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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

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

Let us pray.

O God, our Father, help us this day to love and serve one another in ways that honor Your Name.

May our lawmakers manifest a courtesy that brings about constructive change. Grant our Senators a tolerance so that they may not be quick to condemn ideas that differ from their own. Lord, give them such integrity so that their work may be their best whether there is anyone to see it or not.

Bless and keep us all. Shine Your wisdom upon us, doing for us more than we can ask or imagine.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SASSE). The majority leader is recognized.

### NOMINATIONS

Mr. McCONNELL. Mr. President, as we all know, the Senate has been quite busy. Legislatively, we have been hard at work on everything from budgets, to disaster relief, to consumer protections, to tax reform.

On the nominations front, we have taken strong action to strengthen the judiciary, including confirming a slate

of very-well-qualified nominees in recent days. This week, we are continuing our work to staff up the rest of the government as well. This is one of the Senate's most important functions and one we take seriously.

We are currently considering men and women who have been nominated to serve in many different roles at many different agencies. The one thing they all share in common is this: They are ready to get to work, and the sooner we confirm them, the sooner they can get on the job for our country.

First, we will vote to confirm John Gibson as Deputy Chief Management Officer at the Department of Defense. He will be responsible for increasing efficiency throughout the Department's business operations.

Afterward, the Senate will continue its consideration of Steven Engel, who will, as I discussed yesterday, serve as the Deputy Attorney General in the Department of Justice Office of Legal Counsel.

The next nomination we will consider is that of Peter Robb to serve as the General Counsel of the National Labor Relations Board.

For most of its 80-year existence, the NLRB has had the important responsibility of supporting stable labor relations by acting as a fair and impartial umpire in the resolution of labor disputes. Unfortunately, that changed under the previous administration, which wielded its Board majority as an anti-worker political cudgel at the behest of special interests and union bosses. Instead of the Board's historic commitment to impartially applying the law, the NLRB's Obama-appointed Democratic majority put forward policies that diminished the rights of employees, hurt small businesses, and rewarded entrenched political elites at the expense of workers and the middle class.

Thankfully, this Senate recently confirmed a new majority to the NLRB that is already beginning to undo the

damage of the past 8 years. Now we have the opportunity to build upon that good work with the nomination of Mr. Robb.

The NLRB's General Counsel is responsible for investigating cases of unfair labor practices and for advancing cases before the Board and its members. Mr. Robb will fulfill these duties under the aegis of a new Board majority that is returning the NLRB to its true mission once more.

Labor policy is not simply some theoretical abstraction for Mr. Robb; he knows what it means to work as a hospital orderly or a construction worker, welder, truckdriver, forklift operator, or highway sign maker because he himself has worked in all of those jobs before. After law school, Robb gained valuable experience in employment law. His previous leadership roles, including as an NLRB regional field attorney and chief counsel to a Board member, contribute to making Robb an ideal candidate to serve as the Board's General Counsel.

I look forward to voting to advance this nomination, and I urge my colleagues to join me in helping restore the NLRB to the neutral umpire of labor disputes it was meant to be.

### TAX REFORM

Mr. McCONNELL. Mr. President, on another matter, our complex Tax Code is in desperate need of reform, and we now have a once-in-a-generation opportunity to overhaul it. We all want an economy that reaches for its full potential again. We all want to support small businesses and the middle class. Tax reform represents the single most important action we can take today to advance goals such as these.

I have heard from many Kentuckians calling out for relief from our outdated and burdensome Tax Code. Listen to this small business owner from Murray, KY, who wrote to my office about his struggles under our current Tax Code. This is what he said:

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



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I am writing to stress the importance of tax reform for small businesses. As a small business owner, I have been saddle[d] with tax burdens since I began my business over 8 years ago. Tax reform for small business and families need[s] to be done immediately [so] we can have some economic hope once again.

Small businesses just like this one are calling out for relief. So are families. So are middle-class workers all across our country. Instead of better opportunities, our Tax Code gives them a complicated web of schedules, deductions, and regulations, a byzantine system that is easy for the wealthy and well-connected to exploit and impossible for almost anyone else to understand. It is time for a system that actually helps the middle class succeed and actually encourages small businesses to grow, invest, and hire.

We want to help families plan for their future. We want to get the economy going again and growing again. Most of all, we want to take more money out of Washington's pockets and put more money in the pockets of the middle class. To accomplish these goals, both the House and the Senate are continuing to move forward to deliver tax reform. Yesterday, the House Ways and Means Committee completed its first day of discussing the House legislative proposal unveiled last week. That bill, the Tax Cuts and Jobs Act, builds upon the unified tax reform framework and reflects goals shared by President Trump, Republicans in the House, and our conference here in the Senate—priorities shared by Americans of both parties all across our country.

Later this morning, a group of Senators, administration officials, and tax reform advocates will highlight the benefits of relief for families, small businesses, and the American economy. They will share their constituents' calls for tax reform.

As they do, the Senate Finance Committee will continue its work on this important issue as well. Chairman HATCH will continue to lead the committee through an open process, giving members the opportunity to provide their input, offer amendments, and work together to take another big step forward.

I am grateful for the work of both Chairman BRADY and Chairman HATCH to get us to this point. We still have a lot of work to do, but we are committed to passing tax reform to help our Nation's economy reach its full potential.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for debate only until 11 a.m., with Senators permitted to speak therein.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, later this week, the House will begin marking up the Republican tax plan in record speed, with no hearings, no real discussion. Unfortunately, Senate Republicans are mimicking the House in trying to rush through their bill as well. It is said, the Senate Republicans will unveil a plan of their own, although I don't expect there to be that much difference between the two.

What has united the Republican tax reform efforts so far in this Congress has been a stubborn desire to reduce taxes paid by big corporations and the superrich. That is the core. The middle class ends up with the leftovers. Shockingly, millions in the middle class will actually see a tax increase, not just a handful but a large number. This morning's New York Times did an analysis. According to them, one-third of all middle-class families would pay more in taxes next year under the House bill, and by 2026, nearly half of all middle-class families would pay more in taxes—almost half.

Here is the newspaper article. This is the New York Times. They defined the middle class as households between \$50,000 and \$160,000—the backbone of America. Here is their headline. I don't know if you can see it. "Republican Plan Would Raise Taxes on Millions of Middle-Class Families." Here is the headline again printed a little larger so everyone here in America can see it. "Republican Plan Would Raise Taxes on Millions of Middle-Class Families."

That is the case. They did their analysis. By the way, you say: Well, that is mainly in the coastal States. No. Even if it is not one-third, it is probably about 20 percent in the poorest of States. Large numbers of middle-class taxpayers in every State in this Union—coastal, noncoastal, New York, California but also Wyoming, Utah, and Nebraska—would pay a significant tax increase.

Looking at the House bill, you can see why. Republicans either reduce or eliminate several middle-class tax deductions. The elimination of the personal deduction, for example, which lets families deduct roughly \$4,150 for each person in the household, would be costly to families of three or more. If you have a lot of kids, this bill is bad for you. Taxwise—if tax policy influences behavior—they are trying to dis-

courage bigger families. What does that say? Ending the personal exemption makes the Republican tax plan an anti-large family bill.

In many cases, the new benefits provided to the middle class are insufficient to fill the gap created by the loss of popular deductions, and, worse, many of the benefits are temporary, expiring after several years. So while some in the middle class may get an initial tax break, down the line, the break disappears, and taxes start to go up.

As pointed out by David Kamin, a professor of tax law at NYU—and they have a great tax department, proudly from New York—Republicans have reduced the value of middle-class tax breaks significantly over time.

To meet their desires not to increase the deficit by too much—although \$1.5 trillion is a heck of a lot—instead of reducing the tax breaks on the biggest corporations or the very wealthiest, they reduced them on the middle class. So in 5 years' time, the \$300/person family credit is gone. The child tax credits—unlike the personal exemptions they replaced—lose value over time because they are not indexed. They only increase with inflation. The Republicans use the same gimmicks to make the value of middle-class deductions, like the standard deduction, lose value over time.

So while some middle-class families may see a tax decrease in the very short run, a considerable number see a hidden tax increase a few years later. They have front-loaded the benefits to disguise a tax hike in the outyears.

Look at this chart. Now, our Republican colleagues picked the perfect family to benefit from their tax break. This middle-class family, when they proposed it, is a family making \$59,000 a year. Well, the Institute for Taxation and Economic Policy looked at the Republican plan and found over one in five taxpayers, those earning between \$56,000 and \$150,000—the heart of the middle class—would see an average increase of \$1,350 by 2027. Here it is. This is not a family who has medical expenses or kids in college—they lose those deductions—or a large mortgage or from a State with high personal income and sales taxes. This is the plain-vanilla, hand-picked family chosen by the Republicans to highlight the benefits of their plan.

It is true. In the first year, they get a break around \$1,100, but over the years, they get an increase. By 2027, even this hand-picked Republican family gets a tax increase. The bottom line is, the Republican tax plan is like a ticking timebomb for many hard-working, middle-class families. Working middle-class families see a tax increase because the Republican plan reduces their benefits over time.

Meanwhile, tax giveaways for the wealthiest Americans and huge corporations get better over time. The estate tax exemption goes up from \$11

million to \$22 million for a couple, and then it is permanently repealed by 2023. The corporate rate cut and pass-through cut also stays permanent—a boon to wealthy shareholders. Middle-class tax deductions and credits expire. Deductions for corporations and the wealthiest are permanent or even get better.

As Mark Mazer, the director of the Independent Tax Policy Center, said, “You could create a plan that just cuts taxes for middle-class people. That’s not what this is.” Yet that is how Republicans are selling it.

A few days ago on Hugh Hewitt’s show, my friend the majority leader said that “at the end of the day, nobody in the middle class is going to get a tax increase” under the Republican bill. Again, that was MITCH MCCONNELL: “Nobody in the middle class is going to get a tax increase.” Well, if Leader MCCONNELL was referring to the House bill, that is just a bold-faced lie, and he ought to retract it, but to give the Senator the benefit of the doubt, maybe he is referring to the Senate tax bill still under consideration. Let’s see.

In the Republican bill, will nobody in the middle class get a tax increase? We will wait and see. If past is prologue, I doubt it because the House said no middle-class person would get an increase, then their bill walloped the middle class. One-third get an increase immediately, and then half get an increase over the next 10 years.

I would remind my Senate Republican colleagues that their House Republicans sold their bill as a middle-class bill—a middle-class tax cut—and then put together a plan that raises taxes on millions of middle-class families, one-third of all families making between \$65,000 and \$150,000.

If the Senate bill follows the same path, promising universal, middle-class tax cuts but delivers smoke and mirrors and hidden tax increases, it will get clobbered in the court of public opinion, as it would deserve.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MURPHY. 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.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of John H. Gibson II, of Texas, to be Deputy Chief Management Officer of the Department of Defense.

The PRESIDING OFFICER. Under the previous order, there will now be 60 minutes of debate, equally divided in the usual form.

The Senator from Connecticut.

#### GUN VIOLENCE

Mr. MURPHY. Mr. President, we are grieving yet again today another horrific mass shooting in a church in Texas—over 25 dead, others still clinging to life. We were barely past our stage of grief as more than 50 people were shot dead and 500 were injured at a country music concert in Las Vegas. Of course, every single night in this country, parents and brothers and sisters go to bed having lost their loved ones, and 90 people die every day from guns in this country.

I just think it is worth stating that this happens nowhere else other than in the United States. This is not inevitable. This is not something that we should accept. We are not impotent or helpless to try to change the scope of tragedy that is crippling for families that have to go through this.

I want everyone to take a quick look at this pretty simple chart. The United States has more guns and more gun deaths than any other developed country. It is not close, we are not even in the neighborhood of any of our other G-20 competitor nations. While the President told us the other day that this is a mental illness problem, one cannot explain this outlier status through a story of mental illness because none of these other countries have any lower rate of mental illness. There are just as many people who are mentally ill in these countries as there are in our country.

We cannot explain it by the attention we pay to mental illness. We spend more money on treating mental illness than these countries do. This isn’t a mental illness problem. We have to do better in treating people who have psychological disorders in this country, but the reason that we are an outlier nation when it comes to the number of gun deaths and the epic scale of our mass tragedies is explained by something else.

Here is a quick story. This graphic shows the States that have background check requirements on all gun sales in the private sector, and here are the States that have no background check laws beyond those that are required in Federal law. It is a fundamentally different story when it comes to gun-related homicides. In the States that have background check laws, the average rate of homicide is substantially lower—substantially lower—than in States that haven’t background check laws. That is because in this country, with the loosest, most lax gun laws in the industrialized world, private citi-

zens are able to get their hands on weapons that are designed not for hunting and not for shooting for sport but to kill. These tactical assault-style weapons are being used over and over in these mass tragedies, and more people end up in harm’s way.

Smarter gun laws—just making sure that the right people have guns, not the wrong people—lead to less gun deaths. It is time for us to admit that this is a uniquely American problem and that it deserves our attention rather than our silence, which has been our response every single session that I have been a Member of Congress.

This poster shows but a few of the faces that have been lost to gun violence in this country. My small town of Sandy Hook is a broken community. It is a beautiful, wonderful community, but it is a broken community. The ripples of grief that come with losing that number of children—beautiful children—all at one time never really gets repaired. That small community in Texas, Sutherland Springs, will suffer that same fate. It will be a community that will not ever truly repair itself, having lost so many beautiful people at one moment. You can’t rewind the clock.

It is increasingly impossible for me to continue to go back to Newtown, CT, and tell the people of that community that even after mass murder after mass murder in this country, at a scale that occurs in no other Nation, our response as a body is to do nothing. It is a level of callousness that is frankly unexplainable to the victims of this violence, and this macabre club of families that have had to deal with the consequences of gun violence is getting bigger and bigger and bigger.

Why? Because the number of people who die by guns is not going down. It is not leveling off. It is exploding. Every year, more people—not less people—are killed by guns in this country, and it seems to be the only problem in which there is zero interest in this body to solve. When a terrorist plows into civilians with a truck in New York City, Republicans in this body are talking about policy change within hours, but after somebody walks into a school or a church or a shopping mall, we are told that there has to be a restraining order on policy debate for days. It is ridiculous, and it is offensive to the families who have gone through this.

So, let’s just for a moment set aside the issues that I will admit are unlikely to come up for a vote in this body between now and the end of this session. I think it is unbelievable that universal background checks, supported by 90 percent of Americans, can’t get a vote here. I don’t think there is another issue like that in the American public, where 90 percent of Americans agree on something and Congress can’t even conceive of getting it done.

The only place where background checks is controversial is in the Congress. Every single gun owner I talk to

in my State wants to make sure that criminals and people who are seriously mentally ill can't buy guns.

Similarly, let's admit what is happening here. It is not a coincidence that the same kind of weapon is used every single time in these shootings. These are copycat shootings in which people see the kind of destruction that comes with an AR-15-style weapon, and they use it again in order to maximize the lethality.

Wake up. Wake up to the reality that these weapons are being used to murder with speed and power, and the killers are watching what happens in Sandy Hook, what happens in Texas, what happens in Orlando, what happens in Las Vegas, and they are repeating the process. They are replicating the weapon. They shouldn't be in the hands of civilians. You can have plenty of fun hunting without an AR-15 or AR-15-style weapon. So let's set aside universal background checks and assault weapons for a moment. I get the politics of this place. I understand those are unlikely to pass.

Why, then, can't we work on the things that we know we agree on? I have listened to dozens of Republicans in the House and the Senate claim that they are for making real the prohibition on automatic weapons. People shouldn't have fully automatic weapons in this country. Nobody should be able to do what that guy did at an upper story window in a hotel in Las Vegas, and the law that we all passed is being ignored by companies that are selling these aftermarket modifications that turn semiautomatic weapons into automatic weapons. The company that sold the modification took it off the market, but only for a couple of weeks. They are back to selling bump stocks again because we have signaled that we are not going to do anything about it.

It is not enough to just tell the ATF to do it. Why? Because the law is vague. The ATF said it was vague in 2010. All we have to do is clarify it, but aftermarket modifications that turn semiautomatic weapons into automatic weapons shouldn't be legal. It seems we have agreement on that because I have listened to many Republicans saying they are willing to take that step. Let's take it and stop talking about it. Put legislation on the floor that says you cannot have an automatic weapon in this country. Let's do it. We agree on it.

I didn't agree with the President yesterday when he said it is a mental illness problem, but similarly we could work together to make sure that people who are seriously mentally ill don't buy weapons. That is the second non-controversial policy proposal on which we could work together. Let's just admit we are going the wrong way, not the right way.

Earlier this year, Republicans passed a piece of legislation that allowed for 75,000 people in this country who have serious mental illness to be able to get

off the list of prohibited purchasers and start buying guns again. These are people who were judged to be so mentally ill that they couldn't deposit a check. They were given conservator status for Social Security purposes. These are people who were so mentally ill, so limited in their cognitive abilities that they couldn't take a Social Security check and deposit it. Those people were prohibited from buying guns. This Congress passed a law earlier this year to say that those people who can't deposit a check should be able to go buy an assault weapon.

If we are serious about trying to stop people with mental illness from getting weapons, let's work together on that instead of moving backward.

Finally, it is an open secret that the existing background check system is broken. Let's not pretend we just woke up yesterday in amazement that the records of people who are seriously mentally ill or have been convicted of crimes aren't ending up on the background checklist.

I am holding in my hand the data that is available to every single one of us about the records that are being uploaded onto the background check system. For the Department of Defense, it is a whole bunch of zeros. The Army, the Navy, the Air Force—zero, zero, zero, zero, zero, zero.

Similarly, States aren't doing their part either. Connecticut uploaded 363,000 felony records onto the NICS system over the course of 2016. Colorado uploaded 10 felony records in 2016. New York uploaded 57,000 domestic violence records in 2016. North Carolina uploaded 261. There weren't 261 people in North Carolina who were convicted of domestic violence crimes in 2016; it is just that only 261 people went up on the list. Many other States, like the Department of Defense, have zeros in all of these columns. Many States are uploading no records onto the system.

Now, admittedly, NICS tries to get those records through other means when States don't give it to them, but it is an open secret that the NICS system is broken. Congress at least tried to make some changes. After the Virginia Tech shooting, Congress did pass a NICS improvement bill, but it has not worked. It gave the Department of Justice the power to withhold Federal funding if States don't upload records. Despite the fact that there are a handful of States that have uploaded no records to NICS—zero—no State has been penalized under that 2007 law. That is not a Republican or a Democratic problem. The Obama administration didn't penalize States, and Republican Presidents didn't penalize States. Why don't we work together on that?

A couple of years ago, the House passed additional funding to help States, other jurisdictions, upload records. Why don't we find a way to work together to at least make the existing background check system work?

This feeling of helplessness that people have in this country, this feeling of

impotence that nothing can be done to change the trajectory of violence in this country, the regular scroll across the bottom of your TV screen telling you news of the latest mass shootings where little kids and senior citizens are being gunned down in churches and schools—that sense of helplessness isn't real; it is a fiction, an invention of the gun lobby designed to make this place feel as if there is nothing that can be done in order to make sure that they can continue to make these obscene amounts of profits. There are things we can do.

I understand that despite the popularity of background checks with the public, we are probably not going to get a vote on that, but let's work together to make sure that automatic weapons can't be in the hands of civilians. Let's make real the very simple premise that seriously mentally ill people shouldn't be able to buy guns. Let's fix the background check system so that, as Republicans tell us over and over again, at least we can enforce existing law. There are ways that we can stop this slaughter, and I don't know how we live with ourselves, how we sleep at night as a body if, in the face of these massacres, we don't even do the stuff we all agree on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

#### TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Mr. President, I come before this body a second day in a row to talk about an event that the Senator from Connecticut has been referring to that has shocked all of us. It has rattled us to the very core and shocked the conscience of the entire Nation.

I didn't get a chance to hear everything he said about this today, but I was encouraged to hear him make comments about fixing the background check system, which I think failed us terribly here, and it failed, of course, the 26 people who lost their lives and the 20 more who were injured in this terrible shooting in Sutherland Springs, TX, during a Sunday morning church service at First Baptist Church.

Of course, at times like these, we need to respect the right and the need of people to mourn and to grieve their loss and to express our solidarity with those families who were torn apart. One woman who has lived in Sutherland Springs for nearly 70 years described the community as a place where "everybody knew everybody." She said that before Sunday, most people didn't even keep their doors locked because the town never experienced any significant crime. Well, now that has changed.

Sutherland Springs has suffered at the hands of a man whom initial reports have described as having a known history of violence, a man whose victims included his own grandmother-in-law as well as the visiting pastor of the church. No community finds it easy to deal with unexpected heartbreaking

losses like this, but the fact that this crime involved so many tightly knit friends and neighbors and occurred in a house of worship on a Sunday morning and harmed so many innocent children makes the task much harder.

As each new detail emerges from what is still an ongoing investigation, we need to study the whole puzzle and ask ourselves how this happened, why so many lives were lost, and what, if anything, could have been done to prevent it. We know, for example, that the gunman was court-martialed by the Air Force and convicted of seriousness domestic abuse, fracturing the skull of his own son. Under the relevant Federal law, the Gun Control Act of 1968, this should have prohibited him from ever purchasing a gun in the first place, but we know it didn't in this instance. This critically important information from the suspect's criminal history was not uploaded into the relevant background check databases even though a Federal law clearly requires that it be done.

Finally and most troublingly, we know what happened next: Mr. Kelley unlawfully purchased four firearms after passing Federal background checks that did not turn up his Air Force convictions. Of course, the shooter lied on his paperwork. He was asked about these convictions—that is part of the background check system—but because there was no record of it, he was able to lie his way into getting these firearms. This is very clearly a problem, and the Air Force has now admitted that Kelley's convictions should have barred him from ever purchasing or possessing firearms. What appears to have happened is that the records of the convictions were not uploaded into the National Instant Criminal Background Check System. They are required to be uploaded by Federal law already.

There are still some questions to sift through, but I plan to introduce legislation—and I would be happy to work with my colleague from Connecticut—to ensure that all Federal Departments and Agencies, including the Department of Defense, upload the required conviction records into the national database. This legislation will also encourage, to the greatest extent possible under the Constitution, State and local governments to do the same. We can make the Federal Agencies do it. We can only request that the States do it, as the Senator from Connecticut pointed out earlier, and their record of compliance is lousy. It is lousy.

Justice Department records indicate that some Federal Agencies and State governments are failing to comply with the Federal law. According to the Department of Justice, the number of these records that are actually uploaded is staggeringly low. That is unacceptable, and it must change.

What is important to note, though, is that when the dust settles, the appropriate answers won't necessarily be the easy ones. The fact remains that under

existing law, this atrocity should have been prevented. This gunman should not have been allowed to purchase firearms and should have been arrested when he tried to do so. We need to better understand why our existing laws didn't work in this instance, and that is what my proposed legislation will do. After analyzing the problem, we will try to ensure that everyone is complying with the law.

In 2015, I introduced legislation called the Mental Health and Safe Communities Act that addressed a related issue: the failure of State and local authorities to upload valuable mental health records into the NICS background check database. I hope this demonstrates my willingness to work together with anybody who is willing to meet these problems head-on.

Right now, we need time and clarity. We need to know and continue to study the facts. Then, as we have already started to do, we need to consider all existing laws and regulations, both State and Federal, in light of this new information.

Mr. President, I know we are coming up on a deadline. I ask unanimous consent to speak for an additional 5 minutes.

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

Mr. CORNYN. Mr. President, as we wait for additional details, I want to say a few more words about the strong community of Sutherland Springs, one just 35 miles from my hometown of San Antonio, TX, where I grew up.

First Baptist Church, where the shooting occurred, has served as a mainstay in the town since 1926. It is the site of church services every Sunday, weddings, social gatherings, and even some funerals. We hope the First Baptist Church can bounce back from this tragedy, and I am confident they can because faith, hope, and love can never be extinguished no matter the depravity, the evil that tries.

We are not sure what will happen to the building or the congregation itself, but no matter what, the unique spirit of this community will no doubt endure. I am hopeful that the town of Sutherland Springs will come back too. If people like Stephen Willeford are any indication, it will. Stephen, of course, is the plumber who managed to hit the gunman through a gap in his body armor. He was joined by Johnnie Langendorff. In a truck, the two chased the gunman at high speeds for 11 miles into neighboring Guadalupe County. What these two men displayed is that in the worst circumstances, we won't let evil have its way. We won't let sick individuals like this shooter escape the consequences of their crimes. Strangers will come together and act quickly and courageously to defend the communities they love and in which they live.

Today I join Governor Abbott, my colleagues—Senator CRUZ and Representative HENRY CUELLAR, in whose House district this occurred—and so

many other Texans in once again pledging my support to the people of Sutherland Springs. I send my thoughts and prayers to those who lost parents, children, friends, and relatives in this unbelievable act of evil.

The biggest danger, though, is that we become numb and we just simply move on to other matters. We can't let that happen. As Sherry Pomeroy, the wife of the pastor at First Baptist, said yesterday, "Please don't forget Sutherland Springs." And when we hear people ask us to do something about terrible tragedies like this, let's do what we can, working together in a bipartisan way, to fix the holes in what is already the law, which says that people like this shooter should never have gotten their hands on a firearm in the first place. But either through human error or some failure of the background check system, he was able to do so. We need to fix that, and hopefully, in doing so, we can bring some small sense of justice to the people who lost so much last Sunday in Sutherland Springs, TX.

I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

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

Mr. ALEXANDER. 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 bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The result was announced—yeas 91, nays 7, as follows:

[Rollcall Vote No. 262 Ex.]

YEAS—91

Alexander	Durbin	Manchin
Baldwin	Enzi	McCain
Barrasso	Ernst	McCaskill
Bennet	Feinstein	McConnell
Blumenthal	Fischer	Moran
Blunt	Flake	Murkowski
Boozman	Franken	Murphy
Brown	Gardner	Murray
Burr	Graham	Nelson
Cantwell	Grassley	Perdue
Capito	Hassan	Peters
Cardin	Hatch	Portman
Carper	Heinrich	Reed
Casey	Heitkamp	Risch
Cassidy	Heller	Roberts
Cochran	Hirono	Rounds
Collins	Hoeben	Rubio
Coons	Inhofe	Sasse
Corker	Isakson	Schatz
Cornyn	Johnson	Schumer
Cortez Masto	Kaine	Scott
Cotton	Kennedy	Shaheen
Crapo	King	Shelby
Cruz	Klobuchar	Stabenow
Daines	Lankford	Strange
Donnelly	Leahy	Sullivan
Duckworth	Lee	Tester

Thune	Van Hollen	Wyden
Tillis	Warner	Young
Toomey	Whitehouse	
Udall	Wicker	

## NAYS—7

Booker	Markey	Warren
Gillibrand	Merkley	
Harris	Sanders	

## NOT VOTING—2

Menendez	Paul
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

## 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 Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, JMike Rounds, James M. Inhofe, John Hoeven.

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 Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 263 Ex.]

## YEAS—51

Alexander	Cotton	Hatch
Barrasso	Crapo	Heller
Blunt	Cruz	Hoeven
Boozman	Daines	Inhofe
Burr	Enzi	Isakson
Capito	Ernst	Johnson
Cassidy	Fischer	Kennedy
Cochran	Flake	Lankford
Collins	Gardner	Lee
Corker	Graham	Manchin
Cornyn	Grassley	McConnell

Moran	Rounds	Sullivan
Murkowski	Rubio	Thune
Perdue	Sasse	Tillis
Portman	Scott	Toomey
Risch	Shelby	Wicker
Roberts	Strange	Young

## NAYS—47

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

## NOT VOTING—2

Menendez	Paul
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The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

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

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

## OUR COUNTRY'S MIDDLE EAST FOREIGN POLICY

Mr. MCCAIN. Mr. President, in recent months, the United States and coalition forces have achieved major gains against Iraq and Syria. Building upon the retaking of Mosul in July, U.S. coalition partners have liberated ISIS's former capital of Raqqa in Syria, the pocket of Hawija in northern Iraq, and, just days ago, the border town of al-Qaim in western Iraq. The so-called caliphate that terrorists claimed would overrun the Middle East is now a shadow of its former self—a shrinking swathe on a map once defined by an open reign of terror.

Unfortunately, however, our challenges in the region remain daunting despite these hard-fought tactical victories. Our relentless focus on destroying ISIS, which is, of course, essential, has obscured a troubling reality: The United States lacks a clear comprehensive strategy that addresses the Middle East in all of its complexity.

This is part of the unfortunate legacy the Obama administration left for its successor, but nearly 1 year into the Trump administration, we lack clarity on essential questions about our Nation's role, and we are left to observe as bystanders the intensifying symptoms of a collapsing regional order. While in some cases we are bystanders who take action, we do so with unclear and often unstated objectives.

The United States has committed to the sale of over \$100 billion of weapons to Saudi Arabia. We have announced an outline of strategy to counter Iran while providing only minimal detail. We remain conspicuously silent on the future of our role in Iraq and Syria beyond eliminating ISIS, as the Assad regime and its partners consolidate power.

Our power and influence is diminishing in the Middle East as a result of our lack of direction, and the vacuum has been filled by forces working contrary to American interests. Consider the events that have swept the region in recent months.

In Iraq, Iranian forces are working to sow discord as we recently saw in Kirkuk, where the presence of the Quds Force commander, Qassem Soleimani, exacerbated tensions among the Kurds and the government in Baghdad. Iranian-backed militias continue to gain power and aim to turn next year's election into a setback that drives American influence out of Iraq. Meanwhile, the scourge of ISIS remains despite recent military successes. The terrorist attack last week in Manhattan shows its persistent appeal. Its rise in the wake of U.S. withdrawal years ago demonstrates the danger of leaving before winning the peace.

Across the border in Syria, the Assad regime, backed by Russia, Iran, Hezbollah, and an array of militias, has retaken most of the country, including many eastern areas that are strategically important. The consequences of the resulting humanitarian crisis have spilled beyond its border for years, destabilizing nations far beyond Syria and paving the way for radicalization. Forces that are hostile to both our interests and our values are shaping the future on the ground while we remain silent, focused on the immediate defeat of ISIS.

I want to emphasize, we want to defeat ISIS. We are defeating ISIS, but that is not our only goal in the Middle East.

On Saturday, the Lebanese Prime Minister, Mr. Hariri, resigned, claiming that he faced death threats from Iran, leaving the United States with one less valuable partner in a divided government in which Hezbollah plays a major role. I happen to have become friends with Mr. Hariri over the years. He is a good, pro-democratic, outstanding individual who basically was forced out of office.

A web of Iranian proxies and allies are spreading from the Levant to the Arabian Peninsula, threatening stability, freedom of navigation, and the

territory of our partners and allies, including with advanced conventional weapons. Iran itself continues to menace its neighbors, use its sanctions relief windfall to harmful ends, test ballistic missiles, and spread weapons throughout the region.

According to our allies and partners, just days ago, Houthi rebels in Yemen launched an Iranian-provided missile at the airport in Riyadh. Meanwhile, our Arab allies are embroiled in infighting and diplomatic disputes that weaken regional cooperation and coalition efforts in the face of these pressing threats.

Saudi Arabia itself is in the midst of monumental change. The recent appointment of a new Crown Prince, the arrest over the weekend of a number of prominent Saudi citizens, and the Kingdom's ongoing war in Yemen, which has spawned a humanitarian crisis of its own, indicate a forcefulness that promises progress but also raises concern about internal stability and regional conflict. Ultimately, it could serve to strengthen Saudi rivals.

In Turkey, President Erdogan continues to consolidate power, abuse human rights and the rule of law, and stifle democracy, while growing closer to Russia and straining the relationship with NATO. Meanwhile, Vladimir Putin's Russia casts a long shadow throughout the region as it reestablishes itself as a power broker hostile to American interests and wholly unconcerned about human rights.

These challenges are daunting, confusing, and complex, borne of years of neglect, punctuated by crises and aggravated by weeks filled with the events of decades.

The questions a comprehensive strategy must address are formidable: What are our political and military objectives in the region? How should we prioritize our pursuit of objectives given the numerous regional challenges, and how should we measure our success? What roles and responsibilities should our allies and partners play, and what support will they need to do so? What should be the size, roles, missions, and capabilities of U.S. forces in the region, whether in Iraq, Turkey, the Persian Gulf, or elsewhere? How will the United States facilitate humanitarian relief, stabilization, reconstruction, and political reconciliation where possible?

These questions—many of which we require the President and Department of Defense to answer in the National Defense Authorization Act—are not academic.

The United States is not involved in the Middle East because we labor under the illusion that our presence will solve every problem but because the stability of the region is vital to our national interests and international security alike. Middle Eastern instability tends to travel far beyond its borders. The region's importance to the

global economy that Americans benefit from and depend upon cannot be underestimated, but if we keep sleepwalking on our current trajectory, we could wake up in the near future and find that American influence has been pushed out of one of the most important parts of the world, and that we cannot abide.

The world faces an unprecedented array of challenges, of which instability in the Middle East is only one. Most importantly, the United States faces growing threats from Russia and China, both of which are eager to tilt the balance of power in Europe and Asia toward them rather than toward us and the majority of the world that favors greater freedom and openness.

We need to prioritize these critical challenges by rebuilding military readiness, reorienting our force structure, investing in needed capabilities to deter near-peer competitors, and strengthening our alliances with like-minded partners and allies.

If we neglect to consolidate our gains against ISIS and address the threats to American interests throughout the Middle East, our gains will easily be overtaken. As my friend and former Secretary of State George Schultz once observed, "If you have a garden and want to see it flourish, you have to tend to it." We could find ourselves enmeshed in conflicts far more costly in lives, power, and opportunity if we neglect to care for a particularly frustrating part of the world.

Our elected leaders must articulate a comprehensive strategy that reflects these judgments with specificity and detail rather than piecemeal offerings and tactical victories. Congress, with our constitutional role as a coequal branch of government, and, more importantly, the American people, deserve no less.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate will confirm Steven Engel to serve as Assistant Attorney General for the Office of Legal Counsel.

The Office of Legal Counsel, which we refer to as the OLC in the Judiciary Committee, functions as legal advisor to the President and executive branch agencies, providing advice on complex questions of constitutional and statutory interpretation. The OLC essentially serves as the general counsel to the executive branch.

Mr. Engel is well equipped to lead that office, both from the standpoint of academics and from the standpoint of background. Mr. Engel received his undergraduate degree from Harvard, his master's of philosophy from Cambridge University, and his law degree from Yale Law School.

Following his graduation, Mr. Engel clerked for Judge Kozinski of the Ninth Circuit Court of Appeals and for Justice Kennedy on the Supreme Court. Mr. Engel joined the law firm of

Kirkland & Ellis after clerking for Justice Kennedy. Mr. Engel's practice focused on appellate and commercial litigation matters.

In 2006, Mr. Engel joined the OLC as counsel to the Assistant Attorney General at that time and was later promoted to Deputy Assistant Attorney General. There he provided legal advice to the Attorney General, to the White House counsel, and other executive branch clients on a variety of legal matters.

In 2009, Mr. Engel joined the law firm of Dechert as a partner in the white collar and securities litigation group and later in that same firm as a member of the complex commercial litigation group.

Mr. Engel's nomination has broad support across the legal community. The Senate Judiciary Committee received a number of letters in support of his nomination. One such letter is signed by former Attorneys General Mukasey and Gonzales, as well as former Deputy Attorneys General Filip, Morford, and McNulty. Other letters of support were received from his clerks on the Supreme Court, a group of Mr. Engel's former colleagues, Yale Law School classmates, and Harvard Law Professor Jack Goldsmith. Mr. Engel also received an endorsement from the Patrolmen's Benevolent Association of the city of New York, which is the largest police union in New York City.

Another letter from former senior government officials and legal officers of the executive branch, including Kenneth Wainstein and Michael Hayden, noted their "enthusiastic support" for Mr. Engel's nomination. Wainstein and Hayden wrote: "We are confident that as head of OLC, Steve will render legal opinions with the highest level of professional integrity and according to his best understanding of what the law and the Constitution require."

Mr. Engel and I met this summer, and we discussed the importance of congressional oversight and the essential role played by Members of this body and the House of Representatives. He assured me that he agreed that each Member, whether or not a chairman of a committee, is a constitutional officer entitled to the respect and best efforts of the executive branch to respond to his or her requests for information. Further, he committed to review the May 1, 2017, OLC opinion on this very issue and to consider whether a more complete analysis of the issue is necessary.

You may remember that my interest in this whole thing goes back to early in this new administration, when people working for the President and presumably speaking for the President said that the only oversight letters that would be responded to would be those from chairmen of committees. Now, you can imagine that leaves out



at least 30-some Republicans that would never get answers to their oversight letters, and it would leave out 48 Democrats that would never get answers to their letters. Consequently, most of Congress would not be able to do their constitutional role of oversight, making sure that the executive branch is in enforcing the laws and spending the money according to what we require. So I raised that issue through a 7-page letter to the White House, and they came and visited with me about it.

I think they had some misunderstanding of what oversight was all about. They wrote a letter that said they are going to respond to every Member of Congress on oversight issues, which satisfies me from the standpoint of their intent.

As I just said in my remarks here, Mr. Engel committed to review that May 1, 2017, OLC opinion on this issue and to consider whether a more complete analysis of the issue is necessary because every Member of Congress should be able to do oversight, and every Member of Congress ought to expect an answer to their letters from the executive branch of the government, whether they are a chairman or not, whether they are a Republican or not, whether they are a Member of the House or a Member of the Senate. I want to make sure that we follow through on this, although I will give this administration credit for almost totally reversing an opinion that they issued way back in May.

The head of OLC is a highly important role at the Department of Justice, and it is a role whose importance is felt throughout the Federal Government. Just to show you how it is felt throughout the entire government, let me tell you that they issued an opinion in the previous administration on something to do with the work of inspectors general throughout the government, previously, or maybe originally, intended to say what the inspectors general could demand or not demand. We understand that the law passed in 1979 says that an inspector general can be entitled to any information he wants from that department, but they issued an opinion—the OLC person at that time—along the lines of, well, there are some areas that maybe the head of the agency has to review, which means that the 1979 law isn't being carried out in the spirit. That is kind of an example because that opinion from the Justice Department was used by general counsels throughout the administration of Obama to keep Congress from doing its oversight work. That is how important the person who is the head of the Office of Legal Counsel is in determining what goes on in the executive branch of government—enough to stifle the oversight work of the Congress of the United States or the work of the inspectors general of each department.

So I see Mr. Engel as a person who is going to be a friend of congressional

oversight and, if he isn't, I am going to be very, very disappointed. He has satisfied me through his testimony before our committee and through the promises he made in letters to me and in the privacy of my office that he is going to do that. So we are ending up with a Mr. Engel who is, as you can see, very well qualified to take on such a role as Assistant Attorney General of the Office of Legal Counsel.

I urge my colleagues to support Mr. Engel's nomination and confirm him to this important position.

I yield the floor.

Mr. DURBIN. Mr. President, I rise in opposition to the nomination of Steven Engel to head the Justice Department's Office of Legal Counsel.

On many occasions, President Donald Trump has made clear that he does not appropriately respect the rule of law in America. We have seen this many times over the last few years, from his bigoted and disdainful comments about Federal judges, to his firing of FBI Director Comey because of what the President called "this Russia thing," to his shameful pardon of Joe Arpaio, a man convicted of criminal contempt for refusing to stop violating the Constitution, to his efforts last week to badger the FBI and Federal prosecutors into doing his bidding.

As Republican Senator BOB CORKER said last Friday:

President Trump's pressuring of the Justice Department and FBI to pursue cases against his adversaries and calling for punishment before trials take place are totally inappropriate and not only undermine our justice system but erode the American people's confidence in our institutions.

If my Republican colleagues want to restore confidence in our institutions of justice, they can start by making sure that only someone truly independent of Donald Trump serves in the vital position of Assistant Attorney General for the Office of Legal Counsel.

The Office of Legal Counsel, or OLC, is not well known, but it is a critical part of the Federal government. OLC exercises statutory authority to provide legal advice that is binding on the executive branch. In addition to giving legal advice to the President and executive branch officials, OLC reviews all proposed Executive orders and Attorney General orders for form and legality. Essentially, OLC serves as a check to make sure that the President and his administration are faithfully executing the laws.

There have been shameful moments in our history when OLC's leaders have lacked the independence and judgment to stand up for the rule of law. For example, in 2002, under Assistant Attorney General Jay Bybee, OLC produced the infamous torture memo that approved the CIA's use of torture techniques like waterboarding. When this memo became public in 2004, the Justice Department was forced to withdraw it. Jack Goldsmith, a prominent conservative legal scholar who was acting head of OLC at the time said he

was "astonished" by the memo's "deeply flawed" and "sloppily reasoned" legal analysis.

Then, in May 2005, OLC had a new leader—Steven Bradbury—and he secretly issued three new torture memos approving the use of waterboarding and other abusive interrogation techniques. Then-Deputy Attorney General Jim Comey strongly objected, saying the United States would be ashamed when the memos came to light, but Attorney General Alberto Gonzales overruled him.

Already, we have seen troubling signs at OLC under President Trump. In January, OLC signed off on President Trump's travel ban Executive order, a decision that was kept secret from then-acting Attorney General Sally Yates. According to Ms. Yates, this was the first time ever that OLC hid its actions from the Attorney General, which it did even though OLC reports to the Attorney General. This Executive order was blocked by multiple Federal courts before it was withdrawn. OLC issued an opinion on Inauguration Day to allow President Trump to employ family members in the White House. This was a reversal of OLC's longstanding position on antinepotism laws.

OLC is likely to face many critical legal issues in the coming months and years. We need OLC to serve as an independent check on this administration, especially since President Trump has shown an eagerness to denigrate the justice system and to criticize those whose views on the law differ from his own. Unfortunately, Steven Engel, the President's nominee to head OLC, has not demonstrated the independence and judgment that our country needs for this vital position.

Mr. Engel has been a law firm partner since 2009. Previously, he worked at OLC under President George W. Bush from 2006 to 2009, rising to the level of Deputy Assistant Attorney General. Mr. Engel admitted that, while he was at OLC, he "reviewed and commented upon" a July 2007 memo to the CIA Acting General Counsel which concluded that six CIA enhanced interrogation techniques were legal. These techniques included, for example, extended sleep deprivation by shackling detainees in a standing position while wearing a diaper for days at a time. The OLC opinion said that these techniques did not constitute cruel, inhuman, or degrading treatment. The Justice Department's Office of Professional Responsibility concluded that this 2007 memo was inconsistent with the plain meaning and commonly held understandings of Common Article 3 of the Geneva Conventions. The OLC opinion was withdrawn in 2009.

While at OLC, Mr. Engel also helped draft legislation that would become the Military Commissions Act of 2006. This law included a provision that suspended habeas corpus rights for Guantanamo Bay detainees, a provision that the Supreme Court struck down as unconstitutional in the *Boumediene* case.



Additionally, Mr. Engel worked on President Trump's transition and Justice Department landing team, but, he would not tell the Judiciary Committee what matters he worked on, which is troubling.

I asked Mr. Engel to provide reassurance that, if he is confirmed, OLC will operate independently from President Trump. His response? He said he was deeply committed to the independence of OLC and said, "I demonstrated that commitment in my prior service in the Office, as well as in my activities in private practice and my volunteer work for the Trump transition team." It is hard for me to understand how Mr. Engel's work for the Trump transition—work that he would not even discuss with the committee—is supposed to reassure us about his independence from President Trump. To the contrary, I fear that by refusing to discuss his transition work, Mr. Engel has already started covering for Mr. Trump.

Perhaps the most telling response Mr. Engel provided when it comes to demonstrating independence from President Trump is this. I asked him this question in writing:

According to news reports, in a January 27th dinner, President Trump asked then-FBI Director James Comey if Comey would pledge his loyalty to President Trump. Do you believe it is appropriate for a President to ask a Director of the FBI to pledge loyalty to the President?

His response? "I do not have any knowledge concerning the communications between President Trump and former FBI Director Comey." This is not a hard question. I wasn't asking Mr. Engel about the specific conversation between President Trump and the FBI Director. Here is the easy answer that he should have given: It is wrong and unethical for a President to ask an FBI Director—or any Justice Department or FBI official—to make a personal loyalty pledge. If Mr. Engel can't get the easy questions right, what will he say when challenging questions come before OLC?

For example, what if President Trump asks OLC to revise the 1974 OLC memo concluding that a President cannot pardon himself? Would Mr. Engel cave to the President's whims? Or what if President Trump asks OLC to justify some pretext for the firing of Special Counsel Mueller? Are my Republican colleagues confident that Mr. Engel would stand strong?

Here is the bottom line. Many of my Republican colleagues talk and tweet about their concerns when President Trump disrespects the rule of law, but talk and tweets are cheap. If they are truly concerned about President Trump's actions, they need to vote in a way that serves as a meaningful check on President Trump. Our Nation needs the Office of Legal Counsel to serve as a check on the President's worst impulses. We need them to stand strong when the President berates the Justice Department and urges it to ignore legal norms and processes.

I am concerned that Mr. Engel has not demonstrated the independence and judgment we need from the head of this critical office. Therefore, I cannot support his nomination.

The PRESIDING OFFICER. The Senator from South Dakota.

#### TAX REFORM

Mr. THUNE. Mr. President, we are getting close to making tax relief for Americans a reality. Last week the House released its tax reform bill, and this week we expect the Senate Finance Committee to release our version. In the coming days, the tax committees in both Houses will review the bills, and then we will debate them on the floor and develop a final version.

After years of economic stagnation, Americans are ready for relief. They are ready to keep more of their hard-earned money. They are ready to finally see a real pay increase, and they are ready for access to more economic opportunity. That is what our tax reform bill is going to provide.

To start with, our bill is going to put more money in Americans' pockets by lowering their tax rates and doubling their standard deduction. Under our bill, a family making \$24,000 a year or less will not be paying any taxes, and families making more than \$24,000 a year will be paying significantly less than they are paying today. We are also going to help families by substantially increasing the child tax credit, and we are going to simplify and streamline the Tax Code so that it is easier for Americans to figure out what benefits they qualify for so they don't have to spend a lot of time and money filing their taxes.

But that is only the beginning. Americans don't just want to keep more of their hard-earned money. They also want to be making more of it, but Americans have had a hard time doing that lately. Wages have been stagnant for years, and new opportunities have been hard to find.

So in addition to reforming the individual side of the Tax Code, we are going to reform the business side so that we can give Americans access to the kinds of jobs, wages, and opportunities that will set them up for a secure future. In order for individual Americans to thrive economically, we need American businesses to thrive.

Thriving businesses create jobs, they provide opportunities, and they increase wages and invest in their workers. Right now, though, our Tax Code is not helping businesses thrive. Instead, it is strangling both large and small businesses with high tax rates. Small businesses are incredibly important for new job creation. They play a huge role in the economy in my home State of South Dakota and other States all across the country, but the high tax rates that too many small businesses currently face can make it difficult for them to even survive, much less thrive and expand their operations.

So we are going to lower taxes for small businesses so that they can grow

and hire new workers. We are also going to allow small businesses to recover their capital invested in things like inventory and machinery more quickly, which will free up capital so they can use that to expand and create jobs. Right now it can take small businesses years, or in some cases even decades, to recover the cost of their investments in equipment and facilities. That can leave them extremely cash poor in the meantime, and, needless to say, cash poor businesses have a hard time expanding, hiring new workers, or increasing wages. Allowing small businesses to recover their investments more quickly will mean more jobs and more opportunities for American workers.

In addition to high tax rates on small and large businesses, another thing that is decreasing jobs and opportunities for American workers is our outdated worldwide tax system, which is discouraging American companies from investing their profits here at home in American jobs and American workers. Having a worldwide tax system means that American companies pay U.S. taxes on the profit they make here at home as well as on part of the profit they make abroad once they bring that money back to the United States. The problem with this is that American companies are already paying taxes to foreign governments on the money they make abroad. Then, when they bring that money home, they too often end up having to pay taxes again on part of those profits and, I might add, at the highest tax rate in the industrialized world. It is no surprise that this discourages businesses from bringing their profits back to the United States to invest in their domestic operations, in new jobs, and in increased wages.

Between 1982 and 2003, when the U.S. tax rate was much more competitive with those other countries, there were 29 corporate inversions where U.S. companies moved abroad. Between 2003 and 2014, when other countries were dropping their corporate tax rates and shifting to territorial tax systems, there were 47 such inversions.

Our tax plan addresses this drag on our economy by moving from our outdated worldwide tax system to a territorial tax system. What does that mean? By shifting to a territorial tax system here in the United States—a move, I might add, that is supported by Members of both political parties—we will eliminate the double taxation that encourages companies to send their investments and operations overseas. Combine that with a reduction in our high corporate tax rate, and we can provide a strong incentive for U.S. companies to invest their profits at home in American jobs and American workers instead of abroad.

Business tax reform is essential to reversing the economic stagnation that we have seen in recent years. The White House Council of Economic Advisers estimates that the tax reform framework that Republicans have presented will boost economic growth by

between 3 and 5 percent. That is good news for the economy. More specifically, however, it is good news for American workers, who can expect to see their incomes rise as a result. A study from the White House Council of Economic Advisers estimates that reducing the corporate tax rate from 35 percent, where it is today—the highest, as I said, in the industrialized world—down to 20 percent, which is more competitive with our competitors around the world, would increase average household income by \$4,000 annually. Think about that. Reducing the tax on businesses in this country would increase average household income for families in America by \$4,000.

A Boston University professor and public finance expert, Larry Kotlikoff, found that lowering the corporate tax rate to 20 percent would increase household income by \$3,500 per year on average. This was most recently confirmed by Martin Feldstein, a Harvard professor and former Chair of the Council of Economic Advisers, who noted in the Wall Street Journal this week that corporate tax reform is likely to boost household income by \$3,500 per year.

There are lots of analysts, lots of experts who are looking at these proposed changes to the Tax Code and the tax reform that we are attempting to get through the Congress this year and onto the President's desk, and they have concluded that not only will it reduce taxes—the tax burden, the amount of tax that is paid by middle-income families in this country—but the reduction in the rates on businesses will also increase the number of opportunities for better paying jobs and higher wages and it will raise that annual income—that average household income—that is so desperately in need of a boost.

It has been a rough few years for the American economy and for American workers. I think all you have to do is to look at the numbers and you know that most Americans haven't seen a pay raise in almost the last decade. But with comprehensive tax reform, the next few years—and the next few decades, for that matter—can look very, very different.

Republicans' tax reform legislation is going to provide direct relief to hard-working Americans, and it is going to create the kind of economy that will give workers access to more jobs, to better opportunities, and to higher wages, not just for the near term but for the long term.

I look forward to working with my colleagues on the Senate Finance Committee, under the leadership of Chairman HATCH, to put the final touches on our bill and to take it up in the committee next week. Then, I hope we can bring that bill to the floor of the Senate and have an open debate, process amendments, and pass something through the Senate that we can conference with the House of Representatives, put it on the President's desk, and move our economy in a direction

that will provide a brighter and more prosperous future for American workers and American families.

It is time to give the American people some relief.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Thank you, Mr. President.

Mr. VAN HOLLEN. Mr. President, I rise today to strongly oppose the legislation that has emerged from the House of Representatives that pretends to provide tax relief to middle-class Americans, but if you take a look at it and you look at the analyses that have already come out, what it really is, is another big tax giveaway to millionaires, billionaires, and big, multinational corporations.

I believe we should do tax reform. We should take our Tax Code and clean up a lot of the junk that has gotten into our Tax Code that is not there for good public policy reasons and is there because someone had a high-powered lobbyist. We need to clean up our Tax Code, we need to reform our Tax Code, and we need to do it in a way that helps the middle class and doesn't add more big breaks for big corporations.

Unfortunately, this Republican plan does the opposite of tax reform. What it does is doubles down on big tax breaks for big corporations and the superwealthy.

There is a headline today based on the analysis. The New York Times looked at it. "Republican Plan Would Raise Taxes on Millions" of middle-class families. I can tell you that is very true in my State of Maryland. In fact, it is going to be true in States throughout the United States of America. We are going to see millions of middle-class families paying more under this plan. In fact, this analysis that is discussed in the Times found that 45 percent of middle-class families will see a tax increase under this plan once it is fully implemented. That means that families making between roughly \$50,000 a year and \$160,000 a year—about half of them are going to end up paying higher taxes under the Republican plan.

Here is one of the double standards that you see continuing throughout the Republican tax plan: Big corporations not only get big tax cuts—\$1.5 trillion—but they are going to go on forever. In middle-class families, many people will see an immediate tax increase. Others will initially see a little tax cut. But for individuals and families, it is the great disappearing tax cut—a little sweetener to make the bill look good in the early years, but the bill takes away all those tax cuts for middle-class families, on average, and then actually increases the burden on a family of four making \$59,000 under the plan.

For corporations, a \$1.5 trillion tax cut over 10 years—permanent. For folks in the middle, many will see an immediate tax increase, and the tax in-

crease will stay in place. Others will see a little tax decrease, but as the years go by, many of those are going to see their taxes go up. It is a major corporate tax cut financed in large part by millions of middle-class families paying higher taxes.

Just to give a sense of how well the folks at the very top will do, there is a headline from the Wall Street Journal—this is not a Democratic-leaning newspaper—"Banks Sidestep a Big Tax-Plan Pitfall." Right here in the second paragraph of the Wall Street Journal article, it says this: At a 20-percent corporate tax rate, banks stand to be among the biggest winners from tax reform. That is according to S&P Global Market Intelligence. The five biggest diversified banks alone might have had tax savings of \$11.5 billion in 2016 at that rate—the biggest sum for any subindustry group tracked by S&P. The biggest banks do just great under this Republican plan. Middle-class families are left paying the bill.

If you look at this on the individual side, the top 1 percent wealthiest Americans in this country are going to get an average tax cut of \$65,000—that is per person, on average. If you are in that top 1 percent, an average family will get a \$65,000 tax cut. That means that 48 percent of the benefit of all the tax cuts in this Republican plan goes to the top 1 percent. Let me say that again and just flip it around. The top 1 percent wealthiest households are going to get 48 percent of the dollar benefit of this tax cut. That doesn't sound like a plan focused on improving the situation of middle-class taxpayers. They are the ones who are going to have to finance many of those tax cuts for the very wealthy and big corporations.

I know our Republican colleagues recognize what a vulnerability this is because our colleague, Senate majority leader Mr. MCCONNELL, said about the tax bill in an interview last Saturday: "At the end of the day, nobody in the middle class is going to get a tax increase." To understand what that means, he is saying that not a single middle-class household out there in the country is going to see their taxes go up. Well, I don't know what tax plan he is talking about, but it is certainly one that hasn't seen the light of day yet because the bill that has come out of the House will raise taxes on millions of middle-class families, and that is a fact.

Just the other day, in an interview on FOX News, Speaker RYAN said: "We are making sure every middle income taxpayer is a winner here." Every middle-class taxpayer is a winner here. Well, that is certainly not true of the plan that was just marked up in the Ways and Means Committee of the House because there are a whole lot of families in the middle class who are big losers under the Republican plan—in fact, millions of them around the country.

I don't know what plan they are talking about. I am looking forward to seeing the Republican plan that doesn't raise taxes on any middle-class family in the United States. That should be our policy. We should not be increasing the burden on middle-class families in order to finance a \$1.5 trillion tax cut for big, multinational corporations, but that is the way it is right now.

Homeowners are going to be especially hard hit under this Republican plan because a lot fewer homeowners will utilize the mortgage interest deduction, and the Republican plan also slashes the deduction for State and local taxes. In fact, they eliminate your option to deduct State and local income taxes. The result is going to be that a lot of middle-class homeowners are going to pay a lot more. That is why the Realtors oppose this bill. These are the folks in our neighborhoods who are buying and selling homes. They are folks who have their ears to the ground in our communities.

Here is what the president of the National Association of Realtors said about this bill: It "threatens home values and takes money straight from the pockets of homeowners."

In fact, they had a study done by PricewaterhouseCoopers that said that if you are a homeowner and your income is between \$50,000 and \$200,000, adjusted gross income, you will see an average tax increase. They also predicted that home values across the board could drop by 10 percent, and it is not clear when they would recover their value.

The National Association of Home Builders is also opposed to this legislation because of the impact it will have on home ownership and the prices and value of people's homes around the country. They said:

The House Republican tax reform plan abandons middle-class taxpayers in favor of high-income Americans and wealthy corporations. The bill eviscerates existing housing tax benefits by drastically reducing the number of homeowners who can take advantage of mortgage interest and property tax incentives.

I think all of us know that this is not some left-leaning group. We are talking about the National Association of Home Builders finding that the Republican plan abandons middle-class taxpayers in favor of high-income Americans and wealthy corporations. That is their finding based on their analysis of the bill.

Here is the catch. It is that double standard again. Just as I said earlier, you have the tax cuts for big corporations going on forever, but there is much less tax relief for some middle-income taxpayers, and it takes effect early but then phases out. You also have a situation where, if you are a big corporation, you get to deduct all of your State and local taxes. In fact, if you are a multinational corporation and you are in China, you get to deduct taxes you pay to the Government of China. But if you are a household in

Maryland or any of our States, you don't get to deduct the taxes you pay to your State and local governments. So you are paying taxes twice on that dollar—once to the State government and again to Uncle Sam out of the same dollar.

Fitch Ratings looked at this and concluded that it will put dramatic strains on State and local budgets since people in those States are not going to be able to take those tax deductions. Either you are going to see dramatic cuts to school funding or healthcare, or you are going to see State and local governments raise the property taxes in those States. So you get hit coming and going if you are a middle-class homeowner.

This also damages our economic development efforts in many parts of our country. It repeals the new markets tax credit. While it doesn't get rid of what President Trump said was a huge giveaway, the hedge fund loopholes—I can't remember how many times during the Presidential campaign Candidate Trump talked about how the hedge fund tax break was a total giveaway. That is not eliminated in this Republican bill. They keep the big hedge fund loopholes, but here is what they get rid of. They get rid of the ability of people with high medical expenses to deduct those expenses from their taxes.

They even take away the additional standard deduction that currently applies to taxpayers who are at least 65 years of age or who are blind. There are many folks who are in that category who are also going to see their taxes go up. Seniors are going to see their taxes go up, which is why the AARP has raised the alarm about that provision and others.

While they keep the big hedge fund loopholes, they get rid of the ability of families who adopt children to take a tax credit to help cover the costs of adoption.

They get rid of provisions of the Tax Code that help students and teachers and schools. If you are a teacher who has been spending money to buy textbooks and other materials for your class, you used to be able to deduct the costs of what you are buying to help your kids. They take that away in the same bill that they give big corporations a big \$1.5 trillion tax break. If you are a student who has been struggling to afford college bills, you no longer get to deduct the interest on your student loans.

If you are an employer who is currently receiving an incentive to employ veterans who have served our country, sorry, that is gone too.

So I want to get this straight. You are going to take away the ability of people with high medical expenses to take a deduction. You are going to take away the ability of college graduates to take a deduction so that their expenses are more affordable. You are going to take away the ability of people to get the adoption tax credit. And

you are going to take away incentives for people to hire our veterans. But you are going to keep the hedge fund loophole and you are going to give a \$1.5 trillion tax cut to big corporations. That is what this bill is all about.

Finally—and I am going to talk about this at greater length some other time—look at the international tax provisions in this Republican bill and how they are structured. I really urge my colleagues to take a look at this. They actually increase the incentives for U.S.-based businesses and companies to move their operations overseas. That is for two reasons. No. 1 is that when you reduce the international tax rates—when you say, essentially, that a U.S. corporation that moves its jobs overseas now just pays the tax in that country and has no U.S. tax obligation; we, under this bill, are at 20 percent—you still have an incentive, obviously, to move your operations to a very low tax place like the Cayman Islands.

But, then, there is an effort to address that issue in this bill. The problem is the effort to address that provision doesn't work at all. Here is the current situation: A lot of corporations try to park what are known as their intangible assets in the Cayman Islands or other tax havens. These are things like the value of patents. You make a great discovery, and you get a patent from the U.S. Patent Office, and you make royalties off of that patent. Then, you have a lot of good lawyers, and essentially you park that patent in the Cayman Islands. That really has no tax obligations, so all the profits that derive from that patent are not subject to any tax—or maybe 1 or 2 percent tax.

So in this Republican bill, there is an effort to try to address that issue—at least it pretends to address the issue—but the problem is that it doesn't.

Here is what they say. They say: Well, we are going to catch you if you park your money in a place like the Cayman Islands because we are going to have a tax of 10 percent—a foreign high-return tax is what they call it. The way they determine whether you are making an excess profit is you look at your tangible assets in that country and you determine whether the profit you have made is over 8 percent. That is the way it approximately adds up under this bill. But here is the problem: It is an average international minimum tax, not a per-country minimum tax.

So let me tell my colleagues what a company that wants to reduce its tax obligation does. They move their company offshore. They take a company, say in Baltimore, MD, that is worth \$100 million, and they are making a \$5 million profit today here in the United States and they will be taxed at 20 percent, and then they have this profit from the Cayman Islands at \$2 million. Under that previous provision I talked about—this effort in the Republican bill to protect against what they call

high-return tax areas—they would normally have captured some of the income generated from profits in the Cayman Islands. But when I move my company from Baltimore to, say, the United Kingdom, I actually then escape having to pay that tax on my monies in the tax haven.

So the bottom line is that this Republican bill, because it has this average 10 percent minimum tax provision, is going to encourage American businesses and companies to move overseas. If that is not what the intention is, I urge my Republican colleagues to fix this right away. It hasn't been talked about much.

There have been a couple articles recently about it. Gene Sperling, Kim Clausing, and others have gone through the economics of this, and it would make the situation a lot worse compared even to today in terms of these incentives.

The bottom line is, in addition to this being a \$1.5 trillion tax break for big, multinational corporations, paid for and financed by folks in the middle—which, even after you see the middle-class families pay more, results in a \$1.5 trillion addition to the debt, but even after all of that—after the big tax giveaway to big corporations, it has an incentive to add insult to injury for them to move their businesses and factories offshore.

I hope we will take a big step back and stop rushing a bill through as a matter of political imperative. We need to get this right. We should have hearings. We should have folks from all different walks of life and folks who will be impacted by this bill in many different ways come and testify to Congress about this bill. Then, let's get together on a bipartisan basis and actually do something that works for the American people, not something that is going to clobber the middle class and provide this huge windfall tax break to big multinational corporations, while encouraging them to suck jobs and factories from the United States overseas.

We need to start again on this. I urge my colleagues to do that.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I don't know where to begin. I want to speak about the tax reform proposal but will start by responding to my colleague from Maryland—and he is a colleague and friend—to say that he must be talking about a different tax reform proposal than we are talking about because, frankly, so much of what he said is not consistent with the legislation that I have seen the House proposing and certainly not consistent with the legislation we are talking about here in the Senate.

Let me start with his claim that there is a \$1.5 trillion tax cut for big corporations. That is simply not true. You can look at the House proposal because it is now out. You can see the fact that it does have tax relief, and it

has tax relief targeted at middle-class families. He is right about the fact that it has a lower rate for our multinational businesses, but he also knows that our current system is absolutely broken, and what is occurring is precisely what he is suggesting might occur if we were to change the code, which is companies and jobs and investment are going overseas.

He talked about the fact that we haven't had hearings. Since I got elected to the Senate in 2010, we have had 70 hearings in the committee I serve on, which is the Finance Committee. I would encourage people to look at what we did 2 years ago. We set up five bipartisan task forces on tax reform. I cochaired one of them. It was actually on the very topic my colleague was talking about.

I would encourage him to look at the working group paper on international tax reform and the need for us to go to a lower rate—20 percent—to be competitive, to get just below the other industrialized countries, and then to have the opportunity to go to a new type of tax system that enables us to bring back the money that is locked out overseas. Unbelievably, there is \$2.5 trillion to \$3 trillion of earnings that are overseas. Much of that could be brought back, and that is what this tax proposal does.

Significantly, that report my colleagues will see was coauthored by two Members of this body, one Republican and one Democrat, because all of these task forces, these working groups, were bipartisan. My colleague in that effort was a Senator from New York by the name of CHUCK SCHUMER, who now happens to be the Democratic leader.

So I think there is a consensus, at least in the real world, about the fact that our current Tax Code is hopelessly broken and we have to fix it. And if you are against helping our companies to stay American companies, that must mean that you believe that they ought to become foreign companies, which is exactly what is happening. To me, it is an outrage that the U.S. Congress is allowing this to happen.

Ernst & Young, which is a public accounting firm, recently came out with a study showing that 4,700 companies that have become foreign companies over the past 13 years would still be American companies if we had the kind of tax reform proposal that we are proposing. In other words, if you had this 20 percent rate I talked about, this competitive international system, you would have 4,700 more American companies here, providing jobs, making investments, contributing to their communities.

It does matter that a company is headquartered here versus headquartered overseas. We have done an analysis of this. We have done an investigation of this. We have determined that when companies leave, they don't just change their headquarters, they take investment and jobs with them.

I would refer my colleagues to the work of the Permanent Subcommittee on Investigations; again, bipartisan work about the fact that we have to fix this broken Tax Code.

The Congressional Budget Office, which is the nonpartisan group here on Capitol Hill that gives us advice on the impact of tax reform on the economy, on deficits, on revenues, has a report which says that if you do lower the business tax rate to make these companies competitive—again, the alternative is going overseas—the benefit of that goes to shareholders, goes to workers. They say in their analysis that 70 percent of the benefit goes to higher wages and more benefits for workers.

Think about it. That makes sense. If a company is not competitive, they can't pay the kinds of wages we want them to pay. We want to get wages up. They can't pay the kinds of benefits we want them to pay. We want to get benefits up.

So although I hope that we can have a spirited debate about aspects of this legislation, we should stick to the facts. We should not attempt to make this yet another partisan issue in this town, where we are attacking something not so much on the merits but because the other side thought about it.

I will tell you, when you look back historically, it isn't just the working group that Senator SCHUMER and I cochaired on this international front where we have to get this rate down. We have to become competitive. We have to save our jobs here. But look at another bipartisan effort that is talked about a lot and is not agreed to by all Democrats or all Republicans; that is, the Simpson-Bowles proposal. This was several years ago. They looked at the tax policy and deficit issues. Simpson-Bowles—totally bipartisan, supported by a bipartisan group of U.S. Senators who, at the time, were on that commission—said that we ought to go to this lower rate and territorial system. This is not a partisan issue or at least it hasn't been until now. Let's not make it one.

Yes, it is true that there is tax relief in this proposal. The proposal the House has proposed—the proposal the Senate is likely to propose later this week—does have tax relief, and we believe that tax relief is appropriate.

We believe we have to give middle-class families in my home State of Ohio and around the country a little break right now. Why? Because they are seeing their expenses go up, especially healthcare, but also other expenses. I say “especially healthcare” because that is the single largest increase in expenses; it is in the healthcare area—deductibles, copays, premiums—but also on food, housing, and other costs, including tuition if you are trying to send your kids to school. These expenses have skyrocketed, yet wages are flat, meaning people are facing this middle-class squeeze.

We hear a lot of discussion on both sides of the aisle about the fact that we want to help the middle class. One way to help is to help the family budget, to get a little relief to these families so they can make ends meet and not just live paycheck to paycheck.

It will also help the economy. It will help get more money into the economy to buy that car, to buy that appliance, to help move the economy forward. It is part of this reform bill—yes, it is—and we are proud of it.

We also provide some tax relief on the business side to help small businesses. These are the so-called pass-through companies. About 90 percent of the businesses in America don't pay their taxes as companies. They are not corporations in that sense. They pay their taxes through their individual tax return. They are called pass-through companies. Some call them LLCs, subchapter S, or sole proprietors or partnerships. These companies tend to be smaller companies, they tend to be family-owned. They need a little help too. So the proposal does provide significant relief for those small businesses. In the House proposal and the Senate proposal, it is hundreds of billions of dollars out of the \$1.5 trillion tax relief. We think that is appropriate.

Finally, again, on the business side, it will help make companies competitive to get the rate down so they can attract investment into America rather than having that investment and jobs going out of America, which is what is happening now. There are 4,700 companies that would be American companies today if we had this tax proposal in place over the last 13 years, but we didn't, and we should learn from that. It is Congress's responsibility to act to keep that from happening in the future.

That is what this tax reform is about. It is about three things. It is about a middle-class tax cut allowing people to keep more of their hard-earned money. We think that is appropriate in these times.

It is about helping to make our companies more competitive because we want more jobs and higher wages. Part of dealing with the middle-class squeeze is to provide a little help with the family budget with tax relief. Part is to get wages up. When people look at this tax reform proposal—right, left, or center—they are going to say the same thing: This is going to incentivize more investment. Some think more, some think less, but that investment in a tight labor market, as we have right now, is going to result in more competition for these workers, therefore, pushing wages up. That is what we want. That is what this is about. It is exciting.

Third is to level the playing field internationally so American companies will not be going overseas. That is the whole point. We are not doing this tax reform proposal to encourage companies to go overseas. We are doing this

tax reform proposal to incentivize them to stay in America and to attract more foreign investment here in this country so an American company can pay that premium for a foreign subsidiary, rather than the other way around now, where American companies are not just inverting. We have heard this word “inversions,” going overseas and buying a foreign company. They are actually being taken over by foreign companies.

That is the reality. We can't let it continue. We have to stand up and be counted, stand up for the middle class, stand up for our workers who are now competing with one hand tied behind their back, whether it is a big auto company like in my home State of Ohio—I toured five of these auto factories over the last couple of weeks, talked to them about the tax reform proposal and how it would work. They gave me their input. It is going to help. By the way, it is going to help whether you are a U.S. company or a foreign company. If you are a foreign automaker here in America or you have other foreign investments, a lower rate and immediate expensing—in other words, being able to write off your investments and equipment as you make them—that is all good for you too. So it will have both, the desired effect of helping American companies be competitive but, also, if you have foreign direct investment in your State and your community, they should be encouraged to put more money in America rather than somewhere else. If you are a Japanese automaker and you are looking around the world asking: Do I put that next investment in China, do I put it in Tokyo, do I put it in Europe and Germany, or do I put it in America, you will like this proposal because you will want to invest and be part of this too. That will help us give this economy a needed shot in the arm.

There has been a lot of talk—and I heard it again today on the floor—that this is going to be bad for the deficit. I think there will be about \$44 trillion of new revenue coming in, estimated, over the next 10 years. Yes, out of that amount of money, we are suggesting a \$1.5 trillion tax cut relative to the score—the budget—we have to use.

What does that mean? About \$500 billion of that is simply saying, the Budget Office says the existing tax policy in place is only temporary. Some of it is only temporary. These are the so-called extenders. We know that is unlikely because we have always pretty much made these permanent, including a big one called bonus depreciation, which is most of that. Right away we think the way it is scored is not fair so we get down to about \$1 trillion in tax relief over 10 years, again, with \$44 trillion coming in.

What does that mean? It means you have to have a little more economic growth than is projected in order to not have a deficit and actually pay down the deficit through more revenue coming in. I think that will happen.

Why do I say that? Because the projections we have to use are very conservative. The Congressional Budget Office is what we are using, and we are obliged to do that, which is fine. It is a nonpartisan group. They are saying economic growth over the next 10 years will average about 1.9 percent of growth. The average over the past 30 years is about 2.5 percent. So they are saying our economy is not going to grow as fast as it has in the last 30 years. We will see. In the last two quarters, the economy grew at 3 percent and 3.1 percent so they don't seem to be on track with where the economy is going right now.

More importantly to me, these proposals are pro-growth proposals—whether it is help with regard to the business rate, which gets it below the rate of other industrialized countries rather than the highest rate in the entire industrialized world, which is where we are now. We have the highest rate in the industrialized world, and we are getting it below the average. That will increase investment and economic activity and jobs and, therefore, revenue.

If it is the immediate expensing,—again, where you can write down your investments right away—that will increase investment in jobs, according to all the economists who look at that. They may differ on how much.

If you look at the international side, where we are going to bring back some of that \$2.5 trillion to \$3 trillion that is stuck overseas, that certainly is going to be invested here in this country and help with regard to economic growth.

There are a number of provisions. I talked about the small business provisions earlier which will help small businesses to be able to innovate, to be entrepreneurial, which is what we need more of—more new starts. That is going to help.

All of that together is going to help with economic growth. How much? Instead of the 1.9 percent conservative estimate they have made for the next 10 years, let's say it grows 0.4 percent more than projected. I would attribute at least that much to this tax reform proposal because of what we just talked about, but if you believe it is going to grow at 0.4 percent more than projected; in other words, instead of 1.9 percent, 2.3 percent—2.3 percent growth would be below the average over the last 30 years—then you will actually see the deficit start to come down because of this tax reform proposal because the revenue will be there, not just to make it revenue neutral, but beyond that we will actually pay down the deficit. We haven't done that in a while.

Back in 1997, 1998, 1999, 2000, we went through this before. We began to reduce the deficit annually. Do you know how it happened? Constraining spending helped, and that is part of our challenge in the Congress—how do we get our hands around the spending—but second is growing the economy. In that

case, the capital gains rate of taxation was reduced. Then, suddenly, in the late 1990s, about \$100 billion of revenue that nobody expected showed up in the coffers. That is how we got to a so-called balanced budget a few years early because tax revenues were greater than expected.

I believe this will happen again. I believe that when you look at this proposal, it is conservative in the sense that it says: Yes, let's provide needed middle-class tax relief. Let's also do these things to grow the economy. Let's assume that because of all this, we are going to be able to improve the economic performance that is projected.

It is a pretty disappointing projection. Let's face it, 1.9 percent growth isn't great for any of us. It isn't great to deal with the issues of poverty. It isn't great to deal with the issues of entrepreneurship and innovation. It isn't going to help us to afford the entitlements that are growing. We need better growth than that, we want more growth, and I think tax relief is the single-most important thing we can do right now.

Yes, we should have more regulatory relief. Yes, we should do better in terms of getting the cost of healthcare under control. People are concerned about costs rising so fast, and we haven't been able to grapple with that issue. Yes, we should do more on worker training. We have a skills gap in this country. We have jobs available, and yet we don't have the skilled workforce to take those jobs. Yes, we can do more in terms of helping grow the economy through education and other things, but the one policy area that is crying out for reform is our tax system. It is antiquated. It is out of date. It is driving jobs overseas. It makes no sense. It can be simplified, and this simplifies the Tax Code. It can be made more fair, and this makes it more fair by helping the middle class more. It can encourage economic growth, and it does so through small business relief and relief for our multinational companies. It can help bring back trillions of dollars stuck overseas. That is what this does. That is the whole idea here.

I am excited about this opportunity. The House of Representatives is working on their legislation now in committee. Next week, that will shift to the Senate and the Senate Committee on Finance. We will have the opportunity for an open process. As I noted, we have already had 70 hearings in the Finance Committee just over the past 7 years since I have been in this Chamber. We have had working groups, including the bipartisan one I mentioned earlier, the five bipartisan working groups of that committee.

We will have the opportunity at our hearing next week to have an open process—anybody can offer an amendment—and open discussion. We will have an interesting debate. It will be spirited. As we saw here today, we have some differences of opinion, but let's

stick to the facts. Let's not make this partisan. Let's stick to the merits. Let's try to help the American people and our economy.

Then we will come to the floor of the U.S. Senate, and the same thing will happen—an open process. Every desk you see in here represents a Senator who will have the opportunity, should he or she wish, to offer an amendment, to have a debate, to discuss the issue. It will be spirited at times, but, again, I hope it will lead to a result that actually helps do the things we were elected to do: to give our constituents—the people we represent—the chance to have a better life; to give middle-class families a little relief as they are facing this middle-class squeeze; to help grow this economy from the middle out, from the bottom up, from everywhere; to give us the ability to say, once again, that America is that shining example, that beacon of hope and opportunity for the rest of the world. That is what this is about.

Let's not blow this opportunity. Let's get it done, let's get it to the President's desk for his signature before the end of this year, and let's make good on the commitments we have made to our constituents to help create a better economy and a better future.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 4:30 p.m. today, Tuesday, November 7, there be 30 minutes of post-cloture time remaining on the Engel nomination, equally divided between the leaders or their designees; that following the use or yielding back of time, the Senate vote on the confirmation of the Engel nomination; and 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; further, that there be 2 minutes, equally divided, prior to the cloture vote on the Robb nomination.

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

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

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

#### GUN VIOLENCE

Ms. KLOBUCHAR. Mr. President, I come to the floor today to call attention to the tragedies that have been caused by gun violence across our country, including the most recent attack, which left at least 26 dead after a lone gunman opened fire at a church in Texas on Sunday. I join my colleagues in mourning for the victims and their families. Our thoughts are with them and all those affected by what happened in Texas.

At the same time, we remember that these heartbreaking events came just 35 days after the deadliest mass shooting in our Nation's history, when 58 were killed and hundreds were wounded in Las Vegas last month. But as we look ahead, we cannot escape the fact that we can, and must, do more to keep our communities safer. While no one policy will prevent every tragedy, we need to come together on commonsense proposals that would save lives.

I appreciate the words of my colleagues about mental illness and funding for mental illness. I think that is very important. I come from Minnesota, where Paul Wellstone was one of the leaders in making sure that mental illnesses got covered by insurance, and I think we need to do that and more.

Another area where we have found some consensus in this Chamber is improving background checks. My colleagues Senator MANCHIN and Senator TOOMEY have made that clear, and I supported their background check legislation in 2013. But the fact remains that we didn't pass that bill in the Senate. We fell short, and it was a disheartening day.

I remember having the parents of some of the Sandy Hook victims in my office that morning. Yet what happened that day—you have to contrast it with where the American people are. Consistently, whether it is with public opinion polls or whether it is when you talk to people you meet when you are at home, we have seen that Americans from across the political spectrum support commonsense proposals to require background checks, such as requiring background checks at gun shows. And they support that by wide margins.

By the way, I look at this from a State that has a lot of households that have guns. We are a proud hunting State. And with every proposal I look at, I always think of my Uncle Dick and how he used to love hunting and sitting in his deer stand. I think: Does this hurt my Uncle Dick and his deer stand? And I don't think that the Manchin-Toomey bill would in any way. When I look at these things, I have to evaluate them that way because I know how many proud and law-abiding gun owners we have in our State. But I don't see that closing this gun show loophole by doing something more about background checks would hurt that hunting tradition in any way.

When I talk to law enforcement around Minnesota, they stress the importance of having effective background checks to stop felons, domestic abusers, and people who are prohibited from having easy access to guns from having that access. If you remember, part of the Manchin-Toomey proposal was to do more on sharing data and getting the data out there. These efforts should not and do not have to infringe on Americans' rights to own guns.

Another sensible measure that came out of the tragedy in Las Vegas, which



we should take action on, is Senator FEINSTEIN's legislation to close a loophole that allows bump stock devices to convert semiautomatic firearms into weapons that work like fully automatic guns. Law enforcement recovered 12 of these devices from the hotel room of the shooter in Las Vegas last month.

I hope we can find some common ground. Some of our colleagues across the aisle have voiced some interest in this, and I hope we can do something when we know that would have been helpful in that shooting.

Another area where we can find common ground is in taking action to protect those who are at risk of gun violence from domestic abusers. We were reminded of how important this is again this week, as reports have revealed that the gunman in the Texas shooting had a history of domestic violence, having been court-martialed for assaulting his wife and child in 2012. He was sentenced to 12 months of confinement and received a bad-conduct discharge from the Air Force. There are also reports of ex-girlfriends and others who reported similar conduct.

I am sure the facts will be unveiled, but what I do know, regardless of what the facts show right now, is that this connection between domestic violence, stalking—those kinds of activities—and some kind of homicidal behavior is something that has been well established. According to recent research, more than half of mass shootings between 2009 and 2016—that is 54 percent—involved some kind of domestic or family violence.

Before I came to the Senate, I spent 8 years as the top prosecutor for Minnesota's largest county, so I have seen that connection. And I have seen the connection between a history of domestic violence or stalking that later leads to a more serious crime. That is why it is so important that we have protection orders, and that is why it is so important—as I look at the record of the shooter—that these cases be taken seriously, so you actually get that misdemeanor conviction on the record or you actually get a felony conviction or you do something about the stalking behavior when it is reported to law enforcement.

When I was the county attorney in Hennepin County, we would have cases we would sometimes pursue when a victim had reported it and the police had gathered evidence—even if the victim later backed away and was afraid to testify—because we knew it had happened, we had the original testimony, and we had the evidence at the scene. We trained the police on getting the evidence at the scene so that we were able to actually make those cases. And you think about, in that instant, making those cases; no matter how hard it can be sometimes when you have a scared victim, it is really important.

When I was in the county attorney's office, I made prosecuting felons in possession of firearms one of my top

priorities. They weren't supposed to have guns, and when they did have guns, we had to take it seriously. I will tell you, some of the most disturbing cases that we saw involved people with a documented history of harassment—of stalking, of domestic violence—because you would see it building and building, and sometimes it would be against one victim, but often we would find out that there were others and that it was a pattern of behavior, and one horrible case would erupt into homicidal violence.

There was one case I had heard of where a woman was shot to death by her boyfriend. He killed her and then killed himself while both of his kids were still in the house. It was ultimately his 12-year-old daughter who went to the neighbors for help. The worst part of the story is that it could have been prevented. In the 2 years leading up to the murder-suicide, the police had been called to the boyfriend's residence at least five times to resolve domestic disputes. Yet somehow the man, with a history of violence like this, was able to have a gun in his hand on the day he killed his girlfriend.

I wish I could say that it was a rare tragedy, but the truth is, studies have shown that more than three women per day lose their lives at the hands of their partners, and over half—this is an average—of the women murdered by intimate partners in the country are killed with guns. Many times these tragedies begin with incidents of stalking.

Research has shown that one in six women has experienced stalking sometime during her lifetime, and 76 percent of women murdered by intimate partners were first stalked by their partner. It is for this reason that a number of years ago I introduced a bill called the Protecting Domestic Violence and Stalking Victims Act to close some of these loopholes in our existing laws. My bill would make sure that those who are convicted of misdemeanor crimes of stalking are not able to buy guns. It would also expand the definition of a domestic abuser to include dating partners. The second part—when we had a hearing on this bill on these issues in the Judiciary Committee, even the Republican witnesses who were called supported the dating partner idea because so many States have started to do that.

I introduced the legislation this time. It has been bipartisan in the past, but the Republican Senator on the bill is no longer in the Senate, although it is bipartisan in the House. But this time I introduced it with Senator HIRONO and Senator FEINSTEIN, the only other two women on the Judiciary Committee of 20 members. Congresswoman DEBBIE DINGELL from Michigan is leading the same bill in the House, and her bill, as I noted, is bipartisan.

In 2014, we had a hearing on my bill. As I said, even the Republican wit-

nesses agreed that a major portion of the bill was a good idea. At that hearing, we heard from Sheriff Christopher Schmaling of Racine County in Wisconsin. He testified about the connection between stalking and guns being used in violence against women. In his testimony, he told the story of one woman from Wisconsin who, he said, had changed his career. This woman had endured 3 years of a violently abusive marriage before divorcing her husband. She then took out multiple restraining orders against him over several years. That horrible day in 2004, he threatened her with a handgun, beat her with a baseball bat, bound and gagged her, and left her in a storage unit to die. Through what he described as some good breaks and some great luck, the Sheriff and his partner rescued Teri before she died. As a result of the ordeal, she had a miscarriage and had to have her toes surgically removed. In his testimony, the Sheriff talked about the importance of my bill's provision to extend the protections in current law to include dating partners so that abusers would not be able to buy a gun if they are convicted of beating up their girlfriend or boyfriend, regardless of whether they lived together or had a child.

As the sheriff said, "Dangerous boyfriends can be just as scary as dangerous husbands; they hit just as hard, and they fire their guns with the same deadly force."

This is a simple point that you would think we could all agree on. Sadly, we still have not been able to pass this bill.

Mr. President, I ask unanimous consent that the sheriff's written testimony be printed in the RECORD.

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

WRITTEN TESTIMONY OF SHERIFF CHRISTOPHER SCHMALING—JUDICIARY COMMITTEE HEARING: "VAWA NEXT STEPS: PROTECTING WOMEN FROM GUN VIOLENCE"—JULY 30, 2014

Chairman Whitehouse, Senator Grassley, Senator Leahy, members of the Committee, thank you for hosting this hearing today, and thank you for the opportunity to testify.

My name is Christopher Schmaling. I am the sheriff of Racine County, Wisconsin and have been a law enforcement officer for 19 years. I am a conservative Republican, and I'm here today to ask you to pass two laws that will protect our sisters, our mothers, and our daughters by keeping guns out of the hands of domestic abusers. The first bill is the Protecting Domestic Violence and Stalking Victims Act of 2013, which will block abusive boyfriends and convicted stalkers from possessing guns. The second is a bill that would require criminal background checks for gun sales by unlicensed sellers.

More than half of the women murdered each year are killed by intimate partners or family members. That's 48 women killed by husbands and boyfriends each and every month. We know that people with a history of committing domestic violence are more likely to become killers—and we know the role that firearms play: When a gun is present in a domestic violence incident, the chances that a woman will be killed increase by 500 percent.



These numbers are tragic. As the top law enforcement officer in Racine County and over my two decades on the force, I've seen far too many of these tragic incidents firsthand.

I want to tell you about one such domestic violence incident, a tragedy that changed my career. In 2004, Teri Jendusa-Nicolai was violently abused and left for dead by her ex-husband. Teri had endured three years of a violently abusive marriage before divorcing him, and had then taken out multiple restraining orders against him over several years.

That horrible day in 2004, he threatened her with a .38 caliber handgun, beat her with a baseball bat, bound and gagged her, and left her in a storage unit to die. My partner and I were the lead investigators on the case, and through some good breaks and some great luck, we rescued Teri before she died. As a result of the ordeal, Teri had a miscarriage and had to have her toes surgically removed.

Teri is one of the most wonderful people I've ever known, and has been a tremendous advocate for victims of abuse in the decade since she was nearly killed at gunpoint. We've become very close since then, and my eyes have been opened to the reality of domestic violence and gun violence. I've also become close with Elvin Daniel, who is sitting here beside me today, and have been moved by his sister Zina's story.

I'm proud to say we are the first county in the State of Wisconsin to have a full-time domestic violence specialist. We work closely with victims to figure out how best to protect them. We've made this very intimate and very deadly area a top priority for our department. So much of the crime we face in Racine County is intimate partner abuse, and any cop will tell you that domestic violence calls are the most dangerous calls. The last thing a victim needs, and the last thing my officers need, is for these dangerous abusers to be armed with illegal guns.

We respond to domestic violence incidents differently than other calls, because these are "heightened risk" calls—we send more officers, we go ahead and assume that guns will be involved, because they are so often involved. Abusers routinely threaten to shoot my deputies and I upon arrival at domestic violence calls. In fact, according to FBI data, over 150 law enforcement officers have been killed in action while responding to domestic disturbances.

I'm proud to have worked on a great domestic violence bill in Wisconsin in 2014 known as "The Safe Act," a bill that ensures guns are kept out of the hands of domestic abusers. This bill was passed by a bipartisan majority and signed by our Republican governor Scott Walker. This year alone, similar bills were passed with bipartisan support in New Hampshire, Minnesota, Vermont, and Washington. And in Louisiana, where another Republican governor—Bobby Jindal—signed the bill into law.

The first bill I'm asking you to pass today is the Protecting Domestic Violence and Stalking Victims Act of 2013, S. 1290, introduced by Senator Klobuchar. This bill would close a loophole that allows abusive dating partners to buy and have guns—simply because they are not married to their victims. And it would also block people with stalking convictions from having guns.

Why is this bill so important? I can tell you firsthand that domestic violence is horrific, whether or not the abuser and victim are married. When we send our police into danger to respond to domestic violence calls, we send the same folks regardless of the couple's marital status. Dangerous boyfriends can be just as scary as dangerous husbands; they hit just as hard and they fire their guns

with the same deadly force. In fact, according to FBI data, more women are killed in America by their abusive boyfriends than by their abusive husbands.

This past March, just a couple hours from Racine County, Cheryl Gilbert was killed by her ex-boyfriend in a domestic dispute. The killer apparently shot Cheryl with her own gun, after a struggle. According to news reports, she had been seeking a restraining order at the time of the killing. But in cases like Cheryl's, a restraining order isn't good enough. If you've never been married to your abuser, federal law likely will not stop him from buying a gun.

If Congress passes this bill, federal law will be catching up with the states. Among the 22 states that prohibit gun possession by domestic abusers subject to restraining orders, 19 of those states already include abusive dating partners. And 42 of our states have recognized that dating partner abuse is a form of domestic abuse by allowing victims to take out domestic violence restraining orders against their boyfriends.

The second bill I'm asking you to pass today would require criminal background checks for gun buyers who shop with unlicensed sellers. Current federal law prohibits many abusers from buying guns, but only requires them to pass a background check if they buy a gun from a licensed dealer. This is a gaping hole in the law: It means a convicted wife-beater can slip through the cracks and get a gun simply by finding a seller who does not have his own gun store.

This is exactly what happened in Dane County: Tyrone Adair was a domestic abuser who had been convicted of battery twice, and was legally prohibited from owning a gun because of a restraining order. So instead of going to a gun store—where he would have had to pass a background check—he found an ad for a 9mm Glock in a local paper, and met the seller at a hardware store. There was no background check, though the seller did ask, and I quote, "You're not going to go out and kill someone, are you?" Tyrone Adair used that gun on a horrific murder spree, killing his two daughters—ages 1 and 2—and killing their two mothers.

Background checks work. Sixteen states and DC already require background checks for all handgun sales, and about 40 percent fewer women are shot to death by their husbands and boyfriends in those states. And background checks save law enforcement lives as well: about 40 percent fewer cops are killed with handguns in those states, as well.

These are the cops that risk their lives when they respond to domestic violence calls, rushing into the middle of very dangerous and very intimate situations. We see the terror that abusers can create when they are armed. We see the impact on their wives and girlfriends, and on their children. We're major proponents of community policing in Racine County, and if I have my officers on the street, working closely with our residents, I want to know that our laws are doing everything they can to keep guns out of abusive hands.

So I'm here to speak for victims of abuse and to speak for my cops. I've made it a priority to talk to victims. I've seen the escalation over the years, from yelling, to battery, to homicide. When an abuser has a gun, the victims say to me, "Sheriff, is not a question of if he'll use the gun to abuse me; it's a question of when." And I recognize the value of preventing even one gun from winding up in the hands of an abuser: one gun may translate into one more lives saved.

So today, I'm asking you to pass S. 1290, which will apply the same rules to all abusers, regardless of whether they are married to their victims or not—and will prohibit convicted stalkers from having guns.

And I'm asking you to require criminal background checks for gun sales by unlicensed sellers, and ensure that abusers don't get a free pass when they buy guns from them—often strangers they meet online, at gun shows, or through classified ads. The bipartisan bill introduced last year by Senators Joe Manchin and Pat Toomey would do just that, and it has already received the support of 55 senators.

I'm asking you today to stand up against abuse by fixing our out-of-date laws and passing this common-sense legislation. Thank you for your time and I look forward to answering your questions.

Ms. KLOBUCHAR. I also note that a justice from the Supreme Court of Pennsylvania also testified on that day as the Republicans' witness. Even though he did not agree with everything in the bill, he also said: I absolutely agree that we should have boyfriends, dating partners as a part. We have it in Pennsylvania, OK? It is important. As the sheriff said, they can shoot, and they can beat up people just like anybody else.

He was, actually, the Republicans' witness at the hearing. That is why I am happy that in the House of Representatives it is a bipartisan bill, but I would like to see it as a bipartisan bill here in the Senate. Maybe they will reconsider this now. Just as the NRA has said that it was looking at the bump stock issue, maybe they would be willing to look at this issue because they wrote kind of a fast memo on this—it is only a page long—back when we had the hearing and when we were gaining support for the bill. Remember that this is very narrow legislation that is focused on making sure that dating partners are covered and also people who are not charged but convicted of stalking. They wrote that the legislation "manipulates emotionally compelling issues such as 'domestic violence' and 'stalking' simply to cast as wide a net as possible. . . ."

I want to make this very clear—and I have never addressed this on the floor before—that this was really focused narrowly so that we could gain Republican support. I didn't really think the NRA would support it, but I thought that maybe they would be neutral, and, sure enough, their witnesses at the hearing supported it. We have had Republican Senators support it in the past, and we have also had Republican House Members support it. In going after the bill by saying that it manipulates emotionally compelling issues, well, I would agree in that I am sure that a lot of people shed tears when watching what happened in Texas, and I am sure that they have shed a lot of tears when they have heard the stories from people in their own communities of the victims, of the women who had died at the hands of domestic abusers after years of abuse. So if they want to call that emotionally compelling and manipulative, that is up to them, but I call it the truth.

The other thing they said about this bill—and this was even more interesting—is the part about the stalking,

which is a major part of the legislation as well. That part of the bill, as I mentioned, just takes what we know as a signal for trouble in the future and violence in the future, and you would actually have to be convicted of stalking to have the gun protections apply.

The example they used—as I said, it did not make any sense to include this, and it is the only example they used—was of two men of equal size, strength, and domestic status, joined by a civil union or merely engaged or formally engaged in an intimate social relationship, being subject to this prohibition for conviction of simple assault arising from a single shoving match.

Actually, this part applies to the domestic partners. I think they are really taking this in a way that has surprised me since whom we are talking about are boyfriends and girlfriends and domestic violence, but they have changed it into a shoving match in a bar with people who might have some kind of social relationship. I just do not think this is a valid reason for my Republican colleagues to oppose this bill, and I am going to keep bringing this up because it does not make sense to me.

They end by saying that, whatever the case may have been 30 years ago, domestic violence is now taken seriously by the legal and criminal justice systems.

That was the reason they gave for opposing the bill. Really? Look at what we just found that happened in the last week when this was not just a minor example of domestic assault but was a felony. The person was court-martialed, and the person was, basically, detained for a year. Yet, somehow, this was not taken seriously enough through our entire system to show up on a record check. How about all of the reports that had been made by previous girlfriends and other people about his behavior, and nothing had seemed to come up then?

As I mentioned, of the many cases that we had had in our office, even when the victim had gotten scared and decided that she had not wanted to pursue anything, we had felt that we had an obligation to her and to the other women we knew would come after her to pursue those cases, and, many times, we had done that if the police had been trained and they had been able to get the evidence at the scene. Sometimes there had been child witnesses and others, and we had been able to pursue those cases and win them, and we did.

So to say that you don't want to support my bill because you think this system is so great, is working so well, and is being taken seriously by the legal and criminal justice systems after you saw what just happened in Texas, I do not think is true. This memo was written 2 years ago. So I hope they will look at this again and consider supporting my bill.

I conclude my remarks by sharing another story about yet another tragic shooting from my State. In this one I

truly got to know the widow. She is the widow of a police officer in Lake City, MN. This was a case in which the officer, who was a wonderful man in a small town police department, responded to a domestic violence call from a 17-year-old girl who was being abused by her ex-boyfriend. He went to the scene in the middle of the winter. He had a bulletproof vest on and everything because the domestic violence cases can be much more dangerous than people think, and officers know this. He was shot in the head, and he was killed. The 17-year-old girl lived. This officer literally gave his life to save another.

There was a big funeral, and there were law enforcement people there from all over our State. I will never forget that funeral. I was sitting there in the aisle, and I had learned that the last time that officer had been in that church was to see his own kids—three young children, two boys and a girl—in a Nativity play. He had been sitting right in the front row of that same church, so proud of them at Christmas. Shortly after that, he was shot. At his funeral, there were those three children walking down the church aisle—the two young boys and the little girl in a blue dress that was covered with stars. I always think about that little girl in that blue dress that was covered in stars. This was domestic violence gone bad. He was a police officer who had shown up at the scene.

When you look at these cases—we can look at the numbers; we can look at the stories; we can look at what has gone on on TV—you see this connection between domestic violence and stalking and then, later, either mass shootings or violence against one person, which happens much more often. It is not a coincidence. It is something that has been well documented.

As we extend our sympathies and prayers to all of those who were affected by that tragedy in Texas and, of course, not too long ago in Las Vegas and in so many other communities and to all of those, of course, who were also victims of that act of terror in New York—we think of all of them—we also think: What can we do to make this better? In this case, when it comes to domestic violence and this specific issue that I know a lot about from my past job, we can do something. So let's pass this bill.

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

DACA

Mr. MURPHY. Mr. President, whenever a Higher Power is looking down on us as we move through our daily lives,

I imagine that He probably doesn't see political borders. I imagine He probably doesn't care much about the distinctions that we create to tell the difference between us and others. He probably doesn't care much about walls and fences. He cares about us as people. He looks at us, at how we conduct ourselves, and at how we treat others.

We spend a lot of time here talking about the arbitrary divisions between us, but in the end, when we face our Maker, it probably is just about how we treated those around us, whether we tried to make their lives a little bit better.

So I am on the floor this afternoon to talk about a handful of my constituents who need our help, young people who we have labeled with the term Dreamers, who came to this country not by their decision but by the decision of their parents, when they were very, very young. They are Americans in every sense of the word. They are beautiful, beautiful young men and women, and they want us to see them as the beautiful individuals they are. They don't want to be labeled. They don't want to be put into the middle of a divisive political dialogue. They just want our help.

We all hear from them because there is no State that doesn't have these kids. There are 800,000 who have officially registered under the existing law that provides them with protection. They are in every single congressional district.

I thought it would be useful for my colleagues to hear from just a few of them today because they can tell the story of why we need to give citizenship, permanent protection, to these kids at the very least, if not their parents and others who have been waiting for a long time for comprehensive immigration reform. They can tell this story better than I can.

Vania from Willimantic is a student at Eastern Connecticut State University. I want to read what she wrote to me. She said:

I was born in Mexico, and I was brought to the United States at the age of 3 and have been living in Willimantic since. I am 19 now. I grew up in Willimantic, Connecticut, and I consider it my home. It's where I grew up, where I went to school, where I made friends, and where all my memories are.

As an undocumented student in the United States, you are constantly unsure of what your future may hold, but not because you're indecisive or unsure of what you are going to do, but rather because you don't ultimately have power of your own future. At a young age I always knew I wanted to go to college; however, I also knew that because of my status, I might have not been able to carry out that goal. However, I didn't let it discourage me. I like many other undocumented students did the best we could and constantly strived to be the best at anything we did, and now, thanks to DACA, all that hard work has finally begun to pay off.

See, DACA is more than just a legal status; it is the puzzle piece that many of us have been missing in order to reach our goals. It has allowed me to get a Social Security number, a driver's license, but more importantly, a higher education.

Growing up, I constantly had all my teachers say to me: Do good in school, try your best at anything you do, stay out of trouble, and you are guaranteed to go far in life.

Let me step out of her comments for a second. Boy, if that is not an encapsulation of the American dream—"do good in school, try your best at anything you do, stay out of trouble, and you are guaranteed to go far in life"—I don't think I could find a better way to encapsulate what we hope is the story for every single child in this country.

Vania said:

So that is exactly what I did. Most other DACA recipients did the exact same, but it currently doesn't seem enough for this government. There is no longer a fight for a work permit but rather a fight for my human rights. I am just as worthy to live here and carry out my goals as any other natural born citizenship. I have done my best, consistently contributed to society in a positive way. This is my home. I deserve to feel safe here, and I will continue to fight for that until I do.

Mirka is from Wallingford, CT, and she is a Southern Connecticut State University student. She said:

I came here from Mexico sixteen years ago. I am currently a senior at Southern Connecticut State University, studying bilingual education.

We need more good people in bilingual education.

I just started student teaching last week, but all that is in danger. Besides being able to get a license and work permit, DACA has allowed me to follow through on my passion of becoming a teacher. It has given me hope that I have a future career in education and that I can live my life without fear of deportation.

An in-need profession—bilingual educators. Somebody willing to devote their life to our kids needs our help.

Faye in Norwalk says:

I am one of the more than 800,000 DACA recipients in the United States. I am from Trinidad and Tobago and have been in the United States almost 19 years. I live in Norwalk, CT, and I have lived there for about 16 years. It is home to me.

You hear that over and over again: It is home to me.

I am currently a Lead Radiology Scheduler, and I have a second job working at Ulta, both of which I enjoy. My goal in working both jobs is to purchase my first home.

That is another very critical component of the American dream—home ownership.

Growing up, I wanted to be a homeowner. I wanted a place that I could call mine, and with DACA I saw that as a possibility. Now I'm not sure when or if that would come through, but I still will continue to work hard because in my heart I know God is bigger than even this moment, and I know that we will be victorious. Even in a land that would not allow me to claim it as my home, I want to buy a house of my own to call my home. One day I will be called American not just among my undocumented community but by a Nation.

I mean, listen, we have some very articulate people in this body, Republicans and Democrats. I am not sure that any of us could write something that poignant, that beautiful, and that

compelling: I am not sure if any of that will come through, but I am going to continue to work hard because in my heart I know that God is bigger than even this moment, and I know that we will be victorious. Even in a land that would not allow me to claim it as my home, I want to buy a house to call it my home. One day I will be called an American not just among my community but by my Nation.

There are 4,900 DACA recipients in just my State alone. I have met a lot of them. Frankly, maybe not everyone is as beautifully articulate as Faye, but, boy, they have done some very impressive things with their lives, maybe in part because they always knew that their status here was in jeopardy and they had to make the most of their time in the United States, not knowing when it would end, knowing that they had opportunities here in the United States that they simply would not and could not have if they ever went home, especially those kids who came here when they were 3 years old, going back home to a place where they might not even speak the language—they certainly know no one—a place where opportunity is farther off even for those who were born there. They worked hard, and they hustled a little bit more, knowing that they might be at risk of some day being pushed out of this country.

They are Americans. Every single one of these students, these Dreamers, use the phrase "This is home." And they want our help.

I think this is a moral issue, first and foremost. It is how we treat each other. These people are our neighbors. They are our coworkers.

Eight hundred business leaders—CEOs from companies such as Walmart, Target, Facebook, Pepsi, Kaiser—want them to stay here because they are their employees. They know how much they add to the economic bounty of this country. They wrote to us and asked for us to provide permanent protection for these kids.

Seventy-five national colleges and universities, including all the ones in my State—Yale, Trinity, Connecticut College, the State universities—said the same thing. They want to educate these kids. They see them. They see what stellar students they are, and they just can't imagine the United States deciding to send 800,000 of these incredibly capable kids away.

One hundred eighty-six civil and human rights groups running the gamut say: This is a moral and civil rights issue. Let these kids stay.

Because of President Trump's decision to telegraph the end of the temporary protection for these students, the burden is now on us, Republicans and Democrats, to do something and do something soon. It is hard to describe the psychological toll on these kids right now. I mean, it was bad enough when they were pushed into the shadows. It got a little bit better when they got temporary protection. But now

that we have put a clock on, now that they have revealed themselves to the world and put themselves on a list that can allow them to be targeted, there is a little bit of their soul that atrophies every day as they wonder whether we are going to come together and do the right thing. Part of the reason part of them is crumbling inside is because they see themselves as being made political pawns in a bigger game here.

It would be so easy for us to decide to protect these kids. Just do it now. Don't wait until the end of the year. Don't wait until this issue is mixed together with all sorts of other must-pass legislation. Just come together right now and step up and give these kids some degree of confidence that they can be here.

I have heard so many of my Republican colleagues say they want to do that. Why wait? Why push this up until the last minute? Do it right now. It is the right thing to do.

In the end, whoever is up there does not look at borders. He looks at us. He looks into our soul. He thinks about how we treat those who need our help and our protection. And no one needs our help and protection more than these kids right now—5,000 of them in my State and 800,000 of them across the country.

So my plea is simple, Mr. President: Let's do this and do this now. Let's give permanent protection, citizenship, pathways to citizenship, to these beautiful boys and girls, men and women. Don't make this issue about politics. Don't make it about parties. Don't make these kids a bargaining chip in a bigger game. Just do the right thing. I promise you, if you do, you won't regret it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### CLIMATE DISRUPTION

Mr. MERKLEY. Mr. President, climate disruption is the seminal challenge of our generation. We have seen the impacts occurring all around the world. We see it in the disappearing Arctic ice. We see it in the melting permafrost. We see it in the change of carbon dioxide and methane being emitted from peat bogs, disappearing glaciers, dying coral reefs, and certainly more powerful storms and raging fires.

It is the responsibility of those of us in this generation, in this time, to take action. Indeed, communities across the globe are taking action. They are increasing the energy efficiency of buildings, vehicles, and appliances, and they are replacing carbon-polluting fossil fuel energy with renewable energy. This is such an important issue.

How much do you know about the changes underway? Well, let's find out. Welcome to episode 7 of the Senate Climate Disruption Quiz.

Our first question is, Since the year 2000, the rate of global carbon dioxide pollution has decreased dramatically, decreased slightly, stayed the same, or increased substantially? Lock in your answers.

The answer is D, increased substantially. Many folks think that because of the actions being taken at the local level and by the community of nations and the Paris Agreement, that, in fact, global CO<sub>2</sub> pollution has decreased dramatically, but it has not. The rate at which the pollution is occurring is increasing. So it isn't just the total level. For example, in 1990, we had 354 parts per million; 10 years later, in 2000, we were up to 369.64 parts per million; and in 2017, we were up to 408.8 parts per million. The levels are climbing, but the speed is increasing as well. In that period around 1990, we were increasing about 1½ parts per million per year; by 2000, it was about 2 parts per million per year; and now we are at 2½ parts per million per year. So this increase is substantial.

As a community of nations, we have to not only proceed to decrease total carbon pollution, but first we have to get the rate of increase under control.

This brings us to the second question: In September of this year, how many miles did a Proterra bus drive on a single charge? Did this bus set a record by going 270 miles, the distance between L.A. and Las Vegas, or did it set a record by going 600 miles, equivalent from New York City to Columbia, SC? Did it travel over 1,100 miles, the equivalent distance from Arizona to Arkansas? Did it manage to go 2,092 miles, the shortest distance from the east coast to the west coast in America? Lock in your answers.

The correct answer is C. It went 1,100 miles. The electric bus traveled 1,100 miles. This bus was a new version of the Catalyst E2. It is called the Catalyst E2 Max. It is produced by Proterra. It has a battery that is 50 percent larger than the previous version that is being sold commercially—that is the Catalyst E2. That Proterra that is currently being sold has a functional range for the transit agencies that are buying it of over 350 miles, about 350 miles. That is pretty impressive. But by having a battery that is 50 percent lighter and moving quite slowly, driving it slowly, they managed to go 1,100 miles. It is really an indication of the rapid transformation of this particular type of electric vehicle.

Question No. 3: Warmer weather is contributing to what problem in major American cities? Is the problem caused by warmer weather transit delays? Is it exploding rat populations? Is warmer weather contributing to larger potholes or to longer tourist seasons?

Well, the dramatic answer here is that the warmer weather is contributing to exploding rat populations. Rat breeding usually slows in winter, but if you have a mild winter, that doesn't happen.

Since 2013, the pest control company Orkin has reported significant growth in its services—61 percent growth in Chicago, 67 percent in Boston, 174 percent in San Francisco, 129 percent in New York City, and 57 percent in Wash-

ington, DC, right here where the Capitol is located. This is a major economic and health problem. Rats caused \$19 billion in economic damage in 2000 from, among other things, eating away at buildings and infrastructure, and, of course, they are carriers of rodent-borne diseases like E. coli and salmonella. Plus, we just simply don't like having them in our cities.

Let's turn to the next question, question No. 4. As of today, how many nations in the world are rejecting the Paris Agreement that addresses climate disruption? Is the answer 25 out of the roughly 200 nations in the world or 12 or 3 nations or 1 nation? Lock in your answers.

The answer is not 25 nor 12, and it is not 3. It is now just one nation that is rejecting the Paris Agreement. Now, until recently there were three nations. You had two nations that had not signed up and one nation that had said it was going to withdraw. The two that had not signed up were Nicaragua and Syria, and the one that said it was going to withdraw was the United States of America. President Trump made that announcement. But a short time ago, Nicaragua announced it was going to ratify the treaty, and today Syria announced it was going to ratify the treaty. That leaves the United States standing alone as the only Nation that is saying it is going to reject the Paris Agreement.

Of course, this has a big impact on American leadership in the world, since we worked very hard to bring nations together to craft this agreement. The nations were so impressed that all of them in the world are now participating except us—except the United States.

Let's go to question No. 5. Better management of our lands and forests could help reach what percent of the goals laid out in the Paris Agreement? Could better management of lands and forests contribute to reaching 5 percent, or one-twentieth of the goal; or 12 percent, roughly one-eighth; or 25 percent, roughly one-quarter of the goal; or 37 percent, more than one-third of the goal laid out in Paris? Lock in your answers.

The correct answer to this is D, 37 percent, or more than one-third, a surprisingly high number. An international study released last month said the natural climate solutions in guarding the management of our lands and our forests could help us reach more than a third of the goals laid out in the Paris Agreement. The paper looked at 20 conservation and improved land management actions that help increase carbon storage or avoid greenhouse gas emissions in a cost-effective manner. The single most important factor among them is reforestation.

Years ago I heard an individual say: Wouldn't it be great if we could just invent something that could pull carbon dioxide out of the air. Well, we actually have that already. It is called a tree. Growing trees is a very effective strategy in addressing carbon pollution.

Of course, there are issues related to how we manage our forests and making them more resilient to forest fires, where they are less likely to burn and emit carbon. Certainly, there is how we farm and how we take care of other types of lands, including peat restoration and coastal restoration.

Those are our five questions for this edition, episode 7, of the Senate Climate Disruption Quiz. These questions were ripped from the headlines in regard to the biggest test facing human kind on this planet. It is up to us in this generation to act.

We are the first generation to experience this enormous range of impacts from carbon pollution and a warming planet, and we are the only generation that is able to head off disaster ahead by acting quickly now. We are racing the clock. There is no time to spare. So stay engaged and do all you can to help take this on.

Meanwhile, as we learn more about technology and about the planet, all in the near future, I will bring you Climate Disruption Quiz Episode 8.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Connecticut.

#### GUN VIOLENCE

Mr. BLUMENTHAL. Mr. President, we are here in the wake of yet another senseless mass shooting. Again, we continue to watch in horror a community torn apart and families seeking solace and comfort, loved ones deprived of people close to them forever. We know about that feeling in Connecticut because we had been through it in Sandy Hook just 5 years ago, almost to the month. Next month will be the fifth anniversary.

Every day in America in communities across this great country, there are senseless similar acts of violence one by one, person by person. Every day there is a mass instance of people dying of gun violence. The danger is that this kind of incident will become a normal way of life in America. We cannot allow ourselves to become desensitized. We cannot lose hope that action is possible. We cannot allow ourselves to succumb to this supposed normal. We cannot surrender to fear or complacency or hopelessness.

Our hearts and prayers are with the brave souls who are enduring this unspeakable grief and pain. Again, we know about it in Connecticut because I remember well that afternoon at Sandy Hook and the days that followed when families hoped for numbness. They hoped that the rawness and unimaginable pain of that loss would leave. For some, it has lessened, but it will never go away for them or for the families in Texas or Orlando or San Bernardino or Virginia Tech. The list is a long one, and it should include those families in Hartford, New Haven, Stamford, Bridgeport and in other communities—not necessarily urban, but suburban and rural—around Connecticut and around the country that have endured this same grief.

Numbness is not the answer. Action is the answer—honoring those victims by action. That honor is never too soon. That sense of grief will never go away. As much as our hearts and prayers go out to those families, we must also honor them with action.

Our reaction is not necessarily aimed at the last shooting or the last death by gun violence. It should prevent the future ones. The trap of the gun lobbyists is to say: Well, what you are proposing wouldn't have prevented what happened last Sunday in Sutherland Springs, TX. But we do know that 26 people might be alive today if the U.S. Air Force had done its job. Twenty-six people might be alive today if the U.S. Air Force had reported this conviction by court-martial of the shooter to the NICS background system. Twenty-six people might be alive today if the U.S. Air Force had followed the law.

There is a law that requires this reporting. It was passed in 2007. It requires all courts and all jurisdictions to make that reporting.

The law here is also clear that the shooter never should have had access to firearms. There are laws on the books right now specifically designed to help prevent dangerous individuals with criminal records of exactly this kind from getting their hands on guns, and that includes anyone who has a domestic violence conviction in any court, including military court.

As the author of that legislation, Frank Lautenberg, said at the time: It is a very simple principle. Wife beaters and child abusers should not have guns. The statistics bear out that principle now more than they did ever before. The mix of guns and domestic violence is a toxic one. Fifty-five percent of all homicides against women occur during domestic violence disputes, and a woman is five times more likely to die during a domestic violence dispute if there are guns in the house.

The law also prohibits anyone who has been dishonorably discharged from the military or convicted of an offense carrying a sentence of more than 1 year from buying a firearm.

The Department of Defense has a clear legal obligation to have made that report. By the way, that obligation includes military court indictments as well as convictions, because they may disqualify someone from obtaining guns.

We know today that the shooter in Sutherland Springs, TX, also was involuntarily committed to a mental health facility after sneaking guns onto an Air Force base and trying to kill his military superiors. That person should never have been anywhere near a firearm, let alone having the ability to buy one from a licensed firearm dealer, as apparently occurred.

The Air Force's lapse is shocking and inexcusable. It is a lapse that may have contributed to, if not directly caused, that shooting because, otherwise, that shooter would have completely lacked access to the firearms he used so lethally.

The American people deserve to know why the gunman's conviction was not reported in the background check database. The American people also deserve to know what immediate steps the Department of Defense will take to ensure that every court-martial indictment or conviction is reported to the FBI when they disqualify someone from accessing guns.

The American people deserve action. So I have written to the Defense Secretary James Mattis urging him to take immediate action to ensure that guns are prevented from falling into the wrong hands. That means taking specific, concrete steps to identify an individual whose convictions and court-martial disqualify them from obtaining a gun and making sure those records are submitted to the FBI. I want to know what system there will be for identifying those convictions.

I am also planning to introduce legislation because enforcement of that law should be done and reemphasized and reinforced so that there is no question in any mind of anyone in the military about their obligation. They must ensure that people who are convicted of disqualifying offenses in military courts are reported to the national background check database so they are prevented from having access to these firearms by purchasing them from licensed firearms dealers.

As of now, the background check law applies only to those licensed dealers. We need to extend it to include all firearms sales. We need other commonsense measures to prevent and stop gun violence, but at least the military can be compelled to honor this obligation. I know its heart is in the right place, and I know they will diligently reform what they need to do largely on their own because they recognize that obligation.

We have an obligation, as well, to enforce all of these laws more diligently. As a law enforcement person, one who was the State attorney general for 20 years and the U.S. attorney before then, I am proud of the State of Connecticut for classifying domestic offenses so they can be disqualifying under the law. Connecticut is only one of a handful—perhaps three States—that have that disqualifying classification, so the States need to do better as well.

The simple, commonsense fixes to help enforce laws that are already on the books to keep America safe will enable the law to be real and effective. If it is unenforced, it is dead letter. It must be enforced. We need better enforcement, and we also need better laws.

I hope my colleagues on both sides of the aisle will join in this effort, and I hope this new legislation will be bipartisan, just as we grieve together regardless of party.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first wish to thank my friend, the distinguished Senator from Connecticut, for his very important words.

#### NOMINATION OF PETER ROBB

Mr. President, I rise at this point to say a few words about one of President Trump's nominees whom we will be voting on in a few minutes.

The National Labor Relations Board is a crucial tool for protecting working men and women in Michigan and across the country. The right to collectively bargain, the freedom to be able to bargain for fair wages, good benefits, retirement security, safe and fair workplaces—all of these things depend on a National Labor Relations Board that works—that works for people.

Perhaps no person at the NLRB is more critical to protecting these rights than is the NLRB's General Counsel. When a worker believes that the law has been violated and brings their concern to the National Labor Relations Board, it is the General Counsel who investigates. If the employee is found to have violated the law or the freedoms and rights of working men and women, it is the General Counsel who takes action to make things right.

Unfortunately, while President Trump talks a lot about having our workers' backs—he certainly said that a lot in Michigan—his actions speak much louder than his words. That is certainly true in the case of his choice for General Counsel, Peter Robb.

Mr. Robb was voted out of the Health, Education, Labor, and Pensions Committee in October without any Democratic support—and there was a reason for that. The reason is that during his career, he has shown so little support for working men and women across our country.

When Dominion Energy's workers at the Millstone Power Station in Connecticut attempted to use their freedom to organize—one of the freedoms in America is to be able to come together, to be able to organize, to be able to collectively bargain on behalf of yourself and others to make sure you are able to get fair pay and a pension and safe working conditions. But when the people at the Millstone Power Station in Connecticut attempted to do that, Mr. Robb, who represented Dominion, delayed the election for more than 2 years. Not only that, he bragged about it on his law firm's website—making people who wanted to exercise their freedom to collectively bargain and to organize wait for 2 years.

Mr. Robb also was lead counsel on the case that led to 11,000 air traffic controllers being fired—people, again, who were part of a union and could collectively bargain for safe conditions and good pay and pensions. They were fired and barred from Federal service. It was a watershed case in the history of union suppression, in taking away people's freedoms.

While he worked for a Reagan-appointed NLRB member, longstanding

policies changed to weaken the government's ability to enforce the rights and freedoms of working men and women.

With stagnant wages and rising healthcare costs and worries about pension cuts and workplace discrimination, frankly, I know working men and women in Michigan and across the country have enough to worry about. They shouldn't have to worry that the person who is supposed to have their back is, instead, looking for ways to strip away their freedom to organize on the job.

That is why I will vote no on Peter Robb, and I encourage my colleagues to do the same.

#### HEALTHCARE

Mr. President, I wish to turn now to another very important topic. I have been speaking about workers, and now I wish to speak about our children and standing up for our children.

Every year, 9 million children receive health insurance through a very successful program called the Children's Health Insurance Program. Children from low- and middle-income families who do not qualify for Medicaid—working families—are able to receive healthcare through CHIP, and every year, 25 million people, including 300,000 veterans and 7.5 million children, receive medical care from community health centers in cities and towns and rural communities all across Michigan and across the country. That is 9 million children who can see a doctor when they get sick or hurt, and that is millions of parents who don't have to lie awake at night, worrying about what will happen the next time their child falls, breaks an arm, gets strep throat, or something even worse.

Thanks to Republican inaction, these millions of parents do now have to worry.

It has been 38 days since the Republican leadership let funding expire for the Children's Health Insurance Program and community health centers—38 days and counting—38 days when we could have been working together to fund these important programs. Yet that didn't happen, even though they have bipartisan support. That is 38 days of telling children and hard-working families who use these programs that they don't matter as much as other things we are doing.

For the longest time, the Children's Health Insurance Program and community health centers have received strong bipartisan support, and that is true today. If these programs—a bill that came out of the Finance Committee and a bill that Senator Roy BLUNT and I have introduced—were brought to the floor, they would get strong bipartisan support—if we could get them on the floor.

We are hearing from more than 1,000 organizations, including the American Academy of Pediatrics, the American Heart Association, the March of Dimes, and the National Association of Counties, all urging us to take up the CHIP bill and to pass it—the 5-year extension, which is so critical.

Senator HATCH on the Finance Committee, of which I am proud to be a member, has worked with Senator WYDEN, with me, and with others to put together a good bill, a 5-year reauthorization of CHIP, on a bipartisan basis, and 70 Members of this body, led by Senator ROY BLUNT and myself, have signed a letter of support for continuing funding for community health centers. Senator BLUNT and I, with eight other Democrats and eight Republicans, have put in a bill to do that.

We know the support is there. The problem is, we cannot get it brought up on the floor as a priority for the Senate.

As I mentioned, this crucial funding expired 38 days ago—more than a month ago. Over those 38 days, the Senate has taken up 54 record rollcall votes, Republicans passed their budget, and we have considered 16 nominees. But we haven't considered over the past 38 days the 9 million children who depend on the Children's Health Insurance Program to stay healthy and the 25 million patients who use community health centers.

We might be 38 days late, but there is no time like today to make children and families a top priority. These programs are a big deal in my State. Before CHIP, too many hard-working families in Michigan couldn't afford to take their children to the doctor. Now, 97 percent of our children in Michigan can go to the doctor. Moms and dads can take their children to the doctor because of what has been put together around health insurance, making health insurance available in Michigan—the highest percentage ever—97 percent.

Last year, Michigan's community health centers treated more than 680,000 patients, including 12,710 veterans.

Having access to health insurance and healthcare we know is life-changing and even lifesaving.

Just ask Jan of Davison, MI, whose daughter Suzi was covered by MICHild—what we call CHIP, actually MICHild—in Michigan. Suzi was diagnosed with ADHD as a child and later with bipolar disorder. In Jan's words:

Without having access to quality health care, we would have been lost. And thanks to MICHild coverage, we are able to afford the help she so desperately needed.

Today, Suzi is a high school graduate and plans to go to community college.

Albert, a resident of Owosso, MI, knows the value of community health centers. He had graduated from high school and was taking college classes. He had a great full-time job with health benefits. He said that it was like a dream come true—until it stopped. Work dried up. In a matter of months, Albert lost his job, his insurance, and his home.

He fell into a deep depression—and many of us would have done the same. But Albert was lucky. A friend noticed that he was struggling and urged him to visit Great Lakes Bay Health Cen-

ters. Within 2 weeks, he had a medical appointment; 3 days after that, he was speaking with a community health center counselor. As Albert said, "It happened so fast, there was no time for me to fall through the cracks."

Today he is running a local business and has his confidence back. He has lost 50 pounds and stopped drinking. He has rebuilt his relationships with his family. And he is now giving back to the very clinic that changed his life, serving on the board of Great Lakes Bay Health Centers.

All of the children and the people who receive coverage and care from CHIP and community health centers can tell their stories.

The PRESIDING OFFICER. The time of the Senator has expired.

Ms. STABENOW. Mr. President, if I might just take 30 seconds to complete my remarks.

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

Ms. STABENOW. Thank you very much.

Let me just say in conclusion that we can fix this. We don't have to put up one more day on the count chart. Today we can make children and families a priority by passing critical healthcare that has the bipartisan support to get it done, if we have the urgency to do so.

Thank you.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

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

Ms. STABENOW. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

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

[Rollcall Vote No. 264 Ex.]

#### YEAS—51

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



## NAYS—47

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

## NOT VOTING—2

Menendez	Paul
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

## CLOTURE MOTION

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I yield back all time.

The PRESIDING OFFICER. Is there objection?

Without objection, all time is yielded back.

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 Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

Mitch McConnell, Orrin G. Hatch, John Barrasso, Johnny Isakson, Chuck Grassley, Thom Tillis, Lindsey Graham, Roy Blunt, John Cornyn, John Thune, John Boozman, Cory Gardner, Pat Roberts, Mike Crapo, Mike Rounds, James M. Inhofe, John Hoeven.

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 Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kentucky (Mr. PAUL).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 265 Ex.]

## YEAS—51

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

## NAYS—47

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

## NOT VOTING—2

Menendez	Paul
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The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

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

## CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, our EPA Administrator, Scott Pruitt, has a little problem. You see, the Supreme Court has ruled that greenhouse gases are pollutants under the Clean Air Act. Therefore, under the Clean Air Act, the Environmental Protection Agency, which Pruitt leads, is legally obligated to regulate greenhouse gases. They must do this as a matter of law.

Moreover, the EPA has determined that greenhouse gas emissions endanger the public health and welfare of current and future generations, and Scott Pruitt has said he will not contest that endangerment finding. He is stuck with it. Why? Because he knows it is a contest he would lose by a landslide. The climate denial nonsense he espouses has never passed peer review, it is not real science, and it would get buried in any forum where facts and truth matter.

That is also likely why the White House released the Climate Science Special Report, part of the National Climate Assessment we mandated by law without significant alteration. Scientists had prudently disclosed what they sent to the White House so everyone could compare what went into the White House with what came back out of the White House. That put the White House in a box, and caught in that box, the White House went ahead and released the report without alteration.

The Climate Science Special Report affirms that climate change is driven almost entirely by human action. It warns of a worst-case scenario, where seas could rise as high as 8 feet by the year 2100, which is the scenario our home State planners are looking at for Rhode Island and which I know has occasioned dire forecasts for the Presiding Officer's home State of Florida. The report details a wide array of climate-related damage already unfolding across the United States. Here is what the report says: "It is extremely likely that human influence has been the dominant cause of the observed warming since the mid-20th century." The document reports: "For the warming over the last century, there is no convincing alternative explanation supported by the extent of the observational evidence."

No convincing alternative explanation. Well, we actually knew that because climate denial has all along been bogus, phony propaganda created by the fossil fuel industry and pushed out through its array of phony front groups. Nobody but the ignorant would seriously believe their nonsense, least of all in Congress, except for the fact that the propaganda is backed up by ferocious political artillery and an implacable fossil fuel industry position to deny, deny, deny as the ship goes down.

This will be a disgrace whose odor will last a long time as history looks back and recounts a Congress so subservient to the fossil fuel industry that it would ignore unanimous real science and go instead with the flagrant, self-serving falsehoods of the industry with the world's biggest conflict of interest—an obvious plain conflict of interest. It is a sickening display of what our Founding Fathers would plainly describe as corruption, and we are supposed to act as if things are normal around here. Things are not normal around here—not since Citizens United, for sure.

Things are also not normal at EPA. That Agency of the U.S. Government has been corrupted. There is no straighter way to say it. The EPA now answers not to the public interest but to the special interest of the fossil fuel industry through its new Administrator, Scott Pruitt, whose entire history is one long exercise in subservience to the fossil fuel industry. If he is not bad enough, check out the creepy coterie of fossil fuel lackeys he is surrounding himself with. It is another disgrace, but given the fossil



fuel's control over Congress, the legislative branch is compliant and complicit in the industry takeover, and this body has yet to utter a peep of dissent as our national EPA sinks into banana republic status.

Last week, I talked about the phony tricks Pruitt is using to undo the Clean Power Plan. The Clean Power Plan is an annoyance to certain folks in the fossil fuel industry that has long underwritten Pruitt's political ambitions. So for their sake, something had to be done. Well, given the Climate Science Special Report that the White House just released, they couldn't really mess with the science—at least not without it blowing up in their faces—so they reverted to some tricks.

One trick was to recount the cost-benefit calculations of climate change and count only domestic effects of an international danger. Now, the Climate Science Special Report the White House just released says: "The climate of the United States is strongly connected to the changing global climate."

Nevertheless, Pruitt made the decision to count only the domestic effects of domestic emissions. That trick neatly wipes a major fraction of the harm the fossil fuel industry is causing right off the books. It doesn't affect the actual harm, just the accounting of the harm. In my example, it wiped two-thirds of the harm off the books in a neat feat of accounting trickery.

Of course, that still leaves one-third of the harm to account for so they took another whack at that, and their trick there was to juice the discount rate. In years to come, prompt action now on climate change would prevent things like sea level rise washing over our coastal infrastructure, unprecedented wildfire seasons burning our forests, and disruptions in agricultural yields from drought and flood extremes. The Clean Power Plan would achieve between \$14 billion and \$34 billion in future health benefits, also, like prevented illnesses and deaths, but all those things happen in the future, which brings in this matter of the discount rate.

The discount rate discounts the present value of things that happen in the future based on a percentage. Here is a simple example. If you assume a discount rate of 5 percent, that means anything 1 year from now is worth 5 percent less than it would be right now. So \$10,000 of something in 10 years would be worth \$6,000 today. If you assume a discount rate of 10 percent, that means \$10,000 of something in 10 years is only worth \$4,000 today. You can jiggle the discount rate to lower the present value. The higher the discount rate, the lower the present value of future harms.

A report this year from the National Academies of Science confirms this: "The rate at which future benefits and costs are discounted can significantly alter the estimated present value of the net benefits of that rule."

Now, the George W. Bush administration recognized that "[s]pecial ethical considerations arise when comparing benefits and costs across generations." The Bush administration guidance urged lower discount rates when a rule is expected to harm future generations. I will quote them again. "If your rule will have important intergenerational benefits or costs, you might consider a further sensitivity analysis using a lower but positive discount rate," wrote the Office of Personnel Management at the time.

That describes exactly what we face with climate change. Our carbon pollution today will hurt generations far off in the future as, for instance, temperatures and sea levels inexorably rise decade after decade and properties and land are lost to the sea.

In 2015, the Federal Government settled on a 3-percent discount rate to estimate the out-year costs of carbon pollution to society. That was the recommendation of leading economists, the top researchers from top universities putting forward credible analysis from the scientific community.

In our new, industry-friendly Pruitt analysis, they jacked that rate from 3 percent up to 7 percent. They more than double it. There is little actual analysis. They just picked a higher rate and what a payoff for Pruitt's fossil fuel friends. At 7 percent, future harms, injuries, and losses count for far less. Indeed, with this trick, Pruitt wiped away nearly \$18 billion in predicted harm from carbon pollution. Remember, again, nothing changes in the real world. The harm to future generations is unchanged. That is a given in either scenario, but like that domestic-harm-only trick, this is an accounting trick to help the fossil fuel industry dodge accountability for its pollution. It doesn't change the situation on the field; it just changes the score on the scoreboard.

Contrast the Pruitt fossil fuel-friendly nonsense with real, peer-reviewed science. In real, peer-reviewed science, we can now calculate not only the harm of carbon pollution but how much individual fossil fuel companies have contributed to that harm. A peer-reviewed study in the scientific journal *Climatic Change* tells us that a few major fossil fuel producers are responsible for as much as half of the recorded global surface temperature increase, and the study demonstrates a method for attributing their corporate share of the harm to Chevron, ExxonMobil, ConocoPhillips, Peabody Energy, Arch Coal, Devon Energy, among about 50, investor-owned carbon producers. You can take the emissions data from that climatic change study and factor in well-established social cost of carbon estimates and approximate individual corporations' responsibility for climate damages. Those companies ought to be taking a hard look at what they are reporting to their shareholders about this because they are under strong legal obligations to

report out-year risks to their shareholders.

The National Climate Assessment Climate Science Special Report that we first talked about was developed by dozens of leading scientists, from 13 different Federal agencies, detailing the extent of climate change driven by manmade greenhouse gas emissions and the urgent need to address it. That report is as solid as it gets. The report is stark. Temperatures are climbing. Seas are rising. Ocean waters are becoming more acidic. Fires are more frequent and more severe, and fire seasons are longer. Storms are stronger and more frequent, as we have seen particularly menacing coastal America.

Downwind States like Rhode Island cope with air that carries more particulate matter, nitrogen oxide, and other lung-constricting pollution.

Fishermen haul in foreign catches full of fish their fathers and grandfathers would hardly recognize. Woodsmen harvest in distressed and changing forests. Farmers till land subject to extremes of both more frequent drought and more severe flood.

The inescapable science is compiled by the top experts from throughout the Federal Government and is concurred in, I believe, by every single State university in this country, which not only understand climate change, but they teach climate change. There is every single National Lab in this country—the Labs we fund and trust—the armed services, and our national intelligence assessments. It is virtually impossible to find anyone not on the payroll of the fossil fuel industry who disputes this. It shows that climate change touches every corner of the country already, not later.

Up against that study, up against that unanimity of legitimate science, Pruitt puts a bunch of accounting tricks cooked up for him, I believe, by a conflicted and corrupting industry.

We cannot let fossil fuel hacks like Pruitt and his merry crew prevent America from responding to the reality around us.

This week it has been reported that Nicaragua and Syria have joined the Paris climate agreement. They were the two outliers. That was the company the United States was in with President Trump's decision to remove us from the Paris climate agreement—Nicaragua, Syria, and the United States of America. That is some company. Now, even Nicaragua and, just today, Syria have joined. At some point our national reputation is put at hazard. Our national reputation is put on the line when we can't do what is obviously right because we can't tell one greedy industry: You have had enough—no more.

It is time we treated this issue honestly. When we can't do that, don't tell me history will forget. It seriously is time to wake up. This is corruption in plain view.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

## EXECUTIVE CALENDAR

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nomination: Executive Calendar No. 362.

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

The clerk will report the nomination.

The bill clerk read the nomination of David J. Redl, of New York, to be Assistant Secretary of Commerce for Communications and Information.

Thereupon, the Senate proceeded to consider the nomination.

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

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

The nomination was confirmed.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. DAINES. 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.

(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. 262, on the nomination of John H. Gibson, of Texas, to be Deputy Chief Management Officer of the Department of Defense. Had I been present, I would have voted yea.

Mr. President, I was unavailable for rollcall vote No. 263, on the motion to invoke cloture on Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 264, on the nomination of Steven Andrew Engel, of the District of Columbia, to be an Assistant Attorney General. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 265, on the motion to invoke cloture on Peter B. Robb, of Vermont, to be general counsel of the National Labor Relations Board. Had I been present, I would have voted nay. •

## CONFIRMATION OF KYLE FORTSON

Mr. ALEXANDER. Mr. President, last week the Senate confirmed Kyle Fortson to be a member of the National Mediation Board.

The National Mediation Board, established by the 1934 amendments to the Railway Labor Act of 1926, is an independent U.S. Federal Government agency that facilitates labor-management relations within the Nation's railroad and airline industries.

Pursuant to the Railway Labor Act, National Mediation Board programs help to resolve disputes to promote the flow of interstate commerce in those industries through mediation, representation, and arbitration of labor-management disputes.

A dedicated public servant, Kyle Fortson is eminently qualified to serve on the National Mediation Board. I am fortunate to say that Mrs. Fortson currently serves on my staff as labor policy director at the U.S. Senate Health, Education, Labor, and Pensions—HELP—Committee, after serving in that position from 2010 to 2013 for Senator MIKE ENZI. I have benefitted from Mrs. Fortson's experience, knowledge, and counsel.

Mrs. Fortson previously served as labor counsel at the same committee from 2004 to 2010. Before that, she was a policy analyst at the Senate Republican Policy Committee from 2003 to 2004 and served as counsel to Senator Tim Hutchinson from 2001 to 2003. She also served as judiciary counsel to Congressman Spencer Bachus from 1999 to 2001.

Mrs. Fortson graduated with a B.A. in history from the University of Colorado in 1996 and with a J.D. from George Washington University in 1999.

Mrs. Fortson was nominated on June 26, 2017. On July 3, 2017, the committee received Mrs. Fortson's Office of Government Ethics paperwork, including her public financial disclosure and ethics agreement. Based on these documents, the Office of Government Ethics wrote to me that Kyle Fortson "is in compliance with applicable laws and regulations governing conflicts of interest." The committee received Mrs. Fortson's HELP Committee application on July 27, 2017. Mrs. Fortson was favorably reported out of the HELP Committee on October 18, 2017.

While the National Mediation Board will be very fortunate to have Mrs. Fortson as a member, her departure will be a loss to the U.S. Senate and the HELP Committee. I am proud to support Kyle's nomination, and she will serve on the National Mediation Board with distinction.

## DEMOCRATIC REPUBLIC OF THE CONGO

Mr. CARDIN. Mr. President, today I wish to shine a spotlight on the increasingly dire political, security, and humanitarian crisis in the Democratic Republic of the Congo. Senator BOOKER

and I, along with Senators DURBIN, COONS, WARREN, MARKEY, and BROWN, recently sent a letter to President Trump urging the administration to take immediate action to ensure that the United States is prepared to do our part to help stave off further violence and human suffering.

The Democratic Republic of the Congo, or the DRC as it is known, is a country of vast natural resource wealth. It is the largest country in sub-Saharan Africa by land mass, with ample arable land, a variety of precious minerals, and the world's second-largest river, the Congo, which possesses substantial hydroelectric potential; yet, despite an abundance of natural resources—indeed, because of it—the people of the DRC have endured centuries of exploitation and atrocities. In the postcolonial era, the country has struggled with decades of conflict, endemic corruption, and extreme poverty. The DRC ranks 176th out of 188 countries on the Human Development Index. Life expectancy is 59 years. An estimated 77 percent of the people live on less than \$2 a day. More than 12 percent of children do not live to see their fifth birthday. Mothers die in childbirth in more than 7 out of every 1,000 live births. The statistics are truly alarming.

The 1997 to 2003 civil war involved at least seven countries in the region and, by some estimates, caused 5.4 million deaths from war and war-related causes. The conflict was characterized by massive human rights violations and introduced the world to the brutal consequences of the mining of conflict minerals. Eastern Congo has been referred to as the rape capital of the world, and sexual violence continues to be used as a weapon to traumatize and terrorize the population.

Despite the establishment of truth and reconciliation committees by the Sun City Accords in 2002, the installation of a unity government in 2003, and the deployment of the largest United Nations peacekeeping force in the world, the country remains unstable. The peacekeeping mission in DRC plays a critical role in protecting civilians in conflict areas and promoting stability; yet its capabilities are limited, and it is not a substitute for a political agreement respected and adhered to by all relevant stakeholders. Let me be clear: I fully support MONUSCO peacekeepers who seek to uphold their mandate. Though the mission has come under criticism over the years for not doing enough to protect civilians and for controversies regarding its own abuses, we must ask ourselves what would have happened—and what might still happen—if the UN were not present—or if the United States forces such significant troop reductions that the mission is rendered ineffective, which I fear we may be perilously close to doing.

Despite the deployment of peacekeepers and despite the Sun City Accords, conflict, instability, and meddling by other countries in DRC persisted. It took another 10 years and the efforts of the UN and the African Union to put the Congo on a path towards true stability in 2013 through what became known as the Framework of Hope, in which other governments pledged noninterference; yet, instead of building on this landmark agreement over the past 4 years to achieve reconciliation, stabilization, and development, the country has become subsumed in new conflicts and instability due to political leaders' self-interested and shortsighted calculations.

DRC's long and as yet incomplete road to peace is a classic example of how pernicious longstanding conflicts require persistent, high-level diplomatic engagement to untangle and address root causes. International diplomacy often isn't swift or easy, and sometimes the parties take two steps forward and one step back. It is often frustrating. It is often exhausting, but it is always essential. The work of former Special Envoy for the Great Lakes Russ Feingold, who was constantly in the region engaging with heads of state, was instrumental in holding neighboring countries to their commitments under the Framework of Hope, which reduced violence and insecurity. The work of Senator Feingold's successor, Tom Perriello, was instrumental in helping obtain a political agreement in the DRC in 2016 that held the promise of achieving democratic elections and an end to sweeping government abuses against unarmed civilian protesters.

The current spread of violence within the DRC serves as a painful reminder of how critical it is that we continue to work not only to maintain the gains we have made on the international front, but also the fragile respect for democracy and good governance inside DRC. According to the constitution adopted in 2005, elections should have taken place in November of last year, and President Joseph Kabila, having served two terms, should have stepped down. Instead, President Kabila first tried to change the constitution and then, when that effort failed, he threw up obstacles—slow-rolling voter registration, underfunding the electoral commission, and insisting on a unilateral and hurried process for the creation of new provinces—all of which precipitated a political crisis late last year when it became clear that the polls would not be open. While the opposition engaged in good-faith negotiations with the government to come to agreement on a new election timeline, Kabila has once again refused to abide by the terms. In fact, elections planned for the end of this year per that December 31 agreement—duly signed by the ruling party and the opposition—will not take place until December 2018. President Kabila's decision to remain in power beyond his mandate and

to walk away from last year's political deal has caused instability and upheaval that, if not directly responsible, appears to be feeding growing violence and unrest in various parts of the country, this time including in areas of the country that had been largely been stable.

Government forces and progovernment militia are accused of gross human rights violations in the Kasai region. Two UN investigators, including an American, were killed in the region in March as they attempted to look into allegations of human rights abuses by security forces, and multiple researchers have uncovered evidence of potential involvement by state actors in their murder. The UN has not ruled out involvement by government forces, but more investigation is needed. At least 80 mass graves have been discovered. Over 5,000 people have been killed since 2016, according to some reports. The lives of hundreds of thousands of children and their families in Greater Kasai have been turned upside down by this brutal violence, with nearly a million and a half people internally displaced in the Kasai alone, including 850,000 children. Just last week, the head of the World Food Program warned that, if WFP did not receive funding and access to the area, hundreds of thousands of children would die over the next couple of months. All told, nearly 4 million Congolese are internally displaced—over a million newly displaced in Kasai alone just over the last 12 months—giving DRC the dubious distinction of having the most internally displaced people in Africa.

We have a moral obligation to pursue peace. We cannot stand by and allow conflict in DRC or anywhere else spiral so far out of control that an untold number of women are victims of sexual violence, and millions die from conflict, starvation, and preventable disease.

We have a moral obligation to try to halt mass atrocities wherever they occur. The scale of violence perpetrated against civilians in Congo has been staggering.

We should care because the world is supporting a massive peacekeeping operation in the country to the tune of \$1.14 billion a year, of which the U.S. will pay an estimated \$325 million this year. We need the MONUSCO mission to be efficient, we need it to be effective, and we need to create conditions for it to end, but the only way for the mission to draw down in a responsible fashion is as peace and stability are progressively achieved. Therefore, the United States, a leader in the international community, must do more to help facilitate a political process that will lead to a durable peace.

The problems in the Congo are not insurmountable, and our voice and diplomatic influence could help bring about a solution if the Trump administration is willing to make an effort to do so. There are several easy steps it could take immediately.

No. 1, the administration could fill critical vacancies. The President should immediately nominate an accredited Ambassador to Kinshasa. Our last Ambassador, a highly capable career foreign service officer, left his post in December. The President should nominate an Assistant Secretary of State for African Affairs for Senate confirmation. The position has remained vacant for 9 months, with Ambassador Donald Yamamoto serving in the role in an acting capacity.

Second, on the heels of UN Ambassador Nikki Haley's visit to DRC last month—one of the first visits to the continent by a senior member of the Trump administration—I urge the delegation to capitalize on the momentum from that trip to push for the following: No. 1, implementation of the December 31 agreement; No. 2, broader cooperation with and support for the investigation into human rights abuses in Kasai; No. 3, ensuring there is a credible international investigation into the murder of the two UN investigators; and No. 4, sharing the assessment of the humanitarian emergency in the Kasais.

I understand that Gen. Thomas Waldhauser, head of U.S. Africa Command, accompanied Ambassador Haley. I hope that he will share his assessment and any recommendations he has related to MONUSCO's deployment. I urge Ambassador Haley to ask that the Security Council convene an emergency meeting to discuss the findings of her trip. Finally, the administration should reexamine the decision in March of this year to lower MONUSCO's troop ceiling, given conditions in the country and the observations of the returning delegation.

We must use all the tools at our disposal, such as the Atrocities Prevention Board, to devise concrete actions our diplomats can take to stave off further violence. The White House should consider tightening sanctions on the regime. So far, we have sanctioned six sitting or former senior government and security officials, as well as a private company owned by one of them, under Executive Order 13671 issued in 2014. Sanctions have proven effective at getting Kinshasa's attention and should be applied in an ever-tightening manner aimed at the highest levels of government until we see demonstrable progress towards implementing the December 31 agreement. The Global Magnitsky Act is another tool that the administration could use to further pressure the regime.

The last conflict in DRC caused a regional conflagration that I consider among the worst in the continent's recent history in terms of the toll on human lives. It should never be repeated. The administration can and should take the steps I have just outlined immediately. While simple and straightforward, they could prevent further bloodshed. A repetition of the war is not inevitable, and I hope the President will take action to forestall

an increasingly dire humanitarian and political crisis in the region.

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

#### 85TH ANNIVERSARY OF THE HOLODOMOR

• Mr. MENENDEZ. Mr. President, today we solemnly mark the 85th anniversary of the Holodomor—the Ukrainian famine genocide—that claimed the lives of millions in the 1930s. As part of its vicious crusade promoting a failed ideology, the Soviet Union perpetrated a forced starvation campaign against ethnic Ukrainians, hoping to erase their place in history and their cries for freedom and independence. We must never forget these crimes against humanity. Ukraine today faces a different kind of threat from its neighbor Russia's ongoing occupation of its land and aggression towards its people. We must recall the lessons from history and remain united in solidarity with our democratic friends and allies and all those who pursue freedom and justice. I am proud to represent a strong, engaged, and vibrant Ukrainian community in New Jersey, and I commend your efforts to continue to bring to light injustices of the past and efforts to promote a brighter future. •

#### TRIBUTE TO COLONEL ROGER PETERMAN

Mr. DONNELLY. Mr. President, today, I wish to recognize and honor the extraordinary service of retired U.S. Army COL Roger Peterman, a Greenwood, IN, resident and dedicated veteran and public servant who served his country with honor.

In 1967, Roger Peterman enlisted in the Army National Guard. He served in the field artillery in both enlisted and officer positions. He eventually moved through the ranks and rose to command two artillery batteries, an artillery battalion, the 38th Division Artillery, and held numerous staff assignments before retiring in March 2000.

Colonel Peterman's Army service was one of distinction, as evidenced by his numerous awards and decorations, including the Legion of Merit; Meritorious Service Medal with two oakleaf clusters; Army Commendation; Army Achievement Medal; and the Army Reserve Component Achievement Medal with a silver oakleaf cluster and two bronze oakleaf clusters. In 2012, he was presented the Office of the Secretary of Defense Medal, and in 2014, the National Guard Association of the United States awarded him the Distinguished Service Medal. In addition, Colonel Peterman was recognized with the Ancient Order of Saint Barbara Medal by the U.S. Field Artillery Association.

Colonel Peterman has distinguished himself beyond his military service. The transition from the military to civilian life can be a difficult one for our veterans. We are grateful for Roger's

post-military service mission to help veterans and military families through that transition with his work as a transition assistance adviser with the Indiana National Guard. Roger is also chairman of the Board for Operation: Job Ready Veterans, which aims to prepare our veterans for success in civilian employment; the Indianapolis Veterans Court Advisory Board; the Indiana National Guard Relief Fund; the American Legion; and AMVETS. Roger also serves on the board of directors for the Indiana chapter of the Association of the United States Army and is on the executive board of Indiana Blue Star. As Roger enters his "second" retirement, we thank him for his dedication and service to helping Indiana's veterans.

Colonel Peterman's life has set an example not just for his two children and six grandchildren but for all Hoosiers. His commitment to defending our country and supporting our veterans is commendable. His integrity and tireless efforts have helped to make Indiana and this country a better place to live, work, and raise a family. We thank Roger's wife Carolyn, children, and grandchildren for sharing him with our country. We wish Roger well in retirement.

#### RECOGNIZING EDEN ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today, I wish to recognize Eden Elementary School of Greenfield, 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.

Eden Elementary School has continually distinguished itself as a top-performing school in Indiana. For the last 4 years, Eden Elementary has been named a Four Star School and named an A-rated school by the Indiana Department of Education for 6 consecutive years.

Eden Elementary attributes much of its success to its effective implementation of the professional learning community model. Teachers are encouraged to focus on higher order thinking, integrating technology, and collaboration with math and reading instructional coaches. This model also allows teachers to work on targeted areas to improve an individual student's performance, which is contributing to the academic success of students. In addition, this interactive model enables teachers to share resources and ask questions to ensure the curriculum is being met across grade levels.

Beyond strong academics, Eden Elementary also prides itself on its character education program. This starts with Eden's Eagle Expectations—three rules: students should be respectful, responsible, and ready to learn. The school also promotes healthy habits by instilling in students the importance of considering the needs of others, listening first, and working together.

I am proud to recognize previous Eden Elementary School principal Devon Marine and current principal Melia Hammons, the entire staff, the student body, and their families. The effort and dedication you put into the education of these young people have led not only to this prestigious recognition but will benefit you and the Greenfield community well into the future.

On behalf of the citizens of Indiana, I congratulate Eden Elementary, and I wish the students and staff continued success in the future.

#### ADDITIONAL STATEMENTS

#### 25TH ANNIVERSARY OF THE OAK RIDGE LEADERSHIP COMPUTING FACILITY

• Mr. ALEXANDER. Mr. President, today we celebrate the 25th anniversary of high-performance computing at Oak Ridge National Laboratory's Leadership Computing Facility.

For a quarter century, Oak Ridge has led the way globally, pushing the boundaries of computational performance and continually giving scientists more powerful platforms for simulation and discovery at every scale—from the smallest building blocks of atoms to the vastness of galaxies—in biology, chemistry, physics, materials science, cosmology, industrial modeling, nuclear power, and more.

Using Oak Ridge's computing facility, scientists have expanded the scale and scope of their research, solved complex problems in less time, and filled critical gaps in scientific knowledge.

The Oak Ridge Leadership Computing Facility has led the rapid evolution of scientific computing that has produced a millionfold increase in computing power and has been home to both the first teraflop—1 trillion calculations per second—and the first petaflop—1 quadrillion calculations per second—systems for scientific computing. Oak Ridge has twice placed two supercomputing systems at the top of the international TOP500 list, where supercomputers are ranked by their number-crunching performance.

Today computer simulation is an essential part of modern science, but in 1992, when Oak Ridge established its Center for Computational Sciences, which was later renamed the Oak Ridge Leadership Computing Facility, not many people thought that the next great center for high-performance computing would be located in east Tennessee.

As I have said many times, this region has one of the most formidable concentrations of brainpower anywhere in our country.

The Department of Energy unleashed that brainpower when, later that year, it selected Oak Ridge, along with its partners, three national labs and seven universities, to lead one of the Office of Energy Research's—now the Office of Science—new high-performance computing research centers to serve scientists from national laboratories, universities, and private industry.

Meanwhile, in 2002, Japan introduced its Earth Simulator, which was at the time five times more powerful than any other high-performance computer in the world.

I traveled with former Senator Jeff Bingaman to Japan, and we were briefed on the significance of Japan's investment in the Earth Simulator.

Japan's development of the Earth Simulator meant that the United States no longer was the clear leader in high-performance computing, and for the first time, American researchers were looking abroad to obtain access to the latest computing tools.

Senator Bingaman and I made it a priority to recapture the lead in high-speed computing by introducing and passing the High-End Computing Revitalization Act of 2004.

This legislation paved the way for Oak Ridge to regain the lead in supercomputing. Within a few years, the Oak Ridge Leadership Computing Facility deployed a supercomputer called Jaguar that would break the petaflop barrier—a quadrillion calculations per second—in 2008 and take back the top spot on the TOP500 list in 2009.

For the past 25 years, the Oak Ridge Leadership Computing Facility has not only been home to some of the world's most powerful computers, but it has also been a global leader in the development of software applications and tools for scientific research. That is important because it is not just about having the fastest computer, it is also about having the experts who know how to program and use them.

Each year, the facility provides computer systems 10 to 100 times more powerful than most other computers available for research for the lab's own scientists, as well as international teams of scientists trying to make breakthroughs on the toughest science challenges.

Those scientists publish new science discoveries in nearly 500 research papers per year.

Beyond basic science, dozens of companies, from small businesses to Fortune 500 giants, have used Oak Ridge supercomputers to accelerate their own research and development and gain a competitive advantage in the global market.

For example, these high-performance computers have allowed companies to develop an add-on for long-haul trucks to optimize airflow, which improves fuel mileage by up to 10 percent.

Other companies were able to use simulations to extend the shelf life of consumer products and to analyze combustion in gas turbines to improve performance and lower emissions.

Not only does supercomputing help scientific discoveries and companies, supercomputers at our national laboratories can be used by Federal agencies as a “secret weapon” in the effort to combat issues like Medicare and Medicaid waste, fraud, and abuse; to find terrorists and criminals; and to help the National Institutes of Health find cures and treatments for disease.

Other countries have taken notice of the Oak Ridge Leadership Computing Facility's success, tried to duplicate it, and now threaten our lead in scientific computing.

The United States faces a choice between falling behind competitors like China or advancing technologies that can make us safer and more competitive.

In the June 2017 ranking of the world's most powerful supercomputers, China maintained the top two places, Switzerland was third, and Titan at the Oak Ridge National Laboratory, which is the fastest supercomputer in the United States, moved down to fourth.

In 2018, the Oak Ridge Leadership Computing Facility will complete Summit, which will be more than five times faster than Titan and will help researchers better understand materials and nuclear power and support more energy breakthroughs.

The fiscal year 2018 Energy and Water Development Appropriations bill, which I wrote with Senator FEINSTEIN, prioritizes supercomputing and recommends \$150 million for the Oak Ridge Leadership Computing Facility, as well as \$381 million to support the delivery of the first exascale machine.

I am very proud of the men and women from all over the world who have come to east Tennessee and Oak Ridge National Laboratory to make the Oak Ridge Leadership Computing Facility a world-leading center for computational scientific research.

I thank them for 25 years of hard work and dedication, and I look forward to their continued success answering some of the hardest scientific questions.●

#### RECOGNIZING ROBERTS, MONTANA

● Mr. DAINES. Mr. President, with Veterans Day approaching this weekend, I would like to recognize and express my gratitude for the patriotism, selfless service, and community spirit of a small community in southern Montana. The town of Roberts, in Carbon County, is honoring military veterans by lining Highway 212 with crosses and dogtags to represent servicemembers who have lived in Roberts. The crosses signify veterans who have passed away, while the dogtags symbolize living veterans.

The breadth of service in this scenic town north of Yellowstone Park is evi-

dent in the 133 dogtags on display this year. The depth of service to our great county is rooted in the 308 crosses, some of which date back to service in the Civil War. A total of 441 individuals, with service spanning over a century and a half, is an impressive display of patriotism for any small community. The record of service among the people of Roberts is even more awe-inspiring when you consider that, during the last census, the town had just 361 residents.

As we gather to celebrate Veterans Day, let us be encouraged by the example of the folks in Roberts and take time to remember the accumulated sacrifices and ongoing commitment that allow so many to live in freedom. To the people of Roberts, thank you for punching above your weight class for our Nation.●

#### TRIBUTE TO RONNIE LUPE

● Mr. MCCAIN. Mr. President, I would like to pay tribute to Ronnie Lupe, a foreign war veteran and current chairman of the White Mountain Apache Tribe in Arizona. Chairman Lupe will be retiring next year following 50 years of distinguished public service to his Tribe.

Ronnie also honorably served his Nation overseas in Korea. As a young man, he journeyed far from his hometown of Cibecue to enlist in the U.S. Marine Corps. He soon found himself across the Pacific and entrenched in combat. Thankfully, Ronnie returned home safely to his family and friends.

Ronnie first joined the Tribal council in 1996. Since then, he has served as chairman of the council for a remarkable nine terms. I have enjoyed working closely with Chairman Lupe over the years. Ronnie is a tireless advocate for the principles of Tribal self-governance and Indian self-determination. He led efforts to resolve the Tribe's water rights claims and developed a reservation-wide system for clean drinking water.

Ronnie was also a pioneer in Federal Indian policy concerning wildlife conservation, expanding Tribal control over reservation land, its forest, and natural resources. He oversaw the Tribe's response and recovery in the Rodeo-Chediski Fire in 2002 and the Wallow Fire in 2011—the two worst wildfires in Arizona history. As chairman, he labored to build and nurture Tribal enterprises like Hon Dah Casino and Sunrise Park Resort, which today are hubs of tourism and recreation in the White Mountains of Arizona.

Chairman Ronnie Lupe is a celebrated Tribal leader who brought about transformative and lasting changes to the people of the White Mountain Apache Tribe. I am proud to call him my friend. I thank him for his service.●

# TRIBUTE TO JOANI SLAWSON AND JAMES YAQUES

• Mr. RUBIO. Mr. President, I often praise the talents and goodwill of Floridians across my home State, and today is no different. Ms. Joani Slawson, a music teacher at Saturn Elementary in Brevard County, and Mr. James Yaques, of Palm Beach Central High School, have been nominated for a Grammy award. Their passion for teaching coupled with their musical talent is rightly being recognized as they are both semifinalists for music educator of the year.

As the Grammy process continues, I, along with my fellow Floridians, will be rooting for Ms. Slawson and Mr. Yaques. I wish them, their respective schools, and their students all the best.●

## MESSAGE FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Novotny, 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. 1066. An act to direct the Secretary of Veterans Affairs to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report regarding the organizational structure of the Department of Veterans Affairs, and for other purposes.

H.R. 3122. An act to direct the Secretary of Veterans Affairs to include on the Internet website of the Department of Veterans Affairs a warning regarding dishonest, predatory, or otherwise unlawful practices targeting individuals who are eligible for increased pension on the basis of need for regular aid and attendance, and for other purposes.

H.R. 3562. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes.

H.R. 3656. An act to amend title 38, United States Code, to provide for a consistent eligibility date for provision of Department of Veterans Affairs memorial headstones and markers for eligible spouses and dependent children of veterans whose remains are unavailable.

H.R. 3657. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide certain burial benefits for spouses and children of veterans who are buried in tribal cemeteries, 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. 1066. An act to direct the Secretary of Veterans Affairs to submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report regarding the organizational structure of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3122. An act to direct the Secretary of Veterans Affairs to include on the internet website of the Department of Veterans Af-

fairs a warning regarding dishonest, predatory, or otherwise unlawful practices targeting individuals who are eligible for increased pension on the basis of need for regular aid and attendance, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3562. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish assistance for adaptations of residences of veterans in rehabilitation programs under chapter 31 of such title, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3656. An act to amend title 38, United States Code, to provide for a consistent eligibility date for provision of Department of Veterans Affairs memorial headstones and markers for eligible spouses and dependent children of veterans whose remains are unavailable; to the Committee on Veterans' Affairs.

H.R. 3657. An act to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide certain burial benefits for spouses and children of veterans who are buried in tribal cemeteries; to the Committee on Veterans' Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-3383. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Additions of Rust-Resistant Species and Varieties" (Docket No. APHIS-2017-0049) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3384. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Benzovindiflupyr; Pesticide Tolerances" (FRL No. 9967-33-OCSPP) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3385. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Formaldehyde, polymer with 1,3-benzenediol, 2-methyloxirane and oxirane, ethers with polyethylene glycol mono-Me ether; Exemption from the Requirement of a Tolerance" (FRL No. 9969-99-OCSPP) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3386. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Formaldehyde, polymer with 1,3-benzenediol, ethers with polyethylene glycol mono-Me ether; Exemption from the Requirement of a Tolerance" (FRL No. 9970-00-OCSPP) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3387. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; New Hampshire;

Rules for Open Burning and Incinerators; Withdrawal of Direct Final Rule" (FRL No. 9970-41-Region 1) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Environment and Public Works.

EC-3388. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Continuous Monitoring Requirements for Municipal Waste Combustors" (FRL No. 9970-28-Region 3) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Environment and Public Works.

EC-3389. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment Under Section 956(c) of Certain Receivables Following Hurricane Irma or Hurricane Maria" (Notice 2017-68) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Finance.

EC-3390. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief for Victims of Hurricane Maria and California Wildfires" (Announcement 2017-15) received in the Office of the President of the Senate on November 2, 2017; to the Committee on Finance.

EC-3391. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Calendar Year 2018 Home Health Prospective Payment System Rate Update and Calendar Year 2019 Case-Mix Adjustment Methodology Refinements; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements" ((RIN0938-AT01) (CMS-1672-F)) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2017; to the Committee on Finance.

EC-3392. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs" ((RIN0938-AT03) (CMS-1678-FC)) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2017; to the Committee on Finance.

EC-3393. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for Calendar Year 2018; Medicare Shared Savings Program Requirements; and Medicare Diabetes Prevention Program" ((RIN0938-AT02) (CMS-1676-F)) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2017; to the Committee on Finance.

EC-3394. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Calendar Year 2018 Updates to the Quality Payer Program; and Quality Payment Program; Extreme and Uncontrollable



Circumstance Policy for the Transition Year” ((RIN0938-AT13) (CMS-5522-FC and IFC)) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2017; to the Committee on Finance.

EC-3395. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 3(d) of the Arms Export Control Act, as amended, the certification of a proposed license for the transfer of major defense equipment relative to the transfer of fifteen (15) F-16A/B aircraft, including spare parts and support equipment from the Government of the Republic of Jordan to Airborne Tactical Advantage Company (ATAC) in the amount of \$45,000,000 or more (Transmittal No. RSAT-17-5442); to the Committee on Foreign Relations.

EC-3396. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled “Department of Homeland Security 2017 Privacy Office Annual Report to Congress”; to the Committee on Homeland Security and Governmental Affairs.

EC-3397. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to thirteen audit reports issued during fiscal year 2017 regarding the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-3398. A communication from the Director, Office of Management, Department of Energy, transmitting, pursuant to law, a report relative to the Department’s 2016 list of Government activities determined to be inherently governmental and those determined to be not inherently governmental in nature and the Uniform Resource Locator (URL) for the report; to the Committee on Homeland Security and Governmental Affairs.

EC-3399. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22-170, “Standard of Care for Animals Amendment Act of 2017”; to the Committee on Homeland Security and Governmental Affairs.

EC-3400. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a report entitled “Episodic Alternative Payment Model For Radiation Therapy Services”; to the Committee on Finance.

EC-3401. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Rule on Attorney-Client Privilege for Trials Before the Patent Trial and Appeal Board” (RIN0651-AD10) received in the Office of the President of the Senate on November 6, 2017; to the Committee on the Judiciary.

EC-3402. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled “Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2017; to the Committee on Veterans’ Affairs.

EC-3403. A communication from the Secretary of Veterans Affairs, transmitting proposed legislation entitled “Veteran Coordinated Access and Rewarding Experiences (CARE) Act”; to the Committee on Veterans’ Affairs.

#### PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was re-

ferred or ordered to lie on the table as indicated:

POM-133. A resolution adopted by the House of Representatives of the Commonwealth of Kentucky urging the United States Congress to pass the Miners Protection Act; to the Committee on Finance.

#### HOUSE RESOLUTION NO. 136

Whereas, in 1946, faced with the prospect of a long strike that could hamper post-war economic recovery, President Harry Truman issued an Executive Order directing the Secretary of the Interior to take possession of all bituminous coal mines in the United States and to negotiate with the United Mine Workers of America “appropriate changes in the terms and conditions of employment”; and

Whereas, after a week of negotiations, the historic Krug-Lewis agreement was announced and signed in the White House with President Truman as a witness; and

Whereas, the agreement created a welfare and retirement fund that guaranteed lifetime payments to miners and their dependents and survivors in cases of sickness, permanent disability, death or retirement; and

Whereas, the agreement also created a separate medical and hospital fund; and

Whereas, in 1947, the government returned control of the mines back to their owners and a new collective bargaining agreement was reached with the companies that guaranteed retirement benefits to miners and their dependents and survivors for life; and

Whereas, for the next 70 years, miners bargained for money to be dedicated to their health care in retirement, because they knew when they retired they would be sicker than the average senior citizen, with more nagging injuries and a greater risk of black lung or some other cardio-pulmonary disease; and

Whereas, the federal government has repeatedly confirmed its role in guaranteeing retirement benefits for coal miners; and

Whereas, in 1992 Congress passed and President George H.W. Bush signed into law the Coal Act, which established an industry-funded mechanism for paying for the health care of retirees whose companies had gone out of business; and

Whereas, in 2006, Congress and President George W. Bush amended the Coal Act to expand the financial resources available to the fund; and

Whereas, a depression reigns in America’s coalfields today, with tens of thousands of jobs eliminated; and

Whereas, multiple companies have filed for bankruptcy and received approval from bankruptcy courts to shed their retiree obligations, leaving more than 26,000 retirees confronting the loss of their health care benefits; and

Whereas, like many other multiemployer pension funds, the United Mine Workers of America 1974 Pension Fund lost a significant portion of its value in the recession of 2008 through 2009, and, due to the devastation of the coal industry, will not receive enough contributions from the employers to make up the shortfall, leading the fund to likely become insolvent by 2022; and

Whereas, on December 9, 2016, Congress passed a Continuing Resolution to continue funding for federal programs and services until April 28, 2017, including a provision providing \$45 million for continued health care benefits for these retirees and their families until April 30, 2017; and

Whereas, Senators Joe Manchin and Shelley Moore Capito of West Virginia have introduced legislation co-sponsored by Republicans and Democrats, the Miners Protection Act, that would amend the Coal Act to allow retirees from recently bankrupt companies

to get health care coverage from the United Mine Workers of America Health and Retirement Funds and would repurpose the balance of an existing appropriation to provide funding to shore up the pension plan; and

Whereas, Representative David McKinley of West Virginia has also introduced the Miners Protection Act in the House of Representatives, and it is also co-sponsored by both Republicans and Democrats; and

Whereas, America’s coal miners have sacrificed much for our nation, with more than 105,000 killed on the job in the last century and more than 100,000 having died from coal workers’ pneumoconiosis, also known as black lung; and

Whereas, knowing those risks, miners have continued to go to work every day to provide for their families, build secure futures for themselves, and produce the fuel that has allowed America to become the most powerful nation on earth; and

Whereas, America has an obligation to our retired coal miners for the sacrifices they have made for our nation: Now, therefore, be it

*Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The Kentucky House of Representatives urges the United States Congress to pass the Miners Protection Act as soon as possible and provide the full measure of benefits these retirees were promised and have earned.

Section 2. The Clerk of the House of Representatives shall send a copy of this Resolution and notification of its adoption to the President and Vice President of the United States, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, the Majority Leader of the United States Senate, the Minority Leader of the United States Senate, and each member of Kentucky’s delegation to the United States Congress.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 171. A bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, to reauthorize the Hydrographic Services Improvement Act of 1998, and for other purposes (Rept. No. 115-181).

By Mr. BURR, from the Select Committee on Intelligence:

Report to accompany S. 2010, An original bill to extend the FISA Amendments Act of 2008 for 8 years, and for other purposes (Rept. No. 115-182).

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. McCain for the Committee on Armed Services.

\*Joseph Kernan, of Florida, to be Under Secretary of Defense for Intelligence.

\*Guy B. Roberts, of Virginia, to be an Assistant Secretary of Defense.

\*Mark T. Esper, of Virginia, to be Secretary of the Army.

\*Robert L. Wilkie, of North Carolina, to be Under Secretary of Defense for Personnel and Readiness.



By Mr. BURR for the Select Committee on Intelligence.

John C. Demers, of Virginia, to be an Assistant Attorney General.

\*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 Ms. HARRIS (for herself and Mr. SULLIVAN):

S. 2083. A bill to enhance cybersecurity information sharing and coordination at ports in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WHITEHOUSE:

S. 2084. A bill to include community partners and intermediaries in the planning and delivery of education and related programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Ms. COLLINS):

S. 2085. A bill to amend the Agriculture and Consumer Protection Act of 1973 to streamline application processes and reduce the administrative burden for the commodity supplemental food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN (for herself, Mr. TOOMEY, Mr. ALEXANDER, Mr. CASEY, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HASSAN, Mr. HELLER, Mr. KAINE, Mr. MARKEY, Mr. MCCAIN, Mrs. MCCASKILL, Mr. PORTMAN, Mr. WARNER, Ms. WARREN, and Mr. JOHNSON):

S. 2086. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to extend and modernize the sugar program, to extend and subsequently repeal the feedstock flexibility program for bioenergy producers, to extend and subsequently replace flexible marketing allotments for sugar, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MARKEY (for himself and Mrs. CAPITO):

S. 2087. A bill to promote and ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs, to enhance accountability for the provision of such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FISCHER:

S. 2088. A bill to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes; to the Committee on Armed Services.

By Mr. BENNET (for himself, Ms. BALDWIN, Mr. MERKLEY, Mr. MARKEY, and Mr. FRANKEN):

S. 2089. A bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 2090. A bill to amend the Biggert-Waters Flood Insurance Reform Act of 2012 to make reforms to flood mapping programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WICKER:

S. 2091. A bill to amend the National Flood Insurance Act of 1968 to provide relief from surcharges to small businesses and nonprofit organizations; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WICKER:

S. 2092. A bill to amend the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 to require insurance agents who sell flood insurance policies under the National Flood Insurance Program to take certain continuing educational courses, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WICKER:

S. 2093. A bill to amend the Omnibus Public Land Management Act of 2009 to clarify the authority of the Administrator of the Federal Emergency Management Agency with respect to post-storm assessments, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BROWN, Ms. CANTWELL, Mr. COONS, Mr. DONNELLY, Ms. HIRONO, Mr. INHOFE, Mr. KING, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. PETERS, Mr. ROUNDS, Ms. STABENOW, and Mr. WARNER):

S. Res. 322. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. ERNST, Mrs. GILLIBRAND, Mrs. CAPITO, Mr. JOHNSON, Ms. MURKOWSKI, and Mr. BOOKER):

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; to the Committee on Rules and Administration.

#### ADDITIONAL COSPONSORS

S. 236

At the request of Mr. WYDEN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 256

At the request of Ms. HEITKAMP, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 256, a bill to establish the Stop, Observe, Ask, and Respond to Health and Wellness Training pilot program to address human trafficking in the health care system.

S. 372

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 445

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 591

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 591, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 611

At the request of Mr. PORTMAN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 611, a bill to amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

S. 708

At the request of Mr. MARKEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 708, a bill to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

S. 794

At the request of Mr. ISAKSON, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 794, a bill to amend title XVIII of the Social Security Act in order to improve the process whereby Medicare administrative

contractors issue local coverage determinations under the Medicare program, and for other purposes.

S. 801

At the request of Mr. LEE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 801, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 872

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 872, a bill to amend title XVIII of the Social Security Act to make permanent the extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 925

At the request of Mrs. ERNST, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 925, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 937

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 937, a bill to amend the Internal Revenue Code of 1986 to provide for a refundable adoption tax credit.

S. 1014

At the request of Mrs. FISCHER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1014, a bill to direct the Secretary of Veterans Affairs to make grants to eligible organizations to provide service dogs to veterans with severe post-traumatic stress disorder, and for other purposes.

S. 1109

At the request of Mr. MERKLEY, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Montana (Mr. TESTER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1109, a bill to amend title VIII of the Public Health Service Act to extend advanced education nursing grants to support clinical nurse specialist programs, and for other purposes.

S. 1198

At the request of Ms. WARREN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1198, a bill to protect individuals who are eligible for increased pension under laws administered by the Secretary of Veterans Affairs on the basis of need of regular aid and attendance from dishonest, predatory, or otherwise unlawful practices, and for other purposes.

S. 1218

At the request of Ms. HEITKAMP, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 1218, a bill to promote Federal employment for veterans, and for other purposes.

S. 1323

At the request of Mr. SULLIVAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1323, a bill to preserve United States fishing heritage through a national program dedicated to training and assisting the next generation of commercial fishermen, and for other purposes.

S. 1333

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1333, a bill to provide for rental assistance for homeless or at-risk Indian veterans.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1591

At the request of Mr. VAN HOLLEN, the names of the Senator from Montana (Mr. TESTER), the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Massachusetts (Ms. WARREN) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1591, a bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes.

S. 1611

At the request of Mr. HOEVEN, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1611, a bill to amend title 38, United States Code, to allow the Secretary of Veterans Affairs to enter into certain agreements with non-Department of Veterans Affairs health care providers if the Secretary is not feasibly able to provide health care in facilities of the Department or through contracts or sharing agreements, and for other purposes.

S. 1621

At the request of Mr. WICKER, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1621, a bill to require the Federal Communications Commission to establish a methodology for the collection by the Commission of information about commercial mobile service and commercial mobile data service, and for other purposes.

S. 1624

At the request of Mr. UDALL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1624, a bill to prohibit the use of chlorpyrifos on food, and for other purposes.

S. 1690

At the request of Ms. DUCKWORTH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a

cosponsor of S. 1690, a bill to amend the Higher Education Act of 1965 to provide greater support to students with dependents, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1719

At the request of Mr. BLUNT, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 1719, a bill to eliminate duties on imports of recreational performance outerwear, to establish the Sustainable Textile and Apparel Research Fund, and for other purposes.

S. 1782

At the request of Ms. COLLINS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1782, a bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act.

S. 1829

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1829, a bill to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program.

S. 1871

At the request of Mr. CASSIDY, the name of the Senator from Michigan (Mr. PETERS) 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. 1927

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1927, a bill to amend section 455(m) of the Higher Education Act of 1965 in order to allow adjunct faculty members to qualify for public service loan forgiveness.

S. 1936

At the request of Mr. COTTON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1936, a bill to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes.

S. 1988

At the request of Mr. WICKER, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 1988, a bill to streamline broadband infrastructure permitting on established public rights-of-way, and for other purposes.

S. 2001

At the request of Mr. SCHATZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2001, a bill to establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan.

S. 2023

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 2023, a bill to require a study regarding security measures and equipment at Cuba's airports, require the standardization of Federal Air Marshal Service agreements, require efforts to raise international aviation security standards, and for other purposes.

S. 2037

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2037, a bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers.

S. 2044

At the request of Mr. BLUMENTHAL, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 2044, a bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

S. 2045

At the request of Mr. BLUMENTHAL, the name of the Senator from Virginia (Mr. Kaine) was added as a cosponsor of S. 2045, a bill to establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

S. 2060

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2060, a bill to promote democracy and human rights in Burma, and for other purposes.

S. 2065

At the request of Mr. YOUNG, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Louisiana (Mr. CASSIDY) and the Senator from Colorado (Mr. GARDNER) were added as cosponsors of S. 2065, a bill to establish a demonstration program to provide integrated care for Medicare beneficiaries with end-stage renal disease, and for other purposes.

S. 2080

At the request of Ms. WARREN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Massachusetts (Mr. MAR-

KEY) were added as cosponsors of S. 2080, a bill to increase the role of the financial industry in combating human trafficking.

S. RES. 139

At the request of Mr. WYDEN, the names of the Senator from Illinois (Ms. DUCKWORTH), the Senator from Kansas (Mr. MORAN), the Senator from Connecticut (Mr. MURPHY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oregon (Mr. MERKLEY), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. Res. 139, a resolution condemning the Government of Iran's state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 250

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 250, a resolution condemning horrific acts of violence against Burma's Rohingya population and calling on Aung San Suu Kyi to play an active role in ending this humanitarian tragedy.

S. RES. 279

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. Res. 279, a resolution reaffirming the commitment of the United States to promote democracy, human rights, and the rule of law in Cambodia.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 322—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BROWN, Ms. CANTWELL, Mr. COONS, Mr. DONNELLY, Ms. HIRONO, Mr. INHOFE, Mr. KING, Ms. KLOBUCHAR, Mr. MENENDEZ, Mr. PETERS, Mr. ROUNDS, Ms. STABENOW, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 322

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the "CDC")—

(1) 30,300,000 individuals in the United States have diabetes; and

(2) an estimated 84,100,000 individuals in the United States who are 20 years of age or older have prediabetes;

Whereas diabetes is a serious chronic condition that affects individuals of every age, race, ethnicity, and income level;

Whereas the CDC reports that—

(1) Hispanic Americans, African Americans, Asian Americans, and Native Americans are disproportionately affected by diabetes and suffer from the disease at rates that are much higher than those rates with respect to the general population of the United States; and

(2) 23.8 percent of individuals with diabetes in the United States have not been diagnosed with the disease;

Whereas, according to the CDC—

(1) an individual who is 20 years of age or older is diagnosed with diabetes every 21 seconds;

(2) the prevalence of diabetes in the United States increased more than threefold between 1990 and 2015; and

(3) in the United States in 2015, diabetes was the seventh leading cause of death and contributed to the deaths of more than 252,806 individuals during that year;

Whereas approximately 4,110 adults in the United States are diagnosed with diabetes each day;

Whereas the CDC estimates that approximately 1,500,000 adults in the United States were newly diagnosed with diabetes in 2015;

Whereas a joint study carried out by the National Institutes of Health and the CDC found that, in the United States during 2011 and 2012, an estimated 17,900 youths were newly diagnosed with type 1 diabetes and 5,300 youths were newly diagnosed with type 2 diabetes;

Whereas, in the United States, more than 12 percent of adults and 25.2 percent of individuals who are 65 years of age or older in the United States have diabetes;

Whereas the risk of developing diabetes at some point in life is 40 percent for adults in the United States;

Whereas, after accounting for the difference of the average age of each population, data surveying adults in the United States between 2013 and 2015 indicates that—

(1) 7.4 percent of non-Hispanic Whites, 12.7 percent of non-Hispanic Blacks, 12.1 percent of Hispanics, and 8 percent of Asian Americans suffer from diagnosed diabetes; and

(2) with respect to Hispanic adults, 8.5 percent of individuals of Central and South American descent, 9 percent of individuals of Cuban descent, 13.8 percent of individuals of Mexican descent, and 12 percent of individuals of Puerto Rican descent suffer from diagnosed diabetes;

Whereas, according to the American Diabetes Association, the United States spent an estimated \$245,000,000,000 on cases of diagnosed diabetes in 2012;

Whereas the American Diabetes Association reports that 20 percent of the money that the United States spent on health care in 2012 went toward caring for individuals with diabetes;

Whereas a Mathematica Policy Research study found that total expenditures for individuals with diabetes receiving benefits under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in fiscal year 2005 comprised 32.7 percent of the budget for the Medicare program in that fiscal year;

Whereas a cure for diabetes does not exist, as of November 2017;

Whereas there are successful means to reduce the incidence, and delay the onset, of type 2 diabetes;

Whereas, with proper management and treatment, individuals with diabetes live healthy and productive lives; and

Whereas individuals in the United States celebrate American Diabetes Month in November: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging individuals in the United States to fight diabetes through public awareness of prevention and treatment options; and

(B) enhancing diabetes education;

(2) recognizes the importance of early detection, awareness of the symptoms, and understanding the risk factors of diabetes, including—

- (A) being—
  - (i) older than 45 years of age; or
  - (ii) overweight; and
- (B) having—
  - (i) a particular racial and ethnic background;
  - (ii) a low level of physical activity;
  - (iii) high blood pressure;
  - (iv) a family history of diabetes; or
  - (v) a history of diabetes during pregnancy; and
- (3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

**SENATE RESOLUTION 323—REQUIRING SEXUAL HARASSMENT TRAINING FOR MEMBERS, OFFICERS, EMPLOYEES, INTERNS, AND FELLOWS OF THE SENATE AND A PERIODIC SURVEY OF THE SENATE**

Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mrs. ERNST, Mrs. GILLIBRAND, Mrs. CAPITO, Mr. JOHNSON, Ms. MURKOWSKI, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 323

*Resolved,*

**SECTION 1. SHORT TITLE.**

This resolution may be cited as the “Senate Training on Prevention of Sexual Harassment Resolution” or the “STOP Sexual Harassment Resolution”.

**SEC. 2. DEFINITIONS.**

In this resolution—

- (1) the term “covered office” means an office, including a joint commission or joint committee, employing employees of the Senate;
- (2) the term “covered position” means a position as—
  - (A) a Member, officer, or employee of the Senate;
  - (B) an intern or fellow serving in a position in a covered office—
    - (i) without regard to whether the intern or fellow receives compensation; and
    - (ii) if the intern or fellow does receive compensation, without regard to the source of compensation; or
  - (C) a detailee serving in a position in a covered office, without regard to whether the service is on a reimbursable basis;
- (3) the term “employee of the Senate” means an individual whose pay is disbursed by the Secretary of the Senate, without regard to the term of the appointment;
- (4) the term “head of a covered office” means—
  - (A) the Member, officer, or employee of the Senate having final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of the employees of the Senate employed by a covered office; or
  - (B) in the case of a joint committee or joint commission, the Senator from the majority party of the Senate who—
    - (i) is a member of, or has authority over, the covered office; and
    - (ii) serves in the highest leadership role in the committee or commission; or
  - (C) if there is no such leadership role for a Senator in the committee or commission, is the most senior Senator on the committee or commission;
- (5) the term “officer” means an elected or appointed officer of the Senate; and
- (6) the term “sexual harassment” means harassment that constitutes discrimination

because of sex that is prohibited under section 201 of the Congressional Accountability Act of 1995 (2 U.S.C. 1311).

**SEC. 3. SEXUAL HARASSMENT TRAINING.**

(a) **IN GENERAL.**—The Committee on Rules and Administration of the Senate shall issue rules as expeditiously as possible requiring each individual serving in a covered position to periodically complete sexual harassment training provided by the Office of Compliance or the Office of the Senate Chief Counsel for Employment.

(b) **REQUIREMENTS.**—The rules issued under subsection (a) shall require that—

- (1) an individual elected, appointed, or assigned to a covered position after the date on which the rules are issued who was not serving in a covered position immediately before being so elected, appointed, or assigned shall complete training described in subsection (a) not later than 60 days after the date on which the individual assumes the position;
- (2) an individual serving in a covered position on the date on which the rules are issued who has not previously completed training described in subsection (a) shall complete such training not later than 60 days after the date on which the rules are issued;
- (3) in addition to complying with paragraphs (1) and (2), each individual serving in a covered position shall complete a course of training described in subsection (a) periodically, as specified by the Committee on Rules and Administration of the Senate; and
- (4) the head of each covered office shall submit to the Committee on Rules and Administration of the Senate—
  - (A) a list of each individual serving in a covered position in the covered office on the date on which the rules are issued who previously completed training described in subsection (a);
  - (B) information regarding the completion of training described in subsection (a) after the date on which the rules are issued by an individual serving in a covered position in the covered office; and
  - (C) notice of a failure by an individual serving in a covered position in the covered office to comply with the rules.

(c) **CONTENTS OF TRAINING.**—It is the sense of the Senate that, for purposes of training conducted after the date on which the rules are issued under subsection (a), the sexual harassment training described in subsection (a) should be reviewed and updated to include—

- (1) information and practical guidance regarding any applicable Federal laws concerning the prohibition against and the prevention and correction of sexual harassment and the rights of victims of sexual harassment in employment;
  - (2) practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation;
  - (3) presentations by individuals with knowledge and expertise in the prevention of harassment, discrimination, and retaliation;
  - (4) a discussion of the consequences for perpetrators of sexual harassment; and
  - (5) information regarding the prohibition under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) against retaliation against witnesses to, or individuals who experience, sexual harassment and who report the harassment.
- (d) **CONSULTATION.**—It is the sense of the Senate that the Office of Compliance and the Office of the Senate Chief Counsel for Employment should, in implementing the training described in subsection (a) and making any updates to the training in accordance with subsection (c), consult with—

- (1) entities having significant expertise in identifying, preventing, and responding to sexual harassment; and

- (2) sexual harassment victims or sexual harassment victim advocates.

**SEC. 4. PERIODIC SURVEY.**

During each Congress, the Sergeant at Arms and Doorkeeper of the Senate shall—

- (1) in consultation with the Office of Compliance, the Senate Chief Counsel for Employment, and an entity having expertise in developing surveys, conduct an anonymous survey of Members, officers, and employees of the Senate relating to the prevalence of sexual harassment in the Senate during the previous Congress, which shall include questions regarding—
  - (A) the experience of the respondent with sexual harassment or related inappropriate behavior in the Senate; and
  - (B) if the respondent experienced sexual harassment or related inappropriate behavior and did not initiate the process under title IV of the Congressional Accountability Act of 1995 (2 U.S.C. 1401 et seq.), why the respondent chose not to do so;
- (2) submit only to the Chairman and Ranking Member of the Committee on Rules and Administration, the Chairman and Ranking Member of the Committee on the Judiciary, and the Chairman and Ranking Member of the Committee on Homeland Security and Governmental Affairs of the Senate a report on the results of the survey; and

(3) take all steps necessary to preserve the anonymity of survey respondents and protect the confidentiality of any data that is collected under this section.

Mr. GRASSLEY. Mr. President, allegations of sexual harassment against a growing number of people have surfaced recently. Some facing the accusations have issued public apologies, while others have maintained their innocence. But the allegations continue to mount, and as each new one surfaces, so grows my concern about whether we're doing enough to combat this problem.

There are many things on which members of this chamber don't agree, but one thing on which we can and should agree is this: sexual harassment has no place in the workforce. And it certainly has no place in the halls of Congress.

To signal how seriously I take this issue, I last week called on the Senate Rules Committee to impose a requirement of sexual harassment training for every employee in this chamber.

Today, I'm introducing a bipartisan resolution to ensure that the Rules Committee has the authority necessary to ensure that every member of this chamber, every employee on the Senate payroll, and every unpaid Senate intern receives anti-harassment training.

This is not an onerous requirement, and it's one that's long overdue. Training materials on harassment already exist, thanks to the Congressional Office of Compliance and our Office of the Senate Chief Counsel for Employment.

It's already mandatory for my Judiciary Committee staff and personal office staff to take anti-harassment training. The executive branch and some private employers already have instituted similar training requirements for their employees.

More than two decades ago, I sponsored the Congressional Accountability

Act as a sign of our commitment to promoting fairness in the workplace. This 1995 statute requires Congress to follow the same civil rights, labor, workplace safety, and health laws to which other employers are subject. The law also established our Office of Compliance to implement the law's dispute resolution, education, and enforcement provisions for Congress. That office not only mediates sexual harassment complaints but also has developed sexual harassment training for congressional offices. The Office of the Senate Chief Counsel for Employment also makes anti-harassment training available to Senators and staff.

The resolution I'm introducing today also calls for the Sergeant at Arms to develop an anonymous survey on the prevalence of sexual harassment in the Senate. This survey, which will be conducted every two years, is to be developed in consultation with the Office of Compliance and Office of the Senate Chief Counsel for Employment.

I have tremendous respect for my colleagues on both sides of the aisle. I believe each of you works hard to ensure that your offices are professional, free of harassment, and places where merit's rewarded. But I think we have to acknowledge that in our society, despite our best efforts and intentions, sexual harassment remains a serious problem. And we must work together to make sure that the Senate remains free from harassment.

Some may say that policies regarding sexual harassment should be left to the discretion of each office. But I believe it's important for every Senate office to have a consistent stance on this particular issue. Every office should receive the same training so the Senate maintains a culture in which harassment is not tolerated. This is a common interest we all share. The voters who sent us here expect the best. We owe it to the American people to hold ourselves and our employees to the highest standards of conduct and professionalism.

Mr. President, I want to close by thanking Senators FEINSTEIN, KLOBUCHAR, ERNST, and GILLIBRAND for working so closely with me on the development of this resolution. I urge my colleagues to embrace a common sense approach to preventing sexual harassment by supporting its passage.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1580. Mr. DAINES (for Mrs. McCASKILL) proposed an amendment to the bill S. 1088, to require the collection of voluntary feedback on services provided by agencies, and for other purposes.

#### TEXT OF AMENDMENTS

SA 1580. Mr. DAINES (for Mrs. McCASKILL) proposed an amendment to the bill S. 1088, to require the collection of voluntary feedback on services provided by agencies, and for other purposes; as follows:

On page 6, line 17, strike "Chief Performance Officer" and insert "Performance Improvement Officer".

On page 7, line 18, strike "Chief Performance Officer" and insert "Performance Improvement Officer".

On page 9, lines 22 and 23, strike "date of enactment of this Act, and annually thereafter for 10 years" and insert "date on which all covered agencies have submitted the first annual reports to the Director required under section 6(d)(1), and every 2 years thereafter until the date that is 10 years after such date".

On page 10, lines 3 and 4, strike "quality of services provided to the public by each covered agency" and insert "data collected and reported by the covered agencies".

On page 10, strike lines 10 through 12 and insert the following:

(2) a description of how each covered agency will use the voluntary feedback received by the covered agency to improve service delivery.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. STRANGE. Mr. President, I have 6 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 7, 2017, at 10 a.m., to conduct a hearing on the following nominations: Robert Behler, of Pennsylvania, to be Director of Operational Test and Evaluation, Dean L. Winslow, of Delaware, to be an Assistant Secretary, Thomas B. Modly, of Maryland, to be Under Secretary of the Navy, and James F. Geurts, of Pennsylvania, to be an Assistant Secretary of the Navy, all of the Department of Defense.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, November 7, 2017, at 10 a.m. to conduct an executive hearing on S. 1591 "The Banking Restrictions Involving North Korea (BRINK) Act of 2017."

##### 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 7, 2017, at 9:30 a.m. to conduct a hearing on the following nominations: Ernest W. Dubester, of Virginia, Colleen Kiko, of North Dakota, and James Thomas Abbott, of Virginia, each to be a Member of the Federal Labor Relations Authority.

##### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday,

November 7, 2017, at 2:30 p.m., in room SH-219 to conduct a closed hearing.

SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, INNOVATION, AND THE INTERNET  
The Subcommittee on Communications, Technology, Innovation, and the Internet of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, November 7, 2017, at 10 a.m., in room SR-253 to conduct a hearing entitled "Advancing the Internet of Things in Rural America."  
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 7, 2017, at 2:30 p.m. to conduct a closed hearing.

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Kaila Davis, be granted privileges of the floor for the remainder of the day.

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

#### FEDERAL AGENCY CUSTOMER EXPERIENCE ACT OF 2017

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 220, S. 1088.

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

The bill clerk read as follows:

A bill (S. 1088) to require the collection of voluntary feedback on services provided by agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 1088

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Agency Customer Experience Act of 2017".

##### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government serves the people of the United States and should seek to continually improve public services provided by the Federal Government based on customer feedback;

(2) the people of the United States deserve a Federal Government that provides efficient, effective, and high-quality services across multiple channels;

(3) many agencies, offices, programs, and Federal employees provide excellent service to individuals, however many parts of the Federal Government still fall short on delivering the customer service experience that individuals have come to expect from the private sector;

(4) according to the 2016 American Customer Satisfaction Index, the Federal Government ranks among the bottom of all industries in the United States in customer satisfaction;

(5) providing quality services to individuals improves the confidence of the people of the United States in their government and helps agencies achieve greater impact and fulfill their missions; and

(6) improving service to individuals requires agencies to work across organizational boundaries, leverage technology, collect and share standardized data, and develop customer-centered mindsets and service strategies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all agencies should strive to provide high-quality, courteous, effective, and efficient services to the people of the United States and seek to measure, collect, report, and utilize metrics relating to the experience of individuals interacting with agencies to continually improve services to the people of the United States.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(3) COVERED AGENCY.—The term “covered agency” means an agency or component of an agency that is required by the Director to collect voluntary feedback [under] for purposes of section 6, based on an assessment of the components and programs of the agency with the highest impact on or number of interactions with individuals or entities.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) VOLUNTARY FEEDBACK.—The term “voluntary feedback” has the meaning given the term in section 3502 of title 44, United States Code, as added by section 4 of this Act.

#### SEC. 4. APPLICATION OF THE PAPERWORK REDUCTION ACT TO COLLECTION OF VOLUNTARY FEEDBACK.

Subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), is amended—

(1) in section 3502—

(A) in paragraph (13)(D), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting “; [and] or”; and

(C) by adding at the end the following:

“(15) the term ‘voluntary feedback’ means any submission of information, opinion, or concern that is—

“(A) voluntarily made by a specific individual or other entity relating to a particular service of or transaction with an agency; and

“(B) specifically solicited by that agency.”; and

(2) in section 3518(c)(1)—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) by an agency that is voluntary feedback.”.

#### SEC. 5. GUIDELINES FOR VOLUNTARY FEEDBACK.

Each agency that solicits voluntary feedback shall ensure that—

(1) responses to the solicitation of voluntary feedback remain anonymous and shall not be traced to specific individuals or entities;

(2) individuals and entities who decline to participate in the solicitation of voluntary

feedback shall not be treated differently by the agency for purposes of providing services or information;

(3) the solicitation does not include more than 10 questions;

(4) the voluntary nature of the solicitation is clear;

(5) the proposed solicitation of voluntary feedback will contribute to improved customer service;

(6) solicitations of voluntary feedback are limited to 1 solicitation per interaction with an individual or entity;

(7) to the extent practicable, the solicitation of voluntary feedback is made at the point of service with an individual or entity;

(8) instruments for collecting voluntary feedback are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(9) internal agency data governance policies remain in effect with respect to the collection of voluntary feedback from individuals and entities.

#### SEC. 6. CUSTOMER EXPERIENCE DATA COLLECTION.

(a) COLLECTION OF RESPONSES.—The head of each covered agency (or a designee), assisted by and in coordination with the Chief Performance Officer or other senior accountable official for customer service of the covered agency, shall collect voluntary feedback with respect to services of or transactions with the covered agency.

(b) CONTENT OF QUESTIONS.—

(1) STANDARDIZED QUESTIONS.—The Director, in coordination with the Administrator, shall develop a set of standardized questions for use by covered agencies in collecting voluntary feedback under this section that address—

(A) overall satisfaction of individuals or entities with the specific interaction or service received;

(B) the extent to which individuals or entities were able to accomplish their intended task or purpose;

(C) whether the individual or entity was treated with respect and professionalism;

(D) whether the individual or entity believes they were served in a timely manner; and

(E) any additional metrics as determined by the Director, in coordination with the Administrator.

(2) ADDITIONAL QUESTIONS.—In addition to the questions developed under paragraph (1), the Chief Performance Officer or other senior accountable official for customer service at a covered agency may develop questions relevant to the specific operations or programs of the covered agency.

(c) ADDITIONAL REQUIREMENTS.—To the extent practicable—

(1) each covered agency shall collect voluntary feedback across all platforms or channels through which the covered agency interacts with individuals or other entities to deliver information or services; and

(2) voluntary feedback collected under this section shall be tied to specific transactions or interactions with customers of the covered agency.

(d) REPORTS.—

(1) ANNUAL REPORT TO THE DIRECTOR.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, each covered agency shall publish on the website of the covered agency and submit to the Director, in a manner determined by the Director, a report that includes the voluntary feedback required to be collected under this section.

(B) CENTRALIZED WEBSITE.—The Director shall—

(i) include and maintain on a publicly available website links to the information provided on the websites of covered agencies under subparagraph (A); and

(ii) for purposes of clause (i), establish a website or make use of an existing website, such as the website required under section 1122 of title 31, United States Code.

(2) AGGREGATED REPORT.—Each covered agency shall publish, on a regular basis, an aggregated report on the solicitation of voluntary feedback sent to individuals or entities, which shall include—

(A) the intended purpose of each solicitation of voluntary feedback conducted by the covered agency;

(B) the appropriate point of contact within each covered agency for each solicitation of voluntary feedback conducted;

(C) the questions or survey instrument submitted to members of the public as part of the solicitation of voluntary information; and

(D) a description of how the covered agency uses the voluntary feedback received by the covered agency to improve the customer service of the covered agency.

#### SEC. 7. CUSTOMER EXPERIENCE SCORECARD REPORT.

(a) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, and annually thereafter for 10 years, the Comptroller General of the United States shall make publicly available and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a scorecard report assessing the quality of services provided to the public by each covered agency.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a summary of the information required to be published by covered agencies under section 6(d); and

(2) an analysis of administrative and legislative barriers to improving service delivery by covered agencies.

Mr. DAINES. Mr. President, I further ask unanimous consent that the committee-reported amendments be agreed to, the McCaskill amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and 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 amendments were agreed to.

The amendment (No. 1580) was agreed to, as follows:

(Purpose: To improve the bill)

On page 6, line 17, strike “Chief Performance Officer” and insert “Performance Improvement Officer”.

On page 7, line 18, strike “Chief Performance Officer” and insert “Performance Improvement Officer”.

On page 9, lines 22 and 23, strike “date of enactment of this Act, and annually thereafter for 10 years” and insert “date on which all covered agencies have submitted the first annual reports to the Director required under section 6(d)(1), and every 2 years thereafter until the date that is 10 years after such date”.

On page 10, lines 3 and 4, strike “quality of services provided to the public by each covered agency” and insert “data collected and reported by the covered agencies”.

On page 10, strike lines 10 through 12 and insert the following:



(2) a description of how each covered agency will use the voluntary feedback received by the covered agency to improve service delivery.

The bill (S. 1088), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1088

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Federal Agency Customer Experience Act of 2017”.

#### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) the Federal Government serves the people of the United States and should seek to continually improve public services provided by the Federal Government based on customer feedback;

(2) the people of the United States deserve a Federal Government that provides efficient, effective, and high-quality services across multiple channels;

(3) many agencies, offices, programs, and Federal employees provide excellent service to individuals, however many parts of the Federal Government still fall short on delivering the customer service experience that individuals have come to expect from the private sector;

(4) according to the 2016 American Customer Satisfaction Index, the Federal Government ranks among the bottom of all industries in the United States in customer satisfaction;

(5) providing quality services to individuals improves the confidence of the people of the United States in their government and helps agencies achieve greater impact and fulfill their missions; and

(6) improving service to individuals requires agencies to work across organizational boundaries, leverage technology, collect and share standardized data, and develop customer-centered mindsets and service strategies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all agencies should strive to provide high-quality, courteous, effective, and efficient services to the people of the United States and seek to measure, collect, report, and utilize metrics relating to the experience of individuals interacting with agencies to continually improve services to the people of the United States.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(2) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(3) COVERED AGENCY.—The term “covered agency” means an agency or component of an agency that is required by the Director to collect voluntary feedback for purposes of section 6, based on an assessment of the components and programs of the agency with the highest impact on or number of interactions with individuals or entities.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) VOLUNTARY FEEDBACK.—The term “voluntary feedback” has the meaning given the term in section 3502 of title 44, United States Code, as added by section 4 of this Act.

#### SEC. 4. APPLICATION OF THE PAPERWORK REDUCTION ACT TO COLLECTION OF VOLUNTARY FEEDBACK.

Subchapter I of chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), is amended—

(1) in section 3502—

(A) in paragraph (13)(D), by striking “and” at the end;

(B) in paragraph (14), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(15) the term ‘voluntary feedback’ means any submission of information, opinion, or concern that is—

“(A) voluntarily made by a specific individual or other entity relating to a particular service of or transaction with an agency; and

“(B) specifically solicited by that agency.”; and

(2) in section 3518(c)(1)—

(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(E) by an agency that is voluntary feedback.”.

#### SEC. 5. GUIDELINES FOR VOLUNTARY FEEDBACK.

Each agency that solicits voluntary feedback shall ensure that—

(1) responses to the solicitation of voluntary feedback remain anonymous and shall not be traced to specific individuals or entities;

(2) individuals and entities who decline to participate in the solicitation of voluntary feedback shall not be treated differently by the agency for purposes of providing services or information;

(3) the solicitation does not include more than 10 questions;

(4) the voluntary nature of the solicitation is clear;

(5) the proposed solicitation of voluntary feedback will contribute to improved customer service;

(6) solicitations of voluntary feedback are limited to 1 solicitation per interaction with an individual or entity;

(7) to the extent practicable, the solicitation of voluntary feedback is made at the point of service with an individual or entity;

(8) instruments for collecting voluntary feedback are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

(9) internal agency data governance policies remain in effect with respect to the collection of voluntary feedback from individuals and entities.

#### SEC. 6. CUSTOMER EXPERIENCE DATA COLLECTION.

(a) COLLECTION OF RESPONSES.—The head of each covered agency (or a designee), assisted by and in coordination with the Performance Improvement Officer or other senior accountable official for customer service of the covered agency, shall collect voluntary feedback with respect to services of or transactions with the covered agency.

(b) CONTENT OF QUESTIONS.—

(1) STANDARDIZED QUESTIONS.—The Director, in coordination with the Administrator, shall develop a set of standardized questions for use by covered agencies in collecting voluntary feedback under this section that address—

(A) overall satisfaction of individuals or entities with the specific interaction or service received;

(B) the extent to which individuals or entities were able to accomplish their intended task or purpose;

(C) whether the individual or entity was treated with respect and professionalism;

(D) whether the individual or entity believes they were served in a timely manner; and

(E) any additional metrics as determined by the Director, in coordination with the Administrator.

(2) ADDITIONAL QUESTIONS.—In addition to the questions developed under paragraph (1), the Performance Improvement Officer or other senior accountable official for customer service at a covered agency may develop questions relevant to the specific operations or programs of the covered agency.

(c) ADDITIONAL REQUIREMENTS.—To the extent practicable—

(1) each covered agency shall collect voluntary feedback across all platforms or channels through which the covered agency interacts with individuals or other entities to deliver information or services; and

(2) voluntary feedback collected under this section shall be tied to specific transactions or interactions with customers of the covered agency.

(d) REPORTS.—

(1) ANNUAL REPORT TO THE DIRECTOR.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, each covered agency shall publish on the website of the covered agency and submit to the Director, in a manner determined by the Director, a report that includes the voluntary feedback required to be collected under this section.

(B) CENTRALIZED WEBSITE.—The Director shall—

(i) include and maintain on a publicly available website links to the information provided on the websites of covered agencies under subparagraph (A); and

(ii) for purposes of clause (i), establish a website or make use of an existing website, such as the website required under section 1122 of title 31, United States Code.

(2) AGGREGATED REPORT.—Each covered agency shall publish, on a regular basis, an aggregated report on the solicitation of voluntary feedback sent to individuals or entities, which shall include—

(A) the intended purpose of each solicitation of voluntary feedback conducted by the covered agency;

(B) the appropriate point of contact within each covered agency for each solicitation of voluntary feedback conducted;

(C) the questions or survey instrument submitted to members of the public as part of the solicitation of voluntary information; and

(D) a description of how the covered agency uses the voluntary feedback received by the covered agency to improve the customer service of the covered agency.

#### SEC. 7. CUSTOMER EXPERIENCE SCORECARD REPORT.

(a) IN GENERAL.—Not later than 15 months after the date on which all covered agencies have submitted the first annual reports to the Director required under section 6(d)(1), and every 2 years thereafter until the date that is 10 years after such date, the Comptroller General of the United States shall make publicly available and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a scorecard report assessing the data collected and reported by the covered agencies.

(b) CONTENTS.—The report required under subsection (a) shall include—

(1) a summary of the information required to be published by covered agencies under section 6(d); and

(2) a description of how each covered agency will use the voluntary feedback received by the covered agency to improve service delivery.



# NATIONAL SUICIDE HOTLINE IMPROVEMENT ACT OF 2017

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 256, S. 1015.

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

The bill clerk read as follows:

A bill (S. 1015) to require the Federal Communications Commission to study the feasibility of designating a simple, easy-to-remember dialing code to be used for a national suicide prevention and mental health crisis hotline system.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, 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 "National Suicide Hotline Improvement Act of 2017".*

## SEC. 2. DEFINITIONS.

*In this Act—*

(1) the term "Commission" means the Federal Communications Commission;

(2) the term "covered dialing code" means a simple, easy-to-remember, 3-digit dialing code; and

(3) the term "N11 dialing code" means an abbreviated dialing code consisting of 3 digits, of which—

(A) the first digit may be any digit other than "1" or "0"; and

(B) each of the last 2 digits is "1".

## SEC. 3. STUDIES AND REPORTS.

(a) PRIMARY STUDY.—

(1) IN GENERAL.—The Commission, in coordination with the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs, shall conduct a study that—

(A) examines the feasibility of designating an N11 dialing code or other covered dialing code to be used for a national suicide prevention and mental health crisis hotline system; and

(B) analyzes the effectiveness of the National Suicide Prevention Lifeline as of the date on which the study is initiated, including how well the lifeline is working to address the needs of veterans.

(2) REQUIREMENTS.—

(A) COMMISSION.—In conducting the study under paragraph (1), the Commission shall—

(i) consider—

(I) each of the N11 dialing codes, including the codes that are used for other purposes; and

(II) other covered dialing codes;

(ii) consult with the North American Numbering Council; and

(iii) review the information provided by the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs under subparagraphs (B) and (C), respectively, of this paragraph.

(B) SAMHSA STUDY AND REPORT TO ASSIST COMMISSION.—To assist the Commission in conducting the study under paragraph (1), the Assistant Secretary for Mental Health and Substance Use shall analyze and, not later than 180

days after the date of enactment of this Act, report to the Commission on—

(i) the potential impact of the designation of an N11 dialing code, or other covered dialing code, for a suicide prevention and mental health crisis hotline system on—

(I) suicide prevention;

(II) crisis services; and

(III) other suicide prevention and mental health crisis hotlines, including—

(aa) the National Suicide Prevention Lifeline; and

(bb) the Veterans Crisis Line; and

(ii) possible recommendations for improving the National Suicide Prevention Lifeline generally, which may include—

(I) increased public education and awareness; and

(II) improved infrastructure and operations.

(C) VA STUDY AND REPORT TO ASSIST COMMISSION.—To assist the Commission in conducting the study under paragraph (1), the Secretary of Veterans Affairs shall study and, not later than 180 days after the date of enactment of this Act, report to the Commission on how well the National Suicide Prevention Lifeline and the Veterans Crisis Line, as in effect on the date on which the study is initiated, is working to address the needs of veterans.

(b) PRIMARY COMMISSION REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary for Mental Health and Substance Use and the Secretary of Veterans Affairs, shall submit a report on the study conducted under subsection (a) that recommends whether a particular N11 dialing code or other covered dialing code should be used for a national suicide prevention and mental health crisis hotline system to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(2) ADDITIONAL CONTENTS.—If the report submitted by the Commission under paragraph (1) recommends that a dialing code should be used, the report shall also—

(A) outline the logistics of designating such a dialing code;

(B) estimate the costs associated with designating such a dialing code, including—

(i) the costs incurred by service providers, including—

(I) translation changes in the network; and

(II) cell site analysis and reprogramming by wireless carriers; and

(ii) the costs incurred by States and localities;

(C) provide recommendations for designating such a dialing code;

(D) provide a cost-benefit analysis comparing the recommended dialing code with the National Suicide Prevention Lifeline, as in effect on the date on which the report is submitted; and

(E) make other recommendations, as appropriate, for improving the National Suicide Prevention Lifeline generally, which may include—

(i) increased public education and awareness; and

(ii) improved infrastructure and operations.

Mr. DAINES. Mr. President, I ask unanimous consent that the com-

mittee-reported substitute amendment be agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 1015), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## ORDERS FOR WEDNESDAY, NOVEMBER 8, 2017

Mr. DAINES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, November 8; 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; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Robb nomination postcloture; finally, that all time during recess, adjournment, morning business, and leader remarks count postcloture on the Robb nomination.

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

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DAINES. Mr. President, 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 6:24 p.m., adjourned until Wednesday, November 8, 2017, at 10 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate November 7, 2017:

### DEPARTMENT OF JUSTICE

STEVEN ANDREW ENGEL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

### DEPARTMENT OF DEFENSE

JOHN H. GIBSON II, OF TEXAS, TO BE DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE.

### DEPARTMENT OF COMMERCE

DAVID J. REDL, OF NEW YORK, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.