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Senate

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

PRAYER

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

Let us pray.

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

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

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

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

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BEN SASSE, a Senator from the State of Nebraska, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

TAX REFORM

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

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

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

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

Listen to this small business owner and franchisee from Lexington, KY. She recently wrote to my office expressing the need for tax reform: "With the rising cost of doing business," she wrote, "and the [g]overnment regulations that have been imposed on small businesses over the past several years, we desperately need tax relief and com-

petitive rates. The current high tax rate that I pay," she continued, "reduces the amount of earnings I can invest into my businesses, [into my] employees, and [into my] community."

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

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

Chairman HATCH said yesterday:

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

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

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

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

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



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

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

NOMINATION OF DAVID ZATEZALO

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

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

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

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

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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

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

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

DACA

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

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

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

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

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

meaningful way about their ability to protect themselves. Many of them stepped forward and asked for help from families, from churches, and from friends to come up with the filing fee to make sure that they renewed their DACA eligibility in time.

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

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

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

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

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

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

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