wait a minute; this doesn't quite work because no one has had a chance to really see it, examine it, and let it stew.

Now we are asked for other significant changes. What happens if, as we have seen, every few days President Trump tweets, asking the Republicans to change their bill, and this time they repeal the individual mandate and drop the top rate, as he asked them to do yesterday? Each of these decisions has enormous, drastic consequences for American families and American industries.

President Trump's crazy idea to repeal the individual mandate as a part of this bill, according to CBO, would boot 13 million people from the health insurance rolls and cause premiums to skyrocket, all to pay for a bigger tax cut at the top bracket—the wealthiest people in America. What a toxic idea. Are any Republicans going to go home and campaign on that? We are going to get rid of the individual mandate, kick 13 million people off healthcare, and raise premiums so we can lower the top rate when no one—no one but the hard right—is clamoring for it?

Income distribution is a problem in America. We all admit that we have different solutions for it. So be it. But I haven't heard, as I did in the 1980s, 1990s, or even the early 2000s, a clamoring to lower the top rate, even among those who pay it. They know they are doing well. Wealth has gone way up in America, and it has gone to the top. That is not what we need. It is a toxic idea. Yet Republicans may have to consider adding it to the bill to placate a restless and uninformed President, who, we all know, knows very little of what is in this bill. He just tweets. Somehow our Republican colleagues, instead of ignoring the tweets, pay attention to too many of them.

Yesterday, the nonpartisan Joint Committee on Taxation said that they would not be able to properly analyze the effects of the Republican tax bill in the time they have planned for it. So we are not even having the JCT—nonpartisan, respected for decades—analyze the bill before we are going to vote on it in the committee and maybe on the floor.

Again, the Republican leadership in the House and Senate will ask their Members to vote on a major bill without knowing the consequences. In no world is this proper legislative procedure. No party has ever done this before—Democrats, Republicans, Whigs, Anti-Federalists, Democratic-Republicans, Federalists. We have never seen this before. It is so wrong.

We see so many things that ail this country, and I have to say a lot of them stem from the top—from the President. Yet our Republican colleagues are still fearful of ignoring him, of not listening to ideas they know are ludicrous.

The rush is because my Republican friends, fearful of the President and his self-imposed deadline, are trying to hide a bill that would transfer even more wealth to the superwealthy while raising taxes on millions of middle-class Americans.

According to the Joint Committee on Taxation, of all taxpayers making less than $200,000 a year, 13 million would see a tax hike in 2019, and 20 million would see a tax hike by 2027. Both Leader MCCONNELL and Speaker RYAN said that they would not raise middle-class taxes. They had to back off. For working Americans who do get a tax cut, the average is so small compared to what folks at the top are getting. Americans making $40,000 to $50,000 a year get an average cut of $480, while folks making over $1 million will get a tax cut of $50,000—100 times more than what working families get. They can say: Well, that is because the wealthy are richer. But that is not what we need in America right now. The wealthy are getting wealthier. They are doing fine, even under the present

tax regime. Middle-class people's median income has been going down over the last decade. It is harder for middle-class people to average—it shouldn't be OK for them to get $500 and the wealthy to get $50,000. We ought to be directing the tax cuts at the middle class.

Republicans—Trump's organization—had an ad on TV. They said that wealthy people's tax rates remain the same, while the middle class gets a cut. That is false advertising because, when we compare apples to apples, the wealthy get a much larger cut than the middle-class people.

We have known for weeks that the longer this bill is in effect, the worse it gets for the middle class. To stay within deficit numbers, the JCT confirmed that under the revised House bill, entire middle-income groups will see a tax hike, on average, just a few years down the road. Speaker RYAN and other Republicans say that those tax hikes will not happen because future Congresses will extend certain tax breaks in perpetuity. If that is true, all the deficit hawks ought to pay attention. There is a gigantic hidden cost to the bill if we are going to make these tax cuts temporary in this bill and then make them permanent.

The scores this week will say that these bills blow a $1.5 trillion hole in the deficit over the next decade. That is bad enough. But if a bunch of breaks, deductions, and expansions that are now temporary are made permanent, as the Speaker says they will be, the real cost will be hundreds of billions, if not trillions, more. All of my Republican friends who care about the deficit should be wary of this gain.

We do need permanence. We need corporate America in particular to be relying on a permanent change. But you can't do a permanent change without blowing a hole in the deficit, so you do a temporary change. There is a simple solution, which, if Democrats and Republicans work together, we could do: Close corporate loopholes, lower the top rate, keep the corporate reduction deficit-neutral and permanent. My guess is most corporate leaders would prefer that. They would prefer less of a tax decrease and more permanence because you can't build a factory or make a major investment if you know that the decrease is going to vanish.

We shouldn't be rushing through such an ill-conceived, backward bill—breaking the fine traditions of this body, busting the deficit, breaking the backs of millions of middle-class families, making the funding of defense far more difficult when there is so much agreement between our two parties on tax reform. On healthcare, it is hard to agree; the visions are diametrically opposed. But on tax reform, that is not true. Our Republican friends are just bollixing this up. Somehow they had in their heads that they had to do it through reconciliation. They had to do it without Democrats, and the result is a very poor product that most Americans already don't like and even more will not like as they learn more about it.

We all want to reduce the burden on small businesses. We all want to encourage companies to locate jobs here. We could put together a bill that does those things. This bill doesn't.

If Republicans turn their backs on this deeply flawed approach, my commitment to so many of my colleagues on the other side of the aisle—who I know are squirming about this bill—is that we will come together and put a good bill together that a majority of both parties can support—both parties. That is how it ought to be done.

PRESIDENT'S TRIP TO ASIA

As President Trump returns from his week-long trip to several Asian nations, it is worth asking: What did America get out of his trip?

Did he forcefully confront the Chinese leaders about our imbalanced and unfair trade system, where we play by the rules and the Chinese do not? No. He said that China's behavior was not their fault and blamed American leaders instead for China's trade abuses.

Even if he believes that, what is the point of saying it? He is encouraging China to keep doing what they have been doing all along if he thinks they are not to blame—letting them off the hook. Why? Because Xi gave him a red carpet?

I have never been so ashamed of a foreign trip in my years. It is just inside out. We attack our friends, and the people who have given us the most trouble—China and Russia—we molly-coddle. That is so bad for the future of this country.

Did President Trump engage the various regional powers in a project of great importance, curtailing and containing the rogue North Korean regime? No. He settled for a sophomoric exchange of insults on Twitter, far below the dignity of the office. Then he came back and bragged about the great ceremony and how well he was treated. Xi played the President. He played the President. Every American should be embarrassed.

I heard one commentator say this morning that this trip cemented China as the leading power of the world, not because they have more economic power, not because they have greater intellectual ideas, not because they are better people but because Xi is dominating and smart, and the President so susceptible to flattery. It is demeaning to the United States and its role in the world.

Then, to add insult to injury, he seems to have a love for dictators. In the Philippines, where a strongman leader is engaged in a vicious campaign of extrajudicial killings, did Trump admonish him? Did Trump uphold the beacon of the United States as the noblest power in the world? No. He lectured and unsettled our allies while emboldening our adversaries, like China and Russia, by treating them with kid gloves and making it clear that all they have to do is say a few flattering words and the United States will drop the interests that our people are so dependent on.

All in all, President Trump's trip was a colossal flop and embarrassment. He seemed far more interested in pomp and circumstances, red carpets, fancy meals, and the flattery of foreign leaders than in advancing vital American interests in a region that is increasingly looking to China for leadership. After the President's performance, those countries are going to turn more to China. At least they have strength and direction, even though China will take advantage of them, for sure, as they have taken advantage of us.

It is a sad state of affairs when the simplest of strategies—flattery—can derail an entire foreign trip and undercut American influence in the world. President Trump was played for a fool by China's leaders, and he enthusiastically accepted the role.

The President of the United States—this great, grand country we love—is supposed to be the single strongest voice and advocate for our national interests. If he will not stick up for America, her interests, and her values on the world stage, who will?

I yield the floor.

I suggest the absence of a quorum.

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

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

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

TAX REFORM

Mr. RISCH. Mr. President, thank you. I rise to speak about the tax reform issue and the tax reform effort that is front and center for this Congress and for all Americans. Particularly, I want to point out the fact that Congress has not undertaken this difficult task for over 30 years, and for anyone who has been involved in this, they now realize how difficult it really is.

In the years since the last major overhaul, Congress has, by patchwork, added numerous carve-outs and special interests, passed short-term tax extenders, which have made planning for families and businesses very difficult, and has generally contributed to a tax code that today is extremely complex, burdensome, and unpredictable.

My colleague from Idaho Senator CRAPO has stated that we couldn't have done worse if we had set out intentionally to do worse. Many of my colleagues and I have heard story after story from our constituents who have said the same thing. The Tax Code makes it hard for families and businesses, especially small businesses, to comply and plan ahead, let alone grow and prosper. This conversation hasn't gone away, so clearly the system, as it stands, is not serving the American people as it should.

It is imperative for the continued growth of the American economy that

we simplify the system, reduce complexity, and create certainty. Tax reform will bring relief to American families. Under the plan released by the Senate Finance Committee, middle-class Americans will see a benefit in the form of a lower tax bill, which means more money for households to bring home. In addition to keeping more money in the pockets of hard-working Americans, the Senate plan nearly doubles the standard deduction, increases the child tax credit to help families with the very real costs associated with raising a family, and preserves an existing tax credit to help care for elderly family members. This tax plan would also make it easier for individuals and families to avoid a time-consuming and expensive tax-filing nightmare by simplifying the Tax Code and eliminating deductions.

The aim of this entire exercise is to make the Tax Code simpler, fairer, and easier to comply with, reducing the burden on taxpayers and creating an environment that enables families and businesses to thrive.

Tax reform will help grow small businesses. As chairman of the Senate Small Business Committee, I have focused on highlighting small business issues in this tax reform process. The ranking member, Senator SHAHEEN, and I held a bipartisan hearing in June to talk about tax policies that would most benefit small businesses across the country. As a result, we sent a bipartisan letter to the Senate Finance Committee, which was drawing this bill, to outline the policies we determined were most important. The topline issue was the need to address the individual Tax Code along with the corporate Tax Code. Most of the Nation's small businesses are organized in a way that they pay taxes through the individual code. It is amazing they managed to create the majority of new jobs in America, despite facing this higher tax rate, with the added burden of spending time and money away from businesses to comply with this complex Tax Code. Thankfully, Ranking Member SHAHEEN and I are not the only ones who heard this message, and lower rates for small businesses is part of this conversation.

Small businesses have identified tax policies that work for them, along with changes that could be made to help more of them across the country. Two of the examples are the cash method of accounting and section 179 expensing. Cash method accounting is a simpler way for small businesses to keep their books, and section 179 expensing allows small businesses to immediately deduct the cost of investing in their business up to a certain amount. Both of these commonsense policies will reach more business owners in tax reform.

I am encouraged by the plan the Senate Finance Committee released last week and the process they are undertaking this week to move this bill forward. With tax reform, we have a real opportunity to make changes that will have a tangible, positive impact on the American people and create an environment for our Nation's job creators to prosper. I am excited to see the kind of job creation that will result from the changes we are considering, and I look forward to working with my colleagues to make this a reality.

Thank you.

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

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

YEMEN HUMANITARIAN CRISIS

Mr. MURPHY. Mr. President, my colleagues, cholera is a truly awful way to die. It is a manmade disease, a man-caused disease that this world could easily eradicate from existence. You become so dehydrated, you vomit so much liquid, your body dispenses so many nutrients, so much water through unending diarrhea, that your body is thrown into shock. You literally die from vomiting and diarrhea, sometimes over the course of hours, sometimes over the course of days, sometimes over the course of weeks.

Inside Yemen today, by the end of this year, there will be 1 million people diagnosed with cholera.

This picture I have in the Chamber is a hard image to see. I will replace it with this one.

One million people will be diagnosed with cholera. Thousands and thousands inside Yemen today are dying because of this disease. There is a humanitarian catastrophe inside this country—which very few people in this Nation can locate on a map—of absolutely epic proportions. This humanitarian catastrophe, this famine—one of four famines across the world today—is being caused in part by actions of the United States of America, and it is time that we do something about it as a body.

As we speak today, the Saudi-led coalition that has been engaged in an incessant 2-year bombing campaign in Yemen is blockading Yemen, not allowing any humanitarian relief, not allowing fuel or food or water to get into the country.

The coalition's blockade has grounded U.N. flights. It has prevented humanitarian workers from flying in and out of the country. It has barred ships from delivering lifesaving food, fuel, and medical supplies. A 25,000-metric-ton World Food Programme ship is currently, as we speak, being denied access to the port. As we speak today, hospitals and aid organizations inside Yemen are shutting down because they do not have enough fuel to continue operating. Vaccines will run out in the country by the end of the month. Prices for food and medicine are spiking such that they are unaffordable to the majority of Yemenis. Because of cholera alone, 2,000 people have died. Thousands of other civilians have died because of other humanitarian nightmares, including a lack of access to the medical system.

I mentioned that the blockade is being run by the Saudi-led coalition. The United States is a member of that coalition. For 2 years, the United States has been aiding the Government of Saudi Arabia in a bombing campaign of the Houthi-controlled areas of Yemen. That bombing campaign caused this outbreak of cholera. Why is that? The bombing campaign deliberately targeted the electricity grid of Yemen in and around Sana'a, the capital controlled today by the Houthis. The water treatment facility runs on the electricity from that grid.

As you can read in a lengthy story in the New York Times from 2 days ago, the country no longer has the ability to treat water that goes to its capital because the Saudi-led bombing campaign has knocked out electricity. The fuel that has helped temporarily run the water treatment facility is no longer available either because the Saudi-led bombing campaign has targeted the infrastructure that allows for fuel to be delivered. So today the water is undrinkable. It is toxic. Yet, because there aren't other supplies of water, millions of Yemenis are ingesting it. They are eating food that is also toxic because of the inability to treat water, because of the flow of sewage and feces throughout the capital city, and almost 1 million people have contracted cholera.

That bombing campaign that targeted the electricity infrastructure in Yemen could only happen with U.S. support. It is the United States that provides the targeting assistance for the Saudi planes. It is U.S. refueling planes flying in the sky around Yemen that restock the Saudi fighter jets with fuel, allowing them to drop more ordnance. It is U.S.-made and transferred ordnance that is carried on these planes and dropped on civilian and infrastructure targets inside Yemen.

The United States is part of this coalition. The bombing campaign that has caused the cholera outbreak could not happen without us. The official position of the State Department with respect to the blockade—which was imposed by the Saudis about a week ago—is that they should end it, at least for the purposes of allowing humanitarian resources into the country. That has not happened.

As I mentioned, there is literally a World Food Programme ship right now with 25,000 metric tons of food waiting to get into the capital to help families like this. So although that may be the official position of the State Department, we clearly aren't articulating that position to the Saudis because the Saudi blockade—which happens with U.S. military support—continues. Maybe that is because the State Department and the White House are simply operating on two different planets.

While on his trip to Asia, President Trump said that he has full confidence in the Saudi King, that he knows what he is doing. Let me tell you what he is doing. He is using starvation and disease as a weapon of war, which is in contravention of international human rights law. You cannot use starvation. You cannot intentionally cause this kind of disease in order to try to win a military conflict. So maybe the Saudis do know what they are doing, but what they are doing is a gross violation of human rights law.

It would be one thing if the United States were a mere observer, but we are a participant in this. This horror—I am sorry, it is hard to see—is caused in part by our decision to facilitate a bombing campaign that is murdering children and to endorse a Saudi strategy inside Yemen that is deliberately using disease and starvation and the withdrawal of humanitarian support as a tactic.

Last night, the House of Representatives passed a nonbinding resolution making clear that there is no legal authorization for U.S. participation in the Saudi-led campaign against the Yemeni people. Importantly, the resolution also made clear that there are multiple bad actors in Yemen today. The vast majority of cholera cases today—I think upwards of 80 percent—are in Houthi-controlled areas. But the Houthis do not have clean hands, and their patrons, the Iranians, do not have clean hands. There have been human rights abuses and attacks on civilian targets by the Houthi forces as well.

The Iranians should stand down immediately, as should the Saudis, as they continue to whip up this proxy war between regional powers that is killing civilians inside Yemen, but without U.S. leadership in the region, there is no hope for that stand-down to happen.

In the Obama administration, at least Secretary Kerry was actively, personally engaged in trying to bring some resolution to the civil war inside Yemen. But since President Trump took office and Secretary Tillerson became Secretary of State, there is zero U.S. leadership on this question. We don't have an Assistant Secretary of State for the Middle East. We don't have any envoy for this crisis. All we have is a President who says that the Saudi Government knows what it is doing.

That kind of unconditional endorsement of intentional humanitarian pain is un-American. We have stood up time and time again for human rights all across the world. We have been the people who deliver humanitarian salvation to people who are at risk of disease and famine and death. And instead of rescuing the people of Yemen during this moment of blockade, we are contributing to the deterioration of the quality of life inside that country.

The Saudi blockade needs to end today. And a partial lifting of the blockade is not enough. This morning, the coalition did say they are going to allow some humanitarian access to the ports they control, but we need access to the ports near where the majority of the population actually lives—Hudaydah and Saleef. Allowing access to the ports that the Saudis control—which are not the ports where the majority of humanitarian aid flows through—is not sufficient. It will not do the job. Medicine and vaccinations will continue to dry up. Price spikes will continue to go through the roof. The cholera epidemic will continue.

We have a responsibility as a nation to ensure that the coalition, of which we are a part, is not using starvation as a weapon of war. This will be a stain on the conscience of our Nation if we continue to remain silent. I hope the Senate takes the same action that the House did. I hope we make clear that there is no legal authorization for the United States to be part of a war inside Yemen. Congress has not given the authorization for this President to engage in these military activities.

By the way, the civil war inside Yemen has aided the enemies we actually have declared war against. Al-Qaida is getting stronger inside Yemen because, as more and more of the country becomes ungovernable because of this war, al-Qaida is moving into that territory. ISIS—against which we have not declared war, but we are engaged in active military activity in the region—is getting stronger there too.

So even if you don't believe there is a humanitarian imperative attached to U.S. withdrawal from this coalition, there is a national security imperative because we are just strengthening the most lethal elements of the extremist movement worldwide.

I know many other Members of this body on both sides of the aisle feel as strongly about this as I do. We are not going to get leadership on this question from the administration. They have given a blank check to the Saudis. They have turned a blind eye to this epidemic inside Yemen—an epidemic that is getting worse by the day since the Saudi blockade began. Leadership will have to come from this body.

We need to make clear to the administration that they do not have the authority to continue to participate in this military coalition. We need to press the administration to tell the Saudis to end this blockade. We need to start using our ability as appropriators and authorizers to send messages to the Saudis that this kind of conduct cannot continue. We have tools at our disposal to lead as a Congress on this question—the world's worst humanitarian catastrophe happening right now, as we speak, getting worse by the hour inside Yemen. This Congress, this Senate, cannot remain silent.

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.

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

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

Ms. HASSAN. Mr. President, I rise today to oppose Steven Bradbury's nomination to serve as general counsel at the Department of Transportation.

The general counsel position at DOT oversees and makes critical judgments about legal work that impacts public safety, development, and innovation that drives our economy. Unfortunately, Mr. Bradbury's previous actions during his time at the Department of Justice showed that he lacks the judgment and commitment to our shared values that are a prerequisite for any lawyer privileged to serve the people of the United States of America.

During his time as the acting head of the Department of Justice's Office of Legal Counsel, Mr. Bradbury was one of three primary lawyers who helped lay the groundwork for the Bush administration's defense of what they described as ''enhanced interrogation techniques.'' The so-called torture memos that Mr. Bradbury helped write were used to justify the Bush administration's decision to use torture that included extreme sleep deprivation, cramped confinement, and waterboarding. Mr. Bradbury helped find legal loopholes that were an affront to our American values. And he failed to fulfill the special responsibility all lawyers have to the quality of justice in our legal system.

Mr. Bradbury's past government service reflects a lack of sound legal judgment. In fact, a 2009 review by the Department of Justice raised questions about the objectivity and reasonableness of the conclusions found in the memos he authored. Rather than standing up for our values and laws, Mr. Bradbury deferred to the wishes and pressure of the President he was serving.

Furthermore, during his confirmation hearing, when referring to his legal justification for these so-called enhanced interrogation techniques, Mr. Bradbury stated: ''If I had my druthers, I wouldn't have engaged in having to address those issues.''

If Mr. Bradbury preferred to not engage in tough legal questions at the time, then he should not have been serving in the Office of Legal Counsel, and he should not be confirmed for a general counsel position now. By definition, the job of general counsel is to deal with difficult legal questions.

It is clear Mr. Bradbury is unwilling to provide the sound legal judgement and impartiality necessary for this role. He has demonstrated, in the past, that his legal analysis is flawed, he lacks a commitment to America's values, and his actions have had truly dangerous implications for our Nation.

I will oppose this nomination, and I urge my colleagues to do the same.

I yield the floor.

CONFIRMATION OF DEREK KAN

Mr. THUNE. Mr. President, I have sought recognition to note last night's strong bipartisan vote of 90 to 7 to confirm Derek Kan's nomination. I am very happy that Mr. Kan is now able to take up the duties of Under Secretary for Transportation Policy at the Department of Transportation after a long, entirely unnecessary delay. As I stated on the floor last week, it is truly unfortunate that it took 4 months and the engagement of the cloture process to confirm this well-qualified nominee, who obviously has strong bipartisan support.

I hope that last night's vote will signal to those who are holding other well-qualified nominees to the Department—including the nomination of Ronald Batory to be Administrator of the Federal Railroad Administration and the nomination of Adam Sullivan to be Assistant Secretary of Transportation for Legislative Affairs—over funding for the multibillion dollar Gateway Project in New York and New Jersey that their strategy is misplaced and depriving the Department of the very expertise needed to make progress on Gateway and a host of other critical issues.

Mr. President, I have also sought recognition to voice my strong support for the nomination of Steven Bradbury to be general counsel at the U.S. Department of Transportation. Mr. Bradbury has had an extraordinary legal career in both the private and public sector, and he is well prepared to address the many challenging legal questions that will come before the Department.

Mr. Bradbury is currently a litigation partner at the Dechert law firm here in Washington, DC, and his practice focuses on regulatory enforcement and investigations, rulemakings, and judicial review of agency actions, as well as appellate cases and antitrust matters.

From 2005 to 2009, Mr. Bradbury headed the Office of Legal Counsel at the Department of Justice, the office that provides essential legal advice to the President and the heads of executive departments and agencies.

In that role, he received the Edmund J. Randolph Award and the Secretary of Defense Medal for Outstanding Public Service, among other awards. Before serving in the Justice Department, he worked in private practice for 10 years and clerked for Justice Clarence Thomas on the U.S. Supreme Court and for Judge James L. Buckley on the D.C. Circuit.

On June 28, 2017, the Commerce Committee held a hearing on his nomination, and we reported his nomination favorably on August 2. Last night, the Senate invoked cloture on his nomination.

At his nomination hearing, a number of our Democrat colleagues raised concerns over Mr. Bradbury's suitability for this position, mostly focusing on a number of opinions he wrote regarding interrogation policies while at the Justice Department.

I do not doubt the sincerity of those who question the Bush administration's approach to detainee treatment in the wake of the horrific attacks of 9/11. I know that these concerns are not limited to a single party.

Nevertheless, I would suggest that Mr. Bradbury has demonstrated a willingness to reexamine the difficult decisions made at that time in a manner that underscores the thoughtfulness he would bring to the position to which he has been nominated.

For example, after he became the head of the Office of Legal Counsel in 2004, he participated in decisions to withdraw and supersede previous legal opinions addressing interrogation policies that had been issued by his predecessors.

In response to questions for the record from some of my committee colleagues, Mr. Bradbury elaborated on this topic. Specifically, he said:

I support the McCain-Feinstein Amendment, enacted by Congress in 2015, which mandates that all agencies of the U.S. government are limited to use of the Army Field Manual in the interrogation of detainees and which prohibits the use of physical coercion. I believe the McCain-Feinstein Amendment represents a historic policy decision and a moral judgment for the United States, and it reaffirms America's leadership on interrogation policy and practice. The clear mandate of the McCain-Feinstein Amendment appropriately elevates and vindicates the compelling principle of reciprocity in the treatment of captured U.S. service men and women.

Mr. Bradbury went on to say:

Twelve years ago, when I was called upon to advise on the legality of proposed interrogation policies for use by intelligence officers, the McCain-Feinstein Amendment had not been enacted, and it was understood at that time that intelligence agencies operated under a different, less well defined, legal regime from the U.S. Armed Services. I did my best to pull back previous OLC opinions that were overly broad or otherwise flawed; to limit OLC's advice to the narrowest grounds necessary and avoid reliance on expansive interpretations of presidential power; to spell out very clearly the specific factual assumptions on which the advice depended, including the particular conditions, limitations, and safeguards that were required as part of the policies; and to describe in detail the specifics of those policies so that the senior decision makers on the Principals Committee of the National Security Council would be fully apprised of precisely what they were being asked to approve.

The OLC opinions I prepared on these issues are no longer operative, and the law has changed. I welcome the statutory changes enacted by Congress.

In sum, I believe that Mr. Bradbury has fully addressed these concerns.

It is also worth noting that Mr. Bradbury's nomination has received the endorsement of many bipartisan leaders. During his confirmation process, the committee received letters of support signed by more than 50 former government officials, including former Transportation Secretaries Rodney Slater and Norm Mineta; former Attorneys General Ed Meese, William Barr, and Michael Mukasey; former counsel to the President Fred Fielding; former National Security Advisor Stephen Hadley; former Solicitors General Ted Olson, Paul Clement, Greg Garre; and many others. He also received the support of nearly 20 State attorneys general from across the country.

Finally, I would also like to address the concerns raised about Mr. Bradbury's representation of the U.S. subsidiary of Takata in connection with the airbag inflator ruptures before the National Highway Traffic Safety Administration.

Mr. Bradbury has agreed to go beyond the requirements of his ethics agreement to recuse himself from all aspects of the Takata airbag inflator recalls for the duration of Mr. Bradbury's tenure as general counsel at the Department of Transportation.

Because Mr. Bradbury has agreed to go well beyond what is required by federal ethics laws and regulations, and well beyond the ethics agreement he signed with the Office of Government Ethics with respect to the Takata airbag inflator recall, I am satisfied that he has more than adequately dealt with conflict of interest concerns and recusals.

Moreover, as I have noted, Mr. Bradbury has received bipartisan support for his nomination, including from former Transportation Secretary Rodney Slater and former Transportation Secretary Norm Mineta.

Accordingly, I urge my colleagues to support the nomination of Steven Bradbury to be general counsel for the Department of Transportation.

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

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

EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. BLUNT. Mr. President, Senator KLOBUCHAR and I are here to talk about National Adoption Month.

I think we started a little bit late, so by unanimous consent, I ask that we be allowed to extend our closing time by the same number of minutes.

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

Mr. BLUNT. Mr. President, it is good for both of us and our colleagues to be thinking this month about National Adoption Month, to recognize the celebration of National Adoption Day, which will occur this Saturday. I have had the great privilege of serving as co-chair of the Coalition on Adoption with Senator KLOBUCHAR from Minnesota. It is an opportunity not only for us to work together in a bipartisan way, but at an event we attended just the other

day, I was told the adoption caucus in the House and Senate is the biggest caucus of either body and the biggest caucus of the Congress. Of course, it should be. It is built on the idea that kids have the need of a family and that there are families out there who want to adopt kids. Whether that is nationally, domestically, or internationally, we really work hard to try to make that more possible.

Our House cochairs have been great to work with. Senator KLOBUCHAR and I are working on several pieces of legislation right now to make it easier for families to adopt and to make sure adopted families have the support they need to stay strong.

One piece of legislation we are working on is the Adoption Tax Credit Refundability Act. It is a little bit outside the norm of the discussion of simplifying the Tax Code, but I was pleased the other day to have some important evidence put on the table when the chairman of the House Ways and Means Committee—who, by the way, is an adoptive father of two sons and an advocate for adoption and for kids—when the current adoption tax credit was not in the House bill, he said one of the reasons it is not here is so many families who adopt kids don't pay income tax because of the low level of their income. My thought was, well, that is exactly what Senator KLOBUCHAR and I were saying. That should be a refundable credit as well as a credit, but I am glad to see the current credit back in the tax bill that the Finance Committee is looking at now. We want to continue to look at not only the current credit but expanding that.

According to the Department of Health and Human Services, one-third of all adopted children live in families with an annual household income at or below 200 percent of the poverty level. It is because of that the tax burden is low. They don't pay income taxes. The adoption tax credit isn't as helpful to those families as it is to families who actually have income tax to credit it against.

More than 400,000 children now in the United States are also in the foster care system, and more than 100,000 of those 400,000 kids are ready and waiting for families they can call their own. Lots of other children need to be in families all over the world, but we can be looking carefully at the children in our system now. We both looked—and others have joined us in that—at the foster care system and ensuring behavioral health screening happens within 30 days of getting into that system. Once you get into the foster care system, often it is because of unavoidable challenges families face, and often it is because of challenges kids should never have to face. So that early evaluation of what is going on there can really make a difference in how foster kids are dealt with in the system and how they get ready—as 100,000 of them now are—to leave the foster care system and be adopted.

Before I turn to Senator KLOBUCHAR, I just want to mention some kids right now who are on what is called the Missouri Heart Gallery. More than 1,200 Missouri children are in need of permanent homes. The Missouri Heart Gallery is a place to look, as we approach the end of this year, to see what the stories of some of these kids are.

Brandon, for instance, who is 12, loves to play games. LEGO sets are his favorite toy. He likes to smile and give hugs. He probably hasn't gotten enough hugs in his life up until now, but it is possible to try your best to catch up with kids who need hugs. He needs a stable and loving family. He is often playing outside. It would be wonderful if he were playing outside a house or a home that he knew was a permanent home for him.

Shaniah and Shanae are sisters who hope to be placed together, and they hope to have a chance to maintain contact with their aunt following placement. Shaniah loves dancing and cheerleading. Her favorite color is green. She hopes to be a scientist one day. Shanae's favorite hobby is singing, and she makes friends really easily between her dancing and singing skills that she shares with her sister. Both of these girls would really bring a lot of life and vitality into what we would hope would be their family forever.

Brandon, Shaniah, and Shanae are in need of permanent and loving homes. This is a time when we ought to be thinking not only about the obstacles to adoption, the things that encourage adoption but also how we can make the support system for both adoption and foster care and adoption out of foster care work better.

I know my colleagues will be eager to join Senator KLOBUCHAR and me in marking November as National Adoption Month and by passing our resolution today.

I turn to my friend from Minnesota Senator KLOBUCHAR.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, first of all, I would like to thank Senator BLUNT for his leadership. We have worked side by side on these issues for so many years, and I am really pleased—as he noted—that there has been a lot of focus on this issue of the adoption tax credit and not only how it needs to be fixed in any tax bill and make sure it is maintained, but, in fact, it should be expanded on. I thank him. We have both been advocating for that.

One of the reasons I am so involved in this issue is, in my State of Minnesota, we have historically had a lot of adoptions. One is international adoptions. We have one of the highest rates of international adoptions in the country. We have families who have opened their hearts to kids from Vietnam to Guatemala, to Nepal, to Haiti.

I have had the opportunity to witness the power of adoption firsthand when I served for 8 years as the Hennepin County attorney—which is the largest prosecutor's office in our State. We also have civil jurisdiction so one of the things I worked on was speeding up the amount of time it took for foster kids to get out and into permanent homes. I was able to see firsthand those loving parents who would do anything to bring these kids into their families. When you see it internationally, it just breaks your heart if it goes on for years and years and years.

Right now, domestically, over 425,000 children are living without permanent families in our foster care system. Over 110,000 of these kids are eligible for adoption. One of the reasons Senator BLUNT and I came together today is to make people aware that, yes, there is international adoption—it is so important—but there are also kids right here in America who would love to be taken in by a family. That is part of the theme of our Adoption Month for the country.

We have tackled a number of issues over the last few years, along with former Senator Landrieu of Louisiana. One of them was the International Adoption Simplification Act, which was a big help in terms of making sure that older children weren't left behind when younger siblings were adopted. I worked on that bill with Senator INHOFE; then, Senators BLUNT and Landrieu and I introduced the Accuracy for Adoptees Act, which helps greatly to ensure that families don't have to fight with foreign authorities to get their kids' documents changed.

We are also working on some of the international issues now because of the slowdown in international adoptions and the work that we can do there. We look forward to working with the State Department and other agencies on that.

One of the best parts of our job is helping a family in our home State with an adoption. Recently, I got to visit a family in the western suburbs of Minnesota. For years, they had been waiting to adopt two Ethiopian boys. We worked really hard on this, as the halt of adoptions out of Ethiopia affected more than 200 American families; one of them was David and Katie Norton. Because of the work that was done and the push that was made, a number of these kids came home to their families.

I got to swing on a tire swing with these two rather fun boys who, every day, like to put on their bicycle helmets just because they think that is cool, and they wear them around the backyard. We had a great time with them.

There are other children, and it makes you realize how close to home this is and how pleased we are to welcome these kids to American families. That is what National Adoption Month is all about. We want more kids to be able to swing on tire swings, so we will continue to work with the foster care system, as well as the international

adoption system, to make this a reality for more and more orphans across the world.

I thank Senator BLUNT for his leadership, and we look forward to working on this issue for many years to come.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I thank Senator KLOBUCHAR. We will continue to work on this. We are glad it is so well-received and these are issues our colleagues pay close attention to. Whether it is domestic or international, we are going to continue to find ways to open the doors to more homes and to get access to more tire swings. I look forward to that work.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 331, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 331) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUNT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

RECESS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order until 2:15 p.m. today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am here to respond to the nomination of Steven Bradbury for a senior legal position in the U.S. Department of Transportation. I have had some experience with Mr. Bradbury, and in my experience, he is disqualified from serving in a legal government position of trust, such as he has been nominated for.

The Bush administration pursued a policy of detainee mistreatment that since has been acknowledged to include torture of detainees. The process that got the United States of America into a place where it was torturing detainees was a legal process that was full of mistakes and failures by the Office of Legal Counsel at the Department of Justice—by Mr. Bybee, by Mr. Yoo, and, following them, by Mr. Bradbury.

Let's start with just a word on the Office of Legal Counsel. Within the Department of Justice, the Office of Legal Counsel is seen as being the best of the best. The Department of Justice prides itself on attracting, training, and perfecting the skills of the best lawyers in America.

As a U.S. Attorney, I had the privilege of serving with a lot of absolutely spectacularly skilled lawyers and trial advocates just in the small Rhode Island U.S. attorney's office and working with others from the Department of Justice, and I have a very, very high opinion of Department of Justice lawyers and Department of Justice lawyering. But even within the expectation that the Department of Justice lawyering will be first rate, the Office of Legal Counsel is supposed to be a cut above. These are people who go into that office with the possibility that they will become U.S. Supreme Court Justices. These are people who come out of clerkships on the U.S. Supreme Court—one of the highest academic achievements a law student can have—and end up joining the Office of Legal Counsel. The Office of Legal Counsel ought to be held to a very high standard.

What happened when the Office of Legal Counsel was asked to take a look at the CIA torture program in the Bush administration was that it fell down or rolled over in virtually every respect. The factual investigation into what the CIA was actually doing was weak and ineffectual. The legal investigation into the past, into precedents, was—as I said in previous speeches at the time—fire-the-associate quality legal work. It is particularly bad coming from the Office of Legal Counsel because the Office of Legal Counsel is supposed to be the best of the best.

It is hard to say that these guys failed having tried their best. They just weren't smart enough to figure it out. They just weren't working hard enough. They just didn't know enough about legal research or scholarship. So, you know, nice try but you blew it, but no harm in it because we don't expect much of you to begin with.

That is certainly not the case with OLC. The array of memos that the OLC wrote—the Bybee, Yoo, and Bradbury memos—were calamitous failures of historical and legal research. For one thing, they failed to recognize and report that there had been prosecutions of Japanese military officers after World War II for torturing American soldiers. One of the techniques of torture for which those Japanese soldiers were prosecuted and convicted as torturers, as war criminals, was the use of the waterboard. You may be able to say that there were some different justifications. You may be able to say that there were some different circumstances, but to not even mention that, to not even do the research to find out that had taken place is a pretty bad legal failing.

One of the reasons was that they kept it so close hold that they didn't let military lawyers know what they were doing. One could argue that there is consciousness of guilt there, that they didn't want other lawyers to know what they were doing because they knew that what they were doing was shoddy legal work and they didn't want to be caught out in it. In fact, ultimately, a lot of those opinions were withdrawn.

The fact of the matter is that it was a failure to properly inform the President of the United States about this history of our country actually prosecuting Japanese soldiers for the type of conduct that the Department of Justice was approving that the CIA engage in. It wasn't just prosecutions of Japanese soldiers by American military tribunals. There were also prosecutions of American soldiers in the Philippines by courts-marshal for torture. Guess what. The conduct involved was waterboarding.

Again, perhaps you can say that there were some differences, that there were some distinctions, but the fact is, in memo after memo—including the wrapup memo that Bradbury wrote—that was not discussed. It was not disclosed, and it was not discussed.

You may say: Well, you know, it is asking an awful lot of the Office of Legal Counsel to go and look at history, to go and look at the practice of our military in prosecuting adversary officers or in prosecuting our own soldiers. After all, we are just the Department of Justice. That is the Department of Defense. What could we possibly learn from that?

Well, obviously, that would be wrong and, obviously, that would be a mistake, particularly when you look across that boundary to military law and see these examples right on point that they did not bother to discuss or disclose.

Then, it gets better still. The OLC memos failed to disclose prosecutions by the Department of Justice for waterboarding. This is not some case that never got reported someplace, that was just a trial, and you would have to look deep into your own records to try to find out what took place—perhaps, without a reported decision, just a verdict from the jury. This was a case that was extensively documented with writings by the trial court judge, a U.S. district judge in the State of Texas, that went up on appeal to the circuit court of appeals, and the U.S. circuit court of appeals wrote a decision on appeal of the district court's decision.

What were the facts? The facts were that there was a local sheriff. His last name was Lee. So the case was named United States v. Lee. Mr. Lee had gone into the business of waterboarding prisoners—strapping them in a chair, tipping them back, and pouring water over their faces to give the illusion of drowning. The court's decision over and over describes this conduct as torture. If you use legal search tools and look for the words ''water'' and ''torture,'' United States v. Lee comes up, and it is a circuit court of appeals decision.

How could they miss it? There are only two explanations that I can come up with. One is that they really did a shoddy job of workmanship, that they didn't bother to do basic legal research. That is why I have described this in the past as fire-the-associate quality work. If you haven't done the basic legal research to determine what the cases are on point on the question of whether the use of water on bound prisoners is torture, you haven't done much of a good job. The problem is that scenario is actually the best case scenario. The best case scenario is that they did such slipshod work at the Office of Legal Counsel that they didn't find a U.S. circuit court of appeals decision on point to the question upon which the OLC was advising the President of the United States. That is the best case scenario.

The worst case scenario is that they did find it and decided not to talk about it in their memos because you can read United States v. Lee and put it against those OLC memos, and I think any rational reader will find them impossible to correlate.

There is a real possibility that the Office of Legal Counsel decided that, because Cheney had decided on this torture program and because they were embarked on this torture program, they were going to have to deliver the legal opinion that allowed it to continue. If it meant ignoring a case that proved their opinion wrong, they were going to ignore the case, and they were going to go ahead with the opinion. As you can imagine, that is considerably worse than simply not finding the case.

We have never had a very good description of how this all came out. There was an OPR report from the Department of Justice that heaped condemnation on the various players here, but ultimately this question of what the obligation is of an OLC lawyer to fairly disclose what the relevant case law is in writing an OLC opinion was never reached. It was never reached because, at the end of this long and arduous process, the Department of Justice made, I think, a terrible decision.

There is a rule of professional conduct that is called the rule of candor to the tribunal. If you are a lawyer and you are going before a judge, you have an obligation to state the law fairly and accurately to the judge. If you are not being truthful to the judge about what the law is, that is a violation of professional conduct for which lawyers can be sanctioned. It applies to lawyers across the board. A hard-working lawyer with six or seven files under his arms, piling into a State district court to maybe run through three or four cases in that day before a busy judge, has the obligation of candor, and it includes an obligation to do adequate research, to actually have looked up the case law and to disclose it to the judge so that you are not misleading the court about the state of the law. That applies to lawyers across the country. The busiest, most distracted local lawyer and just a guy with a practice, maybe in a strip mall, who buzzes into court with a bunch of files under his arms—that lawyer is under that same obligation.

Yet the Office of Legal Counsel—this high temple of lawyering, this ''best of the best'' of the Department of Justice—made the decision that those lawyers, in their providing advice to the President of the United States, did not have the same obligation of candor that an ordinary, day-to-day, working lawyer in a local courthouse had to that local judge.

I believe that rule has since been reversed, and it is very good that it has been reversed because I think the President of the United States is entitled to at least the level of candor from these ''best of the best'' lawyers at the Office of Legal Counsel that a local judge is from the hard-working, overburdened, day-to-day lawyers who appear in front of him or her. That is not what the President got, not from this Office of Legal Counsel, not from Steve Bradbury.

Again, I don't know that we will ever know because that decision by the Department put to an end the investigation of the question of whether this failure amounted to professional malpractice by the OLC lawyers, but the options aren't great. These lawyers either did not do the work to discover the military tribunals, the courts-martial, and the Texas criminal prosecution by the Department of Justice, or, worse yet, they did discover those things and deliberately withheld that information so that they could give the opinion they thought they were supposed to give. It is about the worst thing a lawyer in that position could do, and until that is cleared up, I could not possibly support the nomination of Steven Bradbury to any position of trust in the Government of the United States.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Madam President, 2 days ago, I visited the community of Sutherland Springs, TX, which is a small, rural community about 35 miles from San Antonio, TX. We all remember the terrible shooting that occurred there just over a week ago at the First Baptist Church, an event that those in Sutherland Springs and across Texas and maybe even across the Nation will never forget. I hope we never forget it because I believe that those events were, by and large, preventable, and I will explain more about that in a moment.

What I saw during my visit and what I found to be so remarkable is that the community has already started the healing process. Already, the church building that was riddled with bullets and the bodies of people who were killed and injured has been turned into a memorial which will forever mark the terrible events of that day and honor the lives of those who lost their lives.

After an excruciating trial that the rest of us cannot even begin to comprehend, the attitude in Sutherland Springs is incredibly hopeful and resilient. First Baptist held its Sunday service just 7 days after the congregation lost 26 of its members. Can you imagine that—just a week later, showing up for another church service a week after a gunman shot up the church, killing 26 people and injuring 20 more.

I went there for no other purpose than to lend a shoulder to the mourning and to try to offer what little encouragement I could. Strangely, what happened is that the reverse occurred: They gave me more hope and inspiration than I ever could have imagined. This shows how the shooter's ultimate plan failed. Evil never triumphs.

Just ask Pastor Mark Collins, who pointed out that the First Baptist Church has been open for nearly 100 years but that on Sunday, the congregation smashed its alltime attendance record.

Ask Pastor Frank Pomeroy, who lost his 14-year-old daughter in the attack but was already back doing the Lord's work of consoling other members of his church when he himself lost his own 14-year-old daughter. Pastor Pomeroy said: ''We have the freedom to choose, and rather than choose darkness, like the young man did that day, we choose the light.'' He said: ''Love never fails.''

It was an emotional service, to be sure. It was an honor and, as I said, an inspiration to join the Sunday worship service and to visit the church that has been transformed into that stunningly beautiful memorial to commemorate the victims.

The day before, I had had a chance to visit with a number of victims—and their family members—who are recovering in local area hospitals. We cannot forget them as they continue to heal or forget the rest of the 20 who were wounded by the gunman that day—a man who was clearly deranged, was a convicted felon, someone who had been hospitalized for mental illness and had escaped, and someone who had been found guilty of domestic violence against his wife, including the fracturing of his infant stepson's skull.

We now know that when it comes to the shooter, there were plenty of warning signs. The gunman's former colleague has said that he was always on

edge and that he scared her both while he was in the Air Force and through disturbing social media posts afterward. There were multiple red flags along the way—school suspensions, threats of killing his superiors, depression, the abuse of animals, choking his wife, as I said, fracturing his stepson's skull, and doing time in a military prison. One thing is abundantly clear: We can do more when it comes to spotting these flags, including in the military.

Where the law currently provides that an individual who is convicted of a felony or convicted of domestic violence or somebody who has been found to be mentally ill by a court—we can make sure and do better to make sure that those individuals do not purchase a firearm. Current law disqualifies them, but unless the results are uploaded on the FBI's background check system, there is no way to catch them when they lie. They are asked when they purchase a firearm at a firearms dealer: Have you ever been convicted of a felony? Have you ever been convicted of domestic violence? Have you ever been committed for mental illness? If they lie and the background check system is simply silent, then there is no way to know and no way to stop them, and that is what happened to this shooter.

We know now that the Air Force and the other branches of the military are considering what additional steps to take to make sure this never happens again. I appreciate their prompt response, but it should never have come down to this.

Now we have to do our part to ensure that this sort of preventable disaster never happens again. Don't get me wrong—I don't believe we can somehow wave a magic wand or pass a law that will prevent manmade disasters in every instance in the future, but this one could have been prevented. We could have kept this shooter from buying a firearm through a legal firearms dealer. If the background check system had been accurate, he would not have been able to do so.

Today, I plan to introduce legislation to ensure that Federal agencies report and upload criminal records onto the background check system—records that are already required to be so but often that are not. As we know, this was a major problem that led to the rampage in Sutherland Springs. My bill would also reauthorize the two primary grant programs that help the States report and upload their own records and incentivize States to improve overall compliance.

We know that just down the road in Virginia a few years ago, the records of a young man who had been adjudicated as mentally ill by the State of Virginia had never been uploaded into the background check system. Like this shooter in Sutherland Springs, when he went to purchase a firearm, there was never a hit on the FBI's background check system, and he simply lied about his mental health record.

It has been estimated that some 7 million records—including at least 25 percent of felony convictions and a large number of convictions for misdemeanor domestic violence—have not been posted on the background check system. That is outrageous. I doubt that any of us knew this beforehand, but we know it now, and it is within our power to fix it. We can all agree that this has to change and that this cannot stand.

Let me be clear. I think that law-abiding gun owners, under the Second Amendment, can and should be allowed to purchase and possess firearms. As somebody who enjoys hunting and sports and shooting, I believe that every law-abiding American should possess the same right that I have to purchase firearms for recreation, for hunting, or for defending our families or property. In fact, that is what happened in Sutherland Springs. Sutherland Springs proves why guns can save lives when in the hands of law-abiding citizens. But if you have a long, documented history of dangerous behavior, if you are convicted of committing violent acts, under the law, you are not allowed to have guns. Today, we have to ensure that those laws will be enforced, and my bill will help to do that.

This is really an incredible story. When I went to Sutherland Springs, I learned more about Stephen Willeford, whom I have spoken about before. Stephen Willeford lived about a block from the First Baptist Church, and he heard the shooting. I think it was his daughter who alerted him to it. He got his AR–15 out of the gun safe in his home, and he ran about a block away while barefoot. He saw the shooter exit the church. He, in turn, decided that it was up to him because there was not anybody else to stop him.

Mr. Willeford, fortunately, is an NRA-certified shooting instructor and an expert marksman, and he shot and wounded the person who committed this mass atrocity, who then dropped his firearm, got in a truck, and led him on a high-speed chase. Thanks to Mr. Willeford and another Good Samaritan, they chased that shooter until ultimately the shooter took his own life. That shows you what can happen when law-abiding citizens—gun owners—can come to the aid of others. When the police are not present and there is nobody else around, Good Samaritans can help save lives.

TAX REFORM

Madam President, I would like to shift to a separate topic that the Senate will be addressing this week, and that is tax reform.

Last Thursday, the Senate Finance Committee introduced our proposal that would enable more Americans to keep more of their hard-earned paychecks—send less of their money to Uncle Sam here in Washington, DC.

Yesterday, the Senate Finance Committee on which I serve began the markup with the Tax Cuts and Jobs Act with a series of opening statements. Soon—tomorrow, perhaps—members of the committee will have an opportunity to consider and debate more than 300 filed amendments.

This morning, during the proceedings, some of my colleagues across the aisle complained about the process. They said: This isn't a bipartisan bill.

I said: That is because you have refused so far to participate in the process.

They said: The bill is secret.

I said: Well, you are going to have an opportunity to see it, read it, amend it, and debate it on the Senate floor and in committee.

They then had the audacity to claim that this was all just a giveaway to corporations. I suppose what they would rather see is American jobs go overseas because our punitive Tax Code punishes those businesses in the United States with the highest tax rate in the world at 35 percent. Countries such as Ireland, the U.K., and others have lowered their tax rates and lured American businesses, investment, and job creators overseas. Are we supposed to ignore that and accept it? It would be absolutely irresponsible to do so.

Unfortunately, I think some of our Democratic colleagues feel this is more about political posturing than it is about getting the economy growing again or seeing more money in our paychecks, more money that people can use for their family, for school, for retirement, or for whatever reason they want to use it.

Under our bill, a family of four at median income, which is roughly $70,000 a year, will see a savings of about 40 percent on their tax bill. That may be chump change to the folks here in Washington, DC, inside the beltway, but for hard-working Texans and hard-working Americans, that is money they can use and put to good use. We owe it to them. If we can come up with a fairer, simpler, more competitive tax code, we owe it to them to do so.

I mentioned the 300 amendments that have been filed. It is important to note that Chairman HATCH, just like Chairman BRADY in the House Ways and Means Committee, is taking this through the regular legislative process. In other words, anyone who is willing to participate in it can introduce amendments and get a vote on those amendments. You are not guaranteed to win, but you are guaranteed an opportunity to participate and to shape the product. That is the way the Senate and House are supposed to work. Once both legislative houses come up with their version of the tax bill, we reconcile those in a conference committee before we send it to the President. That is what we intend to do sometime before Christmas this year.

We have had 70 different hearings in the Senate alone, countless working groups, white papers published. We have been working on this for years. Now we finally have the opportunity to get it done.

What is so strange about the criticism that I have heard is that many of

our Democratic colleagues, both past and present, have called for many of the reforms included in this legislation that they are now criticizing. They were for it before they were against it.

Their previous support makes sense, because we know tax reform can work. A new study by the Tax Foundation found that our proposal would increase the size of the economy by 3.7 percent. It will increase wages for hard-working American families almost 3 percent. It will create 1 million new jobs. If we reduce the business rate and don't chase jobs overseas, we can attract more investment and more job creation here in America. The Tax Foundation estimates that this bill will produce nearly 1 million new jobs here in America. It will, incidentally, provide more than $1.2 trillion of lost revenue for the Federal Government, helping us with our deficit and our debt. The study suggests that families would see an after-tax income boost of 4.4 percent by the end of the decade. In Texas, for example, nearly 77,000 jobs are expected to be created by this plan with an income growth for middle-class families surpassing $2,500 a year.

Notably, by repealing the tax on poor Americans known as the individual mandate—half of it is paid by people who earn $25,000 or less, who can't afford to buy the government-mandated health insurance; they pay the penalty. That amounts to a $43 billion tax on poor people in America. We intend to repeal that and let them keep that $43 billion over the next 10 years in addition to the tax relief we are providing here.

It is not just the Tax Foundation that has pointed out the positive impacts of our plan; the nonpartisan Joint Committee on Taxation has too. Its analysis over last weekend suggests that moderate-income folks—not the high wage earners—would benefit most. In 2019, people in the middle of the income spectrum earning between $50,000 and $70,000 would see their taxes fall by 7.1 percent; those earning less—between $20,000 and $30,000—would see in excess of a 10-percent decline in taxes, according to that report.

I know our Democratic friends have trotted out their old, tired talking points and claimed that tax relief is only for the wealthy. But these facts show otherwise, and it is not an accident. We tried on purpose to make sure that every taxpayer, every person across the spectrum, no matter what their tax rate, sees a reduction in their taxes. The JCT's analysis proves that this is real, and while some of our colleagues can't resist the temptation to demagogue the issue, I would suggest that a more productive use of their time would be for them to join us to try to make this product even better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise in opposition to the nomination of Steven G. Bradbury to be General Counsel of the Department of Transportation.

Typically, the Department of Transportation has been a bastion of bipartisan cooperation. As former Transportation Secretary Norman Mineta said: ''There are no Democratic or Republican highways, no such thing as Democratic or Republican traffic congestion.'' Similarly, it has been the overwhelming position of the U.S. Senate that torture is disqualifying for high office. Mr. Bradbury's nomination threatens both of these traditions.

Based on his role in the approval of enhanced interrogation techniques during the Bush administration, I believe Mr. Bradbury has failed to demonstrate the judgment that would merit the Senate to advise and consent on his nomination to any post. In addition, I am deeply troubled by his failure to commit to recuse himself from all matters related to his former client, the now-bankrupt airbag manufacturer, Takata, whose products are responsible for at least 16 deaths and 180 injuries.

From 2005 to 2009, Mr. Bradbury was the acting head of the Department of Justice's Office of Legal Counsel and was responsible for coauthoring numerous legal memos that authorize torture. During that period, enhanced interrogation techniques approved by the Office of Legal Counsel included techniques that constituted torture or cruel, inhumane, and degrading treatment. We would not accept such techniques being used on our servicemen and women held in captivity by our enemies. Yet Mr. Bradbury approved those techniques and, in doing so, endangered our men and women in uniform, and that danger still exists today.

Mr. Bradbury authored four separate memos authorizing the harshest form of detainee abuse, including waterboarding and other forms of cruel, inhuman, and degrading treatment. Not only did these legal memos authorize techniques that have been deemed abusive, they provided a green light for those willing to abuse enemy combatants in U.S. custody.

Following the revelations of prisoner abuse at Abu Ghraib, the Senate, led by Senator JOHN MCCAIN, passed the Detainee Treatment Act of 2005 by a vote of 90 to 9. That law prohibited detainee abuse by the military and other agencies.

However, legal opinions by Mr. Bradbury sought to provide a legal cover for the continued use of techniques that ran counter to the intent of that law. Our most respected military leaders have spoken out against the use of these unlawful interrogation techniques. A letter signed by 176 retired senior military leaders opposed the kind of torture techniques approved by Mr. Bradbury's Office of Legal Counsel.

Having had the privilege to serve in the Army of the United States, I believe they did this because they understood if we did it, our enemies would do it with even more gusto to our men and women, and it would be unconscionable to give them even a shred of credibility to point to and say: We are simply doing what you did to others.

Retired Marine Gen. Charles Krulak wrote in opposition to the Bradbury nomination, saying that the use of techniques approved by Mr. Bradbury ''not only violated well-established law and military doctrine, but also endangered U.S. troops and personnel, hindered the war effort, and betrayed the country's values, damaging the United States' stature around the world as a beacon of human rights and the rule of law.''

That is the voice of one marine, speaking from years of experience in combat, not simply to defend our ideals but to defend those men and women who serve today in uniform.

Secretary of Defense Mattis has expressed his full support for the Army Field Manual as the single standard for all U.S. military interrogations and has advised President Trump that such enhanced interrogation techniques are not needed to keep our country safe.

Under Mr. Bradbury's direction, DOJ's Office of Legal Counsel approved opinions on enhanced interrogation techniques that appear intended to meet the political inclinations of the White House rather than the intent of U.S. laws against such cruelty. Someone who has justified the use of torture, in spite of an act of Congress, should not be allowed to hold a position of responsibility in the U.S. Government. Indeed, it is for that reason that this body refused to approve Mr. Bradbury as Assistant Attorney General for the Office of Legal Counsel in 2008.

If approved as the General Counsel of the Department of Transportation, Mr. Bradbury would again be called upon to render legal opinions that require sound and independent judgment. Even forgetting for a moment his history of bending to the political desires of a strong-willed White House, his refusal to completely recuse himself from matters relating to his former client, Takata, means he would enter this office with a cloud of potential conflicts around him.

Public service is not an entitlement but a privilege. For Mr. Bradbury, the revolving door should swing shut. His lack of judgment at a critical time in the Nation's history has disqualified him from the privilege of holding high office in the current or any future administration.

Surely the American people deserve someone who reflects our national values and has demonstrated much better judgment than Mr. Bradbury.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Madam President, I thank my colleague, the Senator from Rhode Island, and I join him in strong opposition to the nomination of Mr. Steven Bradbury to be the general counsel of the U.S. Department of Transportation.

Mr. Bradbury is a deeply flawed nominee for many reasons, including his unwillingness to recuse himself from issues involving his former clients and dodging commitments to forgo accepting waivers for recusals. However, my opposition to his nomination is rooted in his troubling record while serving at the Department of Justice during the Bush administration.

As we know, Mr. Bradbury was Acting Attorney General at the Department of Justice from 2005 to 2007 and led the Office of Legal Counsel there from 2005 to 2009. When he was nominated by President George W. Bush to be Assistant Attorney General in 2004, his nomination was so unacceptable that the majority leader at the time offered to confirm 84 stalled nominees in exchange for the withdrawal of his nomination.

Let me repeat that. The Senate majority leader at the time was willing to accept 84 other nominees in exchange for President Bush withdrawing Mr. Bradbury's nomination.

What Senators objected to then—and the reason I am so strongly opposed to Mr. Bradbury's nomination now—is that Mr. Bradbury is the chief architect of the legal justification that authorized waterboarding and other forms of enhanced interrogation techniques we used to hear a lot about during the last Bush Presidency. For those who might not be familiar with the term ''enhanced interrogation,'' there is another term for it that most Americans probably are familiar with. It is called ''torture.''

The ''torture memos,'' as they are commonly referred to today, represent a dark period in our Nation's recent history that we must never repeat. In my opinion, his connection to these memos alone should disqualify Mr. Bradbury from government service. I understand he is nominated to serve at the Department of Transportation and not the Department of Justice, but his very willingness in the past to aid and abet torture demonstrates a failure of moral character that makes him dangerous to the American people and to our troops regardless of which agency he is nominated to serve in. Those torture memos displayed a disturbing disregard for the intent of Congress and flouted both international and U.S. law.

If confirmed, Mr. Bradbury will swear a solemn oath to serve the interests of the American public by providing honest and objective legal analysis to the Department and the administration. I doubt he can carry out that oath.

The American Government would, once again, rely on his counsel to make sure Department of Transportation employees do not subvert the law, the intent of Congress, or the U.S. Constitution. Unfortunately, he has let both the government and the American people down before, and I have no confidence that he is capable of carrying out this critically important role. Public servants are supposed to serve the public interests, not the political whims of any President, Democratic or Republican.

The public should be alarmed by Mr. Bradbury's history of demonstrating complete deference to a President's policy goals, and we in the Senate should do everything we can to prevent the likelihood of that history continuing in the Trump administration.

For my colleagues who may not be familiar with the programs Mr. Bradbury justified in his legal opinion, let me clarify. Detainees, in his opinion, could be sleep-deprived for up to 180 hours—approximately 7½ days—forced into stress positions. Sometimes they were shackled to the ceiling, subjected to rectal rehydration and feeding, confined in boxes the size of small dog crates. It was also Mr. Bradbury's legal opinion that led CIA personnel to conduct mock executions. His legal opinion led to one man being waterboarded to the point that he became ''completely unresponsive, with bubbles rising through his open, full mouth.'' His legal opinion also led to another man being frozen to death. Some of these abuses were authorized; others were not, but brutality, once sanctioned, is not easily contained.

In 2005, this body voted 90 to 9 to enact the Detainee Treatment Act to prohibit ''cruel, inhuman, or degrading treatment or punishment.'' That law was enacted after the Supreme Court decided that terrorism detainees in U.S. custody were protected by the Geneva Conventions. However, Mr. Bradbury still found legal loopholes to allow torture to continue.

Even the Department of Justice's own Office of Professional Responsibility criticized him for ''uncritical acceptance'' of the CIA's representations about the torture program. This is stunning, and it cannot simply be dismissed.

In testimony before the Senate Judiciary Committee in 2007, Mr. Bradbury defended the President's questionable interpretation of the Hamdan case, a case where the Supreme Court ruled that President Bush did not have the authority to set up military tribunals at Guantanamo Bay, by famously suggesting the ''President is always right.''

This rubberstamp mentality is extremely dangerous, especially in the Trump administration. What will Mr. Bradbury do if President Trump asks him to come up with a legal justification to abolish laws mandating seat belt use or to come up with ways to negate drunk driving laws?

Let me be clear. Mr. Bradbury didn't make America safer, and he certainly didn't make our men and women in uniform safer either—quite the opposite. The actions Mr. Bradbury helped to justify put our troops and diplomats deployed overseas in greater danger.

This is personal to me because perhaps most disturbingly Mr. Bradbury's efforts to enable torture compromised our Nation's values. Our Nation's military men and women are taught the laws of armed conflict, the proper way to care for detainees, the importance of acting in accordance with American values. Mr. Bradbury's actions at the Department of Justice undermined those values. This type of twisted legal wrangling done at a desk far from the field of battle puts larger targets on the backs of our troops. If captured, are they now at greater risk of being tortured themselves? How we treat prisoners under our control affects how our troops are treated.

Let me read to you Warrant Officer Michael Durant's account of what happened to him when he was shot down and captured in Mogadishu, Somalia. This is from his book.

DURANT'S fear of being executed or tortured eased after several days in captivity. After being at the center of that enraged mob on the day he crashed, he mostly feared being discovered by the Somalian public. It was a fear shared by Firimbi—

Who was one of the people guarding him—

The ''propaganda minister'' had clearly grown fond of him. It was something Durant worked at, part of his survival training. The two men were together day and night for a week. Firimbi spoke Italian and Durant spoke some Spanish, languages similar enough for them to minimally communicate.

Firimbi considered Durant a prisoner of war. He believed that by treating the pilot humanely, he would improve the image of Somalis in America upon his release.

Mr. Durant talked at length about how he was treated when he was captured in Somalia. He talked about going for days without his wounds being cared for, being dragged out of his downed Black Hawk by a mob. He talked about being beaten. He talked about someone sticking a rifle into his room and firing and shooting him, where he had to pull the round out of his own shoulder. He talked about being shackled.

All of that is still better than the treatment that Mr. Bradbury's justifications allow to happen now. It makes our troops' jobs harder and more dangerous, and their job is already pretty dangerous. Take it from me, our troops will do any job we ask of them, but we shouldn't be trying to make those jobs more difficult or dangerous than they already are.

I can tell you from firsthand experience, as someone who has bled behind enemy lines, legal gymnastics are a luxury not afforded our men and women in the field. They are at battle and, more importantly, these justifications do not protect our troops who are sitting on the floor of a POW cell. When you are stuck bleeding in a helicopter behind enemy lines, you hope and pray that if the enemy finds you first, they treat you humanely.

When I was in flight school, I began the first of several periods when I was trained in the art of survival, escape, evasion, and rescue. All pilots received this training. Then, when we were deployed to Iraq, we also, as members of

the U.S. troops overseas who were identified as most likely at risk of being captured among U.S. troops deployed there, received additional training. This is what the Army told me I could expect upon being captured: I could expect to be raped. I could expect to be beaten. I could expect to be starved.

As I sat in my helicopter thanking God that there was another aircraft there to pull me out, even as the enemy were jumping into their pickup trucks, speeding toward us to try to capture us, the very realities of what Mr. Bradbury was justifying happened to me. It is not something that you can look at from the safety and security of a desk in Washington. Our troops face this every single day. This is why this nomination is so incredibly, incredibly troubling.

If the warlords in Somalia recognized the Geneva Conventions and treated Chief Warrant Officer Durant's capture more humanely, what does that say about Mr. Bradbury and his willingness to allow far greater forms of torture than what the Somali warlords were willing to do?

Mr. Bradbury lacked the moral conviction in the Bush White House that Somali warlords possessed in Mogadishu, and I don't think he can be trusted to stand up for the values I fought to defend, especially not in the current administration.

You don't just need to take my word for it. Mr. Bradbury's record speaks for itself, but in case this point isn't clear enough, here is what retired Marine Corps General Charles Krulak wrote to the Commerce, Science, and Transportation Committee about this nominee just this year on June 26 of 2017:

In his role as acting head of the Department of Justice's Office of Legal Counsel . . . Mr. Bradbury displayed a disregard for both U.S. and international law when authorizing the use of so-called ''enhanced interrogation techniques'' to interrogate terrorism suspects.

The general goes on further to say:

These interrogation techniques, which Mr. Bradbury repeatedly approved, included methods that the United States has acknowledged and even prosecuted as torture and cruel, inhuman, and degrading treatment.

The use of these techniques not only violated well-established law and military doctrine, but also endangered U.S. troops and personnel, hindered the war effort, and betrayed the country's values, damaging the United States' stature around the world as a beacon for human rights and the rule of law. We know that the United States is strongest when it remains faithful to its core values. The use of torture and cruel, inhuman, and degrading treatment undermines those values, and Mr. Bradbury continually represented their use as legal and advisable during his time serving in the Bush Administration.

The general goes on to say further:

In recommending these techniques, Mr. Bradbury also displayed a discomforting deference to the executive branch's wishes, tailoring his legal recommendations to fit the White House's preferred outcome, and even testified in a Senate Judiciary Committee hearing that ''the President is always right.'' Mr. Bradbury's recommendations also contradicted the intent of Congress. In 2005, Congress passed the Detainee Treatment Act with a vote of 90–9. The law prohibited abuse of detainees by the U.S. military and agencies, but Mr. Bradbury authored a legal memo specifically designed to undermine the will of Congress and to provide the Bush Administration with authorization to continue using interrogation methods that constitute torture and cruel, inhuman, and degrading treatment.

I believe that this is more important than political affiliation. Mr. Bradbury has time and again shown his willingness to contravene established law and the intent of Congress in service to the will of the executive branch. Though the position to which he is nominated likely will not involve decisions on national security issues, I believe that based on his past governmental service, Mr. Bradbury is not fit for this political office. I ask you respectfully to oppose his nomination.

That letter is signed:

Semper Fidelis,

CHARLES C. KRULAK,
General, USMC (Ret.)
31st Commandant of the Marine Corps.

Also opposing Mr. Bradbury's nomination are 14 former national security law enforcement, intelligence, and interrogation professionals whose experience include service in the U.S. military, the Federal Bureau of Investigation, the Central Intelligence Agency, the Drug Enforcement Administration, the Defense Intelligence Agency, the Army Criminal Investigation Command, and the Naval Criminal Investigative Service.

They wrote:

We write today to express our opposition to the nomination of Mr. Steven Bradbury to serve once again in a position of significant responsibility within the U.S. government as general counsel of the Department of Transportation.

Our opposition stems from the necessary judgment and personal courage this office requires to provide candid and objective legal advice to policymakers that may be seeking politically expedient policy solutions.

We dedicated our professional lives to keeping our nation safe. That work demanded using every resource at our disposal, including and especially our moral authority. Our enemies act without conscience. We must not.

Mr. Bradbury spent many years serving in the Department of Justice—including as acting head of the Office of Legal Counsel—during the George W. Bush Administration.

In this position, he prepared official memoranda that provided legal cover for other agencies in the U.S. Government to employ a program of interrogation tactics that amounted to torture or cruel, inhuman, or degrading treatment.

These brutal methods—which included waterboarding—fundamentally violated domestic and international law governing detainee treatment and caused untold strategic and operational harm to our national security.

As former interrogators, intelligence, and law enforcement professionals with extensive firsthand experience in the field of interrogation, we were shocked by Mr. Bradbury's attempt to defend the use of the waterboard and other torture tactics based on the incorrect assertions that their use would not cause severe physical pain or suffering and would produce valuable intelligence.

In our professional judgment, torture and other forms of detainee abuse are not only immoral and unlawful, they are ineffective and counterproductive in gathering reliable intelligence. They also tarnish America's global standing, undermine critical alliances, and bolster our enemies' propaganda efforts.

If the Senate confirms Mr. Bradbury, it would send a clear message to the American public that authorizing the use of torture is not only acceptable, but is not a barrier to advancement into the upper ranks of our government.

We understand that Mr. Bradbury did not act alone in authorizing torture, but as his nomination is before you, we ask you to take this opportunity to reaffirm our commitment to the ideals we strive to uphold by rejecting his nomination.

Torture is not a partisan issue. Our respect for human dignity is timeless, and we must never risk our national honor to prevail in any war. Your vote to reject this nomination would reflect the morally sound leadership that this country needs and would not forget.

In another letter dated July 27, 2017, to the Commerce Committee, retired U.S. Air Force Col. Steven Kleinman wrote:

I write to express my deep concerns about confirming Mr. Bradbury to serve once again in a position of significant trust and responsibility within the U.S. Government.

I do not for a moment question his legal credentials; rather, my apprehension centers around the equally important elements of judgment and personal courage necessary to provide legal advice that might run counter to the positions advocated by his superiors.

History records that we have been down this road once before with Mr. Bradbury and he was found sadly wanting.

As I trust you are aware, Mr. Bradbury served in senior positions within the Department of Justice—including as acting head of the Office of Legal Counsel—during the George W. Bush Administration.

In that capacity, he prepared official memoranda that provided legal cover for other agencies of the U.S. Government to implement a program of severely coercive interrogation practices.

These practices included an array of tactics—to include waterboarding—that fundamentally violated domestic and international law prohibiting cruel, inhuman, and degrading treatment.

As an officer with extensive experience in both strategic interrogation and in training members of the U.S. Armed Forces to resist hostile interrogation, I was taken aback by Mr. Bradbury's attempt to defend the use of the waterboard based on wholly unfounded conjecture that it would not cause severe physical pain or suffering.

If the committee were to favorably report this nomination to the full Senate, it would be sending a clear and undeniable message to the world, and, more importantly, to the American public: Definitive action to support the institutional use of torture is acceptable.

Clearly, Mr. Bradbury acted in concert with an untold number of others within our government, and I am not asking that he be singled out for his actions.

At the same time, his nomination is the one before you . . . and with it an opportunity for the committee members to act on behalf of all Americans in taking a vital step toward reclaiming the moral high ground.

From the perspective of this American, the debate over torture is not one that can be subject to partisan debate. Instead, torture is something that is so inherently wrong and

so contrary to this nation's traditional values that it can be one issue around which the entire country—and the U.S. Senate—can rally.

Your vote to unfavorably report this nomination to your colleagues would be a much-needed demonstration of ethical leadership that would not soon be forgotten.

It is signed ''Very Respectfully, Steven M. Kleinman, Colonel, U.S. Air Force, Retired.''

Former Navy general counsel Alberto Mora wrote:

While acting as the head of the Office of Legal Counsel, Steven Bradbury proved himself to be an advocate for the brutal treatment of detainees, and then, when the Congress enacted the McCain amendment to strengthen the legal prohibitions against cruelty, he counseled the administration on legal strategies on how to circumvent the law and the Congress's will.

In exercising its advice and consent duty with respect to the nominations of senior counsel to serve in this, or any, administration, the Senate should take care to confirm only those individuals with a clear record of respect for the law and for the power of Congress as a coordinate and equal branch of government. Steven Bradbury's record, unfortunately, demonstrates a disrespect for both.

In a June 22, 2017, letter to the Commerce Committee, 14 human rights organizations highlighted their opposition to Mr. Bradbury's nomination:

We write to express our serious concerns regarding the nomination of Steven G. Bradbury for general counsel of the Department of Transportation (DOT).

Mr. Bradbury's role in justifying torture and cruel, inhuman, or degrading treatment of individuals held in U.S. custody marked him as an architect of the torture program.

Not only should the Senate be concerned about confirming a nominee who had a central role in the criminal violation of human rights, but his work during that period calls into question his ability to provide the kind of rigorous, independent legal analysis that is required of any top government lawyer.

Mr. Bradbury was acting head of the Department of Justice's (DOJ) Office of Legal Counsel (OLC) from 2005 to 2009. During that time, Mr. Bradbury wrote several legal memoranda that authorized waterboarding and other forms of torture and cruel, inhuman, or degrading treatment. As such, he is most prominently—and correctly—known as one of the authors of the ''torture memos.''

His analysis directly contradicted relevant domestic and international law regarding the treatment of prisoners and helped establish an official policy of torture and detainee abuse that has caused incalculable damage to both the United States and the prisoners it has held.

Mr. Bradbury's role in the torture program, even then, was notorious—so much so that the Senate refused to confirm him as assistant attorney general for the Office of Legal Counsel during the Bush Administration.

The Senate now knows even more about Mr. Bradbury's record, and the harm caused by his opinions, based on oversight by the Senate Select Committee on Intelligence and its report on the Central Intelligence Agency's use of torture and abuse.

In Mr. Bradbury's time as acting head of the OLC, he demonstrated an unwavering willingness to defer to the authority and wishes of the president and his team instead of providing objective and independent counsel.

During congressional testimony in 2007, Mr. Bradbury responded to questions about the president's interpretation of the law of war by declaring, ''The President is always right''—a statement that is as outrageous as it is inaccurate.

The DOJ Office of Professional Responsibility reviewed Mr. Bradbury's ''torture memos'' and determined they raised questions about the objectivity and reasonableness of Mr. Bradbury's analyses; that Mr. Bradbury relied on uncritical acceptance of executive branch assertions; and that in some cases Mr. Bradbury's legal conclusions were inconsistent with the plain meaning and commonly held understandings of the law.

Senior government officials from the Bush Administration who worked with Mr. Bradbury have said that they had ''grave reservations'' about conclusions drawn in the Bradbury torture memos and have described Mr. Bradbury's analysis as flawed, saying the memos could be ''considered a work of an advocacy to achieve a desired outcome.''

Moreover, Mr. Bradbury's 2007 torture memo was written with the purpose of evading congressional intent and duly enacted Federal law.

The Detainee Treatment Act of 2005, legislation that passed the Senate with a vote 90–9, stated, ''No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment.'' However, Mr. Bradbury's memo explicitly allowed the continuation of many of the abusive interrogation techniques that Congress intended to prohibit in the DTA.

Perhaps most concerning from a congressional oversight perspective, Mr. Bradbury affirmatively misrepresented the views of members of Congress to support his legal conclusions.

Specifically, in his 2007 memo, he relied on a false claim that when the CIA briefed ''the full memberships of the House and Senate Intelligence Committees and Senator MCCAIN . . . none of the Members expressed the view that the CIA detention and interrogation program should be stopped, or that the techniques at issue were inappropriate.''

In fact, Senator MCCAIN had characterized the CIA's practice of sleep deprivation as torture both publicly and privately, and at least four other Senators raised objections to the program.

As a senior government lawyer, Mr. Bradbury authorized torture and cruel treatment of detainees in violation of U.S. and international law.

Mr. Bradbury demonstrated either an inability or an unwillingness to display objectivity and reasonableness in evaluating the president's policy proposals.

We ask that in reviewing Mr. Bradbury's nomination for general counsel of the Department of Transportation, another profoundly important position of public trust, you take these serious and disturbing factors into consideration.

That letter was signed by the American Civil Liberties Union, Appeal for Justice, Center for Constitutional Rights, Center for Victims of Torture, the Constitution Project, the Council on American-Islamic Relations, Defending Rights and Dissent, Human Rights First, Human Rights Watch, the Leadership Conference on Civil and Human Rights, the National Religious Campaign Against Torture, Open Society Policy Center, Physicians for Human Rights, and Win Without War.

Earlier this year, a group of 176 of the most respected retired generals and admirals wrote to then President-Elect Trump urging him to reject the very kinds of torture and cruel treatment Mr. Bradbury authorized. They wrote:

We have over six thousand years of combined experience in commanding and leading American men and women in war and in peace, and believe strongly in the values and ideals that our country holds dear. We know from experience that U.S. national security policies are most effective when they uphold these ideals.

For these reasons, we are concerned about statements made during the campaign about the use of torture or cruel, inhuman, or degrading treatment of detainees in U.S. custody. The use of waterboarding or any so-called ''enhanced interrogation techniques'' is unlawful under domestic and international law.

Opposition to torture has been strong and bipartisan since the founding of our republic, through the administration of President Ronald Reagan to this very day. This was reinforced last year when the Congress passed the McCain-Feinstein anti-torture law on an overwhelmingly bipartisan basis.

Torture is unnecessary. Based on our experience—and that of our Nation's top interrogators, backed by the latest science—we know that lawful, rapport-based interrogation techniques are the most effective way to elicit actionable intelligence.

Torture is also counterproductive because it undermines our national security. It increases the risk to our troops, hinders cooperations with allies, alienates populations whose support the United States needs in the struggle against terrorism, and provides a propaganda tool for extremists who wish to do us harm.

Most importantly, torture violates our core values as a nation. Our greatest strength is our commitment to the rule of law and to the principles embedded in our Constitution. Our servicemen and women need to know that our leaders do not condone torture or detainee abuse of any kind.

I know some people might not understand why these enhanced interrogation techniques are a problem so let me just take a few moments to explain what they are.

Waterboarding. Waterboarding is a well-known torture tactic. Waterboarding creates the sensation of asphyxiation or drowning. The detainee is immobilized on his back and water is poured over a cloth covering his face. Far from the ''dunk in the water'' Dick Cheney has referred to, internal CIA reports describe instances of waterboarding as ''near drownings.''

Detainees were often waterboarded repeatedly. Khalid Shaikh Mohammed was waterboarded at least 183 times. Another detainee, Abu Zubaydah, was waterboarded so often that it led him at least once to become completely unresponsive, with bubbles rising through his mouth. This torture tactic may also lead to bleeding from the ears, severe lung and brain damage, and lasting psychological damage.

If we waterboard our prisoners, they will waterboard our men and women when they become prisoners.

Walling. Walling is a torture technique that involves encircling the detainee's neck with a collar or a towel and slamming him against the wall. Despite a requirement to use a false wall to avoid injury, Abu Zubaydah

was slammed against a concrete wall. Even in the event of using a false wall, detainees suffered extreme injury. Abu Ja'far al-Iraqi suffered from an edema, or swelling on his head, as a consequence of walling with the use of a false wall.

If we use this technique on our prisoners, they will use this technique on our men and women in uniform if they were to capture them.

Sleep deprivation. The detainees were kept awake by being shackled, forced to stand, or kept in stressed positions in an attempt to destroy their capacity for psychological resistance. This was routinely combined with nudity and/or round-the-clock interrogation. Although not overtly violent, extended periods of sleep deprivation can have painful and damaging mental and physical effects. After being forced to stand for 54 hours, Abu Ja'far al-Iraqi required blood thinners to treat the swelling in his legs. Following 56 hours without sleep, Arsala Khan suffered from violent hallucinations of dogs mauling and killing his family.

If we—the United States of America—use this technique on our prisoners, our enemies will use this technique on our men and women in uniform should they be captured.

Standing on broken feet. As an extreme form of sleep deprivation, two detainees—Abu Hazim and Abd al-Karim—were forced to stand for hours with broken feet. Despite recommendations that he avoid weight bearing for 3 months, Abu Hazim underwent 52 hours of standing sleep deprivation on his broken foot barely a month after his diagnosis. While injured, these detainees were also subject to walling.

Again, when we do this to our prisoners, our enemies would do this to our troops.

Solitary confinement. Detainees were regularly confined with no opportunity for social interaction. This is often combined with nudity, sensory deprivation, total darkness, or constant light, and shackling. Abu Zubaydah was isolated naked in a cell with bright lights and white noise or loud noise playing. At one point, he was kept for 47 days in total isolation.

The dangers of solitary confinement were recognized by the U.S. Supreme Court as early as 1890 in In re Medley, where the Court described prisoners becoming violently insane, committing suicide, and the partial loss of their mental activity.

If we do this to our prisoners, they would do it to our troops.

Stress positions. These positions are designed to cause pain and discomfort for extended periods of time and were often used in combination with sleep deprivation. Detainees were shackled with their arms over their heads, forced to stay standing, or were placed in cramped confinement, such as coffin-sized boxes.

Abd al-Rahim al-Nashiri was subjected to improvised stress positions that not only caused cuts and bruises but led to the intervention of a medical officer who was concerned that his shoulders would be dislocated. Abu Zubaydah was confined to a coffin-shaped box for a total of over 11 days.

If we do this to our prisoners—and Mr. Bradbury justified this—they would do it to our troops.

Rectal feeding and rectal exams. Rectal feeding was used for prisoners who refused food and entails insertion of a tube containing pureed food into the detainee's anal passage. This was used for behavioral control, without medical necessity, despite risks of damage to the colon and rectum or of food rotting inside the digestive tract. One detainee, Mustafa Ahmed al-Hawsawi, suffered a rectal prolapse likely caused by overly harsh rectal exams.

If we do this to our prisoners—and Mr. Bradbury's memo made it so we could—they would do this to our troops should our troops be captured by the enemy.

Nudity. This form of sexual humiliation relies on cultural and religious taboos and required detainees to be fully or partially naked during interrogations or when shackled. Nudity was also regularly combined with cold temperatures and cold showers. One detainee, Gul Rahman, died of suspected hypothermia following 48 hours of sleep deprivation, half naked, in an extremely cold room.

Again, if we do this to our prisoners—and Mr. Bradbury wrote the legal justification allowing this to happen—they will do this to our troops. We do not want this man in the U.S. Government making more decisions about what is right and what is wrong and how to protect the American public. If he was willing to do this and allow this to happen, what can we trust him to have good judgment on?

In a September 6, 2006, article by Sean Alfano at CBS/AP entitled ''U.S. Army Bans Torture Of Prisoners,'' he wrote:

A new U.S. Army manual bans torture and degrading treatment of prisoners, for the first time specifically mentioning forced nakedness, hooding and other procedures that have become infamous since the Sept. 11, 2001 terrorist attacks. Delayed more than a year amid criticism of the Defense Department's treatment of prisoners, the new Army Field Manual was released Wednesday, revising [a previous] one from 1992.

It also explicitly bans beating prisoners, sexually humiliating them, threatening them with dogs, depriving them of food or water, performing mock executions, shocking them with electricity, burning them, causing other pain and a technique called ''water boarding'' that simulates drowning, said Lt. Gen. John Kimmons, Army Deputy Chief of Staff for Intelligence.

Officials said the revisions are based on lessons learned since the U.S. began taking prisoners in response to the Sept. 11, 2001, attacks on the United States.

Release of the manual came amid a flurry of announcements about the U.S. handling of prisoners, which has drawn criticism from Bush administration critics as well as domestic and international allies.

The Pentagon also announced an overall policy statement on prisoner operations. And President George W. Bush acknowledged the existence of previously secret CIA prisons around the world where terror suspects have been held and interrogated, saying 14 such al Qaeda leaders had been transferred to the military prison at Guantanamo Bay and will be brought to trial.

An international outcry about prisoner rights began shortly afterward. Human rights groups and some nations have urged the Bush administration to close the prisons at the U.S. naval base in Guantanamo Bay, Cuba, since not long after it opened in 2002 with prisoners from the campaign against al Qaeda in Afghanistan. Scrutiny of U.S. treatment of prisoners shot to a new level in 2004 with a release of photos showing U.S. troops beating, intimidating and sexually abusing prisoners at Abu Ghraib in Iraq—and then again with news of secret facilities.

Though defense officials earlier this year debated writing a classified section of the manual to keep some interrogation procedures a secret from potential enemies, Kimmons said Wednesday that there is no secret section to the new manual.

Defense Secretary Donald H. Rumsfeld has said from the start of the counter-terror war that prisoners were treated humanely and in a manner ''consistent with Geneva Conventions.''

But President George W. Bush decided shortly after the Sept. 11 attacks that since it was not a conventional war, ''unlawful enemy combatants'' captured in the fight against al Qaeda would not be considered prisoners of war and thus would not be afforded the protections of the convention.

The new manual, called ''Human Intelligence Collector Operations,'' applies to all the armed services, not just the Army. It does not cover the Central Intelligence Agency, which also has come under investigation for mistreatment of prisoners in Iraq and Afghanistan and for allegedly keeping suspects in secret prisons elsewhere around the world since the Sept. 11 attacks.

Sixteen of the manual's 19 interrogation techniques were covered in the old manual and three new ones were added on the basis of lessons learned from the counter-terror war, Kimmons said.

The additions are that interrogators may use the good-cop/bad-cop tact with prisoners, they may portray themselves as someone other than an American interrogator, and they may use ''separation,'' basically keeping prisoners apart from each other so enemy combatants can't coordinate their answers with each other.

The last will be used only on unlawful combatants, not POWs, only as an exception and only with permission of a high-level commander, Kimmons said.

The Pentagon also on Wednesday released a new policy directive on detention operations that says the handling of prisoners must—at a minimum—abide by the standards of the Geneva Conventions and lays out the responsibilities of senior civilian and military officials who oversee detention operations.

''The revisions . . . took time,'' Deputy Assistant Secretary of Defense for Detainee Affairs Cully Stimson said at the briefing. ''It took time because it was important to get it right, and we did get it right.''

It is interesting that the Department of Defense took the time and the effort to rewrite their manuals as a result of the abuses that came about following Mr. Bradbury's legal justification for the use of torture.

Here is what the Army Field Manual 2–22.3 says. This is the Human Intelligence Collector Operations manual,

dated September 6, 2006. This is what the Army now teaches our soldiers:

All captured or detained personnel, regardless of status, shall be treated humanely and in accordance with the Detainee Treatment Act of 2005 and DOD Directive 2310.1E, ''Department of Defense Detainee Program,'' and no person in the custody or under the control of DOD, regardless of the nationality or physical location, shall be subject to torture or cruel, inhuman, or degrading treatment or punishment, in accordance with and as defined in US law.

All intelligence interrogations, debriefings, and tactical questionings to gain intelligence from captured or detained personnel shall be conducted in accordance with applicable law and policy.

Applicable law and policy include US law; the law of war; relevant international law, relevant directives, including DOD Directive 3115.09, ''DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning''; DOD Directive 2310–1E, ''The Department of Defense Detainee Program''; DOD instructions; and military execute orders including FRAGOs. Use of torture is not only illegal but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the HUMINT collector wants to hear. Use of torture can also have many possible negative consequences at national and international levels.

All prisoners and detainees, regardless of status, will be treated humanely.

Cruel, inhuman, and degrading treatment is prohibited. The Detainee Treatment Act of 2005 defines ''cruel, inhuman or degrading treatment'' as the cruel, unusual, and inhumane treatment or punishment provided by the Fifth, Eighth, or Fourteenth Amendments to the U.S. Constitution.

This definition refers to an extensive body of law developed by the courts of the United States to determine when, under various circumstances, treatment of individuals would be inconsistent with American constitutional standards related to concepts of dignity, civilization, humanity, decency, and fundamental fairness.

All DOD procedures for treatment of prisoners and detainees have been reviewed and are consistent with these standards as well as our obligation under international law as interpreted by the United States.

Questions about applications not resolved in the field by reference to the DOD publications must be forwarded to higher headquarters for legal review and specific approval by the appropriate authority.

Isn't it amazing that it took the Army to contradict and to come up with the procedures to counter the very actions Mr. Bradbury was willing to condone? And we want this man back in government? He doesn't belong back in government. This is a man who has, as his first priority, not America's values, not the morality of this Nation, not humanity—his first value is: What is it that my boss wants me to say, and I will find a way to do it. He said just as much in testimony. That is not who we want as a top lawyer over in the Department of Transportation. It is simply not acceptable.

In that same Army Field Manual, there is a section that talks about how interrogation should be conducted and the prohibited actions included, which are not limited to forcing the detainee to be naked, to perform sexual acts, or pose in a sexual manner, placing hoods or sacks over the head of a detainee, using duct tape over the eyes, applying beatings, electric shock, burns, or other forms of physical pain, waterboarding, using military working dogs, inducing hypothermia or heat injury, conducting mock executions, depriving the detainee of necessary food, water, or medical care.

The field manual goes on to say:

While using legitimate interrogation techniques, certain applications of approaches and techniques may approach the line between permissible actions and prohibited actions. It may often be difficult to determine where permissible actions end and prohibited actions begin. In attempting to determine if a contemplated approach or technique should be considered prohibited, and therefore should not be included in an interrogation plan, consider these two tests before submitting the plan for approval:

If the proposed approach technique were used by the enemy against one of your fellow soldiers, would you believe the soldier had been abused?

Could your conduct in carrying out the proposed technique violate a law or regulation? Keep in mind that even if you personally would not consider your actions to constitute abuse, the law may be more restrictive.

I wish those questions had been made available to Mr. Bradbury when he was writing his memo, because the actions he condoned in his memo certainly would have failed this very simple two-question test.

The manual says:

If you answer yes to either of these tests, the contemplated action should not be conducted. If the HUMINT collector has any doubt that an interrogation approach contained in an approved interrogation plan is consistent with applicable law, or if he believes that he is being told to use an illegal technique, the HUMINT collector should seek immediate guidance from the chain of command and consult with the SJA to obtain a legal review of the proposed approach or technique. . . . If the HUMINT collector believes that an interrogation approach or technique is unlawful during the interrogation of a detainee, the HUMINT collector must stop interrogation immediately and contact the chain of command for additional guidance.

This is not something that Steven Bradbury did or has even now stated that he wished he had done, because his memo, which allowed all the torture techniques I have already detailed, would truly have failed these two tests, and he would have failed in moving forward with his memo to do the basic thing, which is to stop an illegal activity from occurring.

At this point, the Army Field Manual provides some caution:

Although no single comprehensive source defines impermissible coercion, certain acts are clearly prohibited. Certain prohibited physical coercion may be obvious, such as physically abusing the subject of the screening interrogation. Other forms of impermissible coercion may be more subtle, and may include:

Threats to turn the individual over to others to be abused; subjecting the individual to impermissible humiliating or degrading treatment; implying harm to the individual or his property. Other prohibited actions include implying a deprivation of applicable protections guaranteed by law because of a failure to cooperate; threatening to separate parents from their children; or forcing a protected person to guide US forces in a dangerous area. Where there is doubt, you should consult your supervisor or servicing judge advocate.

This is the problem. Mr. Bradbury, in writing this memo, showed absolutely no attempt or even desire to figure out whether what he was trying to justify was truly legal, in keeping with American values, or was the right thing to do for the United States. He simply moved forward with drafting this memo because the President of the United States wanted it to happen. That is not the democracy we live in. We don't live in a dictatorship. We are the greatest democracy on the face of the Earth because we are individuals who have the right to exercise a moral authority and to speak up. Mr. Bradbury showed none of that.

Even in testimony, he has expressed no regrets in the legal wranglings that he went through in order to justify torture. He showed no introspection, no thought as to whether it was the right thing to do. As far as he was concerned, his superiors wanted him to do this, so he did it.

What is he going to do at the Department of Transportation? What is he going to do when someone there tells him: The airbag manufacturers have decided it is just too expensive, so we need you to come up with justification for us to stop using airbags?

What he is going to do when people come to him and say: We really want to increase alcohol sales, so I think we should get rid of drunk driving laws? What he is going to do?

He has shown that he is willing to do whatever his superiors have asked him to do and that he is just the right guy for the job if they want a lawyer who is going to execute legal gymnastics to find a way to make something happen. Do we really want that person at the very top of the legal department of the Department of Transportation—not to mention the fact that once he is Senate-confirmed and in the Department of Transportation, it is that much easier to move him to another Senate-confirmed position, and there is no guarantee that he will not make his way back over to the Department of Justice to create more harm.

I ask my colleagues, if you care about this country, if you care about our troops who are in harm's way right now, please understand what it means to our troops who are downrange right now in all corners of the globe—facing the enemy, facing potentially being captured in the execution of their duties, protecting and defending our

great United States—to know that the enemy believes that America tortures and to know that they are at that much greater risk, if they were to be captured, to be tortured themselves.

I can't oppose Mr. Bradbury's nomination strongly enough. His most prominent, consequential work was to justify unlawful torture and detainee abuse. His comments in testimony during his confirmation hearings did not alleviate any of my concerns.

I know many of my colleagues are considering voting yes on this man because they think: Well, he is going to be over in the Department of Transportation. That was years ago; he will not have to write legal justification for the use of torture again, and we have passed laws about it since then. But he has shown that despite existing laws, he was able to find a way to get around them to justify torture. How do we know he will not do the same thing again at the Department of Transportation when it comes to public safety? What about our kids who ride school buses to school? They deserve protections.

The American public deserves protections. What they don't deserve is a man who has no moral compass when it comes to what is right and what is wrong but only a compass that asks: What do my bosses want me to do? That is not what the American people need. That is certainly not something we should be voting for.

If, in conversations with Mr. Bradbury, he promised you that he would be independent, I just ask you to look at his record. He has never been independent. In fact, when asked if he would recuse himself from various cases, he, in committee, avoided answering those questions, did not answer them straightforwardly, and showed he is simply not willing to commit to doing what is right.

I don't know how anyone can vote for him. I don't know what he has said in private conversations—what he says he thinks he would do at the Department of Transportation. All I can ask is for my colleagues to please look at the evidence, and the evidence is overwhelming. This is a man who cannot be trusted with the values of this country. He cannot be trusted to do what is right on behalf of the American people. He is not someone who will speak truth to power. If anything, this is a time in this country that we need more people who will speak truth to power, not someone who will kowtow to power, and that is exactly the kind of person Mr. Bradbury is. He is an unprincipled lawyer who will be paired with an unprincipled executive, and that is a dangerous combination regardless of what agency he serves.

Again, I ask my colleagues to please vote no on Mr. Bradbury. I cannot oppose his nomination strongly enough. If you have any questions, please come talk to those of us who have worn the uniform of this great Nation, who know what it is like to be in jeopardy of being captured by the enemy, who know what it is like to hope and pray that the nations around the world—which view America's conduct as the bellwether for how we treat others—know that they themselves will be treated in the same manner that we treat our prisoners.

Those troops in harm's way right now know that because of Mr. Bradbury, they are less safe and they are less able to do their jobs. When our troops go into harm's way, they should focus only on getting the job done, not on what might happen should they get captured. Thanks to Mr. Bradbury, that is a real threat for them now.

Again, I ask my colleagues to please say no.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I want to begin by thanking the Senator from Illinois. Not only did she serve this country, she sacrificed for this country. I for one, as I see her rolling up and down the aisles and through the halls, am just so proud and so thankful for her, for her family, for her work, and particularly I thank her for these comments. I think the Senator is very worthy, and I am delighted to be her colleague.

Mr. President, I, too, rise in strong opposition to the confirmation of Steven Bradbury to serve as general counsel in the Department of Transportation.

Steven Bradbury has a troubling history of disregard for United States and international law and seems unable to offer objective legal analysis. Both of these troubling characteristics were on display when he helped justify the CIA's torture program.

I was on the Intelligence Committee during this period of time—and still am—and one of the things we wanted to see were the Office of Legal Counsel memoranda. The OLC memos were never given to us, although individuals from the Department came and spoke to us about them.

Steven Bradbury was head of the Justice Department's Office of Legal Counsel from 2005 to 2009. During that time, he wrote four legal memos—finally declassified, finally here—and this is what they look like. Those memos provided the legal foundation for waterboarding and other interrogation techniques that were tantamount to torture.

The first memo, written on May 10, 2005, concludes that the use of so-called enhanced interrogation techniques was lawful. This memo, which addressed torture techniques including waterboarding, was written to replace the previous classified Office of Legal Counsel opinions.

The second memo, also written on May 10, found that the use of multiple interrogation techniques would not violate U.S. law because there would be no severe mental pain or suffering, just physical distress.

The third memo, written on May 30, 2005, reaffirmed a previous OLC opinion that the CIA's use of torture, such as waterboarding, was not prohibited by the Convention against Torture, so long as it was done overseas. That memo also concluded that constitutional prohibitions against cruel, unusual, and inhumane treatment or punishment did not apply.

The fourth memo, written on July 20, 2007, concluded that the continued use of six enhanced interrogation techniques by the CIA, including forced nudity and extended sleep deprivation, did not violate the Detainee Treatment Act or the War Crimes Act or the Geneva Conventions.

By writing these four memos, Bradbury not only provided the feeble foundation upon which the CIA violated well-established law and military doctrine, he also endangered U.S. troops—as the Senator from Illinois has pointed out—betrayed our country's values, and compromised our standing as a world leader.

The tactics used by the CIA were not only more brutal than was known, they also didn't produce actionable intelligence. We have a 7,000-page document, with 32,000 footnotes, which took 6 years of reviewing cables and information—all factual, not declassified, and a summary was declassified—and to date, nothing in it has been contradicted. Capturing terror suspects and torturing them in secret facilities failed. Period.

Among Bradbury's many troubling conclusions in these memos were that neither the Constitution's prohibitions against inhumane treatment nor the U.N. Convention Against Torture applied to the CIA's activities outside U.S. territory. That is interesting.

Even more troubling, Bradbury's 2007 memo was written with the purpose of evading congressional intent. It is stunning that the head of the Office of Legal Counsel would knowingly work to find loopholes in the law to justify the use of torture.

On October 5, 2005, the Senate voted 90 to 9 to approve the Detainee Treatment Act of 2005. This law stated: ''No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment.''

However, less than 2 years later, Bradbury's fourth torture memo explicitly allowed the CIA to continue many of the abusive interrogation techniques that Congress clearly intended to prohibit in the Detainee Treatment Act of 2005. These include forced nudity and extended sleep deprivation. This should be a disqualifier for

continued service in the U.S. Government, regardless of the position, I believe.

It is true that Congress settled this matter in June of 2015 when, thanks to Senator MCCAIN, we voted overwhelmingly to prohibit torture in that year's National Defense Authorization Act, but that doesn't change the fact that Bradbury did his best to bypass Congress a decade earlier by writing those torture memos.

It is also true that as general counsel of the Transportation Department, Bradbury wouldn't be tasked with duties connected to detainees. But by ignoring the intent of Congress in order to justify the CIA's continued use of torture, Bradbury ignored the law to achieve a desired result and that is unacceptable.

Even the Justice Department found fault with Bradbury's actions. After the OLC torture memos came to light, the Department of Justice conducted an investigation of the facts and the circumstances surrounding those memos and DOJ's role in the implementation of the CIA interrogation program.

On June 29, 2009, the Justice Department found ''serious concerns'' about the objectivity and reasonableness of Bradbury's work. This included evidence that he gave into pressure in order to produce opinions that would allow the CIA torture program to continue.

The Department of Justice report cited several Bush administration officials who believed Bradbury was producing opinions with the goal of allowing the program to continue.

Jim Comey, who served as Deputy Attorney General at the time of Bradbury's memos, said there was significant pressure from the White House—specifically Vice President Cheney and his staff—to allow the program to continue. Comey said that one would have to be ''an idiot not to know what was wanted.'' Comey also said that in his opinion, Bradbury knew that ''if he rendered an opinion that shut down or hobbled the [interrogation] program the Vice President . . . would be furious.''

John Bellinger, who in 2007 served as legal advisor to Secretary of State Condoleezza Rice, wrote to Bradbury and stated that he was ''concerned that the [2007 Bradbury] opinion's careful parsing of statutory and treaty terms'' would be considered ''a work of advocacy to achieve a desired outcome.''

The DOJ was also concerned that Bradbury relied too heavily on the CIA's reviews of its own interrogation program, which of course were positive.

During a time when we needed independent voices in government to check the CIA's actions, Bradbury failed to rise to the occasion. He failed to fulfill the responsibilities of his position.

The Senate twice refused to confirm Bradbury as Assistant Attorney General for the Office of Legal Counsel during the Bush administration because of this very issue. Nothing has changed since that time. I urge my colleagues to oppose his nomination.

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

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

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I rise today to speak in opposition to the nomination of Steven Bradbury to be the general counsel of the Department of Transportation. I must say to my colleagues, of the years that I have been here, I never thought that we would be considering the nomination of a person who supported the commission of what the Geneva Convention says are war crimes. That is a serious, serious issue. And the Constitution charges the Senate to give its advice and consent to senior executive branch nominations as a check against the appointment of people to an important government position who, because of one failure or another, should not be entrusted with the interests of the American people. I do not believe that Mr. Bradbury deserves that public trust, and I will oppose his nomination. I am astonished that we are here, considering the nomination of a person who is in violation of the Geneva Convention, the rules of war to which the United States of America is signatory.

Some of us remember that Mr. Bradbury served as the acting head of the Department of Justice's Office of Legal Counsel from 2005 to 2009. During this time, he authored a few of what have become to be known infamously as the torture memos, which provided the legal justifications for 13 types of enhanced interrogation techniques employed by the CIA against detainees held by the United States under law of war authorities.

My dear friends and colleagues, the term ''enhanced interrogation techniques'' is a euphemism. These memos provided a legal framework for the use of methods that include waterboarding, which is a mock execution and an exquisite form of torture in which the victim suffers the terrible sensation of drowning. In discussing this practice, we are speaking of an interrogation technique that dates from the Spanish Inquisition and has been a prosecutable offense for over a century. It is among the crimes for which Japanese war criminals were tried and hanged following World War II and was employed by the infamous Khmer Rouge in Cambodia. I repeat. The Japanese war criminals were tried and hanged following World War II for—guess what—waterboarding. Of course, the Khmer Rouge, whom we all know about, was also one of those.

I must say to my colleagues that in the years I have been here in the U.S. Senate, I never believed that I would be voting against an individual who justified the practice of torture. All you have to do is read the Geneva Conventions, to which the United States of America is signatory, and you will see that Mr. Bradbury's memos, which basically justified torture, were in direct contravention.

The memos of which Mr. Bradbury was the author provided the justifications for the inhumane interrogation of detainees by using methods such as forced nudity and humiliation, facial and abdominal slapping, dietary manipulation, stress positions, cramped confinement, striking, and more than 48 hours of sleep deprivation. I would challenge Mr. Bradbury to go through 48 hours of sleep deprivation before he signs off on another memo. Worse, the legal justifications for these techniques were interpreted to permit their use simultaneously, over long periods of time, which constituted what I and many others who are familiar with these techniques believe are torture—torture inflicted by the representatives of a Nation founded on the ideal that all people are born with equal dignity and that even enemies who scorn our ideals, once they are our prisoners, are to be spared cruel, inhuman, and degrading treatment.

The memos authored, in part, by Mr. Bradbury justified the use of these techniques under article 16 of the United Nations Convention against Torture and declared them not in contravention to article 3 of the Geneva Conventions, which prohibits ''outrages upon personal dignity''—those are the Geneva Conventions to which the United States is signatory—and violence to a life of a person. Most people, including, I am sure, Mr. Bradbury, have never been tightly bound, made to remain in a stress position, and deprived of sleep for 48 hours. Let me assure my colleagues that anyone who has suffered such treatment will know that he has been tortured.

The two main memos that Mr. Bradbury wrote and signed were entitled ''Application of United States Obligations Under Article 16 of the Convention Against Torture to Certain Techniques that May Be Used in the Interrogation of High Value al Qaeda Detainees'' and ''Application of the War Crimes Act, the Detainee Treatment Act, and Article 3 of the Geneva Conventions to Certain Techniques that May Be Used by the CIA in the Interrogation of High Value al Qaeda Detainees.''

In the Senate Select Committee on Intelligence's study of detention and interrogation program, CIA leadership and interrogators frequently cited these two Bradbury memos as the legal justification that permitted them to use enhanced interrogation techniques. These techniques amounted to de facto torture. Put simply, Mr. Bradbury's memos were permission slips for torture. I repeat to my colleagues who are about to vote for him that his memos were permission slips for torture.

I wonder, of someone who is responsible for what he justifies, how he sleeps. I wonder how he gets rest. Doesn't the face of that person who has been deprived of sleep for 48 hours ever pop into his mind?

I have long said that I understand the reasons that governed the decision to approve these interrogation methods, and I know that those who approved them and those who employed them in the interrogation of captured terrorists were dedicated to protecting the American people from harm. I know that they were determined to keep faith with the victims of terrorism and prove to our enemies that the United States would pursue justice relentlessly and successfully no matter how long it took. I know that their responsibilities were grave and urgent and that the strain of their duty was considerable. I admire their dedication and love of country, but I argued then and I argue now that it was wrong to use these methods, that it undermined our security interests, and that it contradicted the ideals that define us and which we have sacrificed so much to defend.

While Mr. Bradbury has justified his work on these torture memos as the duty of a lawyer representing his client, the Commander in Chief of the United States, I believe that he had a higher duty, as do all who serve this country, to defend our most cherished ideals from wholesale violation in the name of self-defense. Leave aside the fact that, as intelligence-gathering tools, torture is mostly useless and has been proven to be so by the record assembled by the Intelligence Committee. We have led by example and sacrificed blood and treasure to advance our ideals around the world only to undermine our good reputation in a crucible in which we allowed fears to get the better of our decency.

While it is true, as Mr. Bradbury and his supporters claim, that the memos issued under his name improved upon the sloppy and more expansive legal work done by his predecessors, I do not think that that absolves Mr. Bradbury of his role in this dark chapter of American history. Indeed, a more meticulous justification for torture is still a justification for torture—and, arguably, a more pernicious one.

Let's not pretend that there was no direct connection between the legal work done by Mr. Bradbury and the abuses that followed. The memos that bear his name made it possible for Khalid Sheikh Mohammed—a monster and a murderer, to be sure, but a detainee held in U.S. custody under the laws of armed conflict—to be waterboarded 183 times. I repeat. Khalid Sheikh Mohammed was waterboarded 183 times. This technique was used so gratuitously that even those applying it eventually came to believe that there was no reason to continue. They were ordered to do so anyway.

The memos also made it possible for Abu Zubaydah, an alleged al-Qaida operative, to be subjected to waterboarding two to four times a day, rendering him so distressed that he was unable to speak. The damaging effects of waterboarding cannot be overstated. According to the Senate Intelligence Committee's report on torture, Zubaydah's waterboarding sessions ''resulted in immediate fluid intake and involuntary leg, chest and arm spasms'' and hysterical pleas. In at least one session, ''Zubaydah became completely unresponsive, with bubbles rising through his open, full mouth,'' and he required medical intervention.

The memos that bear Mr. Bradbury's name also made it possible for a Libyan detainee and his wife to be rendered to a foreign country where the woman was bound and gagged, while being several months pregnant, and photographed naked as several American intelligence officers watched.

I wonder what our average citizens would think when we tell them that an agent of the American Government took a woman who was several months pregnant and bound, gagged, and photographed her naked as several American intelligence officers watched. I am told that that picture still exists somewhere in the archives that has recorded this shameful period in our history.

In voting against Mr. Bradbury's nomination, as I also voted last week for similar reasons against Mr. Steven Engel's nomination to head the Department of Justice's Office of Legal Counsel, I am making it clear that I will not support any nominee who justified the use of torture by Americans. The laws of war were carefully created to be precise and technical in nature but also to leave room for interpretation, even at the risk of abuse by the executive branch. This makes the duty of government lawyers all the more significant. They must serve as guardians of our ideals and our obligations under international law. They are the safeguards and checks on the conscience of our government, and I cannot in good faith vote to confirm lawyers who have fallen short in this awesome responsibility.

I will cast my vote against Mr. Bradbury, not because I believe him to be unpatriotic or malevolent but because I believe that what is at stake in this confirmation vote, much as what we stand to gain or lose in the war we are still fighting transcends the immediate matter before us. Ultimately, this is not about Mr. Bradbury; this is not about terrorists. This is about us—who we are and who we will be in the future.

This is about what we lose when, by official policy or official neglect, we allow, confuse, or encourage those who fight this war for us to forget that best sense of ourselves. This is our greatest strength: When we fight to defend our security, we also fight for an idea—not a tribe, not a land, not a King, not a twisted interpretation of an ancient religion but for an idea that all men are created equal and endowed with unalienable rights.

It is indispensable to our success in this war that those we ask to fight it know that in the discharge of their responsibilities to our country, they are expected never to forget that they are Americans and the defenders of a sacred idea of how nations should be governed and conduct their relations with others, even our enemies.

Those of us who have given them this enormous duty are obliged by our history and the many terrible sacrifices that have been made in our defense to make clear to them that they need not risk our country's honor to prevail and that they are always, always, always Americans—and different, stronger, and better than those who would destroy us.

Mr. Bradbury's work many years ago did a disservice to our Nation and its defenders. I cannot in good conscience give him my trust to serve us again.

I am confident, because of the way this system works, that Mr. Bradbury will be confirmed, probably. This is a dark, dark chapter in the history of the United States Senate. We are legitimizing offenses against the code of the Geneva Conventions. We are harming the commitment that our forefathers made that we are all created equal. Unfortunately, we have now betrayed that sacred trust.

Mr. President, 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. TILLIS. 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. TILLIS. Mr. President, I ask unanimous consent that all postcloture time be yielded back.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Bradbury nomination?

Mr. TILLIS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 272 Ex.]

YEAS—50

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

NAYS—47

Baldwin	Harris	Nelson
Bennet	Hassan	Paul
Blumenthal	Heinrich	Peters
Brown	Heitkamp	Reed
Cantwell	Hirono	Sanders
Cardin	Kaine	Schatz
Carper	King	Schumer
Casey	Klobuchar	Shaheen
Coons	Leahy	Stabenow
Cortez Masto	Manchin	Tester
Donnelly	Markey	Udall
Duckworth	McCain	Warner
Durbin	McCaskill	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	

NOT VOTING—3

Booker	Menendez	Van Hollen

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Bradbury nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

Mitch McConnell, John Hoeven, Thom Tillis, Tom Cotton, Cory Gardner, Jerry Moran, John Barrasso, Luther Strange, Mike Crapo, John Cornyn, Richard Burr, Mike Rounds, Orrin G. Hatch, David Perdue, Marco Rubio, John Thune, John Boozman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Maryland (Mr. VAN HOLLEN) are necessarily absent.

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

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 273 Ex.]

YEAS—52

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

NAYS—45

Baldwin	Gillibrand	Murray
Bennet	Harris	Nelson
Blumenthal	Hassan	Peters
Brown	Heinrich	Reed
Cantwell	Heitkamp	Sanders
Cardin	Hirono	Schatz
Carper	Kaine	Schumer
Casey	King	Shaheen
Coons	Klobuchar	Stabenow
Cortez Masto	Leahy	Tester
Donnelly	Manchin	Udall
Duckworth	Markey	Warner
Durbin	McCaskill	Warren
Feinstein	Merkley	Whitehouse
Franken	Murphy	Wyden

NOT VOTING—3

Booker	Menendez	Van Hollen

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of David G. Zatezalo, of West Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, the Senate has just invoked cloture on the nomination of David Zatezalo, of West Virginia, to be the Assistant Secretary for Mine Safety and Health. Mr. Zatezalo is uniquely qualified to lead the U.S. Department of Labor's Mine Safety and Health Administration because he knows the industry inside out. He has spent his career in mining, starting as a miner. He is a member of a union. He worked his way up to general superintendent in Southern Ohio Coal and was a general manager at AEP.

The Health, Education, Labor, and Pensions Committee approved his nomination on October 18, and I am glad the Senate will have the opportunity to vote on his confirmation.

TAX REFORM

Mr. President, for a few minutes I would like to turn to another subject. Congress has turned its attention to tax reform, and our principal challenge is to find tax breaks and loopholes to eliminate so that we can lower rates for taxpayers.

I have a nomination. The top of the list should be ending the wind production tax credit. Congress has already recognized the need to end the wind production tax credit by passing legislation to phase out the credit by 2020.

The draft House tax proposal reduces the amount available for new wind turbines by returning the credit to its original value instead of adjusting it for inflation, but we should do better. Instead of phasing it out, we should end the wind production tax credit this year. Ending the wind production tax credit on December 31, 2017, would save over $4 billion, which we could then use to lower tax rates for the American people.

The wind production tax credit has been in place for 25 years. It has been extended 10 different times by Congress. It was originally set to expire in 1999.

Tax credits are best used to jumpstart new and emerging technologies. It has been a quarter of a century. Wind turbines are no longer a new technology.

President Obama's Energy Secretary, Steven Chu, testified that he believes that wind is a mature technology. It is time to end this wasteful and expensive subsidy for a clearly mature technology.

To date, the wind production tax credit has already cost the taxpayers billions. For 8 years—from 2008 to 2015—the wind production tax credit cost taxpayers $9.6 billion. That is more than $1 billion per year.

According to the Congressional Research Service, the wind production tax credit is expected to cost taxpayers over $23 billion between 2016 and 2020, and the cost to taxpayers will continue until 2030. That is because when you extend the wind production tax credit for 1 year, it is really for 10 years.

To benefit from the tax credit, wind developers must just begin construction of a wind project before December 31, 2019. Then those developers can reap the tax benefits for a decade.

Despite the billions Congress has provided in subsidies, wind energy still produces only 6 percent of our country's electricity and 17 percent of our country's carbon-free electricity. By contrast, nuclear is 20 percent of our electricity and 60 percent of our emissions-free, carbon-free electricity.

The wind blows only about one-third of the time. Until there is some way to store large amounts of wind, a utility still needs to operate nuclear, gas, and coal plants when the wind doesn't blow.

On average, wind turbines are over two times as tall as the skyboxes at the University of Tennessee's Neyland Stadium and taller than the Statue of Liberty. The blades on the windmills can be as long as a football field, and their blinking lights can be seen for 20 miles.

This isn't the first time that I have been to the Senate floor to express my concern about the wind production tax credit, but I believe that the conversation about energy subsidies and taxes is bigger than the wind production tax credit. As Congress examines ways to reduce tax rates and to broaden the base, we must be willing to look at all tax subsidies from mature technologies. That includes oil and gas subsidies. I am here today to challenge my colleagues to be willing to consider all energy subsidies from mature technologies—wind, solar, oil, gas—as candidates for elimination in a tax reform bill. Those dollars could be better spent to lower rates for taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to highlight yet another dangerous nominee who has been put forth by this administration.

During the campaign, President Trump made promise after promise to workers. He said he would put them first. He said he would bring back good-paying jobs to our struggling communities. While he made this promise to all workers, he specifically called out miners on more than one occasion, so it would stand to reason that President Trump would prioritize the Mine Safety and Health Administration and nominate a leader who is committed to the agency's core mission.

MSHA is critically important to ensuring that mining jobs are safe and that mining companies aren't unnecessarily endangering their workers' lives and safety. MSHA is responsible for inspecting mines and holding companies accountable when they violate safety and health standards. MSHA's top priorities are to eliminate fatal mining accidents, reduce the frequency and severity of accidents, and minimize health hazards for workers through inspection enforcement.

Unfortunately, we are already seeing MSHA safety standards lapse under the Trump administration. Earlier this year, MSHA was set to implement a rule that would require safety exams of mines prior to the start of a miner's shift. Ensuring mines are safe before miners are put at risk should not be controversial. Yet the Trump administration has delayed implementation of that rule and proposed changes to actually weaken it.

Given this concerning record so far, it is so critical—absolutely critical—that the MSHA Administrator is committed to standing up for our miners. But instead of nominating an advocate for workers' health and safety, President Trump nominated one of the industry's worst offenders.

David Zatezalo is a mining industry executive who has made it clear that he cares more about corporate profits than workers. When he was the CEO of Rhino Resources, one of the mines under Mr. Zatezalo's control received unprecedented safety penalties. A Rhino mine was the first in history to be cited twice for a pattern of violations, an action that is only taken when there is a clear and demonstrated disregard for workers' health and safety.

When the Obama administration issued commonsense rules to improve the pattern of violations process, the Ohio Coal Association, where Mr. Zatezalo sat on the board of directors, sued to block the rule.

Under Mr. Zatezalo's leadership, two separate mines owned by Rhino Resources had injury rates that far exceeded the national average.

As a mining executive, Mr. Zatezalo refused to play by the rules. His company violated the Federal Mine Safety and Health Act by giving advance notice of an MSHA inspection, meaning employees had the opportunity to cover up potential health and safety violations.

Rhino Resources was sued by the EEOC for creating an unlawful, hostile work environment by allowing an employee to be targeted based on his national origin. The EEOC said Zatezalo's company allowed discrimination to ''continue unchecked in the workplace'' and cited Rhino for retaliating against the employee instead of reprimanding those who were doing the harassing.

It is clear to me that Mr. Zatezalo is wholly unqualified to serve as the Mine Safety and Health Administrator, and I believe that if he is confirmed, he will put thousands of miners' lives and safety at risk.

I am very disappointed that President Trump and congressional Republicans are once again breaking promises to workers. I urge my colleagues to join me in standing up for our miners across the country and vote against Mr. Zatezalo's nomination.

Once again, the contrast with Democrats' vision couldn't be starker. Under the leadership of Senator CASEY, Democrats are advocating for stronger enforcement abilities for MSHA so we can hold operators who show a repeated disregard for miner safety accountable.

I really want my colleagues on the other side of the aisle to join us and pass these commonsense reforms that will help prevent further mining accidents and deaths. We will strengthen our economy if we start prioritizing workers' health, safety, and well-being over corporate profits. I believe that must begin with rejecting President Trump's extreme agenda and these nominees who appear all too willing to implement it without concern for the workers and families they are supposed to serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Utah.

BLUE SLIP PROCEDURE

Mr. LEE. Mr. President, I wish to speak for a few minutes about the Senate blue slip.

As my colleagues know, when the President nominates someone who will be processed by the Senate Judiciary Committee, home State Senators receive a letter informing them of the nomination and asking whether they approve of the nominee in question. The letter is printed on blue paper—thus the name. That is why we call it the blue slip.

The question on the table is, What should happen if one or both of the home State Senators do not approve the nomination?

In previous years, the chairman of the Senate Judiciary Committee has treated the blue slip as a de facto veto, but that is not how the blue slip originally functioned. Between 1917, when the blue slip was first used, and 1955, the blue slip was never treated as a veto. Instead, it gave the home State Senators a special ability to state their objections about a nominee during a hearing. The committee could then decide how to proceed.

When James Eastland, a Democrat from Mississippi, became chairman of the Senate Judiciary Committee in 1955, he took a different approach. Why did Eastland implement this new policy? No one knows for sure, but one scholar has written that Eastland, an ardent segregationist, might have been trying in part to ''keep Mississippi's federal judicial bench free of sympathizers with Brown v. Board of Education.''

We are evaluating the strength of a custom. It is a custom of relatively recent vintage, and its origin story surely matters in how we evaluate its ongoing relevance to the Senate today.

Eastland kept that policy in place for the whopping 22 years he served as chairman of the Senate Judiciary Committee. When Senator Ted Kennedy took over from Eastland in 1979, he immediately changed the status and functioning of the blue slip procedure. As the Congressional Research Service reports, Kennedy determined that the blue slip ''did not have the same power to automatically stop committee action as before.'' Rather, Kennedy affirmed his right to move forward with a nomination regardless of the blue slip.

To make a long story short, since 1955, there have been eight chairmen of the Senate Judiciary Committee, including Eastland. By my count, two have treated the blue slip as a veto; the other six have either said the blue slip was not a veto or have at least not treated the blue slip as a veto.

What to make of this history? For one thing, we often hear that the blue slip is a 100-year-old tradition. In my view, it should be equally powerful to note that the blue slip originated 128 years after the first Congress. That is

part of the Senate's history, too, and that, too, shouldn't be ignored.

But there is an even more fundamental point, and that is that even in modern times, there isn't exactly an unbroken and lengthy practice of treating the blue slip procedure as if it were a veto. The practice is even sparser when you consider that the blue slip takes on a different function depending on whether the President's party is in control of a majority of the seats in the Senate. When the President's party does not control the Senate, the blue slip is an efficient way to negotiate with the opposition party, which, after all, can vote down the President's nominees.

When you look at the relevant circumstances, here is what you find: The blue slip has been treated as a veto for a grand total of 28 years when the President's party controlled the Senate. Fourteen of those years occurred under Senator Eastland, who was waging a personal vendetta against civil rights, including with respect to judicial nominees processed by the Judiciary Committee.

So if the Senate blue slip procedure is not a veto, what function should it play? As I have said, the blue slip is the chairman's prerogative. But if I were advising the chairman, here is what I would say: The blue slip should not be a veto of a nomination so long as the executive branch has sufficiently consulted with the home State Senators in advance of making this nomination. That rule is consistent with the appointments clause of the Constitution, which establishes joint shared responsibility for appointments to Federal office.

It is important to note that, contrary to what some of my colleagues have suggested, the appointments clause does not grant individual Senators the right to pick nominees, whether processed by the Judiciary Committee or otherwise.

That rule is also consistent with the best reading of Senate custom. It is roughly consistent with the practice that unfolded between 1917, when the blue slip was first adopted, and 1955, when Senator Eastland brought about some changes. It has at least as much support in modern practice.

What counts, then, as sufficient consultation? It is hard to come up with a precise rule, with a single mathematical definition, but in my view, the White House has an obligation to let the home State Senators know whom the White House might be considering for a vacancy. The home State Senators have the right to review the candidate's record and share any concerns they have about the candidate. Qualifications count. Character counts. Home State ties and ties to the community count. I don't think home State Senators have the right to demand someone who shares their particular approach to the law necessarily, but they do have the right to insist that the candidate believe in the law as something independent from politics, particularly where the candidate is being nominated to a life-tenured position in an article III court.

There is a final point to make. As we move forward, my colleagues across the aisle will charge us with hypocrisy just as predictably as our prediction that the Sun will come up in the east tomorrow. There are two things to say about this.

First, my approach to the blue slip has remained consistent since I took office. I have followed the approach that I have just described.

Second, until 2013, the blue slip was a lot less important because the minority party could filibuster. That is no longer an option because the Democrats changed the rules in 2013. When you change the rules—the actual written protections upon which we rely—when those are changed, then you are left reliant on customs. Customs can always be changed. In this case, the custom we are dealing with isn't even a particularly strong one. It is not even a particularly long-lasting one.

More broadly, in the Senate we are trying to figure out how to process the President's nominees. We have improved the pace of confirming nominees recently, but we are still significantly behind in modern historical terms from where we should be and from where other Senates have been during the first year of other Presidential administrations. We need to find a solution to improve the pace, including by remaining in session longer so that we can complete this important work.

It is essential that we understand the difference between, on the one hand, the Constitution and, on the other hand, the rules; and, on the one hand, the rules and, on the other hand, the custom. There is a significant difference here. In this case, the custom isn't even all that long, not nearly as long as some have suggested, and it certainly hasn't been consistent. We can do better, and do better we must.

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. DAINES. Mr. 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. Mr. President, as we cut taxes, there is one goal that is the most important: We need more good-paying jobs, and we need bigger paychecks for hard-working Montanans.

It was just announced that the Senate's draft tax bill will repeal a tax that fundamentally targets those of low to middle income in my State and across the Nation. In fact, in Montana alone, 75 percent of the people who pay this tax make less than $50,000 a year. In fact, in Montana, 32.5 percent make less than $25,000 a year. This is not just anecdotal. In 2015, if you looked across the Nation, 79 percent of those who paid this tax made less than $50,000 a year. In fact, a little over 37 percent made less than $25,000 a year.

The IRS pickpocketed over $3 billion from approximately 6.5 million Americans in 2015 alone, a majority of whom made less than $50,000 per year. This is a tax that is targeted at those who are in poverty.

What is this tax, you might ask? Where in the world did it come from? I will tell you where it came from. It came from ObamaCare. It is the ObamaCare poverty tax.

Otherwise known as the individual mandate, which forces people to purchase health insurance or pay a fine, the poverty tax systematically taxes those who make less than $50,000 a year. If it were not enough that ObamaCare plans were already too expensive for some of these folks, the IRS adds insult to injury by fining them, taxing them, for not being able to afford it. Some say that ObamaCare steals from the rich to give to the poor, but, honestly, ObamaCare's individual mandate is really Robin Hood in reverse. ObamaCare's poverty tax is like Robin Hood stealing from the poor to pay King John.

It is unthinkable that we would leave such a provision in the law when we have the opportunity to repeal it. By repealing it, we would save $338 billion over 10 years. That is over $300 billion that we could put toward additional tax relief for small businesses and families.

Alternatively, if we do nothing, the CBO projects that we will increase taxes by $43 billion because of this poverty tax and that those taxes will be paid primarily by America's low- and middle-income families—$43 billion in taxes on those who can afford it the least.

ObamaCare's poverty tax must go, and there is no better time to get rid of it than right now. I urge my colleagues on both sides of the aisle to join me in fighting on behalf of the low and middle classes of our Nation.

Benjamin Franklin is credited with this phrase: Just two things in life are certain—death and taxes.

That may be so, but we do not need to make them both quite so painful. That is why I am glad to see that a repeal of the ObamaCare poverty tax has been included in the current Senate draft tax legislation. I urge my colleagues in the House of Representatives to do the same.

Thank you.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11:50 a.m. on Wednesday, November 15, the Senate proceed to the consideration of the following nomination: Executive Calendar No. 463; further, that there be up to 10

minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, 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 and the President be immediately notified of the Senate's action.

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

Mr. MCCONNELL. I further ask unanimous consent that following the disposition of the Esper nomination, all postcloture time on Executive Calendar No. 383 be considered expired.

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

Mr. MCCONNELL. For the information of all Senators, there will be three rollcall votes at 12 noon tomorrow.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. 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 ELIZABETH ''LIZ'' TISDAHL

Mr. DURBIN. Mr. President, today I want to take a few moments to acknowledge former mayor of Evanston, IL—and my friend—Liz Tisdahl.

Liz began her service to Evanston in 1989 on the Evanston Township School Board. After 2 years as president of the board, Liz was appointed to the Evanston City Council in 2003 by Mayor Lorraine Morton. Mayor Morton had met Liz years earlier when she was picking up her youngest granddaughter from softball practice. She didn't recognize the new coach and asked about her. It was Liz Tisdahl. Liz didn't have a child on the team, but she wanted to lend a helping hand in the community.

When Lorraine Morton became mayor, she always remembered how Liz stepped up just to help other people, so when it came time for Mayor Morton to decide whom she wanted to replace her, the first and only name that came to mind was Liz Tisdahl. When Liz was first approached to run, her answer was ''absolutely not,'' but after giving it more thought, Liz answered the call to run to help out Evanston's residents who were leaving the community due to the increasingly high cost of living. Liz Tisdahl wasn't running for mayor to help herself, but like her time coaching that softball team years earlier, she was doing it for other people.

Early in Liz's tenure as mayor, she quickly learned what it meant to be the ''face of Evanston'' and the good she could accomplish. At the time, too many Evanston residents struggled to afford housing, so Liz wrote a Federal grant application and flew to Washington, DC, to lobby for money to expand affordable housing in her community—and it worked. Evanston received an $18 million grant. I remember calling her with the good news. Liz later said that was ''the day that I realized that there really was something to this 'being a mayor' thing.''

Liz Tisdahl also has successfully lobbied to secure a designation for a Federal qualified health center in Evanston, resulting in the establishment of the Erie Evanston/Skokie Health Center. Since 2012, the Erie Evanston/Skokie Health Center has treated nearly 12,000 patients and provided immediate care for the residents of Evanston.

In 2009, when Liz Tisdahl first ran for mayor of Evanston, she campaigned under a simple platform: ''Diversity, Sustainability, and Economic Development.'' First, Liz set out to increase employment. She expanded the Mayor's Summer Youth Employment Program, which had 167 jobs in 2009. Since 2012, the program has grown by 100 jobs each year, employing 750 young people in 2016. Liz also created partnerships with Northwestern University, NorthShore University HealthSystem, and other businesses to establish job training and apprenticeship programs for the community's most vulnerable people. In 2009, the unemployment rate of Evanston was 8 percent. When Mayor Tisdahl left office earlier this year, unemployment was down to 4.1 percent.

Liz Tisdahl also worked to make Evanston greener and—as promised—brought changes to the city's sustainability efforts. According to a 2015 emissions report, Evanston reduced its greenhouse gas emissions by more than 18 percent between 2005 and 2015. In 2014, Evanston became one of America's first two cities to receive a four-star rating from the Sustainability Tools for Assessing and Rating Communities Initiative. For her environmental work and focus on sustainability issues, Liz received the Climate Protection Award from the U.S. Conference of Mayors.

Earlier this year, after two terms in office, Liz Tisdahl decided not to run for a third. When asked why, her answer was simple. Although she loved being mayor, she had accomplished her goals. Liz Tisdahl went out on top.

Despite her many achievements, Liz's proudest accomplishment is her family. Now that she is retired, I know she is enjoying more time with her children and grandchildren, but this isn't the last we have heard from Liz Tisdahl. She will continue to be a fearless advocate for the people of Evanston. Since retiring, Liz has joined the board at Curt's Cafe, an Evanston coffee shop that trains at-risk youth, prepares them to become job-ready, and helps them to transition into full-time employment. One thing is clear, Liz Tisdahl is not done helping the community she loves.

I want to congratulate Liz Tisdahl on her distinguished career and thank her for her outstanding service to the people of Evanston. Now as she enters the next chapter in her life, I wish her and her family all the best.

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

VOTE EXPLANATION

● Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 272, on the nomination of Steven Gill Bradbury, of Virginia, to be general counsel of the Department of Transportation. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 273, on the motion to invoke cloture on David G. Zatezalo to be Assistant Secretary of Labor for Mine Safety and Health. Had I been present, I would have voted nay.●

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

VOTE EXPLANATION

● Mr. BOOKER. Mr. President, I was necessarily absent for the votes on confirmation of Executive Calendar No. 254 and the motion to invoke cloture on Executive Calendar No. 383.

On vote No. 272, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 254.

On vote No. 273, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 383.●

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–67, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $10.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA Director.

Enclosures.

TRANSMITTAL NO. 17–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Poland

(ii) Total Estimated Value:

Major Defense Equipment * $ 6.8 billion.

Other $ 3.7 billion.

Total $10.5 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: This is phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)—enabled Patriot Configuration–3+ with Modernized Sensors and Components consisting of:

Major Defense Equipment (MDE):

Four (4) AN/MPQ–65 Radar Sets.

Four (4) Engagement Control Stations.

Four (4) Radar Interface Units (RIU) Modification Kits.

Sixteen (16) M903 Launching Stations adapted.

Eighteen (18) Launcher Integrated Network Kits (LINKS) (includes two (2) spares).

Two hundred and eight (208) Patriot Advanced Capability–3 (PAC–3) Missile Segment Enhancement (MSE) Missiles.

Eleven (11) PAC–3 MSE Test Missiles.

IBCS Software.

Six (6) Current Operations—IBCS Engagement Operations Centers (EOCs).

Six (6) Engagement Operations—IBCS EOCs.

Two (2) Future Operations—IBCS EOCs.

Fifteen (15) Integrated Fire Control Network (IFCN) Relays.

Four (4) Electrical Power Plants (EPP) III.

Five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs).

Non-MDE includes: Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support.

(iv) Military Department: Army.

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc. Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 14, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)—enabled Patriot Configuration–3+ with Modernized Sensors and Components

The Government of Poland has requested to purchase phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) enabled Patriot Configuration–3+ with Modernized Sensors and Components consisting of four (4) AN/MPQ–65 radar sets, four (4) engagement control stations, four (4) Radar Interface Units (RIU) modification kits, sixteen (16) M903 Launching stations adapted, eighteen (18) Launcher Integrated Network Kits (LINKs) (includes two (2) spares), two hundred and eight (208) Patriot Advanced Capabilty–3 (PAC–3) Missile Segment Enhancement (MSE) missiles, eleven (11) PAC–3 MSE test missiles, IBCS software, two (2) future operations—IBCS Engagement Operations Centers (EOCs), six (6) current operations-IBCS EOCs, six (6) engagement operations-IBCS EOCs, fifteen (15) Integrated Fire Control Network (IFCN relays, four (4) Electrical Power Plants (EPP) III, and five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs). Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support. The total estimated program cost is $10.5. billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally which has been, and continues to be an important force for political stability and economic progress in Europe. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

Poland will use the IBCS-enabled Patriot missile system to improve its missile defense capability, defend its territorial integrity, and deter regional threats. The proposed sale will increase the defensive capabilities of the Polish Military to guard against hostile aggression and shield the NATO allies who often train and operate within Poland's borders. Poland will have no difficulty absorbing this system into its armed forces.

The proposed sale of these missiles and equipment will not alter the basic military balance in the region.

The prime contractors will be Raytheon Corporation in Andover, Massachusetts, Lockheed-Martin in Dallas, Texas, and Northrop Grumman in Falls Church, Virginia. The purchaser requested offsets. At this time, offset agreements are undetermined and will be defined in negotiations between the purchaser and contractors.

Implementation of this proposed sale will require approximately 42 U.S. Government and 55 contractor representatives to travel to Poland for an extended period for equipment deprocessing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Patriot Air Defense System contains classified CONFIDENTIAL hardware components, SECRET tactical software and CRITICAL/SENSITIVE technology. Patriot ground support equipment and Patriot missile hardware contain CONFIDENTIAL components and the associated launcher hardware is UNCLASSIFIED. Information on system performance capabilities, effectiveness, survivability, missile seeker capabilities, select software/software documentation and test data are classified up to and including SECRET. The items requested represent significant technological advances for Poland. The Patriot Air Defense System continues to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The Patriot Air Defense System's sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. The list of components is classified CONFIDENTIAL. For more information contact the PEO Missiles and Space Lower Tier Project Office.

3. The Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) contains classified SECRET tactical software, UNCLASSIFIED hardware components, a few classified SECRET hardware components and CRITICAL/SENSITIVE technology. Information on Integrated Fire Control (IFC) Network performance, Integrated System Requirements and Effectiveness, Common Command and Control Requirements and Performance, Precision of sensor, shelter, launcher, and Plug & Fight module time references, Detailed security device configurations, Cyber Security details, Distributed Track Management Processing, Distributed Control Management Processing, External Interface Data, IBCS Specifications, Critical Elements, Vulnerabilities and Weaknesses, and Test Data, Results, and Equipment are classified up to and including SECRET. The items requested represent significant technological advances for Poland Air and Missile Defense. The IBCS represents a technology lead over any other Air and Missile Defense (AMD) Command and Control (C2) system existing today.

4. The IBCS sensitive/critical technology is primarily in software. And also resides in the design, developments, and manufacturing of certain components. The list of components containing sensitive/critical technology is classified SECRET.

5. The loss of this hardware, software, documentation and/or data could permit development of information which may lead to a significant threat to future U.S. military operations. If an adversary were to obtain this sensitive technology, the missile system effectiveness could be compromised through reverse engineering techniques.

6. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Poland.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–51, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost $170 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17–51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: The Government of Norway.

(ii) Total Estimated Value:

Major Defense Equipment* $150 million.

Other $20 million.

Total $170 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Sixty (60) AIM–120 C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM).

Four (4) AMRAAM Guidance Section Spares.

Non-MDE: Missile containers, weapon system support, support equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical and support services, and other related elements of logistics and program support.

(iv) Military Department: Air Force (X6–D–YAE).

(v) Prior Related Cases, if any: NO–D–YME.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 14, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Norway—AIM–120 C–7 Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of Norway requested a possible sale of sixty (60) AIM–120 C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and four (4) AMRAAM guidance section spares. Also included are missile containers, weapon system support, support equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical and support services, and other related elements of logistics and program support. The estimated total case value is $170 million.

This proposed sale will support the foreign policy and national security objectives of the United States by improving the security of a NATO ally which continues to be an important force for political stability and economic progress in Europe.

The proposed sale will improve Norway's capabilities for mutual defense, regional security, force modernization, and U.S. and NATO interoperability. This sale will enhance the Royal Norwegian Air Force's ability to defend Norway against future threats and contribute to current and future NATO operations. This is a follow-on buy of additional AIM–120 C–7 missiles. Norway will be able to absorb these additional missiles and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17–51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. AIM–120 C–7 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying, low flying and maneuvering targets. The AMRAAM is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Norway can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Norway.

RECOGNIZING MAINE'S CONTINUUM OF CARE

Ms. COLLINS. Mr. President, Maine is home to strong communities and compassionate citizens. Nowhere are those qualities more evident than in our State's commitment to end the scourge of homelessness.

This effort has taken a significant step forward through the establishment of a single continuum of care for the State of Maine. The merger of the Portland Continuum of Care and the Maine Balance of State Continuum of Care will better enable local service providers, the statewide homeless council, and State and Federal agencies to address homelessness throughout Maine while accommodating specific local needs. This consolidation began in 2012 with the merger of the Bangor/Greater Penobscot Continuum with the Maine Balance of State Continuum of Care. I particularly commend the Maine State Housing Authority for its leadership during this process.

Maine's unified continuum of care will create greater efficiencies in the use of Federal funding under the McKinney-Vento Homeless Assistance Act of 1987, the first major national response to homelessness. As chairman of the Housing Appropriations Subcommittee, I am confident that this unification will enhance the ability of Maine's service providers to help guide Federal policies and programs that assist low-income Americans, families with children, young people, seniors, and our veterans in obtaining safe shelter and affordable housing.

With a 9-percent reduction in homelessness from fiscal year 2016 to 2017, Maine is making great progress in aiding our most vulnerable citizens. The creation of a unified continuum of care will accelerate this progress, and I congratulate all who made it possible.

Mr. KING. Mr. President, I would like to recognize the efforts of the many organizations that have agreed to come together to establish a single continuum of care for the State of Maine. Continuums of Care are supported by the U.S. Department of Housing and Urban Development to promote a communitywide commitment to the goal of ending homelessness. They are a vital partner in the works to quickly rehouse homeless individuals and families to minimize trauma and dislocation; promote access to and effective use of mainstream programs; and optimize self-sufficiency among individuals and families experiencing homelessness. Continuums of Care make important decisions about priorities for Federal funding of programs that provide significant services.

Prior to establishing this single continuum of care for Maine, there were three separate entities that existed: the City of Portland, Greater Penobscot, which was centered on Bangor, and everything else fell under the ''Balance of State'' Continuum. While receiving funding to operate a continuum of care funding requires a competitive application process, these three groups have consistently worked closely together and coordinated their means. In 2012, the Greater Penobscot Continuum and ''Balance of State'' merged together to create the Maine Continuum of Care. Then, in 2017, the Portland Continuum consolidated with the Maine Continuum—achieving a single continuum of care—an effort that greatly advanced the level of collaboration among the member agencies and has proven to be an important step in streamlining efforts and assuring available resources are meeting the needs of those who become homeless. The merger of the two continuums has resulted in more accurate collection and management of data about the extent and characteristics of homelessness in Maine.

A single continuum of care has achieved efficiencies in administrating the responsibilities delegated by the Federal Government to meet the challenge of ending homelessness in Maine. As a unit, they identify the homeless service priorities and distribute resources accordingly. The organizations and agencies that participate in continuum of care include: Maine's network of 37 emergency shelters serving the entire State; MaineHousing and the Department of Health and Human Services; homeless youth providers; veterans groups; mental health and substance abuse service providers; supportive housing developers; local governments and public housing authorities; and homeless advocacy organizations. In addition to providing housing and services, the members of the Maine Continuum of Care play a major role in several other statewide initiatives, including participating in the data collection and entry for the annual homeless assessment report AHAR, and new system performance measure reports.

This significant merger was a collaborative endeavor involving Maine's homeless provider organizations, social service providers, and State and Federal agencies. I especially want to thank the leadership and guidance provided by MaineHousing, the State's housing authority, and the chairs of Maine's continuums throughout the merger process. I am honored to recognize all who were involved and to thank them for placing the individuals and families who are struggling to meet this basic human need for a warm, safe, and stable home at the center of our collective efforts to end homelessness in the State of Maine.

RECOGNIZING BARR-REEVE ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to recognize Barr-Reeve Elementary School of Montgomery, IN, for being named a 2017 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program recognizes schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has allowed schools in every State to gain recognition for educational accomplishments, particularly in closing the achievement gaps among students.

Barr-Reeve Elementary School's history traces back to 1910 when it was known as Montgomery School and had 20 students. Today Barr-Reeve Elementary teaches students grades second to fifth and has approximately 290 students.

The school supports students academically through small class sizes. When students face academic challenges, teachers help tutor them before and afterschool as well as during recess.

Barr-Reeve Elementary utilizes innovative technology to learn about the geography and culture of the world on a digital level. Students each benefit from having a Chromebook, enhancing their learning and helping to prepare them for the technology based workplaces they will encounter in the future. Many teachers also utilize the nearby Naval Surface Warfare Center located in Crane, IN, for professional development and to take advantage of its lending library that enhances various STEM skills they can teach to students.

Barr-Reeve Elementary School's staff, students, and families work together to teach and foster values that develop strong character. Each month, a different social skill is modeled and taught throughout the school. Students reinforce these positive behaviors through cards handed out by the student council to recognize students' positive character and leadership skills. The student council also instituted a tutoring program during the lunch recess to allow students to help their peers.

Barr-Reeve Elementary School is an example of how dedication, motivation, collaboration, and strong family engagement in education benefits both students and the local community. At Barr-Reeve, parents are not only involved through an active parent teacher organization, but also as coaches, guest speakers, and volunteers in the classroom.

I am proud to recognize Barr-Reeve Elementary School principal Dena Langacher, the entire staff, the student body, and their families. The effort, dedication, and value you put into education has led not only to this prestigious recognition, but will benefit you and the Montgomery community well into the future.

On behalf of the citizens of Indiana, I congratulate Barr-Reeve Elementary School, and I wish the students and staff continued success in the future.

ADDITIONAL STATEMENTS

RECOGNIZING KREHBIEL'S SALES & SERVICE

● Mr. RISCH. Mr. President, today I wish to take the opportunity to highlight the innovation and the creative spirit that small businesses in my home State of Idaho are known for. The small business that I am honoring today goes above and beyond when it comes to embodying that spirit. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my pleasure to recognize Krehbiel's Sales & Service as the Senate Small Business of the Month for November 2017. Known for their passion, friendliness, and dedication to providing unparalleled service, Krehbiel's is the definition of what it means to be a family-owned small business in America.

Clint Krehbiel and his son Terry Krehbiel opened the doors to their vehicle dealership in Aberdeen, ID, in 1972 while Terry was still in high school. They have been proudly serving southeast Idaho for the past 45 years. The Krehbiel family specializes in off-road recreational and utility vehicles, along with various brands of lawn care equipment. In addition to these products, they have expanded into several other businesses, ranging from swimming pools to satellite sales and installation.

Terry and his wife, Valerie, bought Clint's share of the business when he retired in 1996 and have made it their life's work to carry out the principles of honest and ethical business that Clint passed down over the years. For the past four-and-a-half decades, the family's commitment to their mission has been unwavering, and their loyalty to their customers is second to none. Perhaps the most incredible display of their dedication can be seen in the expansion of their business to serve customers hundreds of miles away while still maintaining a high level of customer service and a close-knit team of employees. At any time, you can walk in and see Karalee Krehbiel-Bonzon, Terry and Valerie's daughter, providing the exceptional customer service that she has been known for ever since she started working at her family's business in 2007. You will also see Valerie doing the bookkeeping by hand, as she has done every day since 1980. Another long-time employee is mechanic Charlie Wiebe. Charlie was hired in 1987 and is still with the business to this day. He has been an integral part of building and maintaining good relationships with customers and in training other mechanics like the team's newest member, Tyler Jones.

Customer service is not the only thing that Krehbiel's is known for. With over 60 years of combined experience, their factory-trained technicians have built a reputation for high-quality, dependable repairs for all manner of recreational and utility vehicles. The company's reputation in this area brings in customers from miles around who have never bought a vehicle from the Krehbiels but who have built a bond of trust with their well-qualified mechanics.

Aberdeen is considered to be ''off the beaten path'' by most people. Many say you need to have a reason to go there. Terry and Valerie, along with their employees, have given many people a reason to do just that. A continuous entrepreneurial spirit, quality customer service, and strong relationships with long-time employees are all principles possessed by the Krehbiels. I would like to extend my sincerest congratulations to Terry and Valerie Krehbiel and all of the employees of Krehbiel's Sales & Service for being selected as the November 2017 Small Business of the Month. You make our great State proud, and I look forward to watching your continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Cuccia, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:48 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3071. An act to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes.

H.R. 3739. An act to amend the Act of August 25, 1958, commonly known as the''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes.

H.R. 3973. An act to amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data.

ENROLLED BILL SIGNED

At 5:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1679. An act to ensure that the Federal Emergency Management Agency's current efforts to modernize its grant management system includes applicant accessibility and transparency, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3071. An act to require executive agencies to consider equipment rental in any cost-effectiveness analysis for equipment acquisition, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3739. An act to amend the Act of August 25, 1958, commonly known as the ''Former Presidents Act of 1958'', with respect to the monetary allowance payable to a former President, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3973. An act to amend the Securities Exchange Act of 1934 to require certain entities to develop internal risk control mechanisms to safeguard and govern the storage of market data; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, and was referred as indicated:

EC–3444. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2017 through September 30, 2017, received in the Office of the President of the Senate on November 14, 2017; ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. CORKER for the Committee on Foreign Relations.

*Rebecca Eliza Gonzales, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho.

Nominee: Rebecca Eliza Gonzales.

Post: LESOTHO.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: None.

2. James Mahlangu: Spouse: None.

3. Imagine Gonzales: Minor child—son: None.

4. Parents: Estella Gonzales: None; Jose Rene Gonzales (deceased): None.

5. Rebecca Balli Ybarra—None; Henry Ybarra—None; Juan Gonzalez—None; Guadalupe Gonzalez—None. My grandparents are deceased.

6. Jerome Rene Gonzales: Brother: None; Amanda Lucia Gonzales: Sister-in-Law: None.

*Lisa A. Johnson, of Washington, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia

Nominee: Lisa A. Johnson.

Post: U.S. Ambassador to the Republic of Namibia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Melville Richard Johnson, none; Stephanie JoAnne Johnson, none.

5. Grandparents: Herbert Richard Johnson—Deceased; Cora Alice Johnson—deceased; Ralph Williams—deceased; Delores Violet Williams—deceased.

6. Brothers and Spouses: Michael Richard Johnson (brother), none; Christina Oliva Johnson (his spouse), none.

7. Sisters and Spouses: N/A.

*Irwin Steven Goldstein, of New York, to be Under Secretary of State for Public Diplomacy.

*Sean P. Lawler, of Maryland, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service.

Mr. CORKER. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

*Foreign Service nominations beginning with Lisa-Felicia Afi Akorli and ending with Stephanie P. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2017.

*Foreign Service nominations beginning with John R. Bass II and ending with Sung Y. Kim, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2017.

By Mr MCCAIN for the Committee on Armed Services.

R. D. James, of Missouri, to be an Assistant Secretary of the Army.

*Robert H. McMahon, of Georgia, to be an Assistant Secretary of Defense.

*Bruce D. Jette, of Virginia, to be an Assistant Secretary of the Army.

*Shon J. Manasco, of Texas, to be an Assistant Secretary of the Air Force.

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. ISAKSON, and Mr. MENENDEZ):

S. 2120. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

By Mr. HELLER (for himself, Mr. BENNET, and Mr. GARDNER):

S. 2121. A bill to amend title XVIII of the Social Security Act to require reporting of certain data by providers and suppliers of air ambulance services for purposes of reforming reimbursements for such services under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. MURKOWSKI, Mr. MARKEY, Mr. BLUMENTHAL, Ms. WARREN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. CASEY, Mr. WYDEN, and Mr. FRANKEN):

S. 2122. A bill to amend the Fair Labor Standards Act of 1938 regarding reasonable break time for nursing mothers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LANKFORD:

S. 2123. A bill to amend the Internal Revenue Code of 1986 to allow above-the-line deductions for charitable contributions for individuals not itemizing deductions; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WYDEN, Mr. FRANKEN, Ms. BALDWIN, and Ms. HARRIS):

S. 2124. A bill to ensure the privacy and security of sensitive personal information, to prevent and mitigate identity theft, to provide notice of security breaches involving sensitive personal information, and to enhance law enforcement assistance and for other protections against security breaches, fraudulent access, and misuse of personal information; to the Committee on the Judiciary.

By Mrs. SHAHEEN (for herself, Mrs. CAPITO, Ms. HASSAN, Mr. MANCHIN, Mr. COONS, and Mrs. MCCASKILL):

S. 2125. A bill to improve the State response to the opioid abuse crisis; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUNT (for himself, Ms. KLOBUCHAR, Mr. WICKER, Ms. COLLINS, Mr. ENZI, Mrs. CAPITO, Mr. RUBIO, Mr. MORAN, Mr. RISCH, Mr. GRASSLEY, Mr. ROBERTS, Mr. CASSIDY, Mr. DAINES, Mr. GRAHAM, Mrs. ERNST, Mr. BARRASSO, Mr. MCCAIN, Mr. COCHRAN, Mr. LANKFORD, Mr. SCOTT, Mr. PORTMAN, Mr. INHOFE, Mr. PETERS, Mr. MARKEY, Mr. BENNET, Mr. CASEY, Ms. HASSAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. BOOKER, and Mr. ROUNDS):

S. Res. 331. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; considered and agreed to.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 198, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. 372

At the request of Mr. PORTMAN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 372, a bill to amend the Tariff Act of 1930 to ensure that merchandise arriving through the mail shall be subject to review by U.S. Customs and Border Protection and to require the provision of advance electronic information on shipments of mail to U.S. Customs and Border Protection and for other purposes.

S. 527

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 527, a bill to improve access to emergency medical services, and for other purposes.

S. 807

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 807, a bill to provide antiretaliation protections for antitrust whistleblowers.

S. 980

At the request of Mrs. CAPITO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 980, a bill to amend title XVIII of the Social Security Act to provide for payments for certain rural health clinic and Federally qualified health center services furnished to hospice patients under the Medicare program.

S. 1278

At the request of Mr. CARPER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1278, a bill to provide for the admission of the State of Washington, D.C. into the Union.

S. 1299

At the request of Mr. PETERS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1299, a bill to amend title XVIII of the Social Security Act to reduce the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with pre-diabetes or with risk factors for developing type 2 diabetes.

S. 1378

At the request of Mr. ROUNDS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1378, a bill to amend title 10, United States Code, to require an element in preseparation counseling for members of the Armed Forces on assistance and support services for caregivers of certain veterans through the Department of Veterans Affairs, and for other purposes.

S. 1497

At the request of Mr. DAINES, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1497, a bill to amend title 40, United States Code, to provide a lactation room in public buildings, and for other purposes.

S. 1498

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1498, a bill to establish in the Smithsonian Institution a comprehensive American women's history museum, and for other purposes.

S. 1503

At the request of Ms. WARREN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1503, a bill to require the Secretary of the Treasury to mint coins in recognition of the 60th anniversary of the Naismith Memorial Basketball Hall of Fame.

S. 1591

At the request of Mr. BROWN, his name was added as a cosponsor of S. 1591, a bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes.

At the request of Mr. VAN HOLLEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1591, supra.

S. 1701

At the request of Mr. CORNYN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 1701, a bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency.

S. 1842

At the request of Mr. WYDEN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1842, a bill to provide for wildfire suppression operations, and for other purposes.

S. 1857

At the request of Mrs. CAPITO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1857, a bill to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces.

S. 1871

At the request of Mr. CASSIDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1871, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 1939

At the request of Mr. BLUMENTHAL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1939, a bill to repeal the Protection of Lawful Commerce in Arms Act.

S. 2029

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2029, a bill to establish a National and Community Service Administration to carry out the national and volunteer service programs, to expand participation in such programs, and for other purposes.

S. 2041

At the request of Mr. BENNET, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 2041, a bill to promote the use of resilient energy systems to rebuild infrastructure following disasters.

S. 2094

At the request of Mr. FLAKE, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2094, a bill to require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes.

S. 2107

At the request of Mr. HELLER, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 2107, a bill to amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes.

S. RES. 75

At the request of Mr. PORTMAN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. Res. 75, a resolution recognizing the 100th anniversary of the Academy of Nutrition and Dietetics, the largest organization of food and nutrition professionals in the world.

S. RES. 323

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 323, a resolution requiring sexual harassment training for Members, officers, employees, interns, and fellows of the Senate and a periodic survey of the Senate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. ISAKSON, and Mr. MENENDEZ):

S. 2120. A bill to prevent international violence against women, and for other purposes; to the Committee on Foreign Relations.

Ms. COLLINS. Mr. President, today, I join my colleagues, Senators SHAHEEN, ISAKSON, and MENENDEZ, in introducing the International Violence Against Women Act of 2017. This legislation makes ending violence against women and girls a top diplomatic priority. It permanently authorizes the State Department's Office of Global Women's Issues and the position of the Ambassador-at-Large for Global Women's Issues. It requires the Administration to develop and implement an annual strategy to prevent and respond to violence against women and girls for each of the five years after the date of enactment. This bill would ensure that efforts begun under President George W. Bush and President Obama to combat gender-based violence continue in future Administrations.

Mr. President, we have witnessed great strides in women's equality in our own Country, and in much of the world, over the past century. Across vast swathes of the globe, however, violence against women and forced marriage remain everyday problems. One out of every three women worldwide will be physically, sexually, or otherwise abused during her lifetime, with rates reaching 70 percent in some countries. This type of violence ranges from domestic violence, rape, and acid burnings to dowry deaths and so-called ''honor killings.'' Violence against women and girls is a human rights violation, a public health epidemic, and a barrier to solving global challenges such as extreme poverty, HIV/AIDS, and conflict. Such violence is often exacerbated in humanitarian emergencies and conflict settings.

In Iraq and Syria, girls and women have been abducted from their homes and villages, sold into sexual slavery, and forced into marriages with fighters of the Islamic State of Iraq and the Levant. In Burma, rape is used as a weapon against the women and girls of the Rohingya ethnic group. In Nigeria, girls as young as 11-years-old are offered a horrendous choice by Boko Haram: carry out suicide bomb attacks against Nigerian villages or live in forced marriages and sexual slavery.

This systemic targeting of women is not confined to conflict zones. In India, the United Nations special rapporteur on violence against women said that they experience such crimes ''from womb to tomb.'' Compounding this tragedy, local police often decline to investigate or seek justice. In Afghanistan, women and girls are concerned that as Western forces draw down and attention shifts away from their country, the fragile gains that have been made there could be lost.

The International Violence Against Women Act—IVAWA—ensures that the U.S. will continue to take a leadership role in combatting these problems. It establishes that it is the policy of the United States to take action to prevent and respond to violence against women and girls around the globe and to systematically integrate and coordinate efforts to address gender-based violence into U.S. foreign policy and foreign assistance programs.

Specifically, IVAWA will foster efforts in four areas. First, it will increase legal and judicial protections by establishing and supporting laws and legal structures that prevent and appropriately respond to all forms of violence against women and girls, including ''honor killings'' and forced marriage. Emphasis will be placed on promoting political, legal, and institutional reforms that recognize violence against women and girls as a crime and train police and the judiciary to hold violators accountable and to respond to the needs of victims. Second, IVAWA will increase efforts to build health sector capacity, integrating programs to address violence against women and girls into existing health programs focused on child survival, women's health, and HIV/AIDS prevention. Third, IVAWA will focus on preventing violence by changing community norms and attitudes about the acceptability of violence against women and girls. And fourth, IVAWA will focus on reducing women and girls' vulnerability to violence by improving their economic status and educational opportunities. Efforts will include ensuring that women have access to job training and employment opportunities and increasing their right to own land and property, allowing them to potentially support themselves and their children.

Violence has a profound effect on the lives of women and girls. In addition to being a pressing human rights issue, such violence contributes to inequality and political instability, making it a security issue as well as a moral issue for us all. I am committed to continuing to work with my colleagues to end violence against women and girls and to provide the assistance and resources necessary to achieve this goal.

By Mr. LEAHY (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. WYDEN, Mr. FRANKEN, Ms. BALDWIN, and Ms. HARRIS):

S. 2124. A bill to ensure the privacy and security of sensitive personal information, to prevent and mitigate identity theft, to provide notice of security breaches involving sensitive personal information, and to enhance law enforcement assistance and for other protections against security breaches, fraudulent access, and misuse of personal information; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am introducing the Consumer Privacy Protection Act of 2017. This legislation, if enacted, will help ensure that when Americans entrust corporations with their most sensitive personal information, these corporations take the right steps to keep this information secure, and do the right thing in the event of a data breach. In today's modern world, data security is no longer just about protecting our identities and our bank accounts; it is about protecting our privacy and even our National security.

The need for this legislation has long been clear, and never more so than in the wake of the recent, massive Equifax data breach. After media investigations and multiple Congressional hearings, we learned that the Equifax breach exposed the sensitive personal information of almost half the American population. We also learned that Equifax failed to take basic steps to secure its databases, and waited an unjustifiably long period before notifying consumers and regulators. Clearly, it is past time for all corporations that hold our personal information to maintain some common-sense, baseline cybersecurity standards.

Corporations make significant profits from our personal information, and they should be obligated to keep it safe. Yet too often, data breaches continue to plague American businesses

and compromise the privacy of millions of consumers. At the same time, the amount of information we share with corporations who are the target of these breaches is growing. Corporations collect and store our social security numbers, our bank account information, and our email addresses. They collect information about our private health and medical conditions. They know what routes we take to work and where we drop our kids off at school. They can replicate our fingerprints or even faceprints. We trust them with private photographs that we store in the cloud. This information is increasingly targeted by both criminal hackers and nation-states, including hostile foreign powers.

The Consumer Privacy Protection Act I am introducing today is based on legislation I first introduced in 2015, and builds and expands on data security legislation that I have introduced in Congress since 2005. It seeks to protect the vast amount of information that we now share with corporations each and every day. Americans want to know that the corporations who are profiting from their information are actually doing something to prevent the next data breach. Americans want to know when someone has had unauthorized access to their bank accounts and to their private family photographs, but they do not just want to be notified of yet another data breach. Consumers should not have to settle for mere notice of data breaches. American consumers deserve protection. This legislation would accomplish that.

The Consumer Privacy Protection Act requires that corporations meet certain baseline privacy and data security standards to keep information they store about their customers safe, and requires that corporations provide notice and protection to consumers in the event of a breach. This legislation protects broad categories of data, including, (1) social security numbers and other government-issued identification numbers; (2) financial account information, including credit card numbers and bank accounts; (3) online usernames and passwords, including email names and passwords; (4) unique biometric data, including fingerprints; (5) information about a person's physical and mental health; (6) information about geolocation; and (7) access to private digital photographs and videos.

It is true that not every breach can be prevented. Cyber criminals and nation-state actors are determined and constantly looking for new ways to pierce the most sophisticated security systems. But just as we expect a bank to put a lock on the front door and an alarm on the vault to protect its customers' money, we expect corporations to take reasonable measures to protect the personal information they collect from us. Unfortunately, many of the corporations that profit from the very information that we entrust them to protect, have woefully inadequate measures to secure this information. For others, security is simply not a priority. American consumers deserve better and our national security demands it.

This legislation creates civil penalties for corporations that fail to meet the required privacy and data security standards established in the bill or fail to provide notice and protection to consumers when a breach occurs. The Department of Justice, the Federal Trade Commission, and State attorneys general each have a role in enforcement. This legislation also requires corporations to inform Federal law enforcement of all large data breaches, as well as breaches that could impact the federal government. Such notification is necessary to help law enforcement bring these cyber criminals to justice and identify patterns that help protect against future attacks.

Many Americans understandably assume Federal law already protects this sensitive information—common sense tells us that it should. Unfortunately, the reality is that it does not. States provide a patchwork of protection, and while some laws are strong, others are not. For example, my home state of Vermont has a strong data breach notification law that that has been in effect since 2007. But there are many other States that have not passed data security laws designed to prevent data breaches.

This legislation sets a floor: a baseline standard that that protects Americans across the country, while also freeing individual States to provide even stronger protections to their residents. In crafting Federal law, we must be careful not to override strong State laws, but we also need to ensure that all Americans, regardless of where they live, have their privacy protected. To this end, the Consumer Privacy Protection Act preempts State law relating to data security and data breach notification only to the extent that the protections under those laws are weaker than those provided for in this bill. We must ensure that consumers do not lose privacy protections they currently enjoy. Since this bill is modeled after those States with the strongest consumer protections, I believe it will improve protections for consumers in nearly every State.

I am joined today by Senators MARKEY, BLUMENTHAL, WYDEN, FRANKEN, and BALDWIN in introducing this legislation. These Senators have long shared my commitment to protecting consumer privacy. This legislation also has the support of leading consumer privacy advocates, including: the Center for Democracy and Technology, the Consumer Federation of America, New America's Open Technology Institute, and Public Knowledge.

Millions of Americans who have had their personal information compromised or stolen as a result of a data breach consider this issue to be of critical importance and a priority for the Senate. Protecting privacy rights should be important to all of us, regardless of party or ideology. I hope all Senators will support this commonsense measure to better protect Americans' privacy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 331—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN

Mr. BLUNT (for himself, Ms. KLOBUCHAR, Mr. WICKER, Ms. COLLINS, Mr. ENZI, Mrs. CAPITO, Mr. RUBIO, Mr. MORAN, Mr. RISCH, Mr. GRASSLEY, Mr. ROBERTS, Mr. CASSIDY, Mr. DAINES, Mr. GRAHAM, Mrs. ERNST, Mr. BARRASSO, Mr. MCCAIN, Mr. COCHRAN, Mr. LANKFORD, Mr. SCOTT, Mr. PORTMAN, Mr. INHOFE, Mr. PETERS, Mr. MARKEY, Mr. BENNET, Mr. CASEY, Ms. HASSAN, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. BOOKER, and Mr. ROUNDS) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas there are millions of unparented children in the world, including 427,910 children in the foster care system in the United States, approximately 111,820 of whom are waiting for families to adopt them;

Whereas 62 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas, for many foster children, the wait for a loving family in which the children are nurtured, comforted, and protected seems endless;

Whereas, in 2015, over 20,000 youth ''aged out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas, every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while nearly a quarter of individuals in the United States have considered adoption, a majority of individuals in the United States have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 50 percent of individuals in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 39 percent of individuals in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to

adoptive parents after an adoption is finalized;

Whereas family reunification, kinship care, and domestic and intercountry adoption promote permanency and stability to a far greater degree than long-term institutionalization or long-term, often disrupted, foster care;

Whereas November is National Adoption Month, and National Adoption Day occurs in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 60,000 children have joined permanent families on National Adoption Day; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 18, 2017: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and throughout the year.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1584. Mr. MCCONNELL (for Mrs. FEINSTEIN (for herself, Mr. THUNE, Mr. NELSON, Ms. COLLINS, Mr. DONNELLY, Mr. YOUNG, Mr. DURBIN, and Ms. WARREN)) proposed an amendment to the bill S. 534, to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

SA 1585. Mr. MCCONNELL (for Mr. WYDEN) proposed an amendment to the resolution S. Res. 318, honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017.

TEXT OF AMENDMENTS

SA 1584. Mr. MCCONNELL (for Mrs. FEINSTEIN (for herself, Mr. THUNE, Mr. NELSON, Ms. COLLINS, Mr. DONNELLY, Mr. YOUNG, Mr. DURBIN, and Ms. WARREN)) proposed an amendment to the bill S. 534, to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE

SEC. 101. REQUIRED REPORTING OF CHILD AND SEXUAL ABUSE.

(a) REPORTING REQUIREMENT.—Section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341) is amended—

(1) in subsection (a)—

(A) by striking ''A person who'' and inserting the following:

''(1) COVERED PROFESSIONALS.—A person who''; and

(B) by adding at the end the following:

''(2) COVERED INDIVIDUALS.—A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(9) the term 'covered individual' means an adult who is authorized, by a national governing body, a member of a national governing body, or an amateur sports organization that participates in interstate or international amateur athletic competition, to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body, a member of a national governing body, or such an amateur sports organization;

''(10) the term 'event' includes travel, lodging, practice, competition, and health or medical treatment;

''(11) the terms 'amateur athlete', 'amateur athletic competition', 'amateur sports organization', 'international amateur athletic competition', and 'national governing body' have the meanings given the terms in section 220501(b) of title 36, United States Code; and

''(12) the term 'as soon as possible' means within a 24-hour period.'';

(4) in subsection (d), in the first sentence, by inserting ''and for all covered individuals'' after ''reside'';

(5) in subsection (f), in the first sentence—

(A) by striking ''and on all'' and inserting ''on all''; and

(B) by inserting ''and for all covered individuals,'' after ''lands,'';

(6) in subsection (h), by inserting ''and all covered individuals,'' after ''facilities,''; and

(7) by adding at the end the following:

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.''.

(b) PENALTY FOR FAILURE TO REPORT.—Section 2258 of title 18, United States Code, is amended by inserting ''or a covered individual as described in subsection (a)(2) of such section 226 who,'' after ''facility,''.

SEC. 102. CIVIL REMEDY FOR PERSONAL INJURIES.

Section 2255 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of $150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.'';

(2) in subsection (b), by striking ''filed within'' and all that follows through the end and inserting the following: ''filed—

''(1) not later than 10 years after the date on which the plaintiff reasonably discovers the later of—

''(A) the violation that forms the basis for the claim; or

''(B) the injury that forms the basis for the claim; or

''(2) not later than 10 years after the date on which the victim reaches 18 years of age.''; and

(3) by adding at the end the following:

''(c) VENUE; SERVICE OF PROCESS.—

''(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

''(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

''(A) is an inhabitant; or

''(B) may be found.''.

TITLE II—UNITED STATES CENTER FOR SAFE SPORT AUTHORIZATION

SEC. 201. EXPANSION OF THE PURPOSES OF THE CORPORATION.

Section 220503 of title 36, United States Code, is amended—

(1) in paragraph (13), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(15) to promote a safe environment in sports that is free from abuse, including emotional, physical, and sexual abuse, of any amateur athlete.''.

SEC. 202. DESIGNATION OF THE UNITED STATES CENTER FOR SAFE SPORT.

(a) IN GENERAL.—Chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

''Subchapter III—United States Center for Safe Sport

''§ 220541. Designation of United States Center for Safe Sport

''(a) IN GENERAL.—The United States Center for Safe Sport shall—

''(1) serve as the independent national safe sport organization and be recognized worldwide as the independent national safe sport organization for the United States;

''(2) exercise jurisdiction over the corporation, each national governing body, and each paralympic sports organization with regard to safeguarding amateur athletes against abuse, including emotional, physical, and sexual abuse, in sports;

''(3) maintain an office for education and outreach that shall develop training, oversight practices, policies, and procedures to prevent the abuse, including emotional, physical, and sexual abuse, of amateur athletes participating in amateur athletic activities through national governing bodies and paralympic sports organizations;

''(4) maintain an office for response and resolution that shall establish mechanisms that allow for the reporting, investigation, and resolution, pursuant to subsection (c), of alleged sexual abuse in violation of the Center's policies and procedures; and

''(5) ensure that the mechanisms under paragraph (4) provide fair notice and an opportunity to be heard and protect the privacy and safety of complainants.

''(b) POLICIES AND PROCEDURES.—The policies and procedures developed under subsection (a)(3) shall apply as though they were incorporated in and made a part of section 220524 of this title.

''(c) BINDING ARBITRATION.—

''(1) IN GENERAL.—The Center may, in its discretion, utilize a neutral arbitration body and develop policies and procedures to resolve allegations of sexual abuse within its jurisdiction to determine the opportunity of any amateur athlete, coach, trainer, manager, administrator, or official, who is the subject of such an allegation, to participate in amateur athletic competition.

''(2) PRESERVATION OF RIGHTS.—Nothing in this section shall be construed as altering, superseding, or otherwise affecting the right of an individual within the Center's jurisdiction to pursue civil remedies through the courts for personal injuries arising from abuse in violation of the Center's policies and procedures, nor shall the Center condition the participation of any such individual in a proceeding described in paragraph (1) upon an agreement not to pursue such civil remedies.

''(d) LIMITATION ON LIABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an applicable entity shall not be liable for damages in any civil action for defamation, libel, slander, or damage to reputation arising out of any action or communication, if the action arises from the execution of the responsibilities or functions described in this section, section 220542, or section 220543.

''(2) EXCEPTION.—Paragraph (1) shall not apply in any action in which an applicable entity acted with actual malice, or provided information or took action not pursuant to this section, section 220542, or section 220543.

''(3) DEFINITION OF APPLICABLE ENTITY.—In this subsection, the term 'applicable entity' means—

''(A) the Center;

''(B) a national governing body;

''(C) a paralympic sports organization;

''(D) an amateur sports organization or other person sanctioned by a national governing body under section 220525;

''(E) an amateur sports organization reporting under section 220530;

''(F) any officer, employee, agent, or member of an entity described in subparagraph (A), (B), (C), (D), or (E); and

''(G) any individual participating in a proceeding pursuant to this section.

''§ 220542. Additional duties.

''(a) IN GENERAL.—The Center shall—

''(1) develop training, oversight practices, policies, and procedures for implementation by a national governing body or paralympic sports organization to prevent the abuse, including emotional, physical, and sexual abuse, of any amateur athlete; and

''(2) include in the policies and procedures developed under section 220541(a)(3)—

''(A) a requirement that all adult members of a national governing body, a paralympic sports organization, or a facility under the jurisdiction of a national governing body or paralympic sports organization, and all adults authorized by such members to interact with an amateur athlete, report immediately any allegation of child abuse of an amateur athlete who is a minor to—

''(i) the Center, whenever such members or adults learn of facts leading them to suspect reasonably that an amateur athlete who is a minor has suffered an incident of child abuse; and

''(ii) law enforcement consistent with section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

''(B) a mechanism, approved by a trained expert on child abuse, that allows a complainant to report easily an incident of child abuse to the Center, a national governing body, law enforcement authorities, or other appropriate authorities;

''(C) reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of a national governing body or paralympic sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

''(D) procedures to prohibit retaliation, by any national governing body or paralympic sports organization, against any individual who makes a report under subparagraph (A) or subparagraph (B);

''(E) oversight procedures, including regular and random audits conducted by subject matter experts unaffiliated with, and independent of, a national governing body or a paralympic sports organization of each national governing body and paralympic sports organization to ensure that policies and procedures developed under that section are followed correctly and that consistent training is offered and given to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention of child abuse; and

''(F) a mechanism by which a national governing body or paralympic sports organization can—

''(i) share confidentially a report of suspected child abuse of an amateur athlete who is a minor by a member of a national governing body or paralympic sports organization, or an adult authorized by a national governing body, paralympic sports organization, or an amateur sports organization to interact with an amateur athlete who is a minor, with the Center, which in turn, may share with relevant national governing bodies, paralympic sports organizations, and other entities; and

''(ii) withhold providing to an adult who is the subject of an allegation of child abuse authority to interact with an amateur athlete who is a minor until the resolution of such allegation.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of a national governing body or paralympic sports organization to impose an interim measure to prevent an individual who is the subject of an allegation of sexual abuse from interacting with an amateur athlete prior to the Center exercising its jurisdiction over a matter.

''§ 220543. Records, audits, and reports

''(a) RECORDS.—The Center shall keep correct and complete records of account.

''(b) REPORT.—The Center shall submit an annual report to Congress, including—

''(1) an audit conducted and submitted in accordance with section 10101; and

''(2) a description of the activities of the Center.

''§ 220544. Authorization of appropriations

''There is authorized to be appropriated to the Center $1,000,000 for each of fiscal years 2018 through 2021.''.

(b) CONFORMING AMENDMENT.—Section 220501(b) of title 36, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (6) through (10), respectively; and

(2) by inserting after paragraph (3), the following:

''(4) 'Center' means the United States Center for Safe Sport designated under section 220541.

''(5) 'child abuse' has the meaning given the term in section 212 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20302).''.

(c) TECHNICAL AMENDMENT.—The table of contents of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III — UNITED STATES CENTER FOR SAFE SPORT

''220541. Designation of United States Center for Safe Sport.
''220542. Additional duties.
''220543. Records, audits, and reports.
''220544. Authorization of appropriations.''.

SEC. 203. ADDITIONAL REQUIREMENTS FOR GRANTING SANCTIONS FOR AMATEUR ATHLETIC COMPETITIONS.

Section 220525(b)(4) is amended—

(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(G) the amateur sports organization or person requesting sanction from a national governing body will implement and abide by the policies and procedures to prevent the abuse, including emotional, physical, and child abuse, of amateur athletes participating in amateur athletic activities applicable to such national governing body.''.

SEC. 204. GENERAL REQUIREMENTS FOR YOUTH-SERVING AMATEUR SPORTS ORGANIZATIONS.

(a) IN GENERAL.—Subchapter II of chapter 2205 of title 36, United States Code, is amended by adding at the end the following:

''§ 220530. Other amateur sports organizations

''(a) IN GENERAL.—An applicable amateur sports organization shall—

''(1) comply with the reporting requirements of section 226 of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341);

''(2) establish reasonable procedures to limit one-on-one interactions between an amateur athlete who is a minor and an adult (who is not the minor's legal guardian) at a facility under the jurisdiction of the applicable amateur sports organization without being in an observable and interruptible distance from another adult, except under emergency circumstances;

''(3) offer and provide consistent training to all adult members who are in regular contact with amateur athletes who are minors, and subject to parental consent, to members who are minors, regarding prevention and reporting of child abuse to allow a complainant to report easily an incident of child abuse to appropriate persons; and

''(4) prohibit retaliation, by the applicable amateur sports organization, against any individual who makes a report under paragraph (1).

''(b) DEFINITION OF APPLICABLE AMATEUR SPORTS ORGANIZATION.—In this section, the term 'applicable amateur sports organization' means an amateur sports organization—

''(1) that is not otherwise subject to the requirements under subchapter III;

''(2) that participates in an interstate or international amateur athletic competition; and

''(3) whose membership includes any adult who is in regular contact with an amateur athlete who is a minor.''.

(b) TECHNICAL AMENDMENT.—The table of contents of chapter 2205 of title 36, United

States Code, is amended by inserting after the item relating to section 220529 the following:

''220530. Other amateur sports organizations.''.

SA 1585. Mr. MCCONNELL (for Mr. WYDEN) proposed an amendment to the resolution S. Res. 318, honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017; as follows:

In the fourth whereas clause of the preamble, strike ''Head Coach, Mark Parsons, and Chief Executive Officer, Merritt Paulson, of the Portland Thorns FC'' and insert ''Chief Executive Officer of the Portland Thorns FC, Merritt Paulson,''.

Insert after the fourth whereas clause of the preamble the following:

Whereas the Head Coach of the Portland Thorns FC, Mark Parsons, won the NWSL Championship for the first time;

AUTHORITY FOR COMMITTEES TO MEET

Mr. BLUNT. Mr. President, I have 10 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m. to conduct hearing on the following nominations: Anthony Kurta, of Montana, to be a Principal Deputy Under Secretary, and James E. McPherson, of Virginia, to be General Counsel of the Department of the Army, both of the Department of Defense, and Gregory E. Maggs, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 9:30 a.m., in SD–366 to conduct a hearing.

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 9 a.m., in SH–216 to conduct hearing on the bill entitled ''Tax Cuts and Jobs Act.''

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m., in SD–430 to conduct hearing entitled ''Gene Editing Technology: Innovation and Impact''.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m. to conduct a hearing on S. 1928 and the following nominations: of Eric M. Ueland, of Oregon, to be an Under Secretary (Management), Lisa A. Johnson, of Washington, to be Ambassador to the Republic of Namibia, Sean P. Lawler, of Maryland, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service, Irwin Steven Goldstein, of New York, to be Under Secretary for Public Diplomacy, Rebecca Eliza Gonzales, of Texas, to be Ambassador to the Kingdom of Lesotho, and routine lists in the Foreign Service, all of the Department of State.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m. to conduct a hearing on the President's Nuclear Authorities.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 2:30 p.m., in SH–219 to conduct a closed hearing.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, INSURANCE, AND DATA SECURITY

The Subcommittee on Consumer Protection, Product Safety, Insurance, and Data Security of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 2:30 p.m., in SR–253 to conduct a hearing entitled ''Technology in Agriculture: Data-Driven Farming''.

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY POLICY

The Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 2:30 p.m. to hold a hearing entitled ''American Leadership in the Asia-Pacific, Part 4: View from Beijing.''

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

The Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, at 10 a.m., in SD–406 to conduct hearing on the following legislation: S. 1857, to establish a compliance deadline of May 15, 2023, for Step 2 emissions standards for new residential wood heaters, new residential hydronic heaters, and forced-air furnaces, S. 203, to reaffirm that the Environmental Protection Agency may not regulate vehicles used solely for competition, S. 839, to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule, and S. 1934, to prevent catastrophic failure or shutdown of remote diesel power engines due to emission control devices.

Mr. CORNYN. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, November 14, 2017, to conduct hearing on the nomination of Kirsten M. Nielsen, to be Secretary of U.S. Department of Homeland Security.

PROTECTING YOUNG VICTIMS FROM SEXUAL ABUSE ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 121, S. 534.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 534) to prevent the sexual abuse of minors and amateur athletes by requiring the prompt reporting of sexual abuse to law enforcement authorities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Protecting Young Victims from Sexual Abuse Act of 2017''.

SEC. 2. REQUIRED REPORTING OF CHILD AND SEXUAL ABUSE.

(a) REPORTING REQUIREMENT.—Section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) is amended—

(1) in subsection (a)—

(A) by striking ''A person who'' and inserting the following:

''(1) COVERED PROFESSIONALS.—A person who''; and

(B) by adding at the end the following:

''(2) COVERED INDIVIDUALS.—A covered individual who learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to the agency designated by the Attorney General under subsection (d).'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) in paragraph (7), by striking ''and'' at the end;

(B) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(9) the term 'covered individual' means an adult who is authorized by a national governing body or a member of a national governing body to interact with a minor or amateur athlete at an amateur sports organization facility or at

any event sanctioned by a national governing body or a member of a national governing body;

''(10) the term 'event' includes travel, practice, competition, and health or medical treatment;

''(11) the terms 'amateur athlete', 'amateur sports organization', and 'national governing body' have the meanings given the terms in section 220501(b) of title 36, United States Code; and

''(12) the term 'as soon as possible' means within a 24-hour period.'';

(4) in subsection (d), in the first sentence, by inserting ''and for all covered individuals'' after ''reside'';

(5) in subsection (f), in the first sentence—

(A) by striking ''and on all'' and inserting ''on all''; and

(B) by inserting ''and for all covered individuals,'' after ''lands,'';

(6) in subsection (h), by inserting ''and all covered individuals,'' after ''facilities,''; and

(7) by adding at the end the following:

''(i) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a victim of child abuse to self-report the abuse.''.

(b) PENALTY FOR FAILURE TO REPORT.—Section 2258 of title 18, United States Code, is amended—

(1) by inserting ''or a covered individual as described in subsection (a)(2) of such section 226 who,'' after ''facility,''; and

(2) by striking ''not more than 1 year'' and inserting ''not more than 3 years''.

SEC. 3. CIVIL REMEDY FOR PERSONAL INJURIES.

Section 2255 of title 18, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Any person who, while a minor, was a victim of a violation of section 1589, 1590, 1591, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423 of this title and who suffers personal injury as a result of such violation, regardless of whether the injury occurred while such person was a minor, may sue in any appropriate United States District Court and shall recover the actual damages such person sustains or liquidated damages in the amount of $150,000, and the cost of the action, including reasonable attorney's fees and other litigation costs reasonably incurred. The court may also award punitive damages and such other preliminary and equitable relief as the court determines to be appropriate.'';

(2) in subsection (b), by striking ''filed within'' and all that follows through the end and inserting the following: ''filed—

''(1) not later than 10 years after the date on which the plaintiff discovers the later of—

''(A) the violation that forms the basis for the claim; or

''(B) the injury that forms the basis for the claim; or

''(2) not later than 10 years after the date on which a legal disability ends.''; and

(3) by adding at the end the following:

''(c) VENUE; SERVICE OF PROCESS.—

''(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28.

''(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

''(A) is an inhabitant; or

''(B) may be found.''.

SEC. 4. EXPANSION OF AUTHORITIES AND DUTIES OF NATIONAL GOVERNING BODIES RECOGNIZED BY THE UNITED STATES OLYMPIC COMMITTEE TO PREVENT THE ABUSE OF MINOR AND AMATEUR ATHLETES.

(a) EXPANSION OF AUTHORITIES.—Section 220523(a) of title 36, United States Code, is amended—

(1) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) develop training, oversight practices, policies, and procedures to prevent the abuse, including physical abuse and sexual abuse, of any minor or amateur athlete by any adult.''.

(b) ADDITIONAL DUTIES.—Section 220524 of title 36, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''For the sport'';

(2) in paragraph (8), by striking ''; and'' and inserting a semicolon;

(3) in paragraph (9), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(10) develop and enforce policies, mechanisms, and procedures to prevent the abuse, including physical abuse and sexual abuse, of any minor or amateur athlete, including—

''(A) requiring all adults authorized by a national governing body or a member of a national governing body to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body or a member of a national governing body, to report facts that give reason to suspect child abuse, including sexual abuse, as required by relevant Federal or State law, to law enforcement authorities and other appropriate authorities, including an entity designated by the corporation to investigate and resolve such allegations;

''(B) establishing a mechanism, approved by a trained expert on child abuse, that allows an individual to easily report an incident of child abuse as described in subparagraph (A) to the national governing body or another authority, including an entity designated by the corporation;

''(C) procedures to ensure that each amateur athlete who is a minor is prevented from being in a one-on-one situation with an adult (who is not the minor's legal guardian) at an amateur sports organization facility, at any event sanctioned by a national governing body, or any event sanctioned by a member of a national governing body, without being observable or interruptible by another adult; and

''(D) oversight procedures, including regular and random audits, not to exceed once a year, conducted by subject matter experts unaffiliated with the national governing body, of all members and adults described in subparagraph (A) to ensure that policies and procedures developed under this paragraph are followed correctly and that consistent training is offered and given to all members regarding the prevention of child abuse; and

''(11) in the case of a national governing body with jurisdiction over more than one amateur sports organization facility or event, establish a mechanism by which—

''(A) the national governing body can—

''(i) receive a report of suspected sexual misconduct by an adult authorized by a national governing body or a member of a national governing body to interact with a minor or amateur athlete at an amateur sports organization facility or at any event sanctioned by a national governing body or a member of a national governing body; and

''(ii) confidentially share a report received under clause (i) with each of the other amateur sports organizations, facilities, or members under the jurisdiction of the national governing body; and

''(B) an amateur sports organization, facility, or member under the jurisdiction of the national governing body can—

''(i) review the reports received by the national governing body under subparagraph (A)(i) to assess any allegations of sexual misconduct made in such reports; and

''(ii) withhold providing to an adult who is the subject of an allegation of sexual misconduct in a report reviewed under clause (i) authority to interact with a minor or amateur athlete at such organization, facility, or event until the resolution of such allegation.

''(b) LIMITED LIABILITY FOR THE UNITED STATES OLYMPIC COMMITTEE, NATIONAL GOVERNING BODIES, AND AN ENTITY DESIGNATED BY THE UNITED STATES OLYMPIC COMMITTEE TO INVESTIGATE AND RESOLVE SEXUAL MISCONDUCT ALLEGATIONS.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no civil or criminal action may be brought in any Federal or State court against the United States Olympic Committee, a national governing body, or an amateur sports organization, facility, or event under the jurisdiction of a national governing body, or an entity designated by the United States Olympic Committee to investigate and resolve sexual misconduct allegations described in subsection (a)(11), including any director, officer, employee, or agent of such entity, if the action arises from the execution of the responsibilities or functions described in subsection (a)(11).

''(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a civil or criminal action if the United States Olympic Committee, a national governing body, an amateur sports organization, facility, or event under the jurisdiction of a national governing body, or an entity designated by the United States Olympic Committee to investigate and resolve sexual misconduct allegations described in subsection (a)(11), or a director, officer, employee, or agent of such entity—

''(A) engaged in intentional misconduct; or

''(B) acted or failed to act—

''(i) with actual malice;

''(ii) with reckless disregard for a risk of causing injury; or

''(iii) for a purpose unrelated to the performance of any responsibility or function described in subsection (a)(11).

''(3) ORDINARY BUSINESS ACTIVITIES.—Paragraph (1) shall not apply to any act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

''(4) LIMITED EFFECT.—Nothing in this section shall apply to any act or omission arising out of any responsibility or function not described in subsection (a)(11).''.

(c) RULE OF CONSTRUCTION.—Section 220522 of title 36, United States Code, is amended by adding at the end the following:

''(c) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the ability of a national governing body to develop a policy or procedure to prevent an individual who is the subject of an allegation of sexual misconduct from interacting with a minor or amateur athlete until such time as the national governing body or an entity with applicable jurisdiction resolves such allegation.''.

(d) REVIEW OF RECOGNITION OF AMATEUR SPORTS ORGANIZATIONS AS NATIONAL GOVERNING BODIES.—Section 220521(d) of title 36, United States Code, is amended by striking ''may'' each place it appears and inserting ''shall''.

Mr. MCCONNELL. I further ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the substitute amendment, which is at the desk, be agreed to; that the bill, as amended, be read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 1584) in the nature of a substitute was agreed to.

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

The bill (S. 534), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

HONORING THE PORTLAND THORNS FC AS THE CHAMPION OF THE NATIONAL WOMEN'S SOCCER LEAGUE IN 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of S. Res. 318 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 318) honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to; the amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 318) was agreed to.

The amendment (No. 1585) was agreed to, as follows:

(Purpose: To amend the preamble)

In the fourth whereas clause of the preamble, strike ''Head Coach, Mark Parsons, and Chief Executive Officer, Merritt Paulson, of the Portland Thorns FC'' and insert ''Chief Executive Officer of the Portland Thorns FC, Merritt Paulson,''.

Insert after the fourth whereas clause of the preamble the following:

Whereas the Head Coach of the Portland Thorns FC, Mark Parsons, won the NWSL Championship for the first time;

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

S. RES. 318

Whereas the Portland Thorns FC won the National Women's Soccer League (referred to in this preamble as the ''NWSL'') Championship on October 14, 2017;

Whereas the Portland Thorns FC won the NWSL Championship, an event that has been held for 5 years, for the second time by defeating the North Carolina Courage by a score of 1 to 0;

Whereas Portland Thorns FC midfielder Lindsey Horan scored the only goal in the 2017 NWSL Championship and was named the Most Valuable Player of that Championship;

Whereas the Chief Executive Officer of the Portland Thorns FC, Merritt Paulson, won the NWSL Championship for the second time;

Whereas the Head Coach of the Portland Thorns FC, Mark Parsons, won the NWSL Championship for the first time;

Whereas the Rose City Riveters and the fans of the Portland Thorns FC, who provide the Providence Park venue with spirit and pride, are the best fans in the NWSL;

Whereas the Portland Thorns FC holds the record for highest average game attendance in the NWSL in 2017 and has held that record in each year since the establishment of the NWSL in 2013;

Whereas the goalkeeper of the Portland Thorns FC, Adrianna Franch, was named the NWSL Goalkeeper of the Year for 2017;

Whereas the Portland Thorns FC adopted the official State motto of Oregon, ''Alis Volat Propriis'', meaning ''She Flies with Her Own Wings'', to capture the independent spirit of Oregon;

Whereas the Portland Thorns FC holds community service events to inspire and involve young women and men in the Portland community through science, technology, engineering, mathematics, and environmental education; and

Whereas the success of the Portland Thorns FC soccer team will broaden an appreciation of athletics in young people and encourage Oregonians to engage in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Portland Thorns FC as the 2017 champion of the National Women's Soccer League;

(2) recognizes the outstanding achievement of the players, ownership, and staff of the Portland Thorns FC; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Merritt Paulson, the Chief Executive Officer of the Portland Thorns FC;

(B) Gavin Wilkinson, the General Manager of the Portland Thorns FC; and

(C) Mark Parsons, the Head Coach of the Portland Thorns FC.

ORDERS FOR WEDNESDAY, NOVEMBER 15, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, November 15; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Zatezalo nomination.

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

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:21 p.m., adjourned until Wednesday, November 15, 2017, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALEX MICHAEL AZAR II, OF INDIANA, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES, VICE THOMAS PRICE, RESIGNED.

DEPARTMENT OF THE INTERIOR

TIMOTHY R. PETTY, OF INDIANA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ANNE CASTLE, RESIGNED.

DEPARTMENT OF STATE

ROBERT FRANK PENCE, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

JASON KLITENIC, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE ROBERT S. LITT.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. CHARLES L. PLUMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ARTHUR E. JACKMAN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOSEF F. SCHMID III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SHARON A. SHAFFER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. PAUL A. FRIEDRICHS
COL. LEE H. HARVIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOHN M. BREAZEALE
COL. DAMON S. FELTMAN
COL. ANNE B. GUNTER
COL. SCHEID P. HODGES
COL. RICHARD L. KEMBLE
COL. TANYA R. KUBINEC
COL. ERICH C. NOVAK
COL. JEFFREY T. PENNINGTON
COL. JOHN N. TREE
COL. AARON G. VANGELISTI
COL. WILLIAM W. WHITTENBERGER, JR.
COL. CHRISTOPHER F. YANCY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8081:

To be brigadier general

COL. SHARON R. BANNISTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

To be brigadier general

COL. ROBERT J. MARKS

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DARLOW G. BOTHA, JR.

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. STEVEN J. DEMILLIANO
COL. CHRISTOPHER E. FINERTY

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. MICHELE K. LAMONTAGNE
COL. MICHAEL J. REGAN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RONALD G. ALLEN, JR.

COL. MARK R. AUGUST
COL. CHARLES E. BROWN, JR.
COL. JOEL L. CAREY
COL. BRENDA P. CARTIER
COL. DARREN R. COLE
COL. HEATH A. COLLINS
COL. DOUGLAS S. COPPINGER
COL. MATTHEW W. DAVIDSON
COL. TODD A. DOZIER
COL. PETER M. FESLER
COL. ERIC H. FROEHLICH
COL. MICHAEL A. GREINER
COL. ANDREW P. HANSEN
COL. MICHELLE L. HAYWORTH
COL. THOMAS K. HENSLEY
COL. JEFFREY H. HURLBERT
COL. STEPHEN F. JOST
COL. JEFFREY R. KING
COL. LEONARD J. KOSINSKI
COL. THOMAS E. KUNKEL
COL. LAURA L. LENDERMAN
COL. RODNEY D. LEWIS
COL. ROBERT K. LYMAN
COL. DAVID B. LYONS
COL. MICHAEL E. MARTIN
COL. JOSEPH D. MCFALL
COL. DAVID N. MILLER, JR.
COL. CHRISTOPHER J. NIEMI
COL. CLARK J. QUINN
COL. GEORGE M. REYNOLDS
COL. DOUGLAS A. SCHIESS
COL. DAVID W. SNODDY
COL. ADRIAN L. SPAIN
COL. ERNEST J. TEICHERT III
COL. ALICE W. TREVINO

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. TRAVIS K. ACHESON
COL. BARRY A. BLANCHARD
COL. MICHAEL A. BORKOWSKI
COL. MICHAEL T. BUTLER
COL. MICHAEL A. COOPER
COL. MONIQUE J. DESPAIN
COL. MATTHEW D. DINMORE
COL. TERESA S. EDWARDS
COL. EMMANUEL I. HALDOPOULOS
COL. CHARLES G. JEFFRIES
COL. GREGORY W. LAIR
COL. JEFFREY W. MAGRAM
COL. JAMES C. MCEACHEN
COL. MAURICE M. MCKINNEY
COL. SUELLEN OVERTON
COL. GREGG A. PEREZ
COL. MARK D. PIPER
COL. JAMES P. ROWLETT
COL. MICHAEL D. SPROUL
COL. CHRISTAN L. STEWART
COL. DAVID W. WALTER
COL. TERRY L. WILLIAMS
COL. SHANNA M. WOYAK
COL. FRANK Y. YANG
COL. JEFFREY D. YOUNG

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. ONDRA L. BERRY
BRIG. GEN. SAMUEL W. BLACK
BRIG. GEN. WILLIAM D. BUNCH
BRIG. GEN. JOSEPH S. CHISOLM
BRIG. GEN. THOMAS B. CUCCHI
BRIG. GEN. GARY L. EBBEN
BRIG. GEN. JERRY L. FENWICK
BRIG. GEN. DAWN M. FERREL
BRIG. GEN. THOMAS J. KENNETT
BRIG. GEN. ERIC W. MANN
BRIG. GEN. EDWARD A. SAULEY III
BRIG. GEN. DEAN A. TREMPS

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. GEORGE M. DEGNON
BRIG. GEN. TAMHRA L. HUTCHINS–FRYE
BRIG. GEN. SHERRIE L. MCCANDLESS
BRIG. GEN. STEVEN NORDHAUS
BRIG. GEN. KIRK S. PIERCE
BRIG. GEN. FRANK H. STOKES
BRIG. GEN. BRADLEY A. SWANSON
BRIG. GEN. THOMAS K. WARK

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. DOUGLAS A. FARNHAM
BRIG. GEN. CLAY L. GARRISON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

SARAH E. ABEL
MARK J. AGUIAR
LAKISHA N. ALBERTIE
HOLLI A. BELLUSCI
GRETA S. BREWSTER
THOMAS G. BROCKMANN
STACY N. CARR
CLAUDIA G. CLARK
SAMANTHA L. FIL
JASON W. GRIMM
CLINTON J. HARTMAN
ELIZABETH ANNE L. HOETTELS
AMY EVANGELINE JOHNSON
BRENDA A. JONES
KARL E. KAMMER
ADRIANNE M. KETELSEN
GARY V. LEAVITT
PAMELA E. LICORISH
KAREN C. LUGG
ANGELA D. MANNING
CINDY A. MCCULLOUGH
JOHN C. MCLENNAN
DEANNA M. MORRELL
VIVIAN A. NEWPORT
BRITTANY S. NUTT
PAUL L. PFENNIG
ROBERT L. RAULSTON
STEPHANIE E. RICKS
CHRISTOPHER K. SHAMBLIN
DEBRA L. SIMS
MARSHA R. STARKS
DARLENE J. STILLING
WENDY H. WILKINS
SEAN O. WILKINSON
MICHELLE E. WYCHE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH BENJAMIN AHLERS
DOUGLAS MICHAEL ARNETT
JENNA MARIE ARROYO
MARIE BARBER
VERONICA E. BATH
KRISTEN K. BECK
ANNA CHRISTI BEIERPEDRAZZI
LEO T. BRADFORD
ROBERT JOSEPH BRADY, JR.
ROSS ALAN BRENNAN
RODRIGO MANUEL CARUCO
PATRICK ANDREW CLARY
THOMAS CHARLES COLBY
JASON CORDOVA
LEVICY FAYENEIS CRAWFORD
RYAN CHARLES DITCHKOFSKY
CRAIG WILLIAM DUNHAM
PATRICK ENCARNACION MIRANDA
MEGHAN RENAE GLINESBARNEY
CHARLES JOHN GROTEWOHL
CHASE TOLMAN GUNNELL
JOHNATHAN DAVID HAMILTON
KASEY WILSON HAWKINS
NICOLE J. HERBERS
JOY ELIZABETH HEWITT
MAITE S. HIATT
ROBERT C. HINES
SHARI MARLENA HOWARD
SHEA LANDRY HOXIE
MATTHEW RYAN HRACHO
SEAN C. HUDSON
ABBIGAYLE CATHRYN HUNTER
BENJAMIN DAVID INGRAM
DIANE ELIZABETH INGRAM
JESSICA MCKEE JACQUAY
WILLIAM H. JONES
SCOTT L. KIRK
EDWIN CHARLES KISIEL III
NATHANIEL C. LANGLEY
MATTHEW J. MACKEY
JOHN M. MALEK
ALEXANDRA L. MCCRARY DENNIS
JACQUELINE MCDERMOTT WINTCH
JACQUELINE E. MCGEHEE
RYAN M. MCILROY
DAVID B. MELEAR
SARABETH A. MOORE
THOMAS JOSEPH OLSEN
LAURA E. PEET
NICHOLAS KANE PEONE
STACIE K. PERSONS
JOPHIEL PHILIPS
AMANDA L. POWERS
KATHERINE IRENE RANKIN
NICHOLAS A. REYES
JUSTIN THOMAS ROSSI
MARISOL NOHEMI SALVIEJO
JONATHAN K. SAWMILLER
VINCENT SAYEGH
TYLER J. SENA
CHRISTOPHER D. STANTON
ANN MARIE SUTTER
JONATHAN D. TERRY
STEVEN PAUL VALLARELLI, JR.
NICOLE ALLISON VELE
LAIYA YASMEEN WEBB
WOLFGANG S. WEBER
ERIC WILLIAM WELCH
TRENTON M. WHITE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL OBI AMALIRI
JON A. BRAVINDER
LANE FRANKLIN CAMPBELL
MICHAEL A. CAROLLO
MYUNG K. CHO
DAVID J. DZIOLEK
RONALD L. FEESER, JR.
SCOTT A. FOUST
JAMES W. GALYON
GLEN E. HARRIS, JR.
MICHAEL L. HAYHURST
DOUGLAS O. HESS
DEBORAH D. HUGHLEY
MARK DAVID HUNSINGER
HENRY L. JENKINS, JR.
MICHAEL J. JOHNSON
TODD A. LEATHERMON
NICHOLAS E. LOPRESTO
JEFFREY K. MCMILLEN
CRAIG H. NAKAGAWA
HOANG H. NGUYEN
SON V. NGUYEN
MATTHEW JAMES STREETT
ANTHONY L. WIGGINS
MEOSHIA A. WILSON

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

ERIKA R. WOODSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

MICHAEL S. STROUD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LANCE A. AIUMOPAS
ANTHONY W. BELL
ALLAN S. BROCK
MATTHEW D. BURRIS
LORI M. GILL
CRYSTAL D. HAYNES
MARK D. HOOVER
KEVIN C. INGRAM
SHERI K. JONES
MARK B. MCKIERNAN
CHRISTOPHER S. MORGAN
JOHN E. OWEN
JASON SCOTT ROBERTSON
SHAUN S. SPERANZA
LYNN R. SYLMAR
STACEY J. VETTER
TARA L. VILLENA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT SARLAY, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRANTLEY J. COMBS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

To be major

MARK E. QUERY
SAMUEL H. TAHK

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

To be lieutenant colonel

VICTOR A. PACHECOFOWLER

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S. C., SECTIONS 531 AND 3064:

To be colonel

JAMES M. BRUMIT

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

PAUL F. MAGOULICK
LI SUNG

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

WILLIAM L. ARNEST
MATTHEW E. T. BECK
TYLER B. BRISTOL

NATHANIEL C. CALCAMUGGIO
ELIZABETH A. CAVAZZA
ROBERT A. CHAPIN
STEVEN M. CONNELL
DWIGHT J. CORNISH
JEFFREY R. DENZEL
MATTHEW E. DIVITTORE
RICARDO H. ESTRADA
WILLIAM W. FENNIMAN II
MATTHEW D. FREEZE
PATRICK B. GIBBONS
WILLIAM J. GOLDEN
JONATHAN D. GREENBERG
BRENDAN D. HAMM
RANDALL E. HANGARTNER
CORWIN J. HARDY
DANIEL M. HARMAN
BRANDON K. HERRICK
MICHAEL R. HOGAN
JUSTIN L. JAYNES
AARON JEFFERSON III
GARY D. KISSELBACK
MATTHEW B. KNEPPER
JEFFREY P. LESHER
ROLANDO J. MACHADO, JR.
ROBERT E. MILCHESKY
GUY A. MOLINA
MICHAEL A. MULLEE
SARA A. NASH
JIMMY A. NGUYEN
CHRISTOPHER M. NORTON
MATUWO I. OLUFOKUNBI
BRADLEY T. OTREMBA
DAVID S. PAGAN
JONATHAN PARK
AMERICO C. PEREZ, JR.
VANESSA E. PERRY
THOMAS J. PLACEK, JR.
VICTOR C. SCHAEFER
ANDREW R. THOMPSON
JEREMY C. TOPP
JOHN F. UNDERHILL
ANDREW R. WEINER
ERIC E. WHICKER
JESSICA L. WILCOX
JOSHUA N. WILLIAMS
KAREN J. WOOD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

HENRY J. KENNEDY

DEPARTMENT OF HOMELAND SECURITY

THOMAS D. HOMAN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE SARAH R. SALDANA.

CONFIRMATION

Executive nomination confirmed by the Senate November 14, 2017:

DEPARTMENT OF TRANSPORTATION

STEVEN GILL BRADBURY, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 14, 2017 withdrawing from further Senate consideration the following nomination:

TIMOTHY KELLY, OF MICHIGAN, TO BE ASSISTANT SECRETARY FOR CAREER, TECHNICAL, AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE BRENDA DANN–MESSIER, WHICH WAS SENT TO THE SENATE ON OCTOBER 3, 2017.