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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.

God, our Father, help our lawmakers this day to do Your work faithfully and well. Prepare them to be sober-minded and filled with Your Spirit, accomplishing tasks that receive Heaven's approval. Lord, keep them from deviating from integrity as they strive to ensure that their conduct rightly represents You. May they live lives of holiness and goodness, being as kind to others as they would wish them to be to them.

Lord, prepare us all to stand before You in peace without spot or blemish. As we pursue Your peace on Earth, lead us not into temptation but deliver us from evil.

We pray in Your Holy 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. COTTON). The majority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, the Republican Senate is continuing its important work on behalf of the American people. We are moving forward on legislative priorities that will benefit hard-working families throughout the country. We are also continuing to confirm President Trump's nominees throughout the Federal Government.

Last week, we continued our momentum with the confirmation of well-qualified and talented individuals to serve in the Federal judiciary. This week, the Senate is considering multiple nominations to important agencies. Yesterday, we confirmed officials to the Department of Defense and to the Department of Justice. Soon, they will get to work for the American people.

Next, the Senate will vote to confirm Peter Robb as the general counsel of the National Labor Relations Board. As I said yesterday, Mr. Robb's experience in employment law will help return the NLRB to its role as an impartial arbiter of labor disputes instead of a political cudgel for union bosses and leftwing special interests, as it was under the Obama administration.

We will then turn to another qualified individual who will help undo some of the damage of the Obama administration. William Wehrum, President Trump's nominee to be the Assistant Administrator for EPA's Office of Air and Radiation, will put his experience to good use for our Nation.

The Office of Air and Radiation is one of the most important parts of the EPA. Unfortunately, under the previous administration, it was also one of the offices with the most significant overreach. This one office was responsible for 95 percent of the annual regulatory burdens that the EPA forced onto our economy, according to one report, reportedly costing the economy at least $41 billion—this one Agency.

So this is an office in desperate need of new leadership from an individual who understands how to implement clean air policies in a balanced way rather than with extreme regulatory overreach. Mr. Wehrum is the right person for the job. With more than three decades of experience in environmental policy, he understands the issues before the EPA and how to address them. He even worked in this particular office before serving as Acting Administrator from 2005 to 2007.

Mr. Wehrum has earned support from many different corners. His former boss at the EPA, Jeff Holmstead, said that ''there is no better person'' to fill this position. The EPA's Deputy Administrator from 2005 to 2009, Marcus Peacock, said that ''Wehrum's understanding of the Clean Air Act may be second to none.'' Even the Natural Resources Defense Council—not exactly a rightwing organization—had this to say about this nominee's previous experience at the EPA, noting that he ''achieve[d] important air pollution reductions.''

''Wehrum, Holmstead, and the Bush EPA,'' the NRDC further wrote, ''deserve credit for these substantial public health and air quality achievements.''

Nominees like Mr. Wehrum will continue the work of this EPA to undo the damage of the Obama administration's overreach in a reasonable manner. For instance, Obama's Office of Air and Radiation was responsible for the administration's dubious energy regulatory scheme, which threatened to punish coal families and ship middle-class jobs overseas.

When Administrator Scott Pruitt came to Kentucky last month, he announced the official withdrawal of that rule. Unlike the previous leadership of the EPA, Administrator Pruitt actually cared enough to come to my home State and hear directly from the men and women impacted by the Agency's regulations. He is someone who will work with us to protect our environment and save Kentucky families from harmful regulations. Mr. Wehrum will work with Administrator Pruitt to help continue this trend at the EPA. I look forward to the Senate advancing his nomination.

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

TAX REFORM

Mr. MCCONNELL. Now on another matter, Mr. President, Members of the Senate are continuing to work hard to deliver much needed tax reform for families and small businesses. Yesterday, Senators, members of the administration, and tax reform advocates met here in the Capitol to discuss a mutual vision for relief. They shared the goals of simplicity, fairness, and economic growth. These are the same goals I have, they are the same goals the House wrote into its legislation, they are the same goals the President asked us to consider, and most importantly, they are the goals shared by many Americans across the political spectrum. So we are working together to get this done.

This is a once-in-a-generation opportunity, and it will help us create jobs and boost the economy, while closing special interest loopholes at the same time. We can do all of this through tax reform.

Today, the House Ways and Means Committee will continue to mark up its legislative proposal. I would like to once again commend Chairman BRADY for his good work on the House plan. The hearings this week are building momentum to accomplish our goals for the American people.

Soon, the Senate Finance Committee, under the leadership of Senator HATCH, will release its own plan for tax reform. Working through an open committee process, the committee will ultimately bring tax reform legislation to the floor. I am exceedingly grateful to Chairman HATCH for his continued leadership of the Finance Committee.

As we continue to advance tax reform, I would urge our Democratic colleagues to join us. In recent years, many prominent Democrats have expressed support for tax reform. Since then, the need for tax reform hasn't changed at all. The American people haven't stopped hurting either. The only thing that changed was the President. So I hope our colleagues will put partisanship aside and work with us in a serious way to help us deliver real relief to families. I hope they will help us take more money out of Washington's pockets and put more money in the pockets of the middle class. That is the aim of this tax reform effort, and we are going to keep working until we accomplish it.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

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 Arizona.

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. FLAKE. Mr. President, the Senate Foreign Relations Committee had a very important hearing last week regarding the 2001 authorization for use of military force, the law that serves as the legal underpinning for the war against al-Qaida and the Taliban. I am grateful to our witnesses, Secretaries Mattis and Tillerson, for making themselves available to the members of the committee and for the straightforward and honest answers they provided to us.

As we have gotten further and further away from the September 11 attacks that resulted in the passage of the 2001 AUMF, I have urged Congress to take a fresh look at that authorization. When four soldiers died recently in Niger, I think most Americans—and even some Members of Congress—were shocked to learn that we even had troops in that country. Our troops were not there under the auspices of the 2001 AUMF, but considering that they were reportedly ambushed and killed at the hands of an Islamic State affiliate, questions have been raised about where our forces are and where they are at war with terrorists versus when they are simply conducting train-and-equip or other missions of that sort.

It was encouraging that nearly every member of the Foreign Relations Committee was in attendance at that hearing where the witnesses testified that the administration believes it has ample authority to prosecute the war on terrorism and does not need a new AUMF.

I can't say I was surprised to hear that testimony. No administration, Republican or Democratic, will ever willingly cede the broad authority given to the executive branch 3 days after the September 11 attack. If they were to say that we need new authorization, they would be conceding that they haven't been acting with authorization all this time. So they are never going to say that we need a new AUMF.

What has surprised me is that there are Members of this body, the Senate, who are content to let this 16-year old authorization remain in place. Some have even suggested that any updates to the AUMF can be made using the appropriations process. Are we really going to start using policy riders on annual spending bills to approve of sending troops into harm's way? We rarely even vote on individual spending bills anymore, let alone controversial policy riders to those spending bills. Are we truly willing to leave it to the members of the Appropriations Committee to update a law that has put our servicemembers into harm's way, particularly those of us on the authorizing committee, the Senate Foreign Relations Committee? I hope that we more jealously guard our prerogatives than that.

Our inaction on updating the 2001 law has already relegated the role of the Senate in authorizing force to that of a cog in the feedback loop. I would submit that we in the Senate ought to aspire to be more than that.

For 16 years, Congress has been all too willing to let successive administrations use those broad authorities to address new threats and to deploy U.S. troops to new places. Beyond Afghanistan, our troops have deployed all over the world, to places such as Yemen, the Philippines, Somalia, and Libya to fight al-Qaida and its affiliates.

We have also sent forces to Syria and back to Iraq to defeat ISIS, a group that didn't even exist in 2001. We need to fight terrorism overseas, and I am not suggesting that the United States should shy away from these battles. To the contrary, I believe Congress should do its duty in supporting these missions by voting to authorize them.

In the 16 years since the passage of the 2001 AUMF, approximately 300 Members of the House who voted on it are no longer with that Chamber. In the Senate, of those Senators who voted on the original AUMF, only 23 Senators remain in their seats today. That leaves approximately 70 percent of the entire Congress that has never cast a vote to authorize military force abroad. Yet, over the years, deployments have continued to new places, combating new foes.

The United States is strongest when we speak with one voice. Therefore, Congress must have some buy-in on these missions. Our allies and other adversaries need to know that the war on terrorism has the support of Congress. More importantly, our troops need to know that Congress is behind them.

I know the concept of passing a new, updated AUMF is a tricky one. This is not a conventional war against a sovereign nation in which victory is easily defined. Instead, we are fighting an ideological enemy that has no sovereignty and which, over the years, has moved all over the world, resulting in many splinter factions that could change their name at any time with ease.

This new kind of war requires a new kind of authorization, one that allows Congress's continued buy-in and increases its oversight. Right now, we have neither of these.

After working on this issue for several years, Senator TIM KAINE and I have introduced legislation that we think gets us in the right place. Our bill would authorize the use of military force against al-Qaida and the Taliban

and ISIS. It authorizes force against affiliates of those groups and requires the President to report to Congress when he initiates force against a new group he designates as being associated with al-Qaida, the Taliban, or ISIS. Military operations can begin as soon as the President has notified Congress. There is no time-lapse required.

If Congress doesn't agree with the President's designation, our bill allows a 60-day timeframe during which any Member can bring a resolution of disapproval to the floor under expedited procedures, and adoption of such measure by both Houses would result in the end of military operations against that group.

Our bill adopts the same process with regard to geography to allow Congress to disapprove of military operations in a particular country. I recognize that traditional declarations of war and other authorizations of military force haven't referred to a particular geographic area in which operations can take place. But all of our previous military engagements were against sovereign nations with armed forces, not terrorist groups that can pop up in any country at any time.

If Congress is going to authorize the use of force, we ought to know in which countries U.S. troops are operating. Requiring the President to notify Congress when he begins operations against one of these terrorist groups in a new country is an important check on the executive branch to ensure there is no overreach.

The bar for disapproving the President's decision is high—appropriately so. It would require two-thirds of the House and the Senate to disagree with the President on his decisions with regard to new associated forces or new countries.

Right now, Congress has very little to say over who or where our military fights. The only option available is to cut off appropriations, and history has demonstrated that simply is not realistic or appropriate.

The most recent example of this, as some of my colleagues will recall, was in 2011, when the Obama administration joined the NATO operation to help rebels in Libya topple Muammar Qadhafi. The administration never made the case to Congress as to what U.S. interests were served by U.S. involvement. As a result, many Members on both sides of the aisle publicly opposed our intervention in Libya.

Yet, when the clock ran out on the time constraints set forth in the War Powers Resolution, Congress did not turn off appropriations because we can't just pull the rug out from underneath servicemembers when they are in harm's way overseas. The ''turning off appropriations'' approach simply hasn't worked in the past and is not likely to work in the future.

We need real congressional buy-in and oversight over a conflict that has morphed considerably since 2001—and which we are now being told is morphing to a new continent. S.J. Res. 43 gives us just that.

I should note that the bill also includes a 5-year sunset. The sunset is not intended to serve as a notice that the war on terrorism will end in 5 years. It is there to require Congress to put its skin in the game by voting on authorizing force.

The administration has signaled its objection to this provision. They think that the war on terrorism could be undermined if terrorists think they just have to wait us out.

I worry more that the lack of congressional buy-in undermines the war right here at home. Seventy percent of Congress has no skin in the game at all. We are free to criticize the President, whether the President is Republican or Democrat. That is not right.

We ought to have responsibility here. We are the article I branch. We are the branch tasked with declaring war and authorizing use of force. We shouldn't shirk our responsibility. We can't let history repeat itself and go for another 16 years without voting for the use of force against terrorists. That is why I support a sunset on any new or updated AUMF.

Perhaps the best feature of the Flake-Kaine measure is that it is bipartisan. That is an essential feature. I think we can all agree that passing an updated AUMF along party lines is perhaps the only thing worse than letting the status quo remain. I commend the chairman of the Foreign Relations Committee, Senator CORKER, for signaling that we will move ahead with the markup of the new AUMF.

I think Flake-Kaine is a great start, but I am under no illusion that the process of putting a bill together that can garner widespread, bipartisan support will be an easy one. But the longer we wait, the higher the risk becomes that we will render ourselves irrelevant when it comes to authorizing force. That is a risk the Senate and Congress should not take.

I yield back.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

REPUBLICAN TAX PLAN

Mr. SCHUMER. Mr. President, over the past decade, the American economy has generated enormous wealth for wealth holders but, painfully, less work and less pay—fewer good-paying jobs—for workers. Average folks are having a harder time keeping up with the ever-rising costs as the rich get richer and corporate stocks soar.

Our economy would surely benefit from the kind of tax reform that gives small businesses and working Americans a break, while asking the wealthiest among us to pay their fair share. ''Their share'' doesn't mean they are doing something illegal; it simply means that as wealth goes up and so much money agglomerates to the top, for the good of the society, the wealthiest should pay more.

Unfortunately, the Republican Party has decided to pursue a partisan tax bill that would spin our economy even further out of whack, lavishing tax giveaways on the wealthy and corporate America, while raising taxes on millions of middle-class families over 10 years.

A New York Times analysis found that next year, the House Republican tax plan would cause taxes to go up on one-third of all middle-class families. Those are families who make—I believe it is between $56,000 and $150,000. One out of three in that middle-class, upper middle-class group is going to pay more in taxes, while those at the highest end get huge breaks. By 2026, taxes would go up on nearly half of all middle-class families.

I want to salute someone I almost never agree with—Senator CRUZ. At least yesterday, he had the courage of his convictions to say that no middle-class person should pay more, even in New York and California. But that is not the case with this bill. Large numbers of people throughout the country will pay more. Large numbers of middle-class people and people struggling to the middle class will pay more.

So when Speaker RYAN says that under the House plan ''Everyone enjoys a tax cut all across the board,'' as he did yesterday, he is fibbing. I really want to use the ''L'' word, but to be nice, I won't. But Speaker RYAN, explain to us how you can say with a straight face: ''Everyone enjoys a tax cut all across the board.''

Every independent analysis and the more honest Republicans say that some middle-class people—a good number of middle-class people—get a tax increase. So Speaker RYAN, take it back. Start telling the truth about your bill. We know you are under pressure, but you have always been an honorable man, and this tax bill is tying you into a pretzel when it comes to telling the truth about it.

Look at what is done here. The personal exemption, which benefits large families, is gone. Yes, the standard deduction doubles, but if you have four, five, six children, you still pay more, even before they start whacking your State and local deductibility or your college loan deductibility or your healthcare deductibility.

Stunningly, the deduction for catastrophically high medical expenses is also gone, meaning that among the hardest hit under this plan would be some of the most vulnerable taxpayers. Eight million Americans deduct their out-of-pocket medical expenses because they are over 10 percent of their income. They plan their finances around this deduction. These families have someone with a chronic condition—maybe an elderly parent who has Alzheimer's, maybe a family with a young kid who has cancer.

I met a lady at the airport yesterday. Her name was Bridget. I didn't know who she was. She came over to me pleading. There was sadness in her eyes. She said: My son needs an orphan drug. It is very expensive. If I can't deduct the expenses, I don't know what I

am going to do. I won't be able to afford the drug. How can our Republican colleagues be so heartless and cruel? I know that you want to reduce taxes on corporations, but why do you have to do it at Bridget's expense?

Of course, the House bill takes an ax to State and local deductibility, a bedrock middle-class deduction that affects nearly every State but hits high tax States, like Virginia, the hardest.

Any House Republican who watched the returns in the Virginia elections last night must be shaken by the overwhelming Democratic turnout in suburban areas. According to pollsters, the No. 1 issue was healthcare, and this deduction goes. But overall, suburban Virginia said no to the Republican way. Suburban families will be the ones hit hardest by the elimination of State and local deductions in States like Virginia but also in Washington, New Jersey, California, Illinois, Minnesota, and Colorado.

Just last night, we learned from reporting that the Senate bill is likely to go even further regarding the State and local deduction—full repeal. There are some from my State in New York saying: Well, we have a compromise. A, the compromise still eliminates three-fourths of the deduction, but, B, that compromise is going bye-bye. The Senate is going to get rid of it. You can be sure it won't come back in a conference committee.

So I say to my House colleagues, particularly those from suburban districts: Stop the elimination of the State and local deduction now before it is too late. If it happens and you vote yes on this bill, you will be to blame. There is no way to duck and cover behind the SALT compromise any longer because the SALT tax writers have made clear that they want to repeal it entirely in the Senate. Because of the stricter Senate budget rules, the Senate language is likely to win out over the House language.

Make no mistake about it, a full repeal of the State and local deduction is coming down the pike one way or the other. Voting to advance the GOP bill is a vote to fully repeal State and local deductibility. I say to my Republican friends from all those suburban districts where a high percentage of people use the State and local deduction: If you think the results in Virginia and New Jersey were terrible for you, wait until you pass a bill that raises taxes on large swaths of middle-class families in your district.

The debate over the State and local deduction is illustrative of the central problem my Republican friends have with their tax bill. Every time you pull in one direction and change something to solve a problem, you have to push in another direction, and you end up creating a new one. It is like pushing on a balloon.

Just this morning, Speaker RYAN said the phaseout of middle-class deductions would never happen. They are only there to ''game the Senate rules.'' Well, if there is no phaseout, the real cost of the bill will be much higher. I say to my Senate friends who have talked about making sure we don't let the deficit go out of control that Ryan is saying we are going to let the deficit go out of control and game the Senate rules because the phaseout of middle-class deductions will not happen. If there is no real phaseout, the real cost of the bill will be much higher. It is a tough pill to swallow to anyone in this setting on the Republican side who believes in deficit reduction and who believes about $1.5 trillion—their rule—is about as high as you can go.

All of this is because our Republican colleagues are rushing this bill through. Something like this takes care. It takes hearings. It takes discussion. It takes experts. It takes affected groups all weighing in. That takes a while. That is how it is supposed to work. That is how the Founding Fathers wanted it to work. That is how we did it with the last successful major tax reform bill in 1986. I was there, and I know.

To rush a bill of this magnitude through the Congress in a span of a few weeks, with only one party doing the work, is reckless, it is irresponsible, and it will lead to a very bad result. It is why our Republican colleagues have such problems.

I repeat my plea to my colleagues on the other side of the aisle. Take a step back and consider doing tax reform the right way—bipartisan, through the committees, input from both sides. We have shown, as in healthcare, when we try, we can work together. The Senator from New Hampshire is on the floor. She was one of the leaders in that.

Earlier this year, we came to a good budget deal. Senators ALEXANDER and MURRAY put together a reasonable compromise on healthcare. We can do it again on tax reform. We Democrats want to do real reform, but our Republican friends must abandon this partisan, secretive, reckless process that will lead to no good for them and for the country and come to the table with Democrats.

One final point on the matter, Republicans repeatedly promised that the $1.5 trillion reduction in the corporate tax rate proposed by the Ryan-McConnell tax plan will lead the average American family to receive a $4,000 raise. Yet corporate profits are already at record highs. Wages are relatively stagnant. So color us skeptical that showering corporations with new tax brackets that will result in them having even more money will end up creating higher wages for workers. Far more likely what it will create is another round of stock buybacks and dividends, which, by and large, benefit corporate CEOs and the wealthy.

You don't have to take it from me. David Marberger is the executive vice president and CFO—chief financial officer—of Conagra, which I believe is a major Fortune 500 company. Here is what he told his shareholders this fall, the CFO of Conagra: ''In terms of if there is a corporate tax reduction and there's more cash, we bounce back to our capital allocation''—more stock buybacks.

Republicans think a corporate tax cut without guardrails would boost wages, and we disagree. Later this morning, Democrats will urge our Republican colleagues to put their money where their mouth is and prove us wrong. We will be offering an amendment that would snap back taxes to the old corporate rate if corporations actually fail to boost their workers' wages. It is that simple. Put your money where your mouth is. The only thing you are hanging your hat on, on this bill, which so hurts so many middle-class people is, well, everyone will get a big wage increase because we are reducing the corporate rate. We challenge you to accept our amendment. If the wages don't go up, the corporate decrease in taxes is repealed.

We are simply telling Republicans, don't write checks to corporations that their employees can't cash. If Republicans fail to support this amendment, they will confirm that their tax bill is a farce. They really don't believe it, when it comes to boosting wages for working Americans.

Mr. President, one final word on the nomination of Mr. Robb to the NLRB. The NLRB protects workers' rights to form or join unions, bargain collectively with their employers, and act concertedly for mutual aid or protection. It is not clear to me, from reviewing Mr. Robb's background, that he believes in the mission of the agency.

In his experience as a labor and employment lawyer, he has defended companies against workers' unfair labor practice allegations, age and sex discrimination charges, class action age claims, and wage claims. The website of Mr. Robb's law firm brags about his efforts to delay and defeat union organizing at the Millstone Power Station in Connecticut. He was the lead counsel on the notorious Reagan-era case, which decertified the air traffic controllers' union. That resulted in President Reagan firing 11,000 traffic controllers and barring them from Federal service.

The general counsel for the NLRB sets the priority cases and determines when to bring charges against employers. It is a crucial role. Peter Robb's record shows he is not up to this job, and he will not defend workers in an agency designed to defend workers.

I will be voting no and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

FOREIGN AGENTS REGISTRATION MODERNIZATION AND ENFORCEMENT ACT

Mrs. SHAHEEN. Mr. President, it is hard to read or to listen to the news these days without hearing about Russia's interference in our American democracy, its influence peddling, and about the misinformation that has

been spreading on social media. I have bipartisan legislation that would address an aspect of this. This legislation is cosponsored by Senator TODD YOUNG, and it is legislation that would give law enforcement the tools they need to create greater transparency about foreign individuals and entities that are operating in the United States in the interest of other governments. It would make it easier for the public to better track information they are receiving, particularly from governments that are hostile to the United States.

This bill would give the Department of Justice necessary authority to investigate potential violations of the Foreign Agents Registration Act, which is also known as FARA. We have heard a lot about that. This was legislation that was passed during the thirties, as there was fear about the rise of Nazism and Hitler in Germany and the effort to spread propaganda in the United States.

This would allow the American public to clearly trace where information is coming from and who is paying for it. I think, in this age of misinformation, that is especially important to the public.

At a time when our law enforcement officials, foreign policy experts, and leaders continue to grapple with the extent of Russia's intrusion into our democratic elections, this legislation is more urgent than ever. The need for this legislation is perhaps most clearly demonstrated by the case of Russian propaganda networks like RT America and Sputnik International. Both networks continually propagate and share content and programming that are designed to very subtly confuse and influence audiences worldwide. If you have ever listened to either of those channels, you will know there is just this subtle difference in how they present information.

In the United States, RT America is available on cable TVs across the country. It is considered to be one of the most high-profile assets in Vladimir Putin's vast $1.4 billion propaganda machine.

According to an assessment made public by the U.S. intelligence community in January, RT is the Kremlin's ''principal international outlet,'' and it is integral to Russia's information warfare operations across the globe. The Kremlin selects the staff for RT and closely supervises RT's coverage, including disinformation and false news stories designed to undermine our democracy. If you have any question about that, watch RT here. It is on the cable network here in the DC area.

RT News has publicly boasted that it can dodge our laws by claiming to be financed by a nonprofit organization and not by the Russian Government. Recently, the Department of Justice asked RT America to, in fact, register as a foreign agent. RT rejected an entirely reasonable request from the Justice Department to respect our laws. They refused to register.

How did we respond? Well, we continued to allow RT America to spread its disinformation and false narratives. This is unacceptable. We responded that way because we don't have the teeth we need in the law to be able to enforce it. That is what my legislation with Senator YOUNG will do. That is why it is so important. It would strengthen FARA by giving the Department of Justice authority to compel foreign organizations to produce documentation to confirm funding sources and foreign connections. This new investigative authority was requested by the Department of Justice, and it is supported by the Government Accountability Office, the Sunlight Foundation, and the Project on Government Oversight. This is a good government piece of legislation.

In fact, if this authority that we have in our legislation were in place today, the Justice Department could immediately investigate RT America and publicly expose its ties to the Kremlin. In the absence of such authority, all the Justice Department can do is ask RT to voluntarily adhere to FARA regulations and hope the propaganda outlet complies. What are the odds of that? Pretty slim. Clearly, based on RT's refusal to comply with FARA, the Kremlin is well aware of the limitations that are inherent in our law.

As we wait for this commonsense legislation to move forward, the Kremlin, RT America, and Sputnik continue to wield their harmful propaganda and attempt to influence the American public.

Since the publication of the intelligence community's January report on Russia's interference in our 2016 Presidential election, we have learned that Moscow spent millions of dollars buying ads on social media sites and search engines, often using the very clips that had been aired by RT on its YouTube channel.

Last week, representatives of American social media companies testified before Congress and illustrated the lengths the Kremlin went in order to deceptively spread divisive propaganda, all seemingly without a trace or any clear indication about the origins of these ads and RT's news blasts.

The misinformation included numerous reports run by RT News on supposed U.S. election fraud and voting. So they spread, and they clearly intended to spread confusion about our elections in 2016 to try and encourage people to believe our elections don't work, to undermine our election process. They talked about machine vulnerabilities. They claimed the results of U.S. elections could not be trusted and did not reflect the people's will. Sadly, too many people saw those stories and believed they were real.

These are not just random examples of fake news. These stories are part and parcel of a broader influence campaign designed and directed by the Kremlin's leadership and pedaled by government-funded trolls in St. Petersburg and other front organizations. So in the same way that Russia is building up its military force, its navy, its ability to operate in space, and its missile program, it has also built up its propaganda campaign in ways that are designed to undermine Western democracies. If we don't pay attention to this, then shame on us.

We are, of course, a resilient democracy. We are confident that our values and institutions will prevail in the free marketplace of ideas. Our Constitution, unlike Russia's, protects the right of individuals and organizations to spread Russian viewpoints, disinformation, and, even, outright lies. But no organization, including RT America or any other front outlet for a country that is hostile to the United States, has the right to conceal a foreign funding source and thumb its nose at requests from our Department of Justice.

The American people have a right to know if RT America is a Russian propaganda organization that takes its direction from the Kremlin. They have a right to know who is funding those programs and what kind of misinformation they are spreading.

To that end, I urge my colleagues to put an end to the Kremlin's charade by supporting the Foreign Agents Registration Modernization and Enforcement Act. Let's give the Department of Justice the tools it needs to investigate and expose RT America and to fight back against the Kremlin's interference in our democracy.

Thank you, Mr. President.

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

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

Mr. BOOZMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

HONORING OUR VETERANS

Mr. BOOZMAN. Mr. President, I rise today to commemorate the courageous service and selfless sacrifice of our Nation's veterans.

Honoring our veterans is one of the greatest privileges I have as a Senator, which is why I often attend celebrations in Arkansas to acknowledge and salute some of the brave men and women who have served our Nation in uniform.

I recently had the pleasure to recognize the service and valor of 15 Arkansas veterans during the Arkansas Military Veterans' Hall of Fame induction ceremony. The class of 2017 inductees comes from all across Arkansas. These veterans served in conflicts ranging from World War II through the War on

Terror. Together, they have earned some of our Nation's most prestigious honors and commendations, including the Purple Heart, the Bronze Star, the Distinguished Flying Cross, the Legion of Merit, and the Silver Star Medal for gallantry.

I also had the opportunity to present three Arkansas veterans with the medals and commendations they had earned when I attended the Veterans Day celebration in Fort Smith, AR. I am proud of the work that we do to obtain the service medals and recognition that these heroes have earned.

We have also worked hard to honor the efforts of Mr. Errol Severe, of Eureka Springs, AR, as he strives to preserve and promote the role of joint service aviation cadets in the 20th century. Mr. Severe, an Air Force veteran, operates the Aviation Cadet Museum, which is the only museum in the United States that exists exclusively to celebrate the teamwork, collaboration, patriotism, and courage of the individuals who trained for and fought in the national aviation effort from 1917 to 1965.

As we recognize our veterans and honor the sacrifice and heroism of those who have been called to serve our Nation in uniform, we must recommit ourselves to fighting on their behalf. As a member of the Senate Veterans' Affairs Committee, I am committed to honoring the promise made to our veterans.

We have made tremendous progress during this Congress. In June, President Trump signed the Department of Veterans Affairs Accountability and Whistleblower Protection Act. This strengthens accountability at the Department of Veterans Affairs by allowing the VA to dismiss bad employees while protecting those who expose wrongdoing.

We are also continuing to improve the Choice Act. Earlier this year, we hosted listening sessions with Arkansas veterans to obtain their input on the strengths and the weaknesses of the program, as Congress continues to expand access to adequate healthcare options for veterans.

In addition, we enhanced the post-9/11 GI bill benefits to increase educational opportunities. I am proud to have played a role in crafting this law, along with my colleague from Oregon, Senator WYDEN. I am pleased that he can join me on the floor to recognize the importance of the provision we have championed for several years to fix an oversight that prevented combat-injured members of the National Guard and Reserve from receiving the same GI bill benefits as Active-Duty military members. This is a great example of Senators on both sides of the aisle working together to get things done.

Fixing this clear oversight in the law that unfairly penalized wounded and injured servicemembers and kept them from accruing educational benefits they rightly earned while in recovery was a priority for both of us because these men and women deserved better. To correct this injustice, we introduced legislation earlier this year, as well as in the last Congress, and I am pleased that it was included in the comprehensive GI reform bill that was signed into law this summer.

While we have made improvements, there is still more that needs to be done, including the expansion of VA services for female veterans. I encourage my colleagues to support the Deborah Sampson Act to address these concerns, and I urge VA Secretary Shulkin to implement reforms written in the bill that don't require congressional action. Our work must continue.

Today, my colleague from Indiana, Senator DONNELLY, and I will introduce legislation to allow veterans who served in Thailand during the Vietnam war era the opportunity to prove toxic exposure in order to qualify for VA benefits.

Let me take one more opportunity to thank our veterans and their families. This country made a promise to our veterans that we must live up to, and I am proud to be able to work for them to ensure that we follow through with our commitment.

The men and women who put their lives on the line in defense of our country deserve our undying gratitude. They also deserve our support when they transition back into civilian life, which is why we must support efforts to improve their health, their ability to further their education needs, and to pursue their dreams, just as they fought to make that possible for their fellow Americans. That sentiment is shared throughout this Chamber. For all of our disagreements in Washington, we truly do come together in support of our veterans. That is one area of agreement.

I thank Senator WYDEN for his leadership to ensure equal treatment of education benefits for wounded guardsmen and reservists. I was very proud to work with him in support of this efforts, and I look forward to working with him in the future.

Our guardsmen and reservists are called to defend and protect our Nation, exactly like Active-Duty members. So it is only right that they receive the same GI bill benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

RECOGNIZING THE NEBRASKA NATIONAL GUARD

Mrs. FISCHER. Mr. President, I rise today to recognize the men and women of the Nebraska National Guard. For more than 150 years, the Nebraska National Guard has been protecting our State and keeping our Nation safe.

Established in 1854, the Guard predates the founding of the State of Nebraska by 12 years, and those who serve in its ranks today carry on a proud tradition. Whenever the Nation calls, Nebraska Guard men and women have been at the leading edge, responding in times of military need and national crisis.

When the shadow of fascism spread across Europe in World War II, Nebraska's 134th Infantry Regiment was there to bring the light of democracy back to the continent, liberating the French city of Saint-Lo from Nazi occupation.

When terrorists struck on September 11, the Nebraska National Guard was there to answer the call. In the time since, over 10,000 Nebraska Guard soldiers and airmen have deployed to fight the War on Terror and serve in defense of our Nation. This means that in the last 16 years, there have been only 3 days when every Nebraska soldier and airman was at home with their loved ones. Saying no is not part of the culture of the Nebraska National Guard. When the Nation calls, there is no hesitation. They go where the mission requires them to go.

At this very moment, we can find Nebraska soldiers and airmen deployed all across the globe, protecting our great Nation. Whether it is the dozens of National Guard men and women who are currently conducting detainee operations at Guantanamo Bay or those preparing to deploy next year to key positions in the Pacific and the Middle East, our Guard stands ready to answer the call.

The Guard is also playing an important role in working with our allies abroad. Since 1993, the Nebraska National Guard has been linked with the Czech Republic through the State Partnership Program. As Eastern Europe emerged from the heavy hand of communism, the Nebraska National Guard was there working side by side with their military to collaborate, share, and assist, forging a lasting bond that remains strong to this day. This year marks the 25th anniversary of that partnership, and we are all extremely proud of the work our Guard is doing to help bring our democracies together.

That spirit of service extends to their operations here in the homeland as well. When hurricanes so tragically struck our neighbors in Texas, Florida, the Virgin Islands, and Puerto Rico, the Nebraska Guard was there to help. The numbers speak for themselves. In Texas, they rescued 461 people and delivered 142,000 pounds of cargo, 6,000 pounds of bottled water, and 1,000 pounds of medical supplies. During Hurricane Irma, 102 members participated in an aviation task force for support operations. Right now, 58 soldiers and airmen are providing assistance to the Virgin Islands and Puerto Rico.

The scope of their response to these disasters is a testament to their dedication and showcases the flexibility of the Guard's mission. Whether it is responding to domestic emergencies, overseas combat, or reconstruction missions, these men and women are there to respond with speed, efficiency, and strength.

One of the most impressive things about the Nebraska National Guard is that these are regular, everyday citizens who decided to answer the call to serve. They are our neighbors, our

friends, our spouses, sons and daughters, ordinary Nebraskans from every background who decided to put on the uniform and make a difference. That is why I am so honored to have a group of the Nebraska National Guard's men and women visiting Washington today. I wish to take this opportunity to personally thank them, their families, and loved ones who support them, and all of our National Guard soldiers and airmen for their good service. The Nebraska National Guard has seen a lot of change in its history, but one thing remains the same: They stand ready to serve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

GI BILL FAIRNESS ACT

Mr. WYDEN. Mr. President, one of the great privileges of this job and the honor of representing Oregon in the U.S. Senate is seeing the way Oregonians of all backgrounds and beliefs come together to support those who wear or have worn the uniform of the U.S. military. When it comes to honoring our veterans, Oregonians and so many across the country think in terms of patriotism, not politics and certainly not partisanship. There is not a Democratic or a Republican way to support our veterans; there is an American way.

Recently, I was very pleased to join Senator MORAN and Senator TESTER to introduce bipartisan legislation that would expand the presumption to veterans exposed to Agent Orange in the Korean Demilitarized Zone. The VA currently presumes that veterans who served in the Korean DMZ from 1968 to 1971 were exposed to Agent Orange, but there is evidence that veterans were exposed to toxins all the way back to 1967. Our bipartisan bill would extend the presumption date back, making it easier for veterans to apply for and receive care and benefits.

It is a good bill. It is a bipartisan bill. As we head to Veterans Day, I want to make it clear that I am going to do everything I can to make this bill law soon.

Given the fact that we will all be home this weekend, I also want to take a few minutes to discuss another bipartisan piece of legislation that is important to the welfare of our veterans and a proposal that recently became law.

A few years ago, I learned that wounded members of the National Guard and Reserve were losing out on benefits under the GI Bill for time they spent in rehabilitation and recovery. These are men and women who put their lives on hold to serve our country abroad, and when they suffered injuries in the line of duty, their time spent recovering didn't count toward GI Bill benefits, even though it did for Active-Duty servicemembers in the same situation.

I think it is an understatement to say that is certainly a real head-scratcher, to not stand up for our Guard and Reserve to make sure they are not losing out on benefits under the GI Bill for the time they spend in recovery and rehab. In effect, the Federal law was adding insult to injury by robbing wounded guardsmen and reservists of benefits they earned and should have been receiving all along. Estimates show that more than 20,000 servicemembers across our country were affected.

I approached our friend and colleague from Arkansas, Senator BOOZMAN, and he graciously agreed to team up with me. Senator BOOZMAN made it clear that a fellow from Arkansas and a fellow from Oregon were going to team up, leave the politics behind, and fix an injustice. We brought together a bipartisan group. We worked with the Committee on Veterans' Affairs, and we were able to get the bill across the finish line. As of now, wounded guardsmen and reservists will get the education benefits they have rightly earned.

Especially today, when people are asking about the divisiveness and polarization that now consumes so much of the political debate, I wanted Senators to know that I really appreciate Senator BOOZMAN always trying to be constructive and a problem-solver. And this is one problem that is getting solved.

The law will apply retroactively, meaning that eligible veterans who already lost out will be made whole. Because it is so counterintuitive for servicemembers to lose benefits for being wounded—just think about that, servicemembers losing benefits for being wounded—many of our veterans haven't learned they were missing out. They never knew they were missing out. That is why I am very pleased, as I know Senator BOOZMAN is, that our law applies retroactively to all service after the 9/11 attacks.

I think it is true that success has a thousand parents, and if I thanked everybody on both sides of the aisle for all the work that went into this important bill, we would be here until suppertime tonight. But I do especially want to thank our colleagues, Senators MARKEY and MCCAIN. They lent important support along the way, as did Chairman JOHNNY ISAKSON and Ranking Member JON TESTER. Representative MARK TAKANO of California has also been an exceptional advocate in the other body.

I also wish to give a special thank-you to MAJ Steve Warren, a Department of Defense fellow in my office at the dawn of the process. He is considered a real rock star in terms of working for veterans. He did so much to bring this injustice to light and then worked diligently toward a solution. I think it is the judgment of everybody involved that without Steve's inspiration and perspiration, it would have been hard to see this injustice fixed and our even being here today, as we head to Veterans Day, to talk about it.

I close by way of saying that in this time of partisan rancor and the back-and-forth that consumes so much of the political debate in Washington, I think what we have shown with this piece of legislation and its importance is that our veterans continue to be a unifying force. This good will comes from a deep respect for the All-Volunteer Force and for the sacrifices made by military families. It also stems from an appreciation for the role our veterans play in so many communities. In Oregon, our vets are small business owners, coders, mill workers, and educators. They help students at the Youth Challenge Program in Bend, and they help us fight fires. And suffice it to say, this year those fires were big, they were long, they were brutal, and we saw fires nobody could have even believed could happen, such as the one that jumped the Columbia River.

It doesn't mean that Congress, even with this legislation, always gets it right with respect to veterans. There is a whole lot more to be done, particularly ensuring timely access to top-quality healthcare through the VA or outside of it and ensuring that guardsmen and reservists get treated fairly and equitably.

I want to say this again on the eve of our taking time out specifically to honor veterans—although in our State, we believe that every day is really Veterans Day—I want to renew my pledge to the people of Oregon that I and my staff will keep working until our vets receive the care and treatment they have earned. We hope the success of our GI Bill Fairness Act demonstrates what can be done when the Congress sets aside all this business of trying to point score on partisanship and puts veterans first.

Mr. President, 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.

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

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

Mrs. MURRAY. Mr. President, I come to the floor to do what the Trump administration has failed to do; that is, to stand up for working families and fight for an economy that actually works for all, not just for the richest among us.

On the campaign trail, President Trump made promise after promise to workers. He promised to put them first and bring back good-paying jobs to their communities. Yet, since day one of his Presidency, we have seen him do just the opposite. His administration has rolled back protections for workers and families and prioritized corporate profits over working families' financial security.

He has put forth nominee after nominee who puts industry interests above the needs of families, like William Wehrum, President Trump's nominee to lead the EPA's Office of Air and Radiation. Mr. Wehrum is someone who

has worked to undermine the core mission of the office he would oversee. He is a nominee who has demonstrated a willingness to side with protecting Big Business instead of protecting our Nation's most valuable resources and whose independence is truly in question.

Unfortunately, when looking at President Trump's record as a businessman, these decisions do not come as a surprise. President Trump spent decades as a real estate developer, cheating workers and contractors out of their hard-earned pay, and he refused to allow his own hotel workers to join together and advocate for safer working conditions and better wages.

President Trump's vision of our economy is one in which workers bear the burden, and the people who live in gilded towers get the benefit. The contrast with Democrats could not be clearer. Last week, Democrats rolled out an ambitious agenda to reform our labor laws to, once again, empower workers to join together, make their voices heard, and fight for better wages and benefits.

Currently, it is extremely difficult for workers to seek justice when corporations violate their rights, and if we want to rebuild the middle class, we have to change that because workers having the right to organize and join unions helped to build the middle class we have today. For many workers in the 20th century, good union jobs helped them to support their families and climb the economic ladder, but over the past few decades, our economy has worked in favor of corporations and those at the top. As corporate management and special interests have undermined workers in their right to collectively bargain, we have seen, of course, a decline in unions and union membership across the country. This has allowed President Trump and billionaires like him to take advantage of their workers, and it has given workers little recourse in standing up and fighting for better working conditions.

The preamble of the National Labor Relations Act clearly states that it is the policy of the United States to encourage collective bargaining to give workers a voice, allowing them to speak up for fair wages and safe working conditions, and it is the responsibility of the NLRB to ensure that workers' rights are protected so they are not taken advantage of. The NLRB gives workers the opportunity to file charges against corporations when they are illegally fired or retaliated against for exercising their rights, and because President Trump's own businesses have had complaints filed against them numerous times, it is so critical now that the Board is independent and committed to that core mission.

Unfortunately, I have serious concerns about Mr. Robb's commitment to that core mission and to supporting workers' rights so more families, not fewer, have financial security. Mr. Robb has spent most of his career as a corporate lawyer, representing Big Business and seeking to limit the rights that workers are guaranteed under the National Labor Relations Act—the very law he is now asking to be in charge of and enforce. He has defended companies against unfair labor allegations, age and discrimination charges, and unfair wage and hour claims. If he is confirmed, Mr. Robb will have the sole decision-making power as to which cases will be brought before the NLRB.

Given his long history of defending corporations, I don't believe workers can trust him to act with their best interests at heart or to stand up to President Trump and his vision of an economy that works for those at the top but that undercuts workers' wages, safety, and rights.

I will be voting no on Mr. Robb's nomination, and I urge my colleagues to do the same. I know every single one of my colleagues has spoken to working families in his State who feel left behind today—families who work full time and who are saving what they can. They are struggling to make ends meet. It is time that we stop prioritizing corporate profits and start focusing on those workers and our middle class. We can only strengthen our economy if we give workers a voice in it.

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

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

TEXAS CHURCH MASS SHOOTING

Mr. CORNYN. Mr. President, as the world now knows, there was a tragic shooting in Sutherland Springs, TX, last Sunday, which took the lives of 26 innocent people and injured 20 more. On Monday evening there was a prayer vigil for those victims. The community gathered to pray and to pay their respects to the deceased.

There are two people in particular who were in attendance, whom I want to highlight: Stephen Willeford and Johnnie Langendorff. I mentioned them yesterday, and perhaps you have seen them on the news, but I have been thinking a lot about them lately. In addition to the tragedy, this was really one of the things that gives you a little hope amidst the terrible circumstances. Stephen, of course, is the man who responded to the shooter's rampage by grabbing his rifle and running toward the First Baptist Church. Johnnie drove the truck that chased the gunman down at high speed. In typical Texas fashion, these two gentlemen don't consider themselves to be heroes, but I consider them to be heroes. They said that they were just doing what needed to be done. Johnnie said it was an ''act now, ask questions later'' kind of deal.

I think we in Washington should take more of our cues from people like Johnnie and Stephen. We should show courage, track down anything that is not right, and do our very best to fix it. In particular, Stephen Willeford—maybe you have to be a Texan or an Alaskan to really appreciate what he did. From what I have read, he was an NRA-certified shooting instructor. He apparently heard the shooting at the church, grabbed his gun and went there and, basically, ended up stopping the shooter from killing more people.

The shooter apparently had accumulated enough ammunition to do a lot more damage than he did, but, thanks to the intervention of this concerned citizen, this person who was willing to put himself in harm's way actually shot the shooter and discouraged him from doing more. But for his actions, a lot more people would have died on that terrible, terrible Sunday.

The police can't be everywhere all of the time. That is one reason why, in my State and around the country, we believe that citizens ought to be able to defend themselves under appropriate circumstances.

We now know that the gunman was court-martialed by the Air Force and convicted of serious domestic abuse. Under current Federal law, this should have prohibited him from ever purchasing a firearm. The fact that it didn't means that we need to figure out why Federal law wasn't followed and make darn sure that the relevant information is always uploaded into the background check databases.

There were multiple errors—human and systematic errors—that should have prevented this shooter from ever buying a firearm. He unlawfully purchased four firearms that he wasn't permitted to purchase. Federal background checks did not turn up his Air Force conviction for domestic violence, a felony, for fracturing the skull of his infant stepson. These convictions were not uploaded on the NICS Federal database.

I plan to introduce legislation—and I have been talking to a number of colleagues on both sides of the aisle who are interested in providing a solution to this problem, but we are going to introduce legislation to ensure that all Federal departments and agencies, including the Department of Defense, upload the required conviction records. My legislation will also encourage to the greatest extent possible under the Constitution that State and local governments do the same.

We all remember the terrible shooting that occurred at Virginia Tech a few years ago by a person who had already been adjudicated to be mentally ill by the State, but because the State did not upload that information into the Federal database when he went to buy a firearm, there was no hit, no disqualifier that appeared that would have prevented him from buying that

firearm in the first place. We need to make sure those systems work every time.

What Sutherland Springs has exposed is that the Federal Government is failing to comply with reporting requirements. This is unacceptable, and it must change.

Yesterday, Gen. David Goldfein, the Chief of Staff of the Air Force, came by my office, and I am grateful to him for that. I told him that it must have been one of his worst days when he found out that the Air Force had failed to notify the Federal authorities of the information that would have disqualified this individual from buying a firearm. He appropriately expressed grave concern over the fact that the gunman's convictions were not sent to the NICS database. He pledged to get to the root of the problem, and I believe him.

It is worth noting that we have tried to address similar problems before, and we can do it again. In 2015, I introduced a bill called the Mental Health and Safe Communities Act, which addressed a related issue, and that was the failure of State and local authorities to upload valuable mental health records into this same NICS database.

I think there is a bipartisan willingness in this Chamber to work on problems inherent in the sharing of these records, and I hope my colleagues will join with me in supporting this new legislation once it is introduced. We are shooting for the first part of next week. We owe it to the men and women and the families of Sutherland Springs to make sure that our laws are enforced and that individuals like this shooter with a history of violence do not gain illegal access to firearms.

TAX REFORM

Mr. President, I want to address the work that the House Ways and Means Committee is currently engaged in and what we will be doing in the U.S. Senate to reform our overly complex, burdensome, and self-destructive tax system. I think there is a lot of momentum gathering each day.

Yesterday, Senator MCCONNELL, the majority leader, commented on our once-in-a-generation opportunity to overhaul our Tax Code. To accomplish this goal, both the House and the Senate are moving forward on different proposals.

This week, the House Ways and Means Committee completed its first 2 days of discussing the House bill unveiled last week called the Tax Cuts and Jobs Act. At the same time, the Senate Finance Committee is continuing its work too. Chairman HATCH will continue to guide the committee through an open process, and members will have the chance to engage in productive discussions and debate. That will start once the chairman's mark or the base bill is released, hopefully by later this week. Perhaps as early as next week, we will begin the process in the Senate Finance Committee of marking up that bill, with Senators offering amendments and voting on it. Once both Houses of Congress have completed their work, my hope is that we can get this bill on the President's desk by Christmas.

Some of our colleagues across the aisle, instead of contributing to the solution to this overly complex and self-destructive Tax Code, have been lobbing insults from their partisan bunkers, even though many of them have endorsed many aspects of the plans in years past. For example, early on, interestingly, there was criticism of our desire to make our global tax system more competitive so that more businesses will move their manufacturing facilities back to the United States and so that we can stamp more of their products ''Made in America,'' creating more jobs here. It is ironic because they were criticizing us for giving tax relief to businesses when people like President Barack Obama, back in 2011, had endorsed the very same concept, not to mention the ranking member of the Senate Finance Committee, Senator WYDEN, and Senator SCHUMER. All of them have endorsed similar proposals, yet they were quick to criticize us for doing exactly the same things that they themselves had previously endorsed. Unfortunately, our Democratic friends are quick to criticize our plans not just because they disagree with them on the merits but simply because it is our proposal and they are not interested in working with us across party lines.

This is really a shame and a lost opportunity. People are crying out for Democrats and Republicans to work together in the best interests of the country. Unfortunately, our Democratic friends are simply ignoring the urgency of the situation—the stagnation of American workers' wages and couples finding it harder to start families or, once they do, pay for a college education. As my friend the junior Senator from Florida, Senator RUBIO, wrote a few days ago in the New York Times, it is more than time to reconcile ''our social contract to the realities that working families face.''

The Tax Code has not been comprehensively overhauled since 1986. Now that some of us are trying to, the swamp is fighting back. It is important that we win this fight against the swamp—the special interest groups that try to come in and protect various special-interest tax provisions that make our code unnecessarily complicated, forcing us to look for additional revenue from other sources because they want to protect theirs at the expense of the rest of the country.

But the do-nothing approach of the recent past will not work. We can't let them stop us because hard-working families are waiting. They are waiting on us to quit stuffing our own pockets and start putting money back into theirs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 3:45 p.m. today there be 30 minutes of postcloture time remaining on the Robb nomination, equally divided between the leaders or their designees; that following the use or yielding back of that time, the Senate vote on the confirmation of the Robb 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; finally, that there be 2 minutes of debate equally divided prior to the cloture vote on the Wehrum nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, Donald Trump has consistently made promises to the American people that he refuses to keep. He says one thing and does the exact opposite. His empty promises have already hurt millions of people across the country, from our seniors who depend on Medicare and Medicaid, to the LGBTQ community he promised to protect and Dreamers living in fear of deportation.

Now, with the nomination of Peter Robb to serve as the General Counsel at the National Labor Relations Board, or NLRB, Donald Trump has broken yet another promise—this time, to fight for and protect American workers. As an independent agency, the NLRB has an important mission to enforce our Nation's labor laws, protect American workers, and safeguard their right to organize collectively.

The NLRB's mission is not to ignore our Nation's labor laws, to go after American workers, or to weaken their right to organize. Yet Peter Robb's career has been dedicated to doing all the things that NLRB is not about.

Joining the anti-union, anti-worker forces, President Trump has consistently nominated people to the NLRB who are best positioned to destroy and undermine the core functions of the agency itself. Earlier this year, President Trump forced through two management-side lawyers to create an anti-worker majority on the NLRB.

Today the Senate is debating the nomination of someone who has spent his entire legal career fighting to screw over the very workers the NLRB is supposed to protect. If confirmed as General Counsel, Mr. Robb will be responsible for supervising nearly 1,500 agents investigating and prosecuting unfair labor practice cases and overseeing elections where workers decide whether or not to unionize. This is a position

of great consequence for millions of workers across our country, and they deserve someone much better than Peter Robb.

Mr. Robb has spent his career defending management and employers from workers fighting to form a union, unionized workers on strike, and workers who brought forward discrimination and disability claims. You don't have to take my word for it. Mr. Robb's biography on his own law firm's website tells the story clearly:

[His] extensive experience includes advising on mergers/acquisitions, plant closings, labor contract negotiations (both large and small), managing lockouts and strikes, securing labor injunctions, discrimination issues and disability claims.

His litigation includes defending employers from unfair labor practice charges, age and sex discrimination charges, class action age claims, and wage/hour claims as well as bringing suits against labor organizations. With such vast experience and a no-nonsense approach, Peter's clients look to him for sharp advice, rigorous representation and powerful litigation.

That is a description on his own law firm's website.

Mr. Robb cut his teeth busting unions and retaliating against workers as lead counsel at the NLRB in the early 1980s when President Reagan decertified the air traffic controllers union, fired 11,000 air traffic controllers, and barred them from Federal service. More recently, he represented Dominion Energy's successful attempt to defeat a union organizing campaign at a power station in Connecticut.

Management and corporations have a right to hire lawyers like Mr. Robb who will vigorously represent their interests, but Mr. Robb is certainly not the right person to lead an agency whose mission is to protect workers' rights, not to go after those rights tooth and nail. Mr. Robb's record clearly demonstrates that he will side with powerful corporations and special interests over workers who lack the resources to defend themselves.

Unions built the middle class in Hawaii and across our country. Instead of confirming another management protector at the NLRB, we should be working together to protect workers and make it fairer for them to form and to join a union, which is their right.

I urge my colleagues to join me in opposing this nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AFFORDABLE HOUSING

Ms. CANTWELL. Mr. President, I rise to talk about the affordable housing crisis that is gripping our Nation. When I say ''crisis,'' I mean I know that people here are on the precipice of talking about what we are going to do in response to Hurricanes Harvey and Irma and Maria, and I would like to say, the housing crisis that will exist in the aftermath of those hurricanes is real, but there are also even greater implications from the housing crisis that exist today without those hurricanes, and it is only going to continue to grow and get worse until we deal with it.

This past February, more than 2,000 families packed into the New Holly Gathering Hall in South Seattle. Each family was hoping to hear its name called. It wasn't a contest. It wasn't a game. It wasn't the lottery. It was a lottery to see if families could get affordable homes.

The Mercy Othello Plaza would soon open 108 affordable housing units. That is hardly a match for the more than 2,000 families who were interested in trying to get into one of those affordable units. Based on the numbers alone, their chance of getting an affordable home was lower than an applicant's chance of getting into Harvard.

Ninety-five percent of the families attending that night left disappointed, continuing to search for affordable housing. This is just one story of how the affordable housing crisis is gripping our Nation. I am sure every one of my colleagues in the Senate could talk about a story they have heard in their State because this crisis impacts every State. It impacts every community, both urban and rural alike.

As I have traveled across the State of Washington, I have seen some of the most hard-hit areas for affordable housing. I even have veterans returning home not being able to find affordable housing. I have seen an aging population living longer and also not having the resources when looking for affordable housing. I have seen young workers who want to be close to where their employment is and yet having to drive so far away because that is the only place they could find affordable housing. We have seen homelessness in numbers that harken back to previous days when we had a true recession.

The most damning part of the housing crisis is, we know how to solve it. We just need the courage to act.

For decades, the housing growth was the most stimulative part of our economy. Throughout the 1980s, housing was 18 percent of GDP. Today that number has dropped to just 15 percent. When people discuss tax reform and GDP growth, housing is still one of the ways that economists will tell us that we can grow GDP.

In the sixties, seventies, and eighties, if somebody asked, How do we stimulate our economy, usually a cheer would go up for housing, but since the economic downturn, we haven't heard that cheer. In fact, it is almost as if we have forgotten how stimulative housing is to our economy.

The total number of houses built between 2007 and 2016 total just 8.9 million units, which is far below the 15 million-plus average for every 10-year period through the seventies and nineties. We are off the pace of what it takes to provide affordable housing. As a result, the vacancy rates and inventories of homes for sale have also fallen. The national vacancy rate—which is the number of homes for sale—has receded to the 2000 level, erasing all the runup we saw in the housing boom. Moreover, homeownership in the United States is now at its lowest rate since the 1960s.

Twenty million American families, including 11 million renters, are now spending more than half of their income on housing. That means less money for other essentials like food and healthcare and gas.

The National Low Income Housing Coalition tells us that 7.4 million more available affordable homes are needed because we have seen an increase of 60 percent since the year 2000 in the need for affordable housing.

So the United States has become a rent-burdened economy. If we don't address this crisis, the problem is only going to get worse. In fact, one study found that if we don't address this crisis, we are going to see another 25-percent increase in the number of Americans spending more than half of their income in rent.

I know my colleagues on the other side of the aisle in the House of Representatives are talking about what they want to do in tax reform. I would say they should look at this data as it relates to where we are with homeownership and housing and things that would eliminate the private activity bonds—one of the key drivers of affordable housing production. It would be a big mistake if they got rid of that. Obviously, there are units of affordable housing that are being planned and built right now. In fact, one estimate is that over 1,000,000 units wouldn't be completed just because of the House provision.

Obviously, limiting the mortgage interest deduction for new homeowners could potentially increase taxes on homeowners and thereby limit the number of people who could afford a home. Almost one-third of taxpayers nationally claim the property tax deductions. They could also see an impact to that. I hope our House colleagues and our Senate colleagues will see, in light of the housing crisis, what a terrible idea those things are.

How did we get to this crisis as it exists now? Part of the issue was demand. For starters, the 2007 housing crash pushed millions of families into the rental market and reduced wages on working families. The demand for rental housing skyrocketed.

Over 7 million Americans lost their homes to foreclosure, and they demanded more affordable places to live. Today the homeownership rate is the lowest in our Nation since the 1960s. The last 10 years have seen the largest gain of renters on record. The demand for rental housing shows no sign of slowing down.

Millennials, like many of the young people we see who want to be close to jobs in our burgeoning economy, are forced to rent instead of own. They are seeing that challenged, in big numbers, by the fact that there is not enough supply.

At the same time demand was going up from returning veterans, from aging seniors, from workplace needs, from many more people needing affordable housing after being pushed out of the homeownership market—at the same time demand was going up, supply failed to keep pace. Affordable housing stock is being, and was being, converted to market rate-based units. That means they got taken out of the affordability framework.

A new report found that the number of apartments being deemed affordable for low-income families dropped 60 percent over the last 6 years.

With all this pressure and demand of people falling out of home and back into the market and pushing things down, we saw so many units that were affordable units get transferred over to market-based rates and thereby losing supply.

The new production of affordable housing has not filled the gap, and production of affordable housing is at its lowest 10-year production rate on record since 1974. It, too, has played a role in this problem.

The combination of increased demand and lack of production has caused the explosion in our affordable housing crisis. The number of Americans facing extreme unaffordability—that means they are paying more than 50 percent—has gone from 7 million Americans to 11.2 million Americans. That is a 60-percent increase in the number of people in the United States who are in this area of extremely unaffordable rates for housing.

While I know we are going to discuss natural disasters and helping communities recover—everywhere from the families who have been impacted in Florida, in Texas, and various places—we also have to look at the issue of affordable housing everywhere from Seattle and Portland and San Francisco to all the way across the country, to Philadelphia and Miami and many other places.

In the aftermath of Katrina, Congress passed an expansion of the low-income housing tax credit, and it built 28,000 affordable units on the gulf. I know my colleagues will want to do something similar for Texas and the Gulf States to make sure we are doing something, but we need to understand that at the time of Katrina, there was a need due to more than 275,000 homes destroyed by that hurricane. Building 28,000 units was barely a blip.

The low-income housing tax credit helped rebuild some units, but it came nowhere close to solving the housing crisis in New Orleans. Market rates in New Orleans are 35 percent higher after the storm, and 37 percent of households are paying more than half of their income in housing. Now, 12 years later, another disaster has hit, and we are going to try to address this crisis, but the housing burden for extremely low-income families in Texas and the major metro areas of Texas is among some of the worst in the Nation. That was before the crisis. Before the actual impact of hurricanes, Texas was already at a crisis point.

Texas has only 29 affordable units for every 100 low-income households looking for those options. Houston is the third worst in the country for housing availability for extremely low-income people. Now families from Florida to Puerto Rico are going to also be finding a very difficult situation.

Expanding the tax credit could help, but we have to do more than just expand the tax credit for those disaster States. We need a very big systematic investment in affordable housing all across the United States, and expanding the low-income housing tax credit is one way to do that. The good news is, we have good bipartisan support for the low-income housing tax credit enacted in 1986. It helped build 3 million rental units across this country over the last 30 years. If you want to make a dent in this crisis, both in response to the hurricanes and the crisis that already existed, we need to begin filling that gap by increasing the credit.

That is why I joined Senator HATCH in introducing the Affordable Housing Tax Credit Improvement Act, something that would help us build hundreds of thousands of new units in the next 10 years. I am glad Senators WYDEN, PORTMAN, SULLIVAN, MERKLEY, SCOTT, BENNET, COLLINS, KAINE, HELLER, LEAHY, SHAHEEN, MURRAY, SCHUMER, MURKOWSKI, YOUNG, GRAHAM, SCHATZ, BOOKER, HASSAN, ISAKSON, and SANDERS are all supporters.

We have good, bipartisan support from people who understand that this crisis is real and that it is only going to grow. But we also know that the additional tax credit would create almost 450,000 new jobs over the next 10 years. That is because housing is stimulative to the economy. Construction alone supports over 2 million jobs. And it helps by making sure that the economic impact to GDP is realized now through this investment.

It also helps us save money as an economy and a country by putting a roof over people's heads. One of the reasons I was so excited to work with Senator HATCH on this was because in his home State of Utah, they made such great progress in dealing with their homeless veteran population. The community decided that by putting a roof over someone's head, they actually helped lower overall costs. One study found that placing people in affordable housing lowered Federal Medicaid expenditures by an average of 12 percent, and a University of Pennsylvania study found that taxpayers could save $16,000 per homeless person who was placed in affordable housing.

So we need to act. We need to realize that housing provides an investment in job creation and has historically contributed between 2 to 4 percent of GDP growth since the 1980s; that it is an underpinning of our economy; and that we need to make sure that our Tax Code works and make sure that people are purchasing homes as well as finding affordable housing.

As our colleagues deal with the end-of-the-year policy issues and deal with our response to these storms, I hope we will realize that this underlying crisis also needs attention. We have worked on a bipartisan basis in the past to address it, and we can work on a bipartisan basis in the future to both stimulate our economy and solve these problems.

Ninety percent of the affordable housing units being built in the country use these tax credits, so it is only by extending the tax credits, putting a roof over people's heads, that we are going to be able to deal with this crisis. The good news is, it helps us save money and it helps us with GDP growth.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. MORAN). The Senator from Maryland.

NOMINATION OF WILLIAM WEHRUM

Mr. CARDIN. Mr. President, later today we will start the process of voting on the confirmation of William Wehrum for Assistant Administrator for the Environmental Protection Agency's Office of Air and Radiation. I take this time to urge my colleagues to reject this nominee and vote against his confirmation.

The EPA Assistant Administrator for the Office of Air and Radiation supervises national programs and policies for regulating air pollution and radiation exposure. Notably, this office administers the Clean Air Act.

As a member of the Senate Committee on Environment and Public Works, I once again find myself using my voice to say that science and public health, not partisan politics, should drive the confirmation process.

If confirmed, Mr. Wehrum is expected to play a leading role in dismantling climate change regulations. Since the Supreme Court decision in Massachusetts v. EPA in 2007 ruled that carbon dioxide and other greenhouse gases are dangerous air pollutants, OAR is the office that accepted the endangerment finding and developed the Clean Power Plan to address carbon pollution.

Given the Trump administration's own admission—or lack of suppression—in the latest update to the National Climate Assessment ''that it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century,'' it should be common sense to nominate and confirm Administrators who care about our environment and our future, including acting on climate change. It is inexcusable to confirm those who disagree with that. I am not convinced that Mr. Wehrum will act on carbon pollution or any other air pollutant.

It would take an extraordinarily independent Assistant Administrator to resist the current course at the EPA under EPA Administrator Scott Pruitt.

We know that we have a challenge at the top. We need as the person to head this Agency a person of integrity who will stand up for what science tells us we need to do in protecting air quality. I would argue that Mr. Wehrum is not that person.

Let me go over some of the challenges we face.

For example, in January of 2017, the EPA issued itself a 6-month extension to respond to Maryland's Good Neighbor petition. The petition alleges that 36 powerplants in five neighboring States are preventing Maryland from meeting its own obligations under the Clean Air Act. That deadline expired with no EPA action on the petition.

On September 27, 2017, Maryland filed suit against the EPA.

On October 5 of this year, the Chesapeake Bay Foundation filed a similar lawsuit because pollution from powerplants is a source of nitrogen pollution in the Chesapeake Bay.

On October 27, 2017, the EPA denied a separate Maryland petition asking the EPA to add nine States to the Ozone Transport Region, alleging that these States contribute to the violation of the 2008 ozone national ambient air quality standards.

In its response to the petition, the EPA determined that expanding the Ozone Transport Region is ''not appropriate at this time'' because existing rules will achieve reductions in emissions. The EPA's response states that ''better-targeted approaches, such as those under the Clean Air Act's good neighbor provision, would be more effective in addressing the 2008 ozone targets.''

The EPA's reasoning to deny the Ozone Transport Region petition—that existing rules will adequately address transported pollution—is predicated on the sincere implementation of those rules. In fact, Maryland did utilize—we did utilize—a ''better targeted approach.'' Maryland filed a Good Neighbor petition last November that was ignored for 1 year, prompting the lawsuit against the EPA.

Based on his professional history and testimony, I do not have reason to believe that Mr. Wehrum will ensure that existing rules will adequately address air pollution. While he worked at the EPA during the George W. Bush administration, Mr. Wehrum attempted to direct the Agency's air requirements to favor markets, earning praise from industry groups he would later represent in private practice. How can we ask Mr. Wehrum to objectively administer the Clean Air Act after a career spent on one side?

Mr. Wehrum has 20-plus years working for the industry as a lobbyist. He has a record of ignoring science in the recommendations that he made. There are examples of where he absolutely disagreed with expert groups—just to give one example, the Academy of American Pediatricians' assessment on mercury and air toxins submissions. Mr. Wehrum took issue and disagreed with their findings.

He was seen as an unacceptable choice in 2007 when he was nominated to lead the same Agency by President Bush, and his nomination was withdrawn over Democratic opposition. So this is not the first time we have had a chance to deal with Mr. Wehrum for this position. In the interim, he has only continued his work to advance industry by advocating for weakening the Clean Air Act.

I will continue to stand up for the rights of Marylanders and all Americans to air that is safe to breathe and a climate that is livable, and all of us can help in that regard by rejecting this nominee.

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

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

TAX REFORM

Mr. BARRASSO. Mr. President, 1 year ago, the American people went to the polls. The American people demanded a change. They demanded a change from 8 years of too little economic growth and too much government control and regulations. The effect was immediate, and the effect was incredible.

In the past year, we have gotten a lot of very good news about the American economy. Right after the election, businesses became much more optimistic about the direction of our country and they started hiring. Last Friday, we learned that in the United States we have created more than 2 million jobs since election day 2016. Someone said to me: Well, you shouldn't count it from election day. You should count it from Inauguration Day. Certainly, in my home State of Wyoming, on election day there was a confidence, an optimism, a positive feeling that started just at the moment it was announced that Donald Trump had been elected President of the United States.

Right now we have the lowest rate of unemployment since the year 2002. We have seen the economy grow at more than 3 percent for the past 2 quarters. Consumer confidence just reached the highest level in almost 17 years. All of this is happening since President Trump was elected, and this is very good news for America.

We can't stop now. We have to do all we can to keep on this path toward a more prosperous country. Americans are optimistic because they know that President Trump is focused on easing the regulations that have held back our economy for the last 8 years. We know that government can create opportunity or crush opportunity based on a combination of regulations, mandates, and taxes. We are now in the land of opportunity, eliminating the regulations and pulling back on taxes to helping our economy grow.

The President has signed legislation that we passed in this Congress repealing one after another of the Obama administration's rules, regulations, and restrictions. President Trump has issued Executive orders cutting back on excessive redtape. President Trump has appointed very good people to important jobs who are committed to reining in Washington's out-of-control bureaucracy. All of these things are important and critical to keeping our economy growing.

Another big part is what we are trying to do now in terms of cutting taxes for the American people. People want to keep more of their hard-earned money in their own pockets.

Here in the Senate we now have a once-in-a-generation opportunity to cut taxes in a way that will actually help American families. We can help families directly by raising their incomes, and we can help them indirectly by growing the economy. Here is how we can do both, because that needs to be our goal.

The first thing we can do is to give people a raise by doubling the standard deduction. If we raise the deduction, people keep more of their hard-earned money, and it makes taxes simpler. Right now, the standard deduction for a married couple is $12,000. Two-thirds of Americans take this deduction. If we roughly double it, people will not pay any Federal income tax at all on the first $24,000 they earn. That is a big cut. It means that a lot more people will decide to take this deduction instead of having to go through the painstaking process of itemizing their deductions on their tax return. It saves them a lot of time, it saves them a lot of headaches, and it saves them the cost of accountants and lawyers who have to help figure out the very complicated tax system in this country. Millions of families will be better off just from this one tax cut alone.

A second thing Republicans are looking to do is to reduce the tax rate for small businesses, the people who are creating jobs all across the country. If someone owns a small business in my home State of Wyoming, she probably ends up paying the taxes on her personal tax return rather than on a separate business tax return. If we cut her tax bill, that is money she can then use to give her workers a raise, to hire more people, and to create more jobs in our community. She can put money back into the business to help grow the economy as well.

When you leave more money in people's pockets, they get to decide how to use that money—what they decide to spend, what they decide to save, and what they decide to invest. People are much better watching their own money than the government ever was, giving people value for that money.

So we want to make sure that tax reform includes a break for small businesses. Around here, they use the

words ''tax reform.'' To me, it is about tax reduction, tax relief, and tax cuts. Republicans also want to bring down the rates that Washington charges other businesses. If we can cut the rate businesses pay from 35 percent down to 20 percent, that could be an enormous boost to the economy. Economists who look at this say it is like giving the average American family a $4,000 a year raise. That is how much the average household's income would go up, because workers actually bear most of the burden of taxes that businesses pay.

Now, Democrats actually think the money belongs to Washington. It doesn't. It belongs to the people at home who earn it. Democrats often think that if you give Americans even a single dollar in tax cuts, you are taking away Washington's money. It is not Washington's money. The money belongs to the people at home.

We know the exact opposite of what the Democrats believe to be true. Republicans know that giving Americans a tax cut is the same as giving them a raise. Every dollar a family doesn't have to send to Washington in taxes is a dollar they can use for something better. It is a dollar they can use for food, for shelter, for kids, for education, for things that matter to their family. It is another dollar a small business can use to pay its workers more or reinvest in the business to help grow the economy in that community. Tax cuts mean that people decide how to spend their own money; Washington doesn't decide. Families know how to use money much better than Washington ever will.

As we debate these issues and ideas with regard to tax relief, we have an exciting opportunity to give the American people a raise and to give the American economy a boost. This is something a lot of people have been working on for a long time in the Senate. Over the past 6 years, the Finance Committee has held 70 hearings on how to make our Tax Code better for all Americans.

Republicans are working, and we are listening to make sure that we get the tax reform right that the American people and families need. When it comes to tax cuts, I believe the more the better. The more people who get a tax cut, the better. The more we grow our economy, the better. It is our job. It is about paychecks. It is about jobs. It is about prosperity. It is about a strong and healthy economy for America. That is what we as Republicans are committed to. We cannot let this opportunity pass.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, whether one is a progressive, a Democrat, a conservative, a Republican, or somewhere in between, there is a deep understanding in this country that we are living in a rigged economy, and people are increasingly angry and frustrated about the growing inequality and unfairness they see all about them.

It is hard to believe, but in the United States of America today, the top one-tenth of 1 percent now owns almost as much wealth as the bottom 90 percent—one-tenth of 1 percent, bottom 90 percent. A study came out fairly recently indicating that in the United States of America today, the three wealthiest people in our country—Bill Gates, Jeff Bezos, and Warren Buffett—now own more wealth than the bottom half of the American people. Three people own more wealth than the bottom half of the American people.

Meanwhile, while the very, very rich get richer, some 40 million Americans are living in poverty. These are people who are struggling today to figure out how they put food on the table for their kids, how they put gas in the car in order to go to work, how they pay their electric bills, how they deal with childcare. There are 40 million people living in poverty. The middle class is disappearing. People are working two or three jobs. For the first time in the modern history of this country, young people may well have a standard of living lower than their parents'.

On top of all of that, we remain the only major country on Earth that doesn't guarantee healthcare to all of our people. Twenty-eight million people today have no health insurance. Many more are underinsured. And if our Republican colleagues get their way, they are going to throw another 20 or 30 million people off of their health insurance.

It is not only the reality of grotesque levels of inequality that is making the American people despondent and angry; it is the reality that the people on top, with their wealth and power, can access lawyers and accountants who are able to manipulate the system to benefit themselves at the expense of everyone else. That is the essence of what a rigged economy is about and what I want to say a few words about today.

In my view, one of the great crises facing our world—and we are in a world of many crises—is the rapid movement toward international oligarchy in which a handful of billionaires own and control not just a significant part of the American economy but a significant part of the world economy. Needless to say, this is an issue that does not get a whole lot of discussion because, in general, the more important the issues are, the less discussion they get within the corporate media or within the political world that we live in here in the Congress.

Let me reiterate. One of the great crises that we face is that a handful of billionaires are moving this entire planet toward an oligarchic society in which the people on top not only have incredible wealth but incredible political power as well.

This last Sunday, a group of investigative journalists released over 13 million files known as the Paradise Papers exposing just how horrific this situation has become. These papers show how a handful of oligarchs in the United States and throughout the world get richer by hiding their wealth and their profits offshore to avoid paying their fair share of taxes. The list of individuals implicated in the Paradise Papers include billionaires such as the Koch brothers, Sheldon Adelson, Carl Icahn, and Robert Mercer. It includes large financial institutions such as Wells Fargo, Citigroup, and Bank of America. It includes large multinational corporations such as Apple, Nike, and ExxonMobil. It includes members of the Trump administration, such as Secretary of State Rex Tillerson, Commerce Secretary Wilbur Ross, chief economic adviser Gary Cohn, and Treasury Secretary Steve Mnuchin.

Let's be clear. Offshore tax evasion is a major problem not just for the United States but for governments throughout the world. This is really quite unbelievable. In the year 2012, the Tax Justice Network estimated that at least $21 trillion—$21 trillion, a number almost beyond comprehension—is being stashed in offshore tax havens around the world. Imagine that. There is $21 trillion flowing into tax havens in the Cayman Islands, Bermuda, Luxembourg—all these places around the world where the billionaire class and large corporations are stashing their money not only to avoid taxes in the United States but to avoid taxes in Great Britain, France, Germany, et cetera.

There is a funny thing about these guys. All of these billionaires love veterans, and they love the military. They want to see us rebuild the infrastructure, and they want to see our kids get a good education. But you know what, they don't want to pay taxes to make that happen. They want ordinary people to pay the taxes. Republicans here want to increase military spending by $50, $60 billion. It is not the billionaires who are going to pay the taxes on that—they have their money in the Cayman Islands. It is the working class, the middle class, upper middle class who will pay, not the billionaires. They love America—except when it comes to accepting their fair share to make sure that we continue to provide the services our men, women, and children need.

The situation has become so absurd—and this is really how crazy it is—that one five-story office building in the Cayman Islands is now the home of nearly 20,000 corporations. This particular building in the Cayman Islands is called the Ugland House. It is five stories. I know that you can squeeze people into a building—sometimes three or four people live in a room—but I think it is a little bit hard to understand how 20,000 corporations function in a five-story building. Of course the answer is that 20,000 corporations do not function in this five-story building.

It is all a fraud. It is simply a mailbox address for 20,000 corporations that are in this building in order to avoid paying their taxes. They are stashing their profits and their wealth in corporations that use this building as a mailing address.

I know we are busy talking about so-called tax reform here, but in the United States alone, offshore tax evasion costs our government about $166 billion in lost revenue each and every year. That is a lot of money that could be used to rebuild our crumbling infrastructure—our roads, our bridges, our water systems. One trillion dollars—that is 8 or 9 years of that $166 billion—could create up to 15 million good-paying jobs. That is money that could be used to provide universal pre-K for our children so that when kids get ready to go to school, they will be prepared to do the work there. But instead of cracking down on offshore tax schemes, President Trump and my Republican colleagues in Congress are working overtime to pass legislation that would make this absurd situation even worse.

At a time when corporations are making recordbreaking profits, my Republican colleagues want to slash taxes for companies that are shifting American jobs to China and American profits to the Cayman Islands. At a time of massive wealth and income inequality, President Trump and the Republicans in Congress want to cut taxes for billionaires by repealing the estate tax on families who inherit over $5.5 million. I think the American people grasp the unfairness and the absurdity of the Republican tax proposal.

The top one-tenth of 1 percent own almost as much wealth as the bottom 90 percent. The very, very rich are getting richer while the middle class is shrinking, and the Republican response is to give massive tax breaks to the top two-tenths of 1 percent—two-tenths of 1 percent. These are families like the Walton family, the wealthiest family in America, who owns Walmart, who would get up to a $50 billion tax break; and the Koch brothers, who have enough money to spend hundreds of millions of dollars trying to elect rightwing candidates to Congress.

There are massive tax breaks for billionaires and at the same time, an effort to throw up to 30 million people off of the health insurance they have, massive cuts in education, in nutrition, and in the programs that working families desperately need.

Instead of providing even more tax breaks to very profitable corporations and to billionaires and President Trump's Cabinet, maybe—just maybe—it might be a good idea to close offshore tax loopholes and demand a fair, transparent, and progressive tax system.

I hope the American people are catching on—as I believe they are—to what a fraud the Republican tax proposal is. Today, one out of five major, profitable corporations already pays zero in Federal income tax. You can't do much better than paying zero in Federal income tax and be a profitable corporation, but that is what is going on. Republicans want to make that even worse, and then they want millions of middle-class people, by the end of the decade, to be paying more in taxes. That is absurd, and I hope the American people stand up and demand that we do not go forward with that proposal.

HEALTHCARE

Mr. President, on another issue, I want to mention that there is a crisis in primary healthcare, and unless Congress acts immediately, that crisis is likely to become much worse. Millions of Americans are at risk of losing their access to healthcare because Congress has still not renewed funding for the community health center program, which expired on September 30.

Our Nation's community health centers provide affordable, high-quality healthcare to more than 27 million people. What community health centers do is not only provide high-quality primary healthcare but also dental care, mental health counseling, and low-cost prescription drugs. Community health centers not only save lives, they also end up saving money. What they do is keep people out of emergency rooms and keep people out of hospitals because people can now go to the doctor when they should. The savings are also, really, quite significant. Investing in community health centers keeps people healthier, keeps people alive, and saves taxpayers' money.

Not only do we have to renew funding for the Community Health Center Program, but we must also improve and expand the National Health Service Corps, one of the, really, very positive health programs that the Federal Government runs. What this program understands is that for a variety of reasons, including the fact that many young people leave medical school being $300,000, $400,000 in debt, it is very hard to get young doctors, dentists, nurses, and nurse practitioners to underserved areas in rural America or in urban America. What this program does is provide debt forgiveness and sometimes scholarships for young graduates of medical school or nursing school or dental school and says: If you are prepared to practice in an underserved area, we will forgive your loans. That is a big deal in attracting providers to areas in which we desperately need them.

The bad news is that, as every American knows, this Congress and this country are very politically divided. That is no great secret. The good news and the truth is that in terms of community health centers—Senator Ted Kennedy was one of the founders, who worked with Republicans—from the inception of the program, there has been a widespread understanding on both sides of the aisle that communities all over America in every State in our country are benefiting from community health centers whether they are in rural areas or whether they are in urban areas or anyplace else in between.

What I am very happy to note is that there is excellent legislation—bipartisan legislation—here in the Senate, introduced by Senator ROY BLUNT and Senator DEBBIE STABENOW, that would reauthorize these successful programs for 5 years and provide modest increases in their funding. This program not only has the support of virtually, perhaps, every Democrat or every Member of the Democratic Caucus, but I think it has at least 9 or 10 Republican cosponsors. I believe, if that bill were to be brought to the floor of the Senate, it would pass with overwhelming support because every Senator here knows of the excellent work that is done by community health centers from one end of this country to the other.

I hope that this issue will get the attention it deserves. It should have been funded at the end of the fiscal year. It wasn't. I just talked to a physician in Burlington, VT, who works for a community health center. They are worried, and doctors and nurses all across this country are worried, as are patients, about the lack of reauthorization of this very important bill.

I hope that this bill will get moved very quickly along with the CHIP program. There is bipartisan support for it, and I hope that we can get it to the floor and get it passed as quickly as possible.

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

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

VETERANS DAY

Mr. BLUNT. Mr. President, this coming week will mark Veterans Day. It is an important time for us to reflect on what veterans do for us and what their families do for us. The sacrifices of both those who serve and those who support those who serve are incredibly important.

We have half a million Missouri veterans, and one of the great privileges of this job is to get to represent them, their values, and the commitment to freedom in our country that they stand for.

A couple of weeks ago I had the opportunity to welcome a group of southwest Missouri veterans who came to Washington with the Honor Flight program. I think the Presiding Officer also does this, but every time I get a chance, if there is an Honor Flight from our State, I try to get down there because it is a great time to see and to talk to and to thank those who have served us.

When the Honor Flights started 20 years ago or so, there were still some

World War I veterans coming, and then they were almost all World War II veterans. Today we see some World War II veterans, Korea veterans, and Vietnam veterans, all of whom serve in the great tradition of being willing to fight for the freedoms that we enjoy every day. I find it humbling and gratifying to know that those veterans get to come here and enjoy the day with each other. In many cases it is the first time they have ever been to the Capitol, the National World War II Memorial, Arlington, and the other places on the trip that now so many tens of thousands have taken.

Many of those veterans whom I saw the other day and whom I have seen through the history of the Honor Flight program were just teenagers when they answered the call to serve—basically, a little more than high school kids who knew that something needed to be done and they were able and willing to do it. They fought difficult battles and, in some cases, often under unbearable conditions. Some of them lost their closest friends in the military. Many of them lost comrades in arms. Some of them lost comrades right beside them. Some of them lost people who went out on another mission and never came back. Some of their families lost a servicemember who never became a veteran.

I was down in Perryville, MO, a little town between Cape Girardeau and St. Louis, on the Mississippi River. They are building an exact replica of the Vietnam Veterans Memorial—the Vietnam wall. We were able to present a flag to the group that raised the money and made the plan to replicate the Vietnam Veterans Memorial on the Mall to take it back and become part of the Vietnam memorial at Perryville.

Our veterans are an extraordinary group of men and women. They really stand for the best we stand for as a nation. It is important that with not just honor them on Veterans Day but honor them every day—every day that we live in this free and prosperous Nation that they helped defend.

Admittedly, it is hard not to take all of the freedoms that we enjoy for granted because generations of Americans have been willing to fight and die to protect those freedoms. Because of that, generations of Americans have benefitted from those freedoms, and it seems to us the way people should be able to live everywhere. Maybe too often we think it is the way people do live everywhere, but in many parts of the world, having the security to walk out the door every morning, to drop your kids off at school, to go to work and earn a living, to worship as you please, and to build a better life is not available to people in other countries the way it is here. That is the debt of gratitude we owe to our veterans.

This year, one of the areas of great legislative success has been in the work for veterans. Chairman ISAKSON of Georgia is going to follow me on the floor in just a few minutes. He is the chairman of that committee. He has a great committee, but they have a great chairman. That committee, with its chairman, and the committee in the House have passed eight bills, at least, that the President of the United States has signed into law that do a number of things for our veterans.

We have built on previous progress for improving veterans care. A few years ago, we made the decision that veterans need to have more choices. A veteran shouldn't have to drive by a hospital they would like to go to in order to get to a hospital miles and miles away. They shouldn't have to pass three or four facilities that could do as good a job or better in order to get to a veterans facility.

There are some things our veterans facilities should do better than anybody else. They should be better at dealing with post-traumatic stress better than anybody else, although they may not be as accessible. They should be better at dealing with patients who have suffered from IED attacks, eye injuries, people who work with veterans in prosthetics, and those patients who have lost arms and legs in the service of our country. They should be pretty good at that. There is no particular reason they should be good at open heart surgery or kidney dialysis or all the other things you go to the hospital for, if that is where a veteran wants to go. We found out that a lot of veterans would rather go closer to home. A lot of veterans would like to go to the hospital they are more familiar with when they need their own healthcare. They would like to go to the hospital they have been to lots of times with other family members and others.

So we really expanded the Veterans Choice Program and expanded the money available for that program. We try to create these opportunities side by side with an existing facility. There has to be some startup money involved, but, eventually, I think our young veterans will find that they can almost always find a hospital they would rather go to or a doctor they would rather see.

We have increased compensation for veterans with service-connected disabilities. World War II veterans, such as Arla Harrell from St. Louis, who suffered a lifetime of illness because he was part of a mustard gas experiment, is finally getting both compensation and the recognition that throughout his lifetime his health was impacted by something that happened while he was serving his country.

We have continued efforts to address the problems at the Veterans' Administration by passing legislation to modernize the outdated benefits claims appeals process to make it easier for VA employees to be fired for misconduct.

We want to protect employees who point out what is wrong. There have been plenty of whistles being blown at the VA over the last decade. While we want to be sure people can blow those whistles, we also want to be sure that the VA can quickly and effectively remove employees who are not doing what they ought to be doing and, in fact, are aggressively doing, in some cases, things they shouldn't be doing.

We worked to expand the possibility and the opportunity for education benefits by expanding what can happen under the post-9/11 GI bill, helping to connect veterans with employers who provide benefits and programs. The HIRE Vets Act, a bill I sponsored in the Congress, was part of the first major pieces of legislation the Congress passed this year. I think that, sometime in the next few weeks, the Department of Labor is going to be talking about how we will recognize and evaluate employers who hire veterans, who give veterans credit for skills they learned in the military, and who promote veterans. To every employer who hires veterans, that is a good thing and we should want to do that. The HIRE Vets Act, like the LEED standard for energy, creates a standard so that we can recognize companies that do that in a significant way. I am pleased that Secretary Acosta in the Department of Labor has put that on a fast track so these companies can be recognized for what they do.

Our veterans have worked hard and have put themselves in danger to keep us safe. As legislators, we owe them, as we owe those who follow in their footsteps, our continued efforts to ensure that those defending our country have everything they need and to show that we are also grateful to those who have defended our country in the past.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to thank Senator BLUNT, the distinguished Senator from Missouri, for his eloquent remarks on veterans and in support of all the things the Presiding Officer and I have tried to do on the Veterans' Affairs Committee and for pointing out the many reasons we in America are so proud of the veterans in service, who allow you and I to be here today. Were it not for our veterans, this Republic would not exist.

I was wondering how I would start out this speech. I did an interview with a reporter who wanted to ask me a number of questions about the current administration and what we were doing for veterans. It turned out to be a 35- or 40-minute interview.

I said I had to go, and he said: I have one more question for you.

This was by phone. So I couldn't look him in the eye, and he couldn't see me.

He said: I have one more question for you.

When you hear that from a reporter, that means the zinger is coming.

He said: Don't you think we could save a lot of money if we didn't fight in any more wars?

I thought for a minute. I said: We probably could, but there wouldn't be any reason for you and me to exist if we didn't fight any more wars, because

America is the place where everybody wants to be because we are safe and we are free and we are independent, because we fight and defend what we have as a country. I thought I would bring that up in my speech today because that is the reason we celebrate veterans today. So we give thanks to the men and women who volunteer, who served our country in the wars overseas, in the battles overseas, and, sometimes, in the challenges domestically to protect us and keep us free.

America is a great country. We don't find anybody trying to break out of the United States of America. They are all trying to break in and for a very good reason. It is a safe and free place to raise a family, to start a business, and to serve in many other ways.

So this year, on the 11th day, at the 11th hour and the 11th minute of November, when we celebrate Veterans Day, pause for a minute to say thanks for those who have come and gone and for those who are still here who fight to serve and protect us.

Always remember that the Congress, shortly after the end of World War I, decided that the 11th day—the day the armistice was signed—of the 11th month, November, with the 11th hour being 11 o'clock in the morning, would be the time the bell would toll to celebrate and pay tribute to those veterans. So at 11:11:11 this November 11, we are all going to toll that bell one more time to give thanks for our veterans for all they have done for us and for all they will do for us in the future.

It is best, when you talk about veterans, to talk about them as the people they were and the people they are, whether they are alive or whether they have passed on. I want to talk about two veterans whose paths have crossed my life to point out why we owe them so much and why we have so much to be thankful for. One of them is Jackson Elliott Cox, III of Burke County, GA, which is the Bird Dog Capital of North America. It has raised and trained more bird dogs than anywhere else in the country. It is the home of a nuclear power plant, the Plant Vogtle. It is a beautiful rural county in Georgia.

Jack was my best friend in college. We met in 1962; we graduated in 1966. I will never forget that the last time I saw Jack was when he was shipping out to go to OCS in the Marine Corps. Jack had decided when he graduated that it was more important for him to volunteer and fight for our country because of what was going on in Vietnam than do anything else, so he voluntarily joined the Marine Corps, went to OCS, got his commission as an officer, and became a captain in the U.S. Marine Corps. He fought and he died in Vietnam.

I will never forget the last words he told me when we put him on the bus from Waynesboro, GA, to Atlanta, ultimately, to be shipped out. What he said is: Johnny, I am sure I am coming back. Don't worry about me. Just pray for me. But in case I don't, make sure people remember who Jackson Elliott Cox III was.

I said: Jack, I will do that.

Sure enough, 2 years later he was shot and killed by a sniper in Vietnam. He lost his life at the age of 24. He was the finest human being I had ever known, the nicest guy I had ever met, and my favorite friend in all of my life. He was taken from me because he volunteered to serve and fight for our country.

I am going to keep today on the floor of the U.S. Senate the promise I made to him at the bus station. I want you to know who Jackson Elliott Cox III was. He was a good old country boy from South Georgia who volunteered to serve his country and risked his life and gave his life so that you and I could be here today.

There are thousands of Jackson Elliott Coxes all over the world. In fact, there are millions all over the country. There are hundreds of thousands of them, and we have so much to thank them for because less than 1 percent of our population has worn the uniform, been in the battle, and fought to save us and protect us as Jackson Elliott Cox did.

When you have your chance to meet and become friends with a veteran—and all of you will—remember you owe them a debt of gratitude. At some time, when you get the chance to pay that debt back, do what I am doing today. Don't let their memory ever be lost or forgotten no matter where you go or where life takes you because you wouldn't get to where you are going, had they not allowed you to be safe and free to travel that route.

The second name I am going to mention is Noah Harris. Noah was from Ellijay, GA. Noah was a cheerleader at the University of Georgia. On September 11, 2001, he turned on his television to see 3,000 innocent citizens, most of them Americans, die in the Twin Towers when al-Qaida and Osama bin Laden and the axis of evil attacked our country, took our innocence, killed our people, and changed the world forever.

Noah was a cheerleader. We don't have a mandatory draft anymore. You don't have to serve, and he was not serving. He was going to graduate in a year and a half. He wanted to be an architect.

The next morning, after 9/11, when he left his dorm, he went to the Army ROTC building at the University of Georgia campus. He walked in and said: I want to go to OCS. I want to go. After what I saw on TV last night, I want to go fight and get the people who did that to my country and my friends.

They said: No, Mr. Harris you can't do that. OCS is a 2-year program at the university, and you are graduating next year. You don't have enough time to do it.

He said: I will double up on my studies. I will do whatever. I want to go. I want to fight for my country and fight the axis of evil.

They let him in, and he did. He graduated with honors. A few months later, he graduated as second lieutenant from the U.S. Army at Fort Benning in Georgia. Before too long, he was in Gazaria in Iraq, a suburb of Baghdad, handing Beanie Babies out of one pocket while the other pocket of his field jacket had his ammunition. He was trying to win over the hearts of the Iraqi children while he was fighting to preserve freedom for them and return their country to some form of a democracy or republic, away from the captives of Saddam Hussein.

I knew Noah casually. I know his parents well—Rick and Lucy Harris. I know they have mourned every day since they lost Noah in Baghdad when he died in an IED accident, but I know how proud they are of what he did and why he did it. I am proud he was my friend, and I am proud to have known him as well. I am proud to be able to stand on the floor of the U.S. Senate today and talk about Noah Harris and talk about Jackson Elliott Cox, who were exemplary of all the others who have served in the military—men and women, rich and poor, Black and White, who have gone and fought the battle and borne the battle for us so that we could be where we are today.

It kind of reminds me of the person who went to Benjamin Franklin in Philadelphia shortly after the Constitution was adopted in Constitution Hall and said: Mr. Franklin, what have you given us?

He paused for a minute and said: ''A republic, if you can keep it.''

We have kept it. We have kept it because we have subscribed to the Constitution but also because we have a militia and a military. We are willing to fight for what we believe in, protect our citizens, and keep our country free. The country that our Founding Fathers gave to us, that was nurtured in the early days of this Republic, which now is hundreds of years old, is still there today for lots of reasons but, principally, the undergirding foundation is a strong and vibrant military.

When Veterans Day comes, give thanks for the veterans you know. Mention a couple of them, as I have done here, so their memory and their names never die, but also so we can lift them up at a time when we pause for just a minute to say thank you for the greatest country on the face of this Earth.

Senator BLUNT talked about our committee and what we have done this year. I want to take just a minute to reiterate some of the things he said. There are no Democratic veterans and no Republican veterans; there are only American veterans. They don't go to the battlefield as a partisan; they go to the battlefield as an American, and they fight for us whether we are Republicans or Democrats. They risk their own life and sometimes sacrifice it so that we can do what Ben Franklin said: Keep that republic. We owe them a lot. In fact, in many cases, we owe them everything.

We have had a mess at the VA in the last 10 years. They have been the lead story on USA Today more than any other agency in the government for failures of the VA to do the job that should have been done. Under David Shulkin, the Secretary of the VA appointed by President Trump, under the leadership of our committees in the House and the Senate, and under a commitment to bipartisan service by all our Members—which means we do almost everything unanimously and, if not unanimously, almost unanimously because it is not about getting Republican credit or Democratic credit; it is about doing the right thing for the right people who have done so much for us—we passed the Whistleblower Protection Act this year to give whistleblowers in the VA the protection they need to go and turn in to the authorities those employees in the Veterans Administration who are not doing their job. We have given them the safe harbor they need to encourage them to help us root out problems, and we are doing that.

We passed the accountability bill to shine the light of sunshine on the employees of the VA and to give the authorities in the VA the ability to terminate and fire, if you will, for cause an employee who is not doing the job they should be doing for our veterans. So we hold a standard of accountability up a little higher for our employees in the Veterans Administration.

We are magnifying choice so that our veterans can have more choice in their healthcare. We can use the private sector as a force multiplier so that the government doesn't have to hire all the doctors and physicians and assistants to service the VA. We can get them in the private sector as well.

In the 21st century GI bill, we finally made sure that the GI bill applies to everyone, not just World War II or Vietnam war-era veterans but veterans of all conflicts and of all times.

We have done everything we can to see to it that the benefits, which we promised them would be there when they left the military, are there for them in retirement and in their later life. The sacrifices they make are great, and the sacrifices we have made to save our veterans are great.

Today veterans come home from the battlefield 90 percent of the time when they are wounded. They come home, whereas, in World War I, 10 percent came home, and 90 percent died on the battlefield. But because of the advancements we have made in armor and protection and healthcare services, a lot of veterans today live when they would not have lived just 25 or 30 years ago.

The injuries they sustain are far greater than any injuries we have known in warfare before. The signature illnesses are PTSD, post-traumatic stress syndrome, or traumatic brain injury or a prosthesis for an arm or a leg or an eye or some part of the body that is lost in battle. But the trunk of the body is protected by new Kevlar vests that are impenetrable by a bullet, so most of them succumb to IEDs and explosives and things of that nature.

We have the healthcare to provide them with the best possible rehabilitation we can, but you can never really replace a leg or an eye or a body part. Once somebody has sacrificed it forever, they wear the burden of the battle and of war.

We have an obligation, as the Veterans Administration, as the Congress of the United States in the House and the Senate, to see to it that we back up those promises our recruiters made when they came to join the military, to see to it that they get those services from their Veterans Administration.

Dr. David Shulkin is doing a phenomenal job. My ranking member, JON TESTER, Democrat from Montana, is doing a fantastic job. The House committee is doing a great job. The Members of the Senate are doing a great job.

In a week and a half, we are going to have our final bill of the year which, when we pass it, will make us 8 for 8. We will have totally reformed the VA and worked with the VA to reform it in such a way that our veterans get better service, our taxpayers get more accountability for the dollars we spend, and America remains the great country it has always been—safe and free because of those who volunteer to fight and are willing to die on behalf our country.

So sometime on the 11th day and, hopefully, at the 11th hour and the 11th minute of that hour on November 11, you will pause for a minute and remember I told you that is when we celebrate Veterans Day because, at the time the armistice was signed in World War I, our country decided that would be the perfect time to remember all those who have fought in the past.

Let's look around, and every time we see a man or woman in uniform, stop and say ''Thank you for your service'' because those are the people who are risking their lives so that you and I can do whatever it is we choose to do in this land of the free and home of the brave.

There are lots of things to be thankful for but nothing more important than the men and women of the U.S. military. May God bless our country, may God bless our veterans, may God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am very pleased to have the opportunity to speak today on the floor of the Senate after my esteemed colleague from the State of Georgia. My colleague is the chairman of the Veterans' Affairs Committee, and I just want to express my appreciation for his commitment and his work on behalf of all of our great veterans.

Like him, I rise today to speak in tribute to our veterans and men and women in uniform and all that they do for us.

This weekend at events across the country, we will pay tribute to the fine men and women who have served in our Nation's Armed Forces. Every day—but especially on Veterans Day—we honor these soldiers who have left the comforts of home and family to defend our freedoms and fight for our way of life.

Our freedoms have been secured by the sweat and sacrifice of courageous men and women who, throughout our history, have bravely done what was needed to protect our great Nation. We also recognize that those who serve do not serve alone. We appreciate, too, the sacrifices of the families and the loved ones who have supported our veterans in their service.

This Veterans Day, we will honor military members from our ''greatest generation'' to those men and women fighting in the War on Terror today. These Americans understand best the words of President Ronald Reagan when he said:

> Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

These men and women who have fought for and protected our country have given so much, and we cannot do enough to thank them, whether they returned from Active military duty 7 days ago or seven decades ago.

Although we can never repay our debt of gratitude, one of the most tangible ways we recognize our veterans' service is by providing these men and women with quality healthcare and support services, including education and work opportunities. With that debt in mind, let me briefly outline some initiatives that we have been working on to provide for our veterans. Congress has passed significant veterans bills this year, including legislation that holds the VA accountable and ensures that VA employees are putting our veterans first and legislation that updates and modernizes the VA's benefit claims and appeals process, reducing wait times for our veterans.

Additionally, one of my top priorities is ensuring that our veterans have access to healthcare options closer to their homes and their families.

This includes improving veterans' access to services under the Veterans Choice Program and building on the success of the Veterans Care Coordination Initiative at the Fargo VA Medical Center in my home State. This effort has decreased the wait time for scheduling an appointment under Veterans Choice from 24 days a year ago to 5 or 6 days at present. This initiative can serve as a model to help address delays in scheduling appointments through the Veterans Choice Program across the Nation.

We invited Secretary Shulkin, from North Dakota, to see this firsthand, and our Veterans Care Coordination Initiative has since been expanded to

the VA facility in Helena, MT, as well. We believe it will be expanded to other locations across the country.

We also passed an extension of the Veterans Choice Program earlier this year and secured $2.1 billion in additional funding for the program. This gives us time to work with the VA on the next phase of the program. In addition to Veterans Choice, we are working to improve local access to long-term care for our veterans.

We secured a commitment from Secretary Shulkin to work with us on the Veterans Access to Long Term Care and Health Services Act. We have now introduced this legislation in the Senate, and a companion bill has been introduced in the House of Representatives. The legislation would remove burdensome redtape that prevents nursing homes and other healthcare providers from accepting veteran patients. Our bill allows the VA to enter into provider agreements with qualified healthcare and extended care facilities, bypassing complex Federal contracting requirements. This will give veterans more options to access long-term care services closer to their homes, their families, and to their loved ones.

In addition, earlier this year, Congress passed—and the President signed into law—the forever GI bill, which improved and extended veterans' access to education and workforce opportunities. This is part of our efforts to ensure that we are supporting our veterans as they transition back to civilian life and work here at home. These are just a few examples of our efforts to ensure our veterans have the resources and the support they have so richly earned. While we cannot say thank you enough, in this way, we can honor their courage and their sacrifice.

We honor Veterans Day because we have the greatest veterans in the world who have committed themselves to protect our Nation, and in so doing, they have transformed this country into the greatest the world has ever known. May God continue to bless our veterans and this great Nation that they have been protecting and make sure we honor the selfless service of all our men and women in uniform, of all our veterans, not only on Veterans Day but every day.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. TILLIS. Mr. President, I appreciate the kind words of Senator HOEVEN and his affinity toward veterans. I am here to talk about our veterans as well.

I come at it from three different perceptions. I chair the Military Personnel Subcommittee in the Senate Armed Services Committee. We are trying to work on things to make sure that when somebody goes out of Active Duty into veteran status, we make it as productive as it can be, making sure they enter back fully into the workforce, the education opportunities, and all the kinds of opportunities that are afforded them as a result of serving in our armed services.

I also want to take a minute to talk about the person who served but never wore a uniform, and that is the husband or the wife or the children whom, on this Veterans Day, we should also thank.

A lot of times, when I have an opportunity—I live in Charlotte, NC, where we have nearly 800,000 veterans. It is one of the largest populations of any one State—I make a point to get to the airport a little bit early so I can go up to the USO and just spend a moment meeting with people who are there transitioning from Active Duty and veterans to thank them for their service. Oftentimes, I will thank a man or woman, and they will say: I didn't serve; my husband or my wife did. I will say: By virtue of your being a military spouse, you served, as did your children.

On this Veterans Day, let's make sure we expand those thank-yous to include everybody who is affected when somebody is deployed in a dangerous place or even serving in peacetime. It is a great sacrifice, and it is one we should always show our gratitude for.

As I said, in North Carolina, we have about 800,000 veterans. We also have one of the highest military concentrations of any State. It is the home of the Global Response Force at Fort Bragg, with over 65,000 men and women serving and 38 generals. You go down closer to the coast and you get to Jacksonville, NC, where we have Camp Lejeune. There is a debate over the pronunciation so I will pronounce it both ways, but there we have nearly 45 percent of the Marine Corps. Many people don't realize that. Stationed out of North Carolina, we could go to Seymour Johnson, we could go to New River, or go to Cherry Point and see these men and women serving every day—and the ones who served before them who are now part of our veteran population. We should thank them all for their current service or their past service.

I say to the Presiding Officer, the Senator from Arkansas, I want to thank you for your service because you served bravely in combat positions before entering the Senate. That is another amazing thing about the veterans. They continue to serve. If you go to a coffee shop, you may see a huddle of veterans around somebody who is organizing the event. That is probably a veteran making sure veterans are speaking with each other and working through some of the challenges some of them have when they are put in very difficult situations or, if you go into a community center, you will almost always see a veteran there continuing to serve, even after they ended their Active-Duty service.

On Veterans Day, we should make it a point to go to every person we know who is a veteran and thank them. We should make sure that everybody we see in uniform—I will be at the airport probably Thursday evening or Friday. I will make it a point to go to every single person I see in uniform and thank them for their service. We owe that to them for all they do for us.

I think, on the one hand, we need to think about veterans, especially on Veterans Day, but as Senator HOEVEN said, we need to think about them every day. As a Senator, the way we do that is not just by thinking but by doing. What more can I do in my capacity on the Veterans' Affairs Committee or in my capacity on the Senate Armed Services Committee to make service easier and safer? After they move out of Active status to veteran status, what more can we do for them? There are a lot of things we can do; one is to make sure they get an opportunity to have a job that, in many cases, will leverage the skills they learned when they were in the military into private sector jobs.

Mr. President, you and I sponsored a bill—the VALOR Act—that will be brought up before the Senate that helps to actually expedite the process of having those who have served in the military to get hired. It makes it easier for employers to put them in apprenticeship positions, where maybe they leverage some of the skills they learned while on Active Duty but get them in good-paying jobs to support themselves and their families.

There are a number of other things we have to do for others who are veterans that I think are particularly important. When we talk about post-traumatic stress or talk about traumatic brain injury, those are, in some cases, invisible wounds of war. We need to make sure and understand why it is that nearly every day 20 veterans take their lives through suicide. To what extent could that be something we just simply didn't know about that veteran? Why are they disproportionately more likely to do it? Many of them, incidentally—the veterans today who have this disproportionately high amount of suicide incidents—are veterans from the Vietnam war. We need to figure out how to reach back to that population—a significant number of whom never seek VA medical services—to provide them with the resources they need to work through these sorts of challenges.

We need to make sure healthcare is available across the map. We need to recognize that challenge in North Carolina is vastly different than the same challenge in, say, South Dakota.

We have a State population of 10 million people—almost approaching 1 million veterans. When you include the spouses and families, it is well above it. We need to make sure they are getting healthcare and services where it is most convenient for them. I think some of that will be providing them with a choice to go to the doctor who makes the most sense for them. A lot of it will be providing a brick-and-mortar presence of the VA so they can be

among other people who are actually dealing with the same sorts of circumstances, and they are actually being served by—about half the population in our veterans hospitals and our healthcare centers are veterans themselves.

This is a very important part of the broader solution we need to provide to our veterans as we continue to build a relationship with them for the rest of their lives. We will never finish all the work we should do. We will keep on making installments into a debt we can never repay, but what we need to do on November 11 is support our veterans by showing our gratitude and our thanks for their service. On this Veterans Day, make an extra effort to thank a veteran. Thank a veteran spouse. Thank the child of a veteran for their service to this great Nation. We will never be able to fully repay the debt we owe them, but we can make a lot of installments as individual citizens and as Members of this Congress. As long as I am in the Senate, that is what I intend to do.

I say to the Presiding Officer, thank you, again, for your service, and thank you to all the men and women who served before.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. MURRAY. I ask unanimous consent that I be allowed to speak as in morning business.

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

HEALTHCARE

Mrs. MURRAY. Mr. President, I appreciate all of my colleagues from both sides of the aisle who will be joining us here this afternoon and thank them for their leadership on our legislation and for taking the time to speak today.

We are now exactly 1 week into open enrollment, and it has been 3 weeks since Chairman ALEXANDER and I put forward a bipartisan bill to stabilize our healthcare markets and lower patients' healthcare costs. So I wanted to come this afternoon to talk for a few minutes about what it means that so many people nationwide are signing up for coverage and why there is no good reason for Republican leadership to wait another minute before bringing up our bill for a vote.

It is still early, but what we are seeing so far is that millions of people across our country are going to healthcare.gov to shop for coverage. Some 200,000 signed up on the first day. That is more than double the amount from last year. The vast majority will get tax credits to help cover their costs. In fact, some who are struggling the most will find they can save even more this year because of how our current healthcare system absorbs cost increases.

But there is no question that premiums are going up in many places and that fewer coverage options are available and not every consumer is protected. One woman—Melissa—told the Washington Post this week that she is ''joining the ranks of the uninsured'' for the first time in her life as a 51-year-old. She said that she doesn't qualify for subsidies and that given how much her premiums would increase, her insurance costs would have been more than her mortgage payments each month. Melissa is one of the people paying the price for President Trump's healthcare sabotage and the Republican leadership's—so far—willingness to cheer him along.

It is unacceptable that patients and families are having to take on this burden. Let's remember that when someone goes to sign up for healthcare coverage, they are not doing it as a Republican or a Democrat, they are doing it as a parent or a caregiver or a business owner who wants to stay healthy and financially secure.

Here in Washington, DC, healthcare has become bogged down in politics, but in cities and towns across the country, it is about taking care of yourselves and your loved ones. That is why so many people are going online to shop for coverage despite the President's insistence that healthcare in the United States was going to ''implode,'' regardless of the fact that to make implosion a reality, President Trump—among his many other efforts at sabotage—shortened the enrollment period this year and gutted investments in outreach and advertising and caused premiums for those people to increase by double digits on the average. Patients and families deserve so much better.

I have said it before: The frustrating thing is that all this could have been avoided. Way back in September, Chairman ALEXANDER and I were on the verge of an agreement to stabilize healthcare markets and lower premiums for the coming year and for 2019. Our agreement would have provided multiyear certainty on the out-of-pocket cost reduction subsidies that President Trump decided to stop paying even though the law says he is required to do so. Had we been able to move faster, our legislation would have resulted in lower premiums right away for 2018. But Republican leaders pressed the ''pause'' button on bipartisan negotiations so they could try one more time to jam partisan repeal through the Senate, and we lost a lot of precious time.

Our bill, the Lamar Alexander-Patty Murray Senate bill, would do a lot of good right now and over the next years. If Republican leadership takes up our legislation now and passes it, families would see rebates this year and lower healthcare costs next year because our bill is designed to ensure that the benefit of greater certainty is passed on to patients and taxpayers, not hoarded by insurance companies.

Our deal would also invest in open enrollment and outreach for 2019, so more people would be covered. It would allow States more flexibility to innovate as the Affordable Care Act always intended. It would mark a critical step away from this harmful partisanship on healthcare and toward working under regular order on solutions that make healthcare work better for the people we serve.

Finally, this legislation would send a critical message to patients and families that when Congress sets aside partisan difference and focuses on what is best for our country, we can deliver a result, as Chairman ALEXANDER often says.

More than 200 groups representing doctors, hospitals, State officials, Governors, and patients have endorsed our bill. The nonpartisan Congressional Budget Office says it would do exactly what it was intended to do—stabilize markets and bring down healthcare costs—while returning $3.8 billion to taxpayers.

Twelve Senate Democrats and 12 Senate Republicans cosponsored it. We are continuing to build support, and there is no question that it would pass here with a filibuster-proof majority if it were brought to the floor. And while the Senate shouldn't need President Trump's signoff to take a position on ways to fix the Nation's healthcare system, the President has supported this process moving forward.

So here we are, and right now it is up to Republican leaders. They can choose to stay in a partisan corner and reject an opportunity to lower patients' healthcare costs in a bipartisan way, or they can do what people across the country want them to do and put patients over politics.

I do want to note that if Republican leaders hadn't gotten the message, voters made it pretty clear last night that they reject the deeply harmful partisanship we have seen on healthcare.

It is well past time for Republican leaders to give up the ghost on TrumpCare, declare it dead, and work with Democrats to get real solutions. That starts with our bipartisan bill to lower healthcare costs and stabilize the markets, because if they don't, they can be sure they will be held accountable.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to join my colleague from Washington, Senator MURRAY, and congratulate her and Senator ALEXANDER on being able to reach agreement to move forward to address the uncertainty in the marketplace.

Like Senator MURRAY, I also want to begin with what we are seeing going on in this open enrollment period. Despite all of the efforts to undermine the Affordable Care Act, to shorten the time

period in which people can sign up, to make it more difficult by having the site closed for part of Sundays, we are seeing a record number of people enroll in the initial days of open enrollment.

According to news reports, on the first day alone, about 1 million people visited healthcare.gov and more than 200,000 people selected a plan for 2018. That is almost double the number who signed up last year on the first day.

For anybody who is still thinking about it, you have until December 15, so sign up early. As my colleague from New Hampshire, Senator HASSAN, says, it is the best Christmas shopping you can do—take care of your healthcare. Go to healthcare.gov and shop around, get the best deal, and enroll during this open enrollment period.

This surge in signups is especially remarkable in light of the widely publicized efforts by the Trump administration to depress enrollment. The administration has slashed the advertising and outreach budget by 90 percent, cut the open onrollment period by half, and shut down the marketplace website for 12 hours on Sundays, taking away valuable weekend hours when people have free time to explore plans.

I think the healthy volume of enrollments sends two very important messages.

First, it shows again that ordinary citizens, faith groups, insurance navigators, and other private organizations have done an amazing job of filling the outreach void that has been created by this effort by the administration to cut back on letting people know about the website and how to enroll. Those folks have spent countless hours getting out the word that the Affordable Care Act remains the law of the land and that those who qualify for financial assistance can purchase high-quality, affordable coverage.

The second message that I think is important from this strong enrollment is a message that has been echoed in recent public opinion polls. It is one that we saw in the turnout in the Virginia elections last night. It is that a clear majority of the American people support the Affordable Care Act, that they reject efforts to sabotage it and they want Members of Congress to work together to strengthen it, just as Senator MURRAY said.

I am very pleased that we have come together in the Senate to do just that. We have come together in support of bipartisan efforts led by Senator MURRAY and Senator LAMAR ALEXANDER, the chair and ranking member of the HELP Committee. They have come together to stabilize the Affordable Care Act and the marketplaces and bring down premiums. I am proud to be one of the 12 Democrats who were original cosponsors with 12 Republicans of this legislation. This balanced agreement, which was negotiated by Senators ALEXANDER and MURRAY over many months, is our best bet for restoring stability to the marketplaces in the short run and giving us the time we need to negotiate longer term to deal with other changes to the health law to make it work better.

I am especially pleased that the Alexander-Murray agreement provides for the continuation of cost-sharing reduction payments, or CSRs, which are payments that are necessary to keep premiums, deductibles, and copayments affordable for working families. They are extended for 2 years in this bill. Without these payments, the cost of coverage will skyrocket, insurers will leave the marketplaces—as we have already seen, as the Trump administration has said they are going to discontinue those payments—and millions of people will lose their health coverage. This is an opportunity for us to keep that from happening. Both Democrats and Republicans have recognized that these cost-sharing reduction payments, these CSRs, are an orderly, necessary subsidy that keeps down the cost of health coverage for everyday Americans.

In recent months, I have heard from hundreds of people across New Hampshire about the enormous difference that healthcare reform has made in their lives. We are a small State—we have just over 1.3 million people—but nearly 94,000 Granite Staters have gotten individual health coverage through the Obama marketplace, and nearly 50,000 have gotten coverage thanks to the Medicaid expansion, which had bipartisan support in New Hampshire. So that is about a tenth of New Hampshire that is covered either through the Affordable Care Act or through the expansion of Medicaid. And for us in New Hampshire, it has been particularly critical in responding and providing treatment to those people with substance use disorders.

Patricia Tucker has written to me. She is a substance use disorder counselor in Northfield, NH, and she talks about how grateful she is for the Medicaid expansion. She writes:

> I am seeing people come for help that were not able to get help in the past because they couldn't afford it. They are getting help and remaining abstinent. If one mother gets clean, this affects so many others.

She goes on to say:

> [I treat] one mother who has two children. She now cares for these children and has a full-time job. In the past, she lived off the state and did not care for anyone, including herself. Multiply this by thousands, just in New Hampshire, and this makes such a big difference.

And think about how across the country we have affected people with substance use disorders because they can now get treatment.

I agree with Patricia Tucker and so many others who have contacted me about the Affordable Care Act. We are grateful for the progress, and we refuse to be taken backward. That is why the bipartisan agreement hammered out by Senator ALEXANDER and Senator MURRAY is such an important breakthrough. This agreement stands on its merits as a good-faith, win-win compromise. But just as important and maybe even more important, these two Senators have given us a template for bipartisan negotiations on other critical matters that lie ahead, including tax reform, reauthorizing the community health centers and the Children's Health Insurance Program, and reaching an agreement on the 2018 budget.

The Senate is at its best when we observe regular order, when we honor the committee process, and when we work across the aisle and make principled compromises and get big things done for the American people.

In a Senate that is nearly evenly divided between Republicans and Democrats, bipartisanship is the only productive way forward. This is how the great majority of Americans want us to conduct the Senate's business, and this is especially true on matters such as healthcare and tax reform that impact families in New Hampshire and all across America.

I am grateful to people across our country who have gotten out the word about the health insurance open enrollment period that began on November 1 and continues through December 15. I am heartened by the surge in enrollments. I am encouraged by bipartisan progress in the Senate to stabilize the health insurance marketplaces. I certainly hope the leadership in the Senate allows this bill to come to the floor because we know we have the votes to pass it.

Instead of partisan efforts to undermine the law and take health insurance away from people, let's embrace the spirit of the Alexander-Murray agreement. Let's work together in a good-faith, bipartisan fashion to build a healthcare system that leaves no American behind.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise today to talk about the importance of bipartisan action on healthcare, as the Senator from New Hampshire just did.

Over the past year, I have traveled all around Minnesota to talk with individuals and families and community leaders about healthcare. I have heard from mothers and fathers who have been worried about losing the healthcare their children need to access lifesaving services. I have heard from daughters who have been panicked about how to pay for their parents' long-term care and prescription drug costs. I have heard from hospital executives in rural areas, much like the rural areas in Arkansas, who have been concerned about how they are going to keep their doors open.

What is abundantly clear from all of these conversations is that Minnesotans want Congress to work together to build on the Affordable Care Act, lower healthcare costs, and support policies that work. That is why I believe, first, that Congress must act immediately to

pass bipartisan legislation to stabilize the individual market. Second, we must do all we can to support strong enrollment in our health insurance exchanges so that all consumers, regardless of their health needs, can find high-quality, affordable health insurance coverage. Third, it is time to reauthorize the Children's Health Insurance Program. Let me take each of those in turn.

When Republican efforts to repeal the Affordable Care Act failed, the Senate Health, Education, Labor, and Pensions Committee got to work and developed a bipartisan plan to stabilize the individual market. As a member of that committee, I participated in numerous hearings with witnesses who spanned the ideological spectrum, solicited input from State and national leaders, and worked in good faith with all of my colleagues to develop legislation that is truly a compromise bill.

This legislation, referred to as the Alexander-Murray deal, will contain healthcare costs for consumers, provide certainty to insurers participating in these markets, and provide States with the flexibility they need to develop innovative, local solutions. I am proud of what we were able to accomplish.

What I am most proud of is that this bill includes a provision that will reverse a decision by the Trump administration that would effectively punish Minnesota for pushing forward a bipartisan plan to stabilize the individual market—a bipartisan plan in our State legislature.

Last year, after our State experienced dramatic premium rate hikes in the individual markets, State leaders worked together in a bipartisan way to pass a reinsurance program to contain these costs, but the program's enactment was contingent upon approval from the Federal Government.

After months of foot-dragging, the Federal Government finally approved the State's reinsurance plan as part of the 1332 waiver proposal, but the Federal Government simultaneously cut Federal funding for MinnesotaCare, which is another program in the State that provides affordable health coverage to working families. Thus, our State had to choose whether to support a bipartisan proposal to stabilize the individual market and lower premiums for consumers or swallow hundreds of millions of dollars in lost Federal funding. It was an impossible choice that was completely unnecessary. That is why I set to work to fix it.

After weeks of productive negotiations, I am pleased to report that the Alexander-Murray deal will prevent the Trump administration from imposing these cuts on Minnesota. But my State wasn't the only one threatened by potential funding cuts. The Alexander-Murray bill would prevent such problems from occurring in any other State as well, and it would do much more.

According to the Congressional Budget Office, this agreement would reduce the deficit by billions of dollars, lower premiums in 2019, and preserve coverage options for individuals and families. In short, it is not only good for Minnesota, it is good for the entire country. This bill is a bipartisan win-win-win.

Now our job is to pass this legislation into law. At the same time, we must do everything we can to drive up enrollment in the health insurance exchanges. Regardless of party, if we want to ensure that consumers have access to affordable, high-quality health insurance coverage, we have to get people to sign up for the coverage. More people equals better risk pools, which equals lower premiums. It is really that simple.

Look, the Trump administration has done everything in its power to undermine ObamaCare. It has halved the amount of time that people have to enroll in coverage, it slashed funding for outreach and enrollment efforts, and it deliberately misled consumers about the benefits of the ACA and individual requirements for coverage. But we have the power to combat these efforts.

Let's get people enrolled. Open enrollment started on November 1 and will end for most people on December 15. Minnesotans are lucky in that they have until January 14 to sign up for coverage. But everyone who doesn't receive coverage from their employer or through Medicare needs to sign up now, so I urge my colleagues to get their constituents to visit healthcare.gov and shop around and then enroll in coverage.

Lastly, it is time to reauthorize the Children's Health Insurance Program, community health centers, and the National Health Service Corps. These have always been bipartisan programs. There is no reason this should be any different today.

The anxiety that people in Minnesota and across the country feel about their access to healthcare is not inevitable; it is the result of political decisions made here in Washington, DC. Let's prove to the country that we are not here to fight with each other, we are here to fight for them. Let's show them that we can get something done. Let's take action to protect healthcare and give our constituents, at long last, some peace of mind.

Thank you, Mr. President.

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.

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

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

Ms. KLOBUCHAR. Mr. President, I rise today to call for bipartisan action on healthcare.

I think it was interesting to learn that the citizens of Virginia who voted yesterday listed as their top issue healthcare. There was obviously an issue there where there had been no Medicaid expansion, and they were unhappy with the way it had been handled by the legislature there as well as Republicans who were in charge of the legislature, and they appeared to be pushing for a change.

We have an opportunity here to make a bipartisan change. I think it is exactly the kind of message that we got yesterday. In my State, we have a Republican legislature and a Democratic Governor. They came together to do something about some of the rates, particularly in our rural areas. They focused on reinsurance, cost sharing—some of the things in the bipartisan agreement reached between Senator ALEXANDER and Senator MURRAY. We have 12 Democrats and 12 Republicans cosponsoring that bill. Support includes the American Cancer Society, the American Diabetes Society, the March of Dimes, and the Arthritis Foundation—and those are just the A's.

The American people want us to work together to make fixes to the Affordable Care Act. The day it passed, I said that it was a beginning and not an end. Unfortunately, we have been stymied in trying to make those kind of changes, and this is one bipartisan big opportunity to do it. I think it is a sensible bipartisan approach.

As we all know, both Senator ALEXANDER and Senator MURRAY held a series of hearings and discussions on commonsense solutions to bring down insurance costs with Senators on both sides of the aisle. There were Governors and insurance experts, and we worked hard to make sure there was some agreement on this bill. I fought for provisions that would help States apply for and receive waivers to give them some flexibility to construct their healthcare system and to bring down the costs without losing Federal funding. That is something my State did. As I mentioned, my State, with a Republican-led legislature and a Democratic Governor, came together to apply for a waiver and a reinsurance provision.

The bill would also expedite the review of waiver applications for proposals that have already been approved for other States that are experiencing certain circumstances—emergency circumstances—where they need to make changes.

The legislation also shortens the overall time period that States would have to wait for the Federal Government to decide whether to approve their waivers.

All of these are good fundamental concepts—this idea that States should have some flexibility, that they should be able to apply for waivers, and that they should be able to get their answers as soon as possible from the Federal Government. That is what this bill is about. Not only does the bill improve the process for waivers and flexibility for the States, like we have seen in Minnesota, where already the projected

numbers brought the rates down something like 20 percent, but the nonpartisan Congressional Budget Office says the Murray-Alexander bill would actually cut the deficit by $3.8 billion over the next 10 years. That is hard to argue with.

It is clear that this legislation could get support from both sides of the aisle to make healthcare better for Americans. We have a majority of Senators supporting this bill. So we need to get it done because the longer we wait, the more the markets don't know what is going on, the more confusion that is created, and the more the administration is doing things that sabotages the Affordable Care Act.

We need this stability in the system. Passing the bill would be an important step forward, but we still must do more to bring down the costs for middle-class families. A big part of that is addressing the skyrocketing costs of prescription drugs. I have heard from people across Minnesota who are struggling to afford the medicine they need. This is about the woman in Duluth who told me that she chose not to fill her last prescription because that one drug would cost a whole 25 percent of her income. It is about a woman in St. Paul who, even with Medicare, couldn't afford $663 a month for the medicine she needs. It is about someone from Crystal, MN, who told me: I am practically going without food to pay for the prescription. It is heartbreaking that this is happening in America.

Reducing the cost of prescription drugs has bipartisan support in Congress, and the President has said he wants to get something done. He has said: The drug companies are ''getting away with murder.'' Those are his words. That is what he said.

So what can we do? Republicans and Democrats could come together and act right now. I have a bill that has 33 cosponsors that lifts the ban that makes it illegal for Medicare to negotiate prices for prescription drugs for 41 million seniors. I think 41 million seniors are pretty good at getting bargains and deals, and they deserve to have someone negotiating on their behalf; that is, the government negotiating for Medicare. Except, why don't we negotiate, like we do for the VA, and like other countries do? We don't negotiate because there is a provision in law that says that the government is not allowed to negotiate on behalf of 41 million seniors with the drug companies. They are just set. Guess what that means. That is a big part of the reason why our drug prices are double the cost of those in Canada—because we are just taking it and we are not negotiating.

Another idea, bringing up Canada, is that Senator MCCAIN and I have a bill that would allow less expensive drugs to be sold in the United States. To me, that is a way of putting pressure on our own drug companies to put out better prices if they know there is going to be competition.

Senator GRASSLEY of Iowa and I have a bill to stop something called pay-for-delay. That is when big pharmaceutical companies actually pay off generic companies to keep less expensive products off the market. This bill would save taxpayers $2.9 billion. Do you know why? Because right now there is no competition or very little competition, and they are actually paying their competitors to stay off the market. The competitors have decided: Well, I get more money to be paid to stay off the market than if I actually competed.

Think about what a rip-off that is for the American people. We are allowing this to go on while the consumers are paying the price. How much? We know the government alone is going to save $2.9 billion if we stop this practice. Consumers would save most likely around that same amount because they are paying all the copays. Both the government is ripped off and the consumers are ripped off, and the only ones making money off of it are the drug companies.

Another idea is, Senator LEE and I have a bill that would allow temporary importation of safe drugs that have been on the market in another country for at least 10 years when there isn't healthy competition in our own country. Again, if your drug companies that are messing around, charging high prices and not allowing competition in—if you know there might be foreign competition coming in, that is an incentive because you want to then make sure that doesn't happen because you know that if you keep your prices high and you do things to disallow competition, you are going to have some major competition. I don't know how else we bring the prices down without allowing more competition.

I also have a bipartisan bill with Senators GRASSLEY, LEE, FEINSTEIN, and LEAHY, which is called the CREATES Act, to put a stop to other pharmaceutical company tactics, such as refusing to provide samples to generic companies that are supposed to be allowed to compete with them. According to the Congressional Budget Office, this legislation would save approximately $3.6 billion.

As we hear about tax reform and hear about the debt we might be seeing expand if something like this goes forward, then we ask yourselves: What is not in those bills? Why aren't we saving some money for the American people and reducing the debt by allowing for this competition, by allowing for the samples, by allowing for more generics, by stopping this practice of companies paying each other to keep their competitors off the market?

What this healthcare debate has been about for the last year, where repeatedly there have been attempts to repeal the Affordable Care Act—it has been about that. The American people made it really clear, they want to make it about something else. They want to make it about improvements to the system we have now to make it easier for them. One way is the Alexander-Murray bill, which I strongly support. I am one of the cosponsors. It is smart. It works with the States, both Democratic and Republican States—blue States, red States. We want to see that kind of flexibility. The other way is to take a stand, be willing to take on the pharmaceutical industry, and take on some of the cost issues when it comes to prescription drugs.

Let's come together in the Senate, as an initial move, and pass the Murray-Alexander bill. We must do that, and we must do it by the end of the year. Then we can go on from there to actually do something about the cost of prescription drugs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Mr. President, there are a number of matters where we disagree in the U.S. Senate, and they range from deeply held foundational beliefs to the smallest details of legislative language. Despite these disagreements, I believe there is a lot we can all agree on.

I hope I speak for every Member of Congress in saying that in this great Nation of ours, hard work should always be rewarded. If you play by the rules and do the right thing, you should have an opportunity to earn a good life for yourself and for your family. Our mothers, fathers, and others before us have worked hard to ensure that we have a fair shot at the American dream. Unfortunately, it feels like the fabric of the American dream has started to fray for far too many families. Even more troubling, we are seeing nominees from this administration who seem committed to actively unraveling the support and the protections that help workers get ahead.

Today we are considering the nomination of Peter Robb to be general counsel of the National Labor Relations Board. Mr. Robb would be responsible for ensuring safe working conditions and fair compensation for American workers. He would be tasked with protecting the treasured right of workers to engage in good-faith negotiations with their employers.

However, a brief look at Mr. Robb's career reveals a clear track record of working to undermine our Nation's workers and middle class on behalf of corporate executives. To Mr. Robb's credit, he is not trying to hide his record or run away from his record. All you have to do is visit his firm's website, and you will see the experiences he is proud to display. I believe it is a preview of how he will approach his position at the National Labor Relations Board. His self-proclaimed accomplishments include: advising large corporations on mergers, acquisitions, and plant closings; securing labor injunctions; and bringing suits against labor organizations.

When someone tells you who they are, believe them. While I certainly believe that every American and corporation is entitled to vigorous representation by their lawyers, I also believe Senators must evaluate every nominee's full body of work. Let's be clear about how Mr. Robb has chosen to spend his professional life: helping management close plants and cut jobs, suing unions, delaying workers' rights to collectively bargain, and defending companies that violate workplace safety and fair pay laws.

At a time when corporate profits and executive compensation have skyrocketed and worker wages are stagnant, I have no confidence in Mr. Robb's ability to be a neutral arbiter between labor and management, let alone advocate for the safety and the well-being of America's working men and women. Our Nation's workers deserve a nominee who will protect their right to negotiate for fair pay and safe working conditions, not someone who has spent his entire career litigating against workers. I will be voting against Mr. Robb's confirmation, and I strongly urge my colleagues to do the same.

I yield the floor.

Mr. ALEXANDER. Mr. President, today we are voting on the nomination of Peter Robb for general counsel of the National Labor Relations Board, NLRB.

As general counsel, Mr. Robb will have the important job of helping workers who feel their right to organize collectively has been violated or assisting employers when some of their employees want to form a union.

Mr. Robb will have an opportunity to help restore the Board to the role of a neutral umpire in labor disputes.

While partisanship at the Board did not start under the previous administration, it became far worse.

When the Board is too partisan, it creates instability in our Nation's workplaces and creates confusion for employers, employees, and unions.

For example, in 2015, at the previous general counsel's urging, an NLRB decision dramatically expanded ''joint employer'' liability, and this increased liability makes it much more likely a company will find it more practical to own and operate its stores, taking away the opportunity for a worker to own and run their own franchise.

This decision was the biggest attack on the opportunity for small business men and women to make their way into the middle class that anyone has seen in a long time, threatening to destroy the American Dream for owners of the Nation's 780,000 franchise locations.

Or consider the previous general counsel's aggressive application of the National Labor Relations Act to protect certain employees' belligerent, threatening, and discriminatory conduct.

One troubling decision involved an employer that fired a picketing employee who engaged in racist and offensive conduct on a picket line.

The Board found that the employee's remarks were ''racist, offensive and reprehensible,'' and violated the company's nondiscrimination policies and the union's conduct rules; yet the Board still ruled that the employer's discharge of the employee was unlawful.

This type of Board decision defies common sense and makes it more difficult for employers to maintain safe workplaces free of discrimination and harassment.

Mr. Robb is extremely qualified to be general counsel of the NLRB.

He currently works as the director of labor and employment at the law firm Downs Rachlin and Marin.

He served as chief counsel to NLRB Member Robert Hunter and was a regional field attorney for the NLRB in Baltimore.

Mr. Robb earned his B.A. in economics from Georgetown University and his J.D. from the University of Maryland School of Law.

His experience and prudence will serve him well at the NLRB.

I urge my colleagues to join me in voting to confirm Peter Robb for general counsel of the National Labor Relations Board.

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

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

NOMINATION OF WILLIAM WEHRUM

Mr. SCHATZ. Mr. President, the Senate has, actually, already considered Bill Wehrum to be the Assistant Administrator for Air and Radiation at the Environmental Protection Agency, who is the person in charge of the rules to administer the Clean Air Act at the EPA. This person has already been considered, and the Senate decided that he was not right for the job.

Over 10 years ago, President Bush nominated Mr. Wehrum to head the Office of Air and Radiation at the EPA. He was rejected because his 6-year record as an employee at the EPA told the Senators all that they needed to know. As the ranking member, Jim Jeffords, put it at the time: ''Mr. Wehrum's disdain for the Clean Air Act is alarming.'' If you disagree with the foundational Federal law that we use to keep our air clean, then it is hard to believe that you can competently lead the EPA's efforts when it comes to protecting our right to clean air. A decade later, nothing has changed. Mr. Wehrum has done nothing that should change our minds about his ability to lead the EPA.

This, of course, is part of a pattern. This administration continues to nominate anti-science, pro-pollution, climate-denying people to lead the U.S. agencies that are in charge of science and climate.

Scott Pruitt has denied a century's worth of established science and basic facts that say that climate change is real, urgent, and caused by humans. He now leads the No. 1 Federal Agency that is charged with working on climate change.

Then there is JIM BRIDENSTINE, who hopes to lead NASA, which is one of our Nation's top science agencies. He, too, is still on the fence about climate change.

Meanwhile, 13 Federal agencies, including the EPA and NASA, just published a dire report that reads that greenhouse gases released by human activity are to blame for rising temperatures and severe weather throughout the world.

This is why Mr. Wehrum should not go any further. It is really very simple. Our own government scientists say that climate change is real, urgent, and caused by humans.

If you do not want to take their word for it, here in the United States in this year alone, a record number of category 4 hurricanes killed dozens of people and destroyed or damaged entire communities in the southern United States and Puerto Rico. Wildfires killed dozens of people and burned more than 8.4 million acres in the Northwest. Droughts lasting for months wiped out farmers' crops and forced ranchers to sell livestock in the Midwest. The city of Seattle had soot on cars from the wildfires. For a period, the State of Montana, depending on where you were, looked like it was literally on fire.

The U.S. Forest Service's budget is soon to be more than 50 percent firefighting. This is supposed to be the Forest Service for the conservation and management of our forests, and now it is the Federal firefighting of our forests. There have been 15 severe weather events this year that have resulted in losses exceeding $1 billion. That is what insurance companies and reinsurance companies consider to be the threshold. They consider a big event—a catastrophic event—from an insurance standpoint to be a $1 billion event. We had 15 of them this year in the United States. In the past 10 years, the U.S. Government has spent more than $350 billion in helping communities recover from severe weather, and that is before our getting through with the various and necessary disaster supplemental budget requests that are coming down for Florida, Houston, and Puerto Rico.

Look, severe weather is a reality or whatever you want to call it. If you feel uncomfortable politically calling it ''climate change,'' fine, but severe weather is actually already happening. It is now a moral issue, and it is a fiscal issue. It has taken a huge toll on our economy, on the American taxpayer, and on local communities. For the most part, we do not budget for

these costs because we have decided that these are one-time events, but they just happen to be one-time events that are occurring more and more frequently and that are costing more and more.

Because of the leadership vacuum that Scott Pruitt and Donald Trump have created, States and cities and the private sector have been stepping up so that the United States can stay on track to cut carbon emissions and fight climate change. Yet the Federal Government still has a responsibility here, not just a moral responsibility but a legal one, for the climate will keep changing, the costs will keep rising, and more and more people will feel the effects. Instead of stepping up so that our Federal debt does not balloon and our coastlines do not erode and our security is not threatened, this administration keeps nominating people like Mr. Wehrum to deny that climate is an issue and that the government ought to act.

Throughout his career, Mr. Wehrum has demonstrated antipathy for the very laws that he is now going to be tasked with upholding. When he held this position in an acting capacity in the 2000s—in other words, he was filling in until he was confirmed but was never confirmed—he was sued dozens of times for not doing his job. Time and again, the courts found that, in fact, he was putting special interests over science and over the public good. This is not just a rhetorical statement. These are 27 times that Mr. Wehrum lost in court for exceeding his authorities under the law.

Here is where he kept getting specifically into trouble. Mr. Wehrum is a former lawyer for the very industries that the EPA regulates—chemical companies, utility companies, the auto industry. This is the experience that he relied on while he worked at the EPA, which is fair enough so far, but when the Agency started working on a rule that regulated pollution from powerplants, Mr. Wehrum took language from his former law firm—again, which represented powerplants—and gave it to the EPA to put into the rule. In other words, the EPA did not look to experts and scientists to decide how best to regulate powerplants; it looked to the powerplants' lawyers.

Mr. Wehrum's job was to protect clean air and public health, and he failed at that job by siding with special interests over that mission. The courts actually stepped in 27 times, and he lost 27 times. One case went all the way to the Supreme Court under Mr. Wehrum. The EPA said that it did not have the authority to regulate carbon dioxide from automobiles, but under U.S. law, the EPA must regulate all emissions that are damaging to human health and welfare, and the Supreme Court has acknowledged that carbon pollution fits that description.

Just to be clear, under the EPA's responsibility to administer the Clean Air Act, the EPA does not just have the authority to regulate carbon emissions; it has the obligation to regulate carbon emissions. In other words, anything that is airborne that causes harm to people, to public health, must be regulated. The EPA does not simply decide which of these airborne pollutants must be regulated; it has to regulate all of those pollutants that cause damage to public health. Clearly, carbon fits that category on a commonsense level, but the Supreme Court also decided that. There have been more intense storms, as we have seen from Hurricanes Harvey, Irma, Maria, and others, that are certainly bad for human health and well-being, and the Supreme Court has agreed. The EPA has the authority and the obligation to regulate these greenhouse gases.

We do not need to go through this again. Mr. Wehrum has already shown that he is not the right leader for the EPA. He will not commit to taking the necessary steps to address severe weather. He will not fight for clean air. He will fight for his former clients. This is not an accusation. It is based on exactly what he did when he was in the same position. It is the reason the Senate rejected him 10 years ago.

With this kind of information in front of us, there is no way we can put Mr. Wehrum back in charge of the office that is tasked with regulating carbon pollution, not when we are facing a planetary emergency, not when the fiscal and human costs of inaction are so clear. The EPA needs leadership that understands the crisis we are facing and that understands and is willing to do everything in its power to address it. Mr. Wehrum has clearly demonstrated that he is not the right person for this job. I will vote no on this nominee, and I urge my colleagues to do the same.

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

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

There will now be 30 minutes of debate, equally divided between the leaders or their designees.

The Senator from Colorado.

TAX REFORM

Mr. GARDNER. Mr. President, I rise today to talk about a historic opportunity that will soon be before this body. It is an opportunity to bring real relief to the American people. It is an opportunity to jolt our economy into a higher gear and bring real, tangible benefits to America's hard-working families.

It has been over 30 years since this country last reformed its Tax Code. Over those 30 years, we have seen a lot of change. We have seen the country move from Ataris to smartphones and Wi-Fi. This photo shows a Ford LTD station wagon, which rolled off the assembly line 30 years ago. It is a car that any of us would have been excited to drive 30 years ago. Today we have cars that drive themselves. Unfortunately, we still have a tax code that is made for this LTD.

So while the world has changed around us and other countries have learned to craft tax codes to entice businesses to grow, our code has gotten more and more out of date and more and more laden with special-interest giveaways. Our Tax Code has turned Main Street into a dead end and our overseas growth into a one-way street.

Reforming the code is not only a way to give us an opportunity to end those giveaways, but it can also boost our economy. I applaud our colleagues in the House, who last week introduced and are working on a proposal to overhaul the tax system. In the coming days the Senate Finance Committee will introduce their own legislation.

While I will mostly focus my comments today on one aspect of tax reform, I will note that on Friday the Tax Foundation released its analysis of the House tax proposal. This analysis concluded that the House proposal would create 975,000 full-time-equivalent jobs and push GDP 3.9 percent higher than it would otherwise be. Taking into account the economic feedback from the proposed reforms, this means taxpayers would end up with 4.4 percent higher income. In other words, they will make greater, higher income as a result of the bill that the House is working on today. Indeed, the Tax Foundation concluded that the total after-tax gain in income for a middle-class family would be nearly $2,600.

Importantly, for my constituents in my home State of Colorado, the gain would be over $3,000. These are serious gains that will bring real, meaningful benefits to hard-working Americans. This is just the starting point for our reform. This number is over $3,000 of impact to the people of Colorado of additional income and tax relief. When a significant segment of Americans don't even have access within 24 hours to just a few hundred dollars, a $3,000 a year gain is a significant amount of money.

Today I would like to focus on one part of the tax reform package, and that is the lowering of taxes on America's job creators. Because we have this clunky Atari-era Tax Code—this Ford LTD station wagon Tax Code, our tax rates are no longer competitive. They encourage companies to invest abroad rather than right here at home in the United States. Back in 1986, when this car rolled off the assembly line, our corporate rate was competitive. It didn't discourage companies from investing in the United States.

Things have significantly changed since 1986. Foreign countries have figured it out. They lowered their tax rates, and now the United States has the highest corporate tax rate in the

developed world—indeed, one of the highest tax rates in the world, period. Consequently, businesses have moved abroad more and more. They invested more abroad, and in the United States they have invested less and less.

It is not in the Republicans' view alone. I would draw your attention to this quote right here. President Obama noted this gradual deterioration of the corporate tax code in his 2011 State of the Union Address, saying:

[O]ver the years, a parade of lobbyists has rigged the tax code to benefit particular companies and industries. Those with accountants or lawyers to work the system can end up paying no taxes at all. But all the rest are hit with one of the highest corporate tax rates in the world. It makes no sense, and it has to change.

Those are the words that President Barack Obama spoke to a joint session of Congress in 2011 in his State of the Union Address.

The Council of Economic Advisers estimates that just moving the tax rates on corporations from the uncompetitive 35 percent to the middle-of-the-pack 20 percent and adding permanent full expensing of capital investments would increase GDP from 3 percent to 5 percent above what is currently forecasted. That increase would not just happen in a decade or two, it would be front-loaded, meaning that we would see a fast response from this economy, with 2.4 percent to 3.2 percent higher GDP in the first 3 to 5 years under this proposal. That boost will not just be to the corporate bottom line. It will increase the average American household income by $4,000.

Let me say that again. It will increase average household income in America by $4,000.

Since these estimates were released, since those numbers, statistics, and analysis have been done, opponents of pro-growth tax reform have thrown everything they can at the proposals and estimates to see what will stick to try to bring it down. They said these numbers are too rosy. They said that we can't possibly get a $4,000 increase in average household income because that would mean more money would end up in bank accounts of American households than is raised in revenue by the corporate income tax.

They said that corporations have been ''rolling in money'' for a long time. So if they wanted to invest in America they already would have. Some opponents say we should tax corporations more—take the profit that is sitting overseas and spend it as the government wishes. When opponents of tax relief see a company with money, their reaction is to take it—to take it like it is the Government's money. But we know that doesn't work. Even our European friends, whose residents tend to be far more open to socialist experiments, have rejected this notion. They know that tax reform is about creating the environment that will cause companies to invest in America, not attempting to seize profits from companies that can easily move elsewhere. That is why France, Germany, Spain, Italy, and Greece—not exactly bastions of open economic innovation—have lower corporate tax rates than we do.

The chairman of the Council of Economic Advisers, Kevin Hassett, told the Joint Economic Committee recently:

This is not about right wing parties throwing money at rich corporations. It is about economically literate governments understanding that if we want wages to be higher, than we have to give workers capital to work with.

Let me say that again. This effort for tax relief is about ''economically literate governments understanding that if we want wages to be higher, then we have to give workers capital to work with.''

Let's go back to the first response we heard from opponents of tax relief: It is ''absurd'' to think the average American household will get $4,000 more in income because that is more than the country raises in tax revenue.

In other words, if we took every dollar raised from corporate tax and handed it over to American families, they wouldn't get $4,000. That is the argument opponents of tax reform are saying, but this response simply doesn't get it.

What is the economically literate perspective?

Recall that a lot has changed over the last 30 years, but one thing hasn't changed, and that is the U.S. corporate tax rate. As you can see on this chart, the average OECD tax rates have dropped over time. You see the blue OECD line, and the orange line on the chart is straight across. The average OECD tax rates have dropped over time, but the U.S. rate stayed right where it is. The U.S. advantages that made it the place to invest in 1986 have slowly faded away. Other countries have used their tax rates to become more competitive, and companies have responded.

Business investment now is unfortunately low. Indeed, Chairman Hassett warned that there is a crisis in our country because of the lack of what is called capital deepening, which is just an economist's term for the impact of capital stock—things such as equipment, structures, and intellectual property—on worker productivity.

Worker productivity is, in turn, what drives up wages. That is what makes wages increase. The more productive a worker is, the more the employer is willing to pay that worker to keep him or her in the job with rising wages.

Going to another chart, we can see the effects of that. Prior to 1990, when corporate profits were going up by 1 percent, workers' wages went up by more than 1 percent. Since that time in the 1990s, we have seen change. From 2008 to 2016, a 1-percent increase in business profits corresponded with only a 0.3 percent increase in workers' wages. One of the biggest culprits in this is the corporate tax rate. It is what causes that disconnect between corporate profits and workers' wages.

When a company decides whether and where to invest in new buildings, equipment, and research, they look at the tax rate to know what return is needed to make that investment profitable. The higher the tax, the higher the needed return. So companies facing higher taxes either don't invest at all or they invest in another country. That is why experts say that workers bear 45 percent to 75 percent of the burden of corporate taxes, because businesses invest in them less and less, the higher the tax. It is as if the corporate tax rate casts a shadow on the entire economy.

We can see that shadow here. This is the way economists model the market for capital—factories, equipment, buildings, IP. The higher the price, the less the companies demand. The lower the price, the more the companies demand. This is a simple concept.

Suppliers of those things are the reverse. If they have to sell at a low price, they don't make very much, but if they can sell at a high price, they make more. These two should meet in the middle, but they don't meet in the middle today because the government has come in and imposed a corporate tax. So each unit of capital costs more than it should because of this tax system. That means businesses only want this much. The producers only get this much. The government takes the rest.

What is left? We can see right here what the government is taking. We can see the effect that taxes have on the economy. What is left is this dark-shaded triangle. This is what economists call deadweight loss. That is the stuff that doesn't happen because of the tax. This is the tax shadow—the deadweight loss. It is deadweight in our economy. In that shadow, business activity just doesn't happen, and workers just don't get the capital they need to be more productive.

Remember, businesses are deciding whether and where to invest that next dollar. If the cost is too high—reflected here—they won't invest, at least not here in the United States. They will decide not to expand at all, or they will expand in a country that has a lower tax rate, or they will simply shut down entirely.

I don't think the American people would be surprised by this. This is not news to them. They lived this for a long time. They know it well. They know businesses are not expanding here. They have seen businesses close. They have seen a slowdown in the startup of new businesses. They know wages haven't gone up in many years.

They understand this shadow. Businesses don't expand. Workers are laid off. Money moves abroad. It is because of this high tax that doesn't leave us with decreases in costs, creating a deadweight loss on our economy. They understand it, and they know that corporations pass that tax on to them in the form of lower wages.

But here is the good news. Help is on the way. Lowering the corporate tax rate lowers the rate of return needed to make investments work. It removes the shadow that blocks the economic sunlight. Suddenly businesses are operating here in the green.

More investment in factories, buildings, equipment, and IP means more Americans are more productive, and that makes total sense. You get more done when you have a new computer than when you have an old clunky one. You produce more when you have a new machine on the line. Workers become more productive, and the companies pay them more both because they are bringing in more and because they want to keep those workers to do more. That is what happens when you lift that economic shadow that we talked about that corporate taxes impose and cast on our economy. You create more jobs, and wage competition grows income.

This isn't just economic theory. As you can see here on this chart, wage increases are significantly higher in countries with lower corporate tax rates. We don't need just simple economic theory; we need economic results, and that is what this chart shows us. High-tax countries like the United States have weak wage growth. The United States is down here on this chart representing the highest statutory corporate rate countries. High-tax countries like the United States have weak wage growth—less than 1 percent, even close to zero percent. You can see that here. Low-tax countries—these are the lowest statutory corporate rate countries. These are the bottom 10 lowest rates. Low-tax-rate countries see a wage growth of 1 percent, 1.5 percent, 3.5 percent, even 4 percent, and that is because they don't live under that economic dead weight, that tax shadow, that deadweight loss zone of high corporate taxes.

It also matches my experience in talking with companies in Colorado. U.S. multinational corporations doing business in Colorado have told me that they want to expand here, but they just can't justify it when they look at the tax rates we have here versus around the world, especially in Europe. I have even heard from some foreign-based companies that do business in Colorado that this sort of reform—I ask unanimous consent to complete my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GARDNER. Mr. President, it would entice them to invest more in the United States. This is real, and the American people need it.

It is good television to say that it is absurd to think that American families will get more money from lowering the corporate rate than the tax raised in revenue, but it is wrong. It is tempting to look at a stash of corporate profits and think that corporations just must not want to invest here or ''let's just take that money,'' but that is wrong too. The right move is to create the tax environment that tells businesses that they should invest here because they can make more money. That is why President Obama called for corporate tax reform. That is why former Treasury Secretary—and one of President Obama's economic advisers—Larry Summers said that reducing the corporate tax rate and lowering the competitive disadvantage faced by American multinationals is ''about as close to a free lunch as tax reformers will ever get.'' That is what we do by lowering the tax rate. That is how American families end up with $4,000 more in their pockets—and not just one time; once this fully takes effect, that increase is permanent.

Mr. President, we have a historic opportunity. The American people need and deserve a new and better Tax Code, a modern one designed for today's world, not an Atari world or a Ford LTD world.

I urge my colleagues on both sides of the aisle to join with us as we modernize our Tax Code and deliver real results for the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, a few moments from now, we are going to come to this Chamber to vote on the nomination of Peter Robb to serve as general counsel for the National Labor Relations Board.

Quite frankly, if we allow this individual to be confirmed, it will be a severe slap in the face to American workers. This is an individual who has made a career out of attacking the ability of American workers to get a fair share of the wealth they create. Yet here is a proposal to put him in a leadership position at an agency whose purpose is to fight to make sure workers get fair treatment. How does it make sense to take someone who has fought to undermine the ability of workers his entire life and put that person in charge of making sure American workers are treated fairly? Certainly, it is exactly the opposite of the argument Candidate Trump made when he said he was going to stand up for American workers. When push comes to shove, the President wants to shove workers down into the ditch.

It boils down to this: The National Labor Relations Board was established 82 years ago in the middle of the Great Depression to protect workers by encouraging and promoting their right to collective bargaining. Think of the power of association so that workers can have the opportunity to have a fair share, to have a basic foundation for their families to thrive. That ability of workers to organize has been behind every advancement we have made as a middle class in America. Be it the 40-hour workweek, safe working conditions, standard benefits, each and every advance was led by workers' ability to organize. Yet here the President wants to put in place an individual who has done everything possible to take away that right, that ability to weigh in for basic fundamental fairness for workers.

The responsibility of the National Labor Relations Board is more important today than ever. We have seen the impact of policies on behalf of the privileged and the powerful—incomes stagnating while the wealthiest Americans see their riches grow right up to the skyline. We have seen that anti-worker forces throughout our country have led an assault in State after State after State against the right of workers to organize and to secure safe working conditions and fair wages.

Here we are at a time when America's workers have seen four decades in which their wages have been flat or declining while the rich and powerful have stripped off the growing wealth of this Nation for themselves. Income inequality has soared, wealth inequality is massive, and here is one more person being nominated to accentuate that inequality in wealth and in income.

Back in 1981, Mr. Robb was lead attorney on the case to decertify the Professional Air Traffic Controllers Organization. The union was striking, and Mr. Robb helped President Reagan break that strike, which resulted in the firing of 11,000 striking workers and, as a commentator at the time said, forever ''undermined the bargaining of American workers and their labor unions.''

When he last worked on the team at NLRB, this nominee was present for decisions that—and this is recounted in a book called ''Right Turn''—''[a]ltered long-standing policy . . . narrowing the scope of activities subject to traditional National Labor Relations Board protections; broadening the permissible range of employer conduct in union representation campaigns; lowering the costs to employers of unlawful activity; and otherwise narrowing or excusing the employer to make changes subject to bargaining without informing unions before the change was made, or by permitting employers wider latitude to end the bargaining process by declaring impasse.''

More recently, Mr. Robb represented Dominion Energy and successfully defeated a union organizing drive at the Millstone Power Station, bragging on his firm's website that he was able to delay the election for ''more than two years after the day the petition was filed.''

As many of you know, he does not want workers to have a fair chance to vote on organizing a union or to work to press for a first contract or to seek fair wages. He has spent his career fighting against workers having that fair shot and defending companies against allegations from union members regarding unfair labor practices—all kinds of unfair labor practices, including age and sex discrimination. Never once in this long career has he been on the side of the American worker—not once; therefore, he has no place

at the head of an organization intended to support the ability of workers to organize and to press for a fair share.

It is unthinkable that this nominee would ever even come to this Chamber. It is certainly part of an endless stream of attacks by the rich and powerful on working Americans that have kept their wages flat and declining for four decades. When are we going to see an end to this sort of oppression by the powerful class against the workers of the United States of America?

There is one act after another by this administration—President Trump and his team—undermining fair wages for workers in this Nation. It is outrageous. This nomination is outrageous, and I encourage my colleagues to vote no.

The PRESIDING OFFICER. The Senator from Wyoming.

NOMINATION OF WILLIAM WEHRUM

Mr. BARRASSO. Mr. President, President Trump has been in office now for more than 9 months. He has laid out his agenda to cut punishing regulations, to grow the economy, and to help hard-working Americans.

President Trump's administration has already taken important steps to roll back the regulatory rampage of the last 8 years. During the last administration, the Environmental Protection Agency issued harmful and punishing, overreaching regulations that hurt workers in my home State of Wyoming.

According to the chamber of commerce, from 2008 to 2016, the EPA issued regulations that cost our economy over $60 billion each year—significantly more than any other Federal agency. These rules had real-life impacts. The Obama administration's so-called Clean Power Plan would have closed powerplants and cost America jobs. We can have both clean air and a growing economy. We have proven it.

My goal is to make American energy as clean as we can, as fast as we can, without raising costs on American families. President Trump shares that goal. That is why EPA Administrator Scott Pruitt has led the charge in cutting redtape. The EPA has taken important steps to roll back the Clean Power Plan and other punishing EPA regulations.

It is interesting. The annual cost of high-impact rules by agencies from 2008 to 2016—there were 13 rules by the EPA—in the red right here, billions and billions and billions—over $60 billion.

Administrator Pruitt needs his full leadership team in place at the Agency to complete the task, so today the Senate is going to vote on cloture so we can consider the nomination of Bill Wehrum. He has been nominated to serve as EPA's Assistant Administrator for the Office of Air and Radiation. Mr. Wehrum has more than three decades of experience in environmental policy. He has worked as an environmental engineer, a public servant at the EPA, and is an environmental lawyer. His time at the EPA includes 2 years of service as the Acting Administrator of the Office of Air and Radiation—the same office he has now been nominated to lead.

EPA's Office of Air and Radiation is critically important in terms of a division within the Agency. It develops national programs, policies, and regulations for limiting air pollution and radiation exposure. One of the responsibilities of this office is implementing the Clean Air Act, and it is a big job.

Here is a chart. Most EPA regulatory burdens come from EPA air regulations; 94.5 percent from the Office of Air and Radiation regulatory burden in 2014; only 5.5 percent from all other EPA offices' regulatory burden of that same year. So under the Obama administration, the air office was one of the biggest regulatory abusers. According to the Office of Management and Budget, the EPA's air regulations were responsible for 95 percent of the cost of the Agency's regulations. Now Mr. Wehrum is going to play a key role in undoing this redtape.

The American people need a qualified leader in the EPA air office. Bill Wehrum is the right man for the job. Don't take my word for it; former environmental Obama Justice official John Cruden said this of Mr. Wehrum: ''I believe he is committed to achieving clean air for all citizens and carefully following sound and current science.'' Marcus Peacock, an EPA Deputy Administrator during the Bush administration, praised Mr. Wehrum, saying that his ''understanding of the Clean Air Act may be second to none. His desire to pull up his sleeves and actually make the Clean Air Act work as a practical matter is second to none.''

Mr. Wehrum's expertise and experience will be tremendously helpful as he pursues policies that will protect America's air, undo regulatory overreach, and allow our economy to grow. I urge all Senators to vote for cloture on Mr. Wehrum's nomination.

Thank you.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Washington.

Mrs. MURRAY. Mr. President, as President Trump continues to undermine worker protections and prioritize corporate profits, it is very critical that the NLRB is independent and is committed to promoting collective bargaining.

When corporations try to take advantage of their employees, workers should be able to turn to the NLRB to intervene. Unfortunately, Mr. Robb's career as a corporate lawyer fighting against workers gives me great concern he will not have workers' best interest at heart in this role. So I will be voting no on this nomination, and I urge my colleagues to stand up for workers and do the same.

I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

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

Mr. BARRASSO. 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 bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Kansas (Mr. ROBERTS) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The result was announced—yeas 49, nays 46, as follows:

[Rollcall Vote No. 266 Ex.]

YEAS—49

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

NAYS—46

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	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Manchin	Warner
Donnelly	Markey	Warren
Duckworth	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	
Franken	Murray	

NOT VOTING—5

Cruz	Paul	Tester
Menendez	Roberts	

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. There will now be 2 minutes of debate, equally divided.

The Senator from Delaware.

Mr. CARPER. Mr. President, I rise in opposition to the nomination of William Wehrum to be EPA's Assistant Administrator for Air and Radiation.

President George W. Bush nominated Mr. Wehrum for the very same job in 2005. He was not confirmed then but was able to serve in that role on an acting basis—something he could not lawfully do today. At the time, I voted against Mr. Wehrum's nomination because I feared he would impede efforts to clean our air and protect the health of Americans. Sadly, my fears have been proved well-founded. Twenty times, the courts found that clean air regulations that Mr. Wehrum helped craft did not follow the law or protect public health.

Since leaving EPA in 2007, Mr. Wehrum has spent his time suing the Agency.

Mr. Wehrum was elusive in answering our questions. When asked which clean air regulations he supports, he could not name a single one—not one.

Mr. Wehrum's extreme views are not good for public health and, quite frankly, the legal uncertainty that stems from his judgment would not be good for American businesses. That is why I call on all of my colleagues to join me in opposition to this nomination.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, Mr. Wehrum has been nominated to serve as the EPA Assistant Administrator for the Office of Air and Radiation. He has more than three decades of experience in environmental policy. He has worked as an environmental engineer. He has been a public servant at the EPA as an environmental lawyer. His time at the EPA includes years of service as the Acting Administrator of the Office of Air and Radiation, the same office to which he has now been nominated.

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

The assistant bill 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 William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

Mitch McConnell, Orrin G. Hatch, Thom Tillis, John Barrasso, Johnny Isakson, Chuck Grassley, 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 William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ), the Senator from Kentucky (Mr. PAUL), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Kansas (Mr. ROBERTS) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Montana (Mr. TESTER) are necessarily absent.

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

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 267 Ex.]

YEAS—49

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

NAYS—46

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	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Manchin	Warner
Donnelly	Markey	Warren
Duckworth	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Murphy	
Franken	Murray	

NOT VOTING—5

Cruz	Paul	Tester
Menendez	Roberts	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senator from Tennessee.

HEALTHCARE

Mr. ALEXANDER. Mr. President, healthcare is on the minds of the American people. According to the Washington Post, in the elections in Virginia yesterday, it was by far the biggest issue in voters' minds. Maine expanded Medicaid.

In my home State of Tennessee, because of the Affordable Care Act's structure, premiums have gone up 176 percent over the last 4 years and another 58 percent, on average, for 2018 is predicted.

Tennesseans, like millions of Americans, are going through open enrollment and have sticker shock when they see the prices of the health insurance they might buy, and the 178 million people who are getting their insurance on the job—that is 60 percent of us—know they might lose their job, they might change their job, and they might be in the individual market themselves and might find themselves exposed to these skyrocketing premiums and the chaos that results from them.

This is especially difficult for Americans who have no government subsidy to help them buy insurance. In 2016, according to the Department of Health and Human Services, there were about 9 million of those Americans.

There are 350,000 people in Tennessee who buy insurance on the individual market. That means they don't get it on the job. They don't get it from the government. They go out and buy it themselves, and 150,000 of those pay the whole brunt. So if insurance costs go up 176 percent over 4 years, another 58 percent this year, that means the songwriter, the farmer, the self-employed person has a very difficult time buying insurance. It is a terrifying prospect. That is why healthcare is on the minds of the American people.

One would think the American people might turn around and look at Washington and ask: Why doesn't the President of the United States and why don't Members of Congress—Republicans as well as Democrats—get together and do something about the skyrocketing premiums?

Well, what would you think if I told you that last month the President of the United States, President Trump, called me and asked me to do just that?

He said: I don't want people to be hurt over the next couple of years while we are continuing to debate the long-term structure of healthcare on the individual market. So why don't you get with Senator MURRAY from Washington—she is the ranking Democrat on the Senate HELP Committee—and why don't you try to work something out so people will not be hurt during these 2 years.

He said: I have to cut off the cost-sharing payments because the court has said they are not legal, but we can put them back. Go negotiate. See what you can do. Try to get some flexibility for the States.

Fortunately, Senator MURRAY and I were already working on that and to have the President's call was encouraging to me. He called me three more times over the next 2 weeks, and the long and short of it is we produced a result.

Here is what the result looks like—and I am going to talk about it from the point of view of why Republicans are supporting it. Senator MURRAY and Democratic Senators were here earlier saying why they were supporting it. Senator ROUNDS from South Dakota, a former Governor of that State, a man who understands insurance very well and helped develop this proposal—we are here today to say this happens to be one of those bills where there are

good reasons for Democrats to support it, there are good reasons for Republicans to support it, and the President has asked for it.

Here is what it does, from my point of view. The so-called Alexander-Murray legislation, which was recommended to the Senate by Senator MURRAY and me—there were 12 Republicans and 12 Democrats who were original cosponsors, including Senator ROUNDS and myself. That doesn't happen very often here. That is one-quarter of the Senate offering a bipartisan bill on a contentious subject to the Senate.

Here is what it does. One, it lowers premiums. In 2018, where the rates are already set, it requires the States to work with the insurance companies and give rebates for the high premiums that have already been set. In 2019, it will lower premiums. That is the first thing it does and the first reason why I and many Republicans support it.

Because the premiums are lower, it also means fewer tax dollars are going to pay for ObamaCare subsidies. That is another reason Republicans and conservatives like the idea of the Alexander-Murray bill.

Another reason we like it is, because there are lower subsidies, there is less Federal debt. The Congressional Budget Office has examined our bill and has said that it saves money over 10 years, nearly $4 billion.

There are other reasons we like it. It gives States flexibility in increasing the variety and choices of the insurance policies they can recommend. That is the biggest difference of opinion we have between that side of the aisle and this side of the aisle. They want Washington to write the rules; we want the States to write the rules.

We agreed to make some changes so that States can write more rules. For example, the Iowa Senators, Mr. GRASSLEY and Mrs. ERNST, are cosponsors of the bill because the language in the Alexander-Murray amendment would permit the Federal Government to approve the Iowa waiver. Iowa has a way that it wants to use the Federal dollars to enroll more people and to give them lower costs. It would allow New Hampshire to use Medicaid savings to help pay for its Obama waiver. Both the Democratic Senators and the Republican Governor of New Hampshire have asked for that. It allows Minnesota to use a stream of Federal funding so that it can have its own waiver. It would allow Oklahoma, which has been waiting, to get its waiver approved.

What do we mean by ''waivers''? What this means is that States can look at the people in their State and make their own decisions or more of their own decisions about a variety of choices. Alaska did that earlier. They are the only State that has been able to use the section 1332 innovation waiver, as we call it, and they were able to create a special fund for very sick people and then to lower rates for everyone else by 20 percent and to do 85 percent of that with Federal dollars—no new Federal dollars, 15 percent by the States.

The reasons Republicans like the Alexander-Murray bill, the reasons we have 12 of us on this side of the aisle cosponsoring it, along with 12 Democrats, are lower premiums, fewer tax dollars for ObamaCare subsidies, less Federal debt, more flexibility for States, a new so-called catastrophic insurance policy so you can buy a policy with a lower premium and a higher deductible so that a medical catastrophe doesn't turn into a financial catastrophe. Those are all reasons to support it.

Here is the long and short of it. The American people have healthcare on their minds. It is certainly true in Tennessee, where the rates are up 58 percent. It was certainly true in Virginia yesterday. It is certainly true in Maine. I see the Senator from Maine is here, and he has been an important part of this discussion.

The people of America say: Why don't the President, the Republicans, and the Democrats in both bodies get together and do something about it? I am happy to report we have. We have a bipartisan proposal. It doesn't solve every problem, but it limits the damage. It lowers premiums. It avoids chaos. It saves Federal tax dollars. It has the support of a significant number of Republicans and Democrats, and it is done at the request of the President.

I hope that when the President returns from Asia, he will go to his desk and find a nice package there with a bow on it, presented by Senator MURRAY and me, 24 of us in the U.S. Senate—Republicans and Democrats—which does exactly what the American people, I think, want us to do: Lower premiums, avoid chaos, work together, take a step in the right direction, and let's see if we can help the American people in that way.

I know the Senator from South Dakota is here, and I thank him for his leadership on this. He, along with the Senator from Maine who is here, Mr. KING, spent a good deal of time working on this piece of legislation, which has a lot that Democrats like and a lot that Republicans like—so much so that we are able to recommend it in a bipartisan way. I know he may have things that he may want to say about the bill.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency.

The PRESIDING OFFICER. The Senator from Maine.

HEALTHCARE

Mr. KING. Mr. President, I don't wish to take much of the Senate's time, but I want to emphasize and echo the comments made by the Senator from Tennessee. He and his ranking member, PATTY MURRAY of Washington, have done a magnificent job. What I want to emphasize is not necessarily the content of the bill, which he has outlined expertly, but the process by which this bill has come to the U.S. Senate. To me, it is an example of how this place can and should work.

There were a series of essentially four all-day hearings. There were workshops to which all Senators were invited, and I think at least half of the Senate attended several of those workshops. We had a bipartisan witness list. We had Governors. We had insurance commissioners. We had experts on the health services industry from around the country. The result was a piece of negotiated, compromised but thoroughly worked through, and important legislation that can do exactly what the Senator from Tennessee outlined: Lower premiums, end the chaos in the individual market, save the Federal Government money over the period of the next 10 or 20 years, and really make a difference for the people of Maine.

I particularly want to compliment and express my appreciation to Senator ALEXANDER and Senator ROUNDS for the work they have done to bring the issue to this point. I deeply hope, as the Senator from Tennessee, Mr. ALEXANDER, just said, that when the President returns from his trip, he will see this bipartisan agreement—or in my case, a nonpartisan agreement—that has come forward to solve some serious problems. It doesn't solve all the problems, but it is a step forward. It also is exactly what the American people want us to do—to talk to each other, listen to each other, gather the data and the information, and come up with legislative proposals that make common sense and will make a better place, a better healthcare system, and serve our citizens and our people across the country in a better way than the current arrangement.

Again, I want to compliment my colleague from Tennessee and also my colleague from South Dakota, Senator ROUNDS, for the work they have done on this. We are at a place where we can really do something good, not only substantively but also by showing the Nation how this body can and should work.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ROUNDS. Mr. President, let me begin by acknowledging the leadership that Chairman ALEXANDER and Ranking Member MURRAY have offered and also by saying how much I have appreciated the hard work that Senator KING from Maine has participated in, as well, in this process. They have worked together, side by side, to try to find some common ground while still retaining and protecting the principles they all hold with regard to how health insurance, long term, should be approached.

Coming to a bipartisan agreement on this very important piece of legislation

is only the first step. As you know, a deal was announced last month to give States permanent flexibility to avoid some of ObamaCare's most crushing mandates, while also temporarily authorizing the cost sharing reduction, or CSR, payments for 2 years. That is what the piece of legislation we are referring to in this particular case, the Alexander-Murray legislation, would do.

This agreement is a win for conservatives who have spent the past 7 years promising to relieve the American people of ObamaCare's skyrocketing premiums, limited choices, and Federal chokehold. For the first time since ObamaCare was forced onto the American public, the Alexander-Murray legislation is an opportunity to provide permanent, meaningful opportunities for States to opt out of some of ObamaCare's most egregious mandates under the 1332 waiver program, while making healthcare more affordable for their constituents.

As a former Governor, like my colleagues Mr. ALEXANDER and Mr. KING, I understand that the best decisions are made at the State and local levels, not by Federal bureaucrats. Empowering States with new opportunities to innovate and strengthen their individual health insurance markets in a way that meets their citizens' unique needs is a first step toward repealing ObamaCare and allowing the marketplace to once again be competitive and innovative.

In exchange for the permanent 1332 waiver changes, we have agreed to temporarily authorize the administration to make CSR payments for 2 years, similar to the provisions of the Better Care Reconciliation Act, which 49 Republican Members of the U.S. Senate supported earlier this year.

Recall that President Trump announced recently that he would stop the CSR payments after a Federal court found them to be illegal because they had not been appropriated by Congress. Not surprisingly, the previous administration had continued making these payments, a practice that President Trump rightfully and correctly stopped after months of warning that he would do so. We applaud the President for returning this appropriations decision to its constitutional place—with Congress.

We also recognize that there are millions of Americans who will face steep premium increases come January as a result of this challenging decision. This is in addition to the already skyrocketing premium increases that Americans are facing because of ObamaCare, because of the concept on which it was built. The American people did not ask for ObamaCare, and they shouldn't be unfairly punished.

By extending these payments for only 2 years, our legislation will stabilize the market and help provide a smooth transition as we continue to work on a full repeal and replacement. Providing a smooth transition away from ObamaCare has been included in every serious Republican healthcare plan to date. We have to have a transition in order to move away from the existing healthcare plans. In fact, I cannot think of a single GOP colleague who doesn't support a smooth transition so that we don't hurt families as we move away from our current, unworkable system.

It is also important to point out that Alexander-Murray is merely a step one in the total repeal and replacement of ObamaCare. Because of House and Senate rules, the 1332 waiver changes outlined in our bill are not eligible to be included in budget reconciliation legislation, which is the vehicle being used to repeal and replace ObamaCare by congressional Republicans and which we continue to work on. We need both bills. This is a two-step process.

We fully expect there to be an opportunity for us to finish the full repeal and replace of ObamaCare next year and are united in our desire to get it across the finish line. But 1332 waiver changes found in this bill require bipartisan support in the Senate, period. It requires 60 votes. That is not available to us or is not part of the remaining part of the challenge of the total repeal and replacement. We need both bills in order to get this done.

We have also included additional assurances within this bill to make certain our bill does not bail out insurance companies, as Senator ALEXANDER stated earlier. CBO, or the Congressional Budget Office, confirmed this in the October report, noting that it benefits taxpayers and low-income policyholders, not insurance companies.

I also want to point out that there is also a fiscal case to be made for continuing the CSR payments in the short term. The nonpartisan Congressional Budget Office—once again, the CBO—found that the Federal Government will be on the hook to subsidize care of the individuals who otherwise would receive premium assistance via the CSR payments.

The CSR payments have ended. Insurers who stay in the individual marketplace will be forced to raise their prices to compensate. Instead of costing $7 billion, as it did this year under the use of CSRs, the CBO estimates that the disruption caused by abruptly ending the CSRs will cost the Federal Government an average of $25 billion annually, more than four times the current rate.

The fact that ObamaCare is failing is not a partisan issue. Members of both parties have acknowledged that it is rapidly sinking. Our colleagues on the other side of the aisle believe it is fixable. Republicans believe we have to go in a different direction. Democrats have refused to admit the failure. They recognize it is sinking—they think it is fixable—but, until now, have been unwilling to make any concessions to the law they were solely responsible for creating.

We must seize the opportunity to provide States with much needed relief from ObamaCare and show that States are far better at coming up with health insurance rules which are tailored to their individual needs. The only tradeoff is in fulfilling our promise to stabilize the individual market temporarily while we continue our work to repeal ObamaCare and replace it with a truly competitive market-based system. In the meantime, States will already be given that option under our plan.

Let me just share this. Sometimes when you look at a bipartisan piece of legislation, our colleagues on the other side of the aisle will point to the fact that they want to stabilize the market now. Republicans will point to the fact that we need to stabilize the market and provide the opportunity for the full repeal and replacement to become effective. ObamaCare started in 2009. It was passed in 2009. Yet it took until 2014 for all of the impacts to actually begin to accumulate—5 years. To undo it, it will take time for the States to create their fixes.

We have to pass the legislation, and the HHS has to create the rules. Then, at the local level, at the State level, the State legislatures have to create the laws once again that were torn apart by ObamaCare in the first place. Then their divisions of insurance and their departments of health have to actually create the rules. The insurance companies that are out there that want to compete once again have to be able to contract with doctors and hospitals. They have to go on out and not only write the contracts that will comply with the law and the regulations, but then they also have to go on out and market that product to individuals.

The exchange from one contract under ObamaCare to a contract with a competitor, which is when insurance carriers can actually offer different types of products to group plans or to individuals, will take time. That transition can hardly be done in less than 2 years, thus the need and the offer in all of the Republican proposals to take this 2-year time period and actually help the American people get through this very difficult time without hurting them more than the pain they will have already felt with the continuation of ObamaCare. It simply takes 2 years to make any reasonable transition happen.

Once again, I would like to acknowledge the hard work of the Senator from Tennessee, Mr. ALEXANDER, and the way in which he has created a team effect, a team plan, on getting this through. I also acknowledge the hard work of Senator MURRAY and her working side by side with Senator ALEXANDER in trying to find common ground so her colleagues see the importance, from their perspectives, while, at the same time, those of us on this side of the aisle reflect on the first step in a long-term goal of the repeal and replacement of ObamaCare.

For the first time, we have a chance. For the first time, we have an opportunity to take a step statutorily, with

a 60-count vote, in actually making changes to the substance of ObamaCare. It is high time. It is time to get started. It is time to move forward.

I thank all of our colleagues for working side by side in at least slowing down the damage which has been occurring and which will continue to occur until we get the full replacement of ObamaCare behind us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent that my remarks not be counted against my postcloture time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CARPER. Mr. President, while Senators ALEXANDER and ROUNDS are on the floor—Senator KING has just left—I find it ironic that the four of us who are gathered here are former Governors and are interested in getting things done and are interested in working across the aisle. We want to be able to achieve better results for less money. I applaud Senators ALEXANDER and MURRAY for their efforts in trying to ensure that we begin to do that.

I think my friend from South Dakota gives much credit to President Obama in his attacking what was originally bipartisan legislation that had been introduced here in 1993 by Senator ORRIN HATCH, with 22 Republican cosponsors, and that later became RomneyCare.

The idea behind their proposal was that there ought to be exchanges in every State and that the people could join if they did not have healthcare coverage; No. 2, that there would be a sliding scale tax credit to help buy down the cost of coverage for people who got their care in the exchanges; No. 3, that there would be an individual mandate that said you don't have to get coverage but that, if you don't, you have to pay a fine; No. 4, that there would be an employer mandate that said employers of a certain size would have to cover their people; No. 5, that insurance companies could not refuse to cover people with preexisting conditions.

Barack Obama had nothing to do with that. We continue to hear folks deride the idea of the exchanges and the five points I just mentioned as ObamaCare. He had nothing to do with it. When we marked up the Affordable Care Act, we took, really, those ideas from the 1993 legislation here, with 23 Republican cosponsors—RomneyCare—and proposed and implemented it, I think, in 2006. It worked. When we were marking up the Affordable Care Act, we were actually looking for something that worked in order to give coverage to people in a cost-effective way.

In 1993, the Republicans used, I think, what was originally a Heritage idea—Romney in 2006. They had a good idea, and it used market forces. What we have never done since the Affordable Care Act went into place is actually enable a good Republican idea to work. I think what Senator ALEXANDER has put together with Senator MURRAY can help move us closer to that step.

Some other things that I think we ought to do include a reinsurance plan along the lines that Senator KAINE and I have introduced, and that, I think, has a fair amount of support in a lot of corners. If we are not going to have an individual mandate—and I think we ought to, but if we are going to take it away—the other thing is to make sure that we put in its place the exchanges having young, healthy people so you have a group of folks in each State in the exchanges who are insurable without the insurance companies losing their shirts.

I think one of the great things about what Senator ALEXANDER and Senator MURRAY are trying to do here is to take the small step of ensuring that the cost-sharing reductions really help lower income people with their copays and help them with their deductible costs. If we can do that, along with the 1332 waiver, which I support, this can be a confidence builder. Maybe we can do some other things like the reinsurance ideas we have and others have. If there is a better idea than the individual mandate, by golly, let's do that, but we need healthy, young people in the exchanges.

My hope is, we can find common ground and make it on a little broader range of ideas to bring us good healthcare coverage at an affordable price and then turn—kind of pivot—to the Affordable Care Act itself. As for the stuff in the Affordable Care Act that ought to be changed or dropped, let's do that. As for the portions of it that ought to be preserved, let's do that as well.

Again, I commend my friends for coming up with this very good step. My hope is that we can get a vote for it.

I met with a lot of insurance company folks earlier today. We do not agree on everything, but one of the things I heard from them is, if we were to do what Senator ALEXANDER and Senator MURRAY have called for with respect to cost-sharing reductions and if we were to do some kind of reinsurance plan along the lines of what TIM KAINE and I have suggested—but not necessarily that—and if we were to do something to make it clear that the individual mandate or some other mechanism were going to be in place and stay in place so we could get young people into the exchanges, if we were to do those three things, they told us, we could bring down premiums anywhere from 30 to 35 percent in the exchanges.

Who benefits the most? As it turns out, it is not just the people who are getting their coverage in the exchanges. Who else benefits the most is Uncle Sam because, if we reduce premiums by 30 to 35 percent, Uncle Sam, which pays all of these tax credits to help buy down the cost of coverage in the exchanges, reaps a big benefit as well, and that helps to bring down the size of the deficit, which is good.

I was just inspired by your words, of both of you, and wanted to say that and to applaud your efforts. It is a pleasure and an honor to work with you, and I look forward to doing more of that.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I want to briefly thank the Senator from Delaware.

As the Senator from South Dakota said, this has been a very contentious issue, but we thought that if we listened enough, we might find a few things we could agree on. Senator MURRAY and I not only involved our committee, which is a committee of 22 or 23 Senators, but we invited anyone not on the committee to come and meet with the witnesses—the Governors and the State insurance commissioners—for an hour before the hearings. We had nearly 60 Senators involved in the entire process on those 4 days. That is pretty remarkable when you have 60 Senators—more than half of whom are not on the committee of jurisdiction—attending and participating, and that helped develop what we did.

The person with the best attendance was Mr. CARPER, the Senator from Delaware. He is not a member of the committee, but he came to every one of the committee meetings, and he often stayed for the hearings themselves. I thank him for his active participation.

In boiling it all down, I think what we are trying to say is, there is a lot we still do not agree on, but we have heard the American people. Healthcare is on their minds. They are signing up, and those who are in the individual market are getting sticker shock if they do not have any government support. For the next couple of years, we have a plan that will avoid chaos and begin to limit the growth of premiums and, in 2019, reduce premiums. In addition to that, it will give Americans a new plan to buy called the catastrophic plan, and it will give many States the opportunity to use some of their own ingenuity to create a larger variety of choices.

That is a good set of options with which to respond to the American people who ask: Why don't the President and the Congress work together to do something about healthcare? It does not solve all of the problems, but it is a step in the right direction, and it is something we can build on.

I thank the Senator from Delaware for his contribution, and I thank the Senator from South Dakota for his.

I hope, when the President returns from Asia, that he will look at the agreement he asked us to produce, and I hope he will support it. If he does, I believe it will be part of the law when we go home for Christmas.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, my hope is that during President Trump's visit to Japan, he asked the leader of Japan why it is that when Japan only spends 8 percent of its GDP on healthcare, it gets better results than we do, and it covers everyone. Yet, when we spend 18 percent, we don't cover everybody, and we don't get better results. That is a good question, and I hope the President and Prime Minister Abe got into that. Yet that is something I need to turn away from now.

Mr. President, I rise in opposition to the nomination of Bill Wehrum to be EPA's Assistant Administrator for Air and Radiation.

We have seen this movie before, but like many sequels, this one may actually be worse than the original. My opposition to this nominee should not come as a surprise to my colleagues or to Mr. Wehrum because, in 2005, President George W. Bush nominated him for the exact same position, Assistant Administrator for Air and Radiation at the EPA. I opposed his nomination at that time, as did many of my colleagues, and he was not confirmed.

Prior to his nomination in 2005, Mr. Wehrum was an industry lawyer and later a political employee at the EPA. He served as chief counsel to Jeff Holmstead, then the Acting Assistant Administrator for Air and Radiation, from 2001 through 2005. While serving at the EPA during this time, Mr. Wehrum had a concerning track record of suppressing scientific information and the work of the EPA's career staff, deferring to industry on issues of public health, and not responding to my colleagues and to me when we were then serving on the Environment and Public Works Committee.

President Bush eventually nominated Mr. Wehrum to fill Jeff Holmstead's seat and to serve in an acting capacity as Assistant Administrator for Air and Radiation at the EPA, something Mr. Wehrum would not be able to lawfully do today.

Behind me, to my left, is an excerpt from an editorial from April 2006. The New York Times published an editorial opposing Mr. Wehrum's nomination that mirrored my concerns at the time:

> [The Holmstead era at EPA] will be remembered chiefly for its efforts to weaken the Clean Air Act (particularly with respect to rules governing mercury emissions and older power plants), to manipulate science and to elevate corporate interests above those of the public. Mr. Wehrum, who served as Mr. Holmstead's deputy and doctrinal hit man, could make things worse.

That is a direct quote from this editorial. This is the New York Times editorial from 2006 opposing Mr. Wehrum's nomination for the very same position he seeks today.

During the Environment and Public Works Committee's consideration of Mr. Wehrum's nomination in 2005, I voted against him because I feared he would continue to fail to clean our air and protect public health. Despite the fact that Mr. Wehrum was not confirmed due to his inability to secure the 60 votes needed for cloture on his nomination, he was able to serve as Acting Assistant Administrator for EPA's air office for 2 years.

Since leaving the EPA, Mr. Wehrum has returned to industry and served as an industry lawyer in litigation against the EPA.

Since returning to the private sector, Mr. Wehrum has reflected on his time spent at EPA. In doing so, he didn't point to the good work he did at the Agency to advance its public health mission or the lasting protections he put in place that made a difference in the lives of ordinary citizens; instead, he noted that his tenure at EPA was really good for business, saying:

> I'm a much better lawyer now than when I first joined the agency. To really get to know how the agency works and how it ticks, I think that is very valuable. I have expanded my capabilities which will hopefully allow me to be effective in generating business and clients.

In generating business and clients. Sadly, my fears of 2005 were well-founded, and only one thing has changed—the Senate rule with respect to the number of votes we need to consider and confirm a nominee. If Mr. Wehrum is confirmed this week, it will be because he is the beneficiary of the Senate's elimination of the requirement with respect to needing 60 votes to consider nominees. It will not be because he is better suited for this important job.

I will walk through some telling numbers for my colleagues this evening. The first number is 31. That is the number of times Mr. Wehrum has represented industry against the EPA in Federal court since 2009.

Let me be clear on this. After serving in an unconfirmed capacity at the EPA because he was too far outside the mainstream to be confirmed by this body, Mr. Wehrum then left the Agency and has spent the years since suing that very same Agency and attempting to weaken environmental and public health protections on behalf of his industry clients. Many of these lawsuits are still ongoing and, in the majority of the pending lawsuits, Mr. Wehrum has represented the interests of Big Oil.

Look at another poster. The number 27. What does 27 refer to? It refers to the number of times public health groups prevailed in court when challenging Bush-era clean air regulations that Mr. Wehrum helped to craft because they did not follow the law or sufficiently protect public health. Failing to follow the Clean Air Act meant delays in public health protections and uncertainty for businesses across America.

I don't doubt that Mr. Wehrum is a fine lawyer—so why were so many of the rules he helped to write found to be unlawful? The confirmation process is essentially a job interview. It is not a job interview with EPA, in a sense, and it is not really a job interview with us, but it is a job interview with the American people. In this case, Mr. Wehrum is essentially applying for the job he already had at EPA, and you would think that would be easy, but Mr. Wehrum's resume shows that a great deal of the work he did in his last job as Acting Assistant Administrator for Air and Radiation was not up to par. In this job, subpar work impacts millions of Americans, especially children and the most vulnerable among us.

The next number is 10. Ten is the number of additional years that children were exposed to toxic air emissions from powerplants because of delays Mr. Wehrum helped put into place while at the EPA.

The next number is eight. The number eight refers to the number of days before Mr. Wehrum's latest confirmation hearing when he was in a courtroom arguing against rules that would protect 2.3 million miners, construction workers, and bricklayers. According to Mr. Wehrum, ''People are designed to deal with dust. . . . People are in dusty environments all the time and it doesn't kill them.''

The next number is two, which is the number of times the DC Circuit Court cited ''Alice In Wonderland'' in its decisions to reject EPA rules that Mr. Wehrum helped craft because, in the court's view, the regulations were based on fantasy rather than following ''the rule of law.''

The next number is one. One is the number of times that language from a law firm that represented industry—and also happened to be Mr. Wehrum's former employer—made it verbatim into a clean air regulation that Mr. Wehrum stated he was ''extensively involved'' in preparing.

Think about that.

Zero. Zero is the number of times Mr. Wehrum advocated in court for stronger clean air regulations since leaving the EPA. It is an especially troubling number for those of us living in downwind States like Delaware. We live at the end of America's tailpipe, along with our neighbors in Maryland, New Jersey, Pennsylvania, New York, and folks all the way up to Maine. Zero is also the number of times Mr. Wehrum expressed a desire to protect public health when I met with him prior to his confirmation hearing.

Mr. Wehrum sits before us again today nominated for the very same position he was nominated for 12 years ago. After reviewing Mr. Wehrum's record, talking to him in person, and listening and reading his answers during the hearing process, my position has not changed since 2005, primarily because his views do not appear to have changed.

Like other EPA nominees, Mr. Wehrum was evasive on many of the questions asked of him, even convincingly forgetting a case that he worked on against the renewable fuel standard in National Chicken Council, et al v.

EPA. However, what was clear in the answer that he did give, and in his conversation with me, is that public health simply is not Mr. Wehrum's main concern.

In fact, when asked what Clean Air Act regulation he does support, he answered as follows:

> I represent clients in private practice. It is my legal ethical duty to zealously represent their interests.

Well, in this job interview with the American people to be Assistant Administrator for the Office of Air and Radiation, the American people are his clients, and the fact that he cannot—or has refused to name—a single regulation that helps to ensure that they and their families have clean air to breathe is almost disqualifying in and of itself. Whether it is carbon, mercury, silica, or other toxic air pollution, Mr. Wehrum continues to show that he sides with polluters over science and doctors every time.

Mr. Wehrum's extreme views will not be good for public health, and quite frankly the legal uncertainty that has resulted from his past work will not be good for American businesses. Businesses need certainty and predictability, and they don't get it with the kind of work he has done.

Let me close by reminding our colleagues that next week we celebrate the 27th anniversary of the signing of the Clean Air Act Amendments of 1990. Twenty-seven years ago, we weren't debating how to weaken or delay our clean air laws. Instead, we passed bipartisan legislation that would improve and strengthen our clean air laws based on the very best science. In the process, we strengthened our economy too. Back then, 89 Senators, including some who still serve in this Chamber, voted to approve the Clean Air Act Amendments of 1990. As a Congressman over at the other body at that time, I voted along with them. A Republican President, George Herbert Walker Bush, signed the bill into law 27 years ago today. It was commonsense legislation, it was bipartisan, and we are all better for it.

When the Clean Air Act Amendments of 1990 passed Congress, I was a Congressman in the House, and I voted in favor of that bill. I was proud of helping to pass that monumental law because I believed then, and I still believe today, that we can protect our environment and grow our economy at the same time—and we have the job numbers to prove it.

We have had some delays in implementation, but, by and large, the law has been a huge success and has benefited just about every American. For every dollar we spend in installing new pollution controls in cleaning up our air, we have seen $30 returned in reduced healthcare costs, better workplace productivity, and saved lives. We have a return of $30 for every dollar we spend installing new pollution control.

The bottom line is, fewer people are getting sick and missing work because of the Clean Air Act and the Clean Air Act Amendments of 1990.

When it comes to the rhetoric surrounding air regulations, there is a lot of fake news that people like to peddle, but as the saying goes: Everyone is entitled to his or her own opinions but not to his or her own facts.

Here are the facts. Our economy did not take a slide because of clean air protection. Quite the opposite is true. The Obama administration implemented the Clean Air Act based on the best science to date. Now our air is cleaner. We have seen 8 years of economic growth.

I will say that again. We have seen 8 years of economic growth, the longest stretch in our history. Energy prices at the pump and the meter are lower than when President Obama took office—lower, not higher. The beauty of our clean air laws is that they are not static. Our clean air protections keep up with the latest oversight science and the latest technology.

As we learn more about what makes us sick, about what is impacting our environment, and about what can be done to clean it up, the EPA has the authority, under the Clean Air Act, to make adjustments to make it better, to ensure that it protects more people, not fewer. That has been the trajectory to date. As technology and science develop, so do our clean air regulations.

That is also the story of our country. Through innovative and creative solutions, we strive for progress in order to have a better life here at home and to lead the world in tackling the environmental challenges of our time. Mr. Wehrum's policies have been tried and have been proven not only unsuccessful but even dangerous. We don't need to continue to move backward. We need to move forward.

Mr. President, I will leave you and our colleagues with this. I am sorry to say that Mr. Wehrum has worked deliberately to halt that progress, to delay that progress and to roll back clean air laws that have been protecting America and Americans for decades. Unlike many of the nominees who have come before us this year, unfortunately, we don't have to speculate about how Mr. Wehrum would do in this position. We have already seen it. We have already seen it, and the results were not good for the rest of us.

As his clients at this time, we deserve better representation. Today Americans deserve leaders at EPA who will be impartial and will look out for the interests of all Americans, not just Big Oil and the kind of clients who can afford Mr. Wehrum's legal bills.

We have seen this movie before, and there is no need for a sequel. I regret having to say that, but I do believe Mr. Wehrum is not the right fit for this position today, any more than he was a dozen years ago.

I encourage my colleagues to vote no on his nomination to serve as EPA's Assistant Administrator for air.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VETERANS DAY

Mr. KENNEDY. Mr. President, this Saturday is Veterans Day, a day when we honor the brave women and brave men who have served in the defense of this great Nation. We need to take a moment to reflect on the freedoms that we enjoy every day—and sometimes take for granted—as American citizens, and we need to take that moment to thank those who have devoted their lives to serve and protect the greatest Nation in human history, the United States of America.

Mr. President, as you know, our country is home to over 20 million veterans, and I have the privilege of representing more than 250,000 veterans in my State of Louisiana. Today, I would like to talk about two of those veterans from my State who are illustrative of the extraordinary service that all of the veterans in Louisiana have offered their country.

The two gentlemen I would like to talk about, the two brave Americans, are Ira Schilling and Earl Louis Messmer.

Ira Schilling is from Shreveport. He enlisted in the U.S. Marines Corps in October of 1941, at the age of 16. He was 16 years old. After completing his training, Ira was assigned as a rifleman to L Company, 3rd Battalion, 6th Marines, 2nd Marine Division, and he took part in combat operations on Guadalcanal during the final weeks of that bloody campaign.

Ira was discharged from Active Duty in October 1945. In 1948, Mr. Schilling tried to reenlist in the U.S. Marines Corps. He was married at the time. The Marines Corps turned down his request. Undaunted, Mr. Schilling just went over and enlisted in the U.S. Navy, and he spent another 2 years on Active Duty in defense of this country. Ira is now 92 years young, and he lives in Haughton, LA, and he is a Civil Air Patrol wing chaplain.

Mr. Earl Louis Messmer was born in New Orleans, in the southern part of my State, in 1923. He is very proud—and we are all proud of him—for serving in the Battle of Peleliu from September 15 to November 15, 1944.

That battle was a fight to capture an airstrip in the Western Pacific Ocean. The United States won. We prevailed due to the bravery of the Army's 81st Infantry Division, of which Earl was a member.

Upon his return from World War II, in 1945, Mr. Messmer went to Tulane University.

Earl has 2 daughters, 5 grandchildren, and 10 great grandchildren,

all of whom are enjoying the freedom of this country for which he fought so gallantly.

Earl has resided in Metairie, LA, since 1942.

It is imperative, in my judgment, that this Veterans Day—and every day—we honor the service and sacrifices made by our women and our men in uniform. That is why I have introduced a bill. It is the 75th Anniversary of the End of World War II Commemorative Coin Act. I say to the Presiding Officer, I hope you will vote for it. This bill would authorize a commemorative coin to mark the milestone anniversary and the historic sacrifices of what has been aptly termed ''the Greatest Generation,'' and this bill will cost the American taxpayer zero dollars.

Thanks to the selflessness and bravery of 16 million American military personnel—brave men and women, brave men like Ira and Earl, of whom I just spoke, many of whom have lost their lives in this global conflict in World War II—liberty and democracy ultimately prevailed against the rawest, ugliest form of tyranny. The least we can do, it seems to me, for those who fought for our freedom, is to ensure that institutions like the National World War II Museum in New Orleans are able to continue their mission to educate future generations about our country's role in World War II and to support the families of our veterans.

I would like to urge all of my colleagues to please join with me, as I know they will, in thanking the millions of veterans who have fought and served our country, and I hope we can all pray together for the safety of our brave women and men in uniform who are still serving today.

Thank you, 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.

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

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

BRINK ACT

Mr. VAN HOLLEN. Mr. President, as we all know, President Trump is now in China on an important trip, where his top priority is obtaining China's cooperation in confronting North Korea's nuclear weapons program.

While we should continue to seek China's cooperation in applying economic and other pressures on North Korea, we also need to send a very clear and strong message to banks in China and throughout the world that there will be a price to pay for lack of cooperation.

That is why I am pleased that yesterday, before President Trump arrived in China, the Senate Banking Committee, on a unanimous basis, passed a bill to impose and enforce mandatory sanctions against banks and financial firms in China or anywhere else in the world that help to prop up the regime of Kim Jong Un. The bill is named the Otto Warmbier Banking Restrictions Involving North Korea Act, or the BRINK Act, for short. I introduced this bill with Senator TOOMEY earlier this year, after North Korea engaged in its threatening and provocative missile launches.

I want to thank Senator TOOMEY for his partnership in developing the BRINK Act. I want to thank Mr. CRAPO, chairman of the Banking Committee, and Ranking Member BROWN for their leadership in addressing the North Korean threat and working to pass this bill out of the Banking Committee with unanimous support. I want to thank all of the members of the Banking Committee for their bipartisan effort on this matter.

I also want to thank the chairman of the Foreign Relations Committee, Senator CORKER, and the Ranking Member, Senator CARDIN, for their bipartisan leadership in confronting the threat of North Korea, and also the leadership of the East Asia Subcommittee of the Senate Foreign Relations Committee, headed by Senators GARDNER and MARKEY. They have been consistent in their efforts to address the North Korean threat and to seek a peaceful resolution of this crisis.

Back in August, I had the opportunity to visit South Korea, Japan, and China, as part of a bipartisan delegation that was led by Senator MARKEY. We had the opportunity to travel not only to the DMZ zone between South and North Korea but also to visit the city of Dandong, which is a Chinese city on the border between China and North Korea, along the Yalu River. That is where a lot of the cross-border trade and transactions between North Korea and China take place.

The threat posed by North Korea to the United States and our allies is very real. The Chairman of the Joint Chiefs of Staff, General Dunford, testified in September that North Korea has the capability to strike the United States' mainland with an intercontinental ballistic missile. North Korea has ramped up the pace of its ballistic missile tests, firing two ballistic missiles over Japan in recent months. In September North Korea conducted its sixth test of a nuclear weapon—the largest yet.

The question is this: How do we deal with this threat?

Way back when it came to foreign policy and national security issues, President Teddy Roosevelt counseled that we should ''speak softly and carry a big stick.'' President Trump and all of us would be wise to heed that advice. Bluster and overheated rhetoric not only will not work, but they raise the risk of miscalculation and war with North Korea.

It is much better to steadily and dramatically ratchet up the pressure on North Korea to come to the negotiating table with the goal of denuclearizing the Korean Peninsula. That strategy has to include lots of elements, but an indispensable tool is putting much greater pressure on Pyongyang.

Despite what many people think, North Korea is not sanctioned out. It is not as if we already applied and enforced maximum economic pressure on North Korea. In fact, our existing sanctions regime against North Korea is much weaker than the sanctions regime we had in place against Iran in the lead-up to the Iran nuclear deal. That is because the United States and others have not seriously gone after the foreign banks and firms that support the North Korean leadership and its cronies.

The reality is that North Korea's economy is not as weak or isolated as many believe. Its annual GDP is estimated to be $40 billion, and China accounts for almost 90 percent of North Korea's trade. The United Nations has repeatedly found that North Korea evades the existing international sanctions effort and maintains access to the international financial system, primarily through a comprehensive network of Chinese-based front companies. North Korea relies heavily on this network to directly support its weapons of mass destruction and ballistic missile programs.

We have no time to waste. We must sever Kim Jong Un's economic lifeline. That is why Senator TOOMEY and I have introduced the BRINK Act and why it received such strong support. The BRINK Act targets this illicit financial network by imposing mandatory sanctions on those doing business with North Korea.

It sends a clear and unequivocal message to foreign banks and foreign firms: You can do business with North Korea or you can do business with the United States, but you cannot do business with both. That is the choice we placed before other countries with respect to Iran, and it helped to generate the pressure to bring Iran to the negotiating table.

If you trade with North Korea, you will not have any access to the U.S. markets. This, as I indicated, is the choice that we ultimately gave to Iran back in 2010, and the BRINK Act is modeled after the sanctions laws that we applied in the case of Iran that brought them ultimately to the negotiating table. Our goal is to cut off North Korea's remaining access to the international financial system, deprive Kim Jong Un of the resources needed for his regime's survival, and create the leverage necessary for serious negotiations.

Some critics of this approach argue that China may lash out at the United States or respond in kind. The gravity of the situation compels us to act regardless of Beijing's reaction in these circumstances. Simply asking China for its cooperation is not enough. It has to be backed up by a clear message and law from the United States that there are severe penalties for those who do not cooperate and do not abide

by the sanctions. That is what this bill is all about.

It is also important to note that when secondary sanctions on Iran were put into place, the Chinese Government issued a tepid public protest, and then privately directed its sanctioned banks to stop working with Iran. In other words, after some quiet protest, they complied with that secondary sanctions regime on Iran.

Moreover, Beijing claimed just this September that it is directing its banks to freeze any North Korean accounts—a directive which, if true, is long overdue. But it will be hard for China to say that we shouldn't take this action if it is an action they already said they directed their banks to take. This makes it clear that it will be in China's economic interests to fully enforce the sanctions on North Korea.

I am clear-eyed about the challenges we face in bringing North Korea to the negotiating table. Previous Democratic and Republican administrations have failed to end North Korea's nuclear and missile programs, and because of this, some argue that Kim Jong Un will never give up his nuclear program.

To those critics, my response is simply that we have not exhausted all of our options on North Korea. There is incredible leakage right now in the sanctions regime, and that leakage is what the BRINK Act is designed to address and to close the loopholes and put teeth into the sanctions.

The choice between accepting a nuclear North Korea or launching some kind of preventive war is a false one. I strongly believe that this aggressive secondary sanctions regime, as part of an overall coherent strategy backed by our allies and the threat of force, is our best remaining chance of achieving a nuclear-free Korean Peninsula.

Right now, we face no more urgent task than achieving a peaceful resolution on the North Korean nuclear crisis. We need clear thinking. We need courage. We need common sense on the choices before us. At stake is not just the security of those in the region but, ultimately, of the United States. It is incumbent on all of us to ensure that the pursuit of peace prevails in this effort.

I ask my colleagues in the Senate to follow the lead of the Banking Committee in giving this a unanimous bipartisan vote in the Senate so we can get this to the House as soon as possible and have it signed into law, so that when we ask other nations for cooperation, they know that failing to cooperate with us is not an option, or if they do take that course, they will face severe economic consequences.

So I hope the Senate will take this up without delay and that we can pass it and get it to the President's desk.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I thank my colleague from Maryland for his thoughtful words on North Korea.

I come to the floor today to urge my colleagues to oppose the nomination of William Wehrum to lead the Office of Air and Radiation at the EPA.

If confirmed, Mr. Wehrum would be responsible for implementing critical programs like the Renewable Fuel Standard Program and other key public health standards under the Clean Air Act.

Mr. Wehrum is part of a larger trend within President Trump's administration. Many of the nominees who are being sworn in are unqualified, incompetent, and have actually built their careers on dismantling the agencies they are now leading.

To be clear, Mr. Wehrum's nomination represents yet another broken promise by President Trump—this time, to our Nation's farmers. As a candidate, Mr. Trump pledged to champion the RFS, a policy with broad bipartisan support that reduces our greenhouse gas emissions, helps us revive rural economies, and makes our Nation less dependent on foreign oil.

Yet the President continues to surround himself with advisers intent on sabotaging the RFS, like Scott Pruitt, Carl Icahn, and, now, Mr. Wehrum. Mr. Wehrum has proven, time and again, that he is not a friend of the Renewable Fuel Standard Program.

He sued the biofuels industries—not once, not twice, not three times, but at least four times—representing groups like the American Petroleum Institute which are strong opponents of the RFS. During his nomination hearings, Mr. Wehrum refused to commit to supporting the RFS, claiming he was ''unfamiliar'' with the program. He wouldn't even acknowledge the unprecedented attacks launched on the biofuel industries by this administration.

If you support the RFS, as Illinois farmers and I do, it should be obvious that the right thing to do is to oppose Mr. Wehrum. This is not about having blanket opposition to President Trump's nominees; this is about our national security, our rural communities, and our environment.

I have already fought a war over oil, and I would rather run my car on American-grown corn and soybeans than oil from the Middle East. Our farmers deserve better than a President who makes campaign promises to protect the RFS in Iowa but will not honor them when he gets to the White House.

I understand that Administrator Pruitt has written a letter to my colleagues on the other side of the aisle regarding a pending petition requesting to move the ''point of obligation'' and a rulemaking on renewable volumetric obligations. Both of these decisions, as Administrator Pruitt's letter states, will be final in the coming days. That is why I am calling on my colleagues to simply hold Mr. Wehrum's nomination until after EPA finalizes these decisions.

There is no rush to confirm Mr. Wehrum this week. Better yet, let's oppose his nomination altogether.

I am also concerned that he will gut key public health protections that we all rely on to protect our families and the air we breathe. One of the most serious responsibilities I have, as both a U.S. Senator and a mother, is to protect children and families from harmful pollutants and to make sure the air they breathe is safe from toxic chemicals.

After reviewing Bill Wehrum's previous work in the Office of Air and Radiation, it is clear that he made dismantling the Clean Air Act—and all of the air pollution safeguards and public health protections guaranteed by it—one of his top priorities. In that office, he actively fought to roll back commonsense safeguards against lead, fine particulate pollution, and ozone smog. But he didn't stop there. He even led efforts to weaken standards designed to reduce emissions of mercury—one of the most deadly, toxic pollutants in the world—from coal-fired powerplants. Bill Wehrum wasn't looking out for us; he was looking out for the fossil fuel industry.

When Mr. Wehrum was originally nominated for this position under the Bush administration, the Senate had the good sense to reject his nomination. He was never confirmed, and I hope we do not confirm him now.

Again, I urge all my colleagues to oppose Mr. Wehrum's nomination and, instead, support our farmers, our children, and our families.

Thank you.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Thank you, Mr. President.

Like the Senator from Illinois, I rise to voice my opposition to the nomination of Bill Wehrum to serve as the Assistant Administrator for Air and Radiation at the Environmental Protection Agency.

The Office of Air and Radiation oversees matters that are critical to human and environmental health, specifically, air and radiation but also climate change, air quality, and vehicle emissions.

If confirmed, Mr. Wehrum would be responsible for these immensely important issues, which require putting the health of our citizens above industry interests. Given this, I don't know why the Senate would confirm him for this position.

Mr. Wehrum has already served in this role in an acting capacity during the Bush administration. His confirmation was blocked by the Senate in 2006. His prior tenure shows that he will not fulfill the mission of the EPA to protect human health and the environment. In fact, he has a record of putting corporate profits before the well-being of citizens.

During his tenure in the Bush administration, Mr. Wehrum rolled back clean air safeguards that protect public

health on 27 occasions. His actions were challenged in court for not fulfilling the requirements of the Clean Air Act, and 27 times the court ruled against Mr. Wehrum.

One particular issue that he was involved in was mercury pollution. Under the Clean Air Act, the EPA has to reduce hazardous air pollutants like mercury, which is particularly harmful to children. Instead of protecting this population from mercury pollution, a neurotoxin, Mr. Wehrum decided to advance the interests of polluters.

During his tenure, Mr. Wehrum also led efforts to prevent EPA from addressing climate pollution. Fortunately, the Supreme Court eventually ruled in favor of regulating greenhouse gases, forcing the Agency to take action.

After the Senate blocked his nomination in 2006, Mr. Wehrum decided he would undermine the mission of the Agency on behalf of polluters. In his current role as a corporate attorney, he has sued the EPA multiple times on behalf of clients in the oil, gas, coal, and chemical industries to undermine protections that safeguard public health and the environment. He has used his current position to attack the renewable fuel standard, which requires biofuels to be blended with gasoline—something the big oil companies hate because it means serious competition for dirty oil. So as an attorney for the American Petroleum Institute—the trade association that represents ExxonMobil, BP, and a number of other oil and gas giants—Mr. Wehrum sued the EPA at least four times in an effort to weaken the RFS, the renewable fuel standard. This is deeply troubling, considering that if he gets this job, he will be in charge of administering the RFS, which will allow him to implement his clear agenda. He has done nothing to lead us to believe he would do anything but side with the giant oil companies.

The facts are clear. The RFS boosts energy security, it creates rural jobs, and it is better for the environment than oil. You are never going to see an ethanol spill in the Gulf of Mexico.

Colleagues on both sides of the aisle agree that despite this bipartisan support, EPA Administrator Scott Pruitt has reduced advanced biofuel blending targets for 2018. Now, with Mr. Wehrum's nomination, I have even less confidence in this administration upholding Congress's intent on the RFS.

He also has a history of willful ignorance of science. When asked whether he believes that greenhouse gas emissions from human activities are the main drivers of climate change, Mr. Wehrum stated that he believes it is an open question—an answer that runs contrary to the conclusion of 97 percent of climate scientists and runs counter to the ''National Climate Assessment'' that was released by this administration just last week.

Emissions from fossil fuel-fired powerplants are some of the main contributors to climate change. We know this. At the Office of Air and Radiation, Mr. Wehrum would oversee the repeal of standards that reduce greenhouse gas emissions from the power sector, the Clean Power Plan. He would also be in charge of crafting a weaker replacement, if any.

Let me be clear. A weak standard is an affront to the public health and safety of future generations.

To overcome the challenge of climate change, we must transform our economy to dramatically reduce greenhouse gas emissions. If we don't, Americans and future generations will pay an unacceptable price. But rather than driving innovation and pushing us to overcome this challenge, the administration has ordered a retreat. You can see that retreat everywhere, in a budget that would gut funding for science and innovation, in an EPA that values industry profits over the welfare of the public.

The 23rd annual United Nations climate change conference is taking place right now in Bonn, Germany. Two years ago, 195 nations came together to sign the Paris climate agreement in a historic display of the power of collective human will, and they did it because of U.S. leadership.

Now contrast that to earlier this year, when President Trump ordered the United States to retreat. He announced that he was pulling us out of the Paris climate agreement.

Yesterday, Syria announced that it would ratify the agreement. They were the last remaining nation to not be a part of this agreement. We now stand alone as the only country in the world choosing not to be part of the global effort to combat climate change.

Let's be clear. The President has not only ceded leadership, but he has isolated the United States from the global community. He has put us in this dangerous situation simply to protect short-term profits of the fossil fuel industry.

Mr. Wehrum would exacerbate this administration's wrong-headed approach. He is anti-science, anti-public health, anti-environment. That is why the Senate blocked his nomination in 2006. The Senate recognized then that he wasn't fit for the job. He is even less fit today.

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

Thank you.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 400, 401, and 402.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Melissa Sue Glynn, of the District of Columbia, to be an Assistant Secretary of Veterans Affairs (Enterprise Integration); Cheryl L. Mason, of Virginia, to be Chairman of the Board of Veterans' Appeals for a term of six years; and Randy Reeves, of Mississippi, to be Under Secretary of Veterans Affairs for Memorial Affairs.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; 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 nominations 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 Glynn, Mason, and Reeves nominations en bloc?

The nominations were confirmed en bloc.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

VETERANS DAY

Mr. HATCH. Mr. President, as we prepare to commemorate Veterans Day this weekend, I would like to offer my sincere appreciation to the dedicated veterans who have served our country so bravely over the years. Only in a great country such as ours do we have so many willing and able citizens who volunteer for duty. These selfless individuals understand the importance of protecting our country and are willing to give their lives to do it.

Many of these brave men and women make the ultimate sacrifice, such as my own brother, Jesse Morlan Hatch who was killed in World War II. SSG Aaron Butler of Utah also comes to mind. Staff Sergeant Butler was tragically killed in the line of duty last summer while serving in Afghanistan. The valor of patriots like Jesse and Aaron is indicative of all men and women who volunteer to serve in our Armed Forces. I have always had a deep-rooted respect for America's servicemembers and her veterans.

On behalf of the State of Utah, I would also like to express our humble gratitude for our Nation's veterans and active servicemembers. Throughout

this weekend, Utah will host a variety of ceremonies, all dedicated to celebrating our veterans. The town of Magna will be hosting its annual Veterans Day parade; the town of Howell will be naming its community center after SGT Rocky D. Payne, who was killed in Iraq in 2005; and the students of Granite Park Junior High School will be hosting a special Veterans Day assembly. With events being held all across our State, it is clear to see that Utahns hold our Nation's veterans in the highest esteem. I am honored to represent a State that honors our veterans.

I would also like to personally acknowledge the city of Layton, which will be hosting a grand Veterans Day parade to be followed by the groundbreaking ceremony of a new Vietnam War memorial wall. I could not even begin to describe the endeavor that Mayor Bob Stevenson, the city of Layton, the Utah State Legislature, and so many others have undertaken to bring this wonderful memorial to Utah. I am grateful for their leadership, and I am delighted to see this memorial become a reality.

I will close today by saying this: To all veterans and your families, thank you. Thank you for your sacrifice, for your commitment, and for your dedication to this Nation and its citizens. Most of all, thank you for your patriotism and faith in America. To our Nation's veterans we owe a debt of gratitude that can never be fully repaid.

(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. 266, on the nomination of Peter B. Robb, of Vermont, to be general counsel of the National Labor Relations Board. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 267, on the motion to invoke cloture on William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. Had I been present, I would have voted nay.●

VOTE EXPLANATION

● Mr. TESTER. Mr. President, I was necessarily absent due to a family funeral for the votes on confirmation of Executive Calendar No. 384 and the motion to invoke cloture on Executive Calendar No. 407.

On vote No. 266, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 384.

On vote No. 267, had I been present, I would have voted nay on the motion to invoke cloture on Executive Calendar No. 407.●

ADDITIONAL STATEMENTS

RECOGNIZING THE UNION LEAGUE CLUB OF CHICAGO

● Ms. DUCKWORTH. Mr. President, today I wish to celebrate the Union League Club of Chicago ULCC, and their Salute to Vietnam Veterans event.

As a Nation, we must do everything we can to uphold our commitment to those who have worn the uniform of this great Nation and to their families who have made significant sacrifices on our behalf. On Veterans Day we honor the service of our Nation's heroes and reflect on the debt that we each owe to those who have served this great Nation.

Founded during the Civil War, ULCC has been a leader in providing support for servicemembers and veterans for over 138 years. ULCC, an official DoD Commemorative Partner, operates its own American Legion Posts and collaborates with partner groups that provide support to Active-Duty military personnel. ULCC recognizes that, while servicemembers may come from different backgrounds and different branches, they all hold the same sense of duty and commitment and deserve our full support.

As the daughter of a U.S. marine who fought in Vietnam, our Vietnam veterans hold a special place in my heart. I often say that we must always love the warrior regardless of our feelings about the war. Let us recommit our obligation to Vietnam veterans by ensuring that they have the healthcare, disability support, retirement benefits, and any other resources they have earned.

To all of my fellow veterans, to those still serving, and to all the families that have sacrificed, thank you from the bottom of my heart for your honorable service.

Thank you.●

REMEMBERING GARY SMILEDGE

● Ms. HASSAN. Mr. President, it is with great sadness today that I recognize the life and passing of Gary Wayne Smiledge, 72, of Gonic, NH.

Mr. Smiledge served bravely in the U.S. Army during the Korean war. As a member of the 2nd Infantry Division, stationed at Camp Casey south of the DMZ, Mr. Smiledge protected orphanages after serving on the frontlines.

When Mr. Smiledge returned to New Hampshire, his service to his fellow veterans continued. In addition to being a member of the American Legion Post No. 7 of Rochester, he was also heavily involved with the New Hampshire Amputee Group, where he worked with other veterans who lost limbs during the course of their service.

Mr. Smiledge was a beloved member of his community, and he will be missed dearly. I join all Granite Staters in expressing our profound gratitude to veterans like Gary who have fought for the cause of freedom, putting their country and devotion to duty first.●

MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 918. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, and for other purposes.

H.R. 1133. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to authorize the Secretary of Veterans Affairs to provide for an operation on a live donor for purposes of conducting a transplant procedure for a veteran, and for other purposes.

H.R. 1900. An act to designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes.

H.R. 2123. An act 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.

H.R. 2148. An act to amend the Federal Deposit Insurance Act to clarify capital requirements for certain acquisition, development, or construction loans.

H.R. 2601. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the access of veterans to organ transplants, and for other purposes.

H.R. 3441. An act to clarify the treatment of two or more employers as joint employers under the National Labor Relations Act and the Fair Labor Standards Act of 1938.

H.R. 3634. An act to amend title 38, United States Code, to ensure that individuals may access documentation verifying the monthly housing stipend paid to the individual under the Post–9/11 Educational Assistance Program of the Department of Veterans Affairs.

H.R. 3897. An act 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.

H.R. 3911. An act to amend the Securities Exchange Act of 1934 with respect to risk-based examinations of Nationally Recognized Statistical Rating Organizations.

H.R. 3949. An act 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.

ENROLLED BILL SIGNED

At 12:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3031. An act to amend title 5, United States Code, to provide for flexibility in making withdrawals from a Thrift Savings Plan account, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

MEASURES REFERRED

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

H.R. 918. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1133. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to authorize the Secretary of Veterans Affairs to provide for an operation on a live donor for purposes of conducting a transplant procedure for a veteran, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 1900. An act to designate the Veterans Memorial and Museum in Columbus, Ohio, as the National Veterans Memorial and Museum, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2123. An act 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; to the Committee on Veterans' Affairs.

H.R. 2148. An act to amend the Federal Deposit Insurance Act to clarify capital requirements for certain acquisition, development, or construction loans; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2601. An act to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the access of veterans to organ transplants, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3634. An act to amend title 38, United States Code, to ensure that individuals may access documentation verifying the monthly housing stipend paid to the individual under the Post-9/11 Educational Assistance Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

H.R. 3897. An act 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.

H.R. 3911. An act to amend the Securities Exchange Act of 1934 with respect to risk-based examinations of Nationally Recognized Statistical Rating Organizations; to the Committee on Banking, Housing, and Urban 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–3404. A communication from the Acting Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Imposition of Special Measure against Bank of Dandong as a Financial Institution of Primary Money Laundering Concern'' (RIN1506–AB38) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3405. A communication from the Deputy Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Administration's decision to enter into a contract with a private security screening company to provide screening services at Atlantic City International Airport (ACY); to the Committee on Commerce, Science, and Transportation.

EC–3406. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''CMS Ensured Nearly All Part D Drug Records Contained Valid Prescriber Identifiers in 2016''; to the Committee on Finance.

EC–3407. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–96; Small Entity Compliance Guide'' (FAC 2005–96) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3408. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Removal of Fair Pay and Safe Workplaces Rule'' ((RIN9000–AN52) (FAC 2005–96)) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3409. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–96; Introduction'' (FAC 2005–96) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3410. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3385-EM in the State of Florida having exceeded the $5 ,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–3411. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3384-EM in the Commonwealth of Puerto Rico having exceeded the $5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC–3412. A communication from the Acting Assistant Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's fiscal year 2016 Federal Activities Inventory Reform (FAIR) Act submission of its commercial and inherently governmental activities; to the Committee on Homeland Security and Governmental Affairs.

EC–3413. A communication from the Executive Analyst (Political), Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Indian Health Service, Department of Health and Human Services, received in the Office of the President of the Senate on November 7, 2017; to the Committee on Indian Affairs.

EC–3414. A communication from the Solicitor General, Department of Justice, transmitting, pursuant to law, an opinion of the United States District Court for the District of Columbia (United States v. James Marvin Reed); to the Committee on the Judiciary.

EC–3415. A communication from the Chairman, Board of Trustees, and the President, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a report relative to the Center's consolidated financial statements, supplemental schedules of operations, and independent auditor's report for years ended October 2, 2016, and September 27, 2015, and a report relative to the Center's schedule of expenditures of federal awards and independent auditor's reports for the year ended October 2, 2016; to the Committee on Rules and Administration.

EC–3416. A communication from the Office Program Manager, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Extension of the Presumptive Period for Compensation for Gulf War Veterans'' (RIN2900–AP84) received in the Office of the President of the Senate on November 7, 2017; to the Committee on Veterans' Affairs.

EC–3417. 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.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–134. A concurrent resolution adopted by the House of Representatives of the State of Michigan urging the United States Congress to properly fund the Department of Veterans Affairs Board of Veterans' Appeals and to urge the Board to streamline its process so that appeals are decided in a more timely manner; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 3

Whereas, Military veterans have a number of benefits available to them when honorably discharged from service. However, to receive disability benefits, veterans must apply and be approved by agents at local veterans affairs offices. If denied, the veteran has a right to appeal to the federal Board of Veterans' Appeals; and

Whereas, As of July 2016, more than 81,000 cases were pending before the Board of Veterans' Appeals, and veterans are waiting an average of five years for cases to be determined. The wait time for a case to be resolved is unacceptable to the men and women who have served our country, and action must be taken to ensure that they are able to access the benefits they have earned; and

Whereas, Additional funding and staff are necessary to properly address the backlog, as well as the estimated 57,000 new complaints received in 2016. Streamlining the complex appeals process is also required. Increased funding for the board was included in H.R.

2577 of 2015. However, the bill did not pass the U.S. Senate before the congressional session ended. Legislation is pending in the 115th Congress (H.R. 457) to require changes to the appeals process to address the backlog of appeals; Now, therefore, be it

Resolved by the House of Representatives (The Senate Concurring), That we urge the Congress of the United States to properly fund the Department of Veterans Affairs Board of Veterans' Appeals and to urge the Board to streamline its process so that appeals are decided in a more timely manner, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the chairman of the Board of Veterans' Appeals.

POM–135. A concurrent resolution adopted by the House of Representatives of the State of Michigan memorializing the United States Congress to award a posthumous Medal of Honor to Sergeant Thomas Henry Sheppard for his actions during the Civil War; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, A most remarkable—and long overlooked—sustained act of patriotism and honor in U.S. military history is credited to Sgt. Thomas Henry Sheppard of Michigan's Almont, Marlette, and Imlay City area, during his service as flag bearer for Company E, First Michigan Cavalry, in the Civil War; and

Whereas, These actions include riding with his oversize personal flag in multiple engagements with Confederate troops in Stonewall Jackson's Shenandoah Valley Campaign of 1862 and in the Battle of Gettysburg of 1863; and

Whereas, These actions also include secreting his flag on his person after being wounded in the Battle of Gettysburg, subsequently keeping his flag safely hidden by wrapping it around his body during 505 days as a prisoner of war in Andersonville and other Confederate camps, all the while risking severe punishment or even execution; and

Whereas, Sgt. Sheppard and his flag received wide recognition at multiple Civil War reunions and other events, as reported in newspaper accounts in the late 19th century; and

Whereas, The Sheppard flag, punctured by 72 bullet holes, has been authenticated as genuine after having been restored and preserved for permanent display at the Dearborn Historical Museum; and

Whereas, Sgt Sheppard never received official recognition for his sustained act of patriotism and honor; Now, therefore, be it

Resolved by the House of Representatives (the Senate Concurring), That we memorialize the Congress of the United States to award a posthumous Medal of Honor to Sergeant Thomas Henry Sheppard for his actions during the Civil War; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–136. A resolution adopted by the Common Council of the City of Syracuse, New York urging the United States Congress to take the necessary actions to ensure that the State and Local Tax (SALT) Deduction remains a part of the Federal Tax Code; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 873. A bill to amend section 8433 of title 5, United States Code, to provide for flexibility in making withdrawals from the Thrift Savings Fund (Rept. No. 115–183).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 195. A bill to amend title 44, United States Code, to restrict the distribution of free printed copies of the Federal Register to Members of Congress and other officers and employees of the United States, and for other purposes (Rept. No. 115–184).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. THUNE for the Committee on Commerce, Science, and Transportation.

*James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration.

*Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2022.

*Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission for a term of seven years from October 27, 2017.

*Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration.

*Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary of Transportation.

*Nazakhtar Nikakhtar, of Maryland, to be an Assistant Secretary of Commerce.

*Neil Jacobs, of North Carolina, to be an Assistant Secretary of Commerce.

*Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors for a term of five years.

*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.

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 Mr. FLAKE (for himself, Mr. HEINRICH, and Mrs. SHAHEEN):

S. 2094. A bill to require the prompt reporting for national instant criminal background check system purposes of members of the Armed Forces convicted of domestic violence offenses under the Uniform Code of Military Justice, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. MURPHY, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. REED, Mr. CARPER, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. SCHATZ, Ms. HIRONO, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HARRIS, Mr. CASEY, and Mr. SANDERS):

S. 2095. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes; to the Committee on the Judiciary.

By Mr. FLAKE (for himself and Mrs. SHAHEEN):

S. 2096. A bill to amend the Federal Crop Insurance Act to prohibit payments of premium subsidy for harvest price policies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER (for himself, Mr. HELLER, and Ms. BALDWIN):

S. 2097. A bill to amend title 38, United States Code, to improve the administration of State homes furnishing care to veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. PETERS, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SCOTT, Mr. BARRASSO, Mr. MANCHIN, and Mr. LANKFORD):

S. 2098. A bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROBERTS (for himself and Ms. STABENOW):

S. 2099. A bill to provide for the management by the Secretary of Agriculture of certain Federal land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHATZ (for himself, Mr. DURBIN, Mr. MARKEY, Mr. WHITEHOUSE, Mr. REED, Mr. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Ms. HIRONO, Mr. BLUMENTHAL, Mrs. FEINSTEIN, and Mr. FRANKEN):

S. 2100. A bill to prohibit the sale or distribution of tobacco products to individuals under the age of 21; to the Committee on Commerce, Science, and Transportation.

By Mr. DONNELLY (for himself and Mr. YOUNG):

S. 2101. A bill to award a Congressional Gold Medal, collectively, to the crew of the U.S.S. Indianapolis, in recognition of their perseverance, bravery, and service to the United States; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 2102. A bill to clarify the boundary of Acadia National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. HIRONO (for herself and Mrs. CAPITO):

S. 2103. A bill to amend title XVIII of the Social Security Act to provide information regarding vaccines for seniors as part of the Medicare & You handbook and to ensure that the treatment of cost sharing for vaccines under Medicare part D is consistent with the treatment of vaccines under Medicare part B, and for other purposes; to the Committee on Finance.

By Ms. HARRIS (for herself and Mrs. FEINSTEIN):

S. 2104. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income earthquake loss mitigation received under State-based earthquake loss mitigation programs; to the Committee on Finance.

By Mr. BOOZMAN (for himself and Mr. DONNELLY):

S. 2105. A bill to modify the presumption of service connection for veterans who were exposed to herbicide agents while serving in

the Armed Forces in Thailand during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. MARKEY, and Ms. HASSAN):

S. 2106. A bill to require States to automatically register eligible voters at the time they turn 18 to vote in Federal elections, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NELSON (for himself and Mr. RUBIO):

S. Res. 324. A resolution designating November 9, 2017, as ''National Diabetes Heart Health Awareness Day'', coinciding with American Diabetes Month; considered and agreed to.

By Mr. CARPER (for himself, Mrs. CAPITO, and Mr. HEINRICH):

S. Res. 325. A resolution expressing support for designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 200

At the request of Mr. MARKEY, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 200, a bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress.

S. 422

At the request of Mrs. GILLIBRAND, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 422, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 803

At the request of Mr. REED, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 803, a bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations.

S. 1050

At the request of Ms. DUCKWORTH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1063

At the request of Mr. BROWN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1063, a bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes.

S. 1188

At the request of Ms. COLLINS, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 1188, a bill to amend title XXIX of the Public Health Service Act to reauthorize the program under such title relating to lifespan respite care.

S. 1276

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1276, a bill to require the Attorney General to make a determination as to whether cannabidiol should be a controlled substance and listed in a schedule under the Controlled Substances Act and to expand research on the potential medical benefits of cannabidiol and other marihuana components.

S. 1344

At the request of Mr. BLUNT, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 1344, a bill to promote the development of local strategies to coordinate use of assistance under sections 8 and 9 of the United States Housing Act of 1937 with public and private resources, to enable eligible families to achieve economic independence and self-sufficiency, and for other purposes.

S. 1350

At the request of Mr. ALEXANDER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1350, a bill to amend the National Labor Relations Act with respect to the timing of elections and pre-election hearings and the identification of pre-election issues, and to require that lists of employees eligible to vote in organizing elections be provided to the National Labor Relations Board.

S. 1539

At the request of Ms. KLOBUCHAR, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Rhode Island (Mr. REED) and the Senator from California (Ms. HARRIS) were added as cosponsors of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1591

At the request of Mr. TOOMEY, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 1591, a bill to impose sanctions with respect to the Democratic People's Republic of Korea, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the names of the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from Pennsylvania (Mr. TOOMEY) 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. 1742

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1742, a bill to amend title XVIII of the Social Security Act to provide for an option for any citizen or permanent resident of the United States age 55 to 64 to buy into Medicare.

S. 1838

At the request of Ms. WARREN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1838, a bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes.

S. 1916

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 1916, a bill to prohibit the possession or transfer of certain firearm accessories, and for other purposes.

S. 1917

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1917, a bill to reform sentencing laws and correctional institutions, and for other purposes.

S. 2038

At the request of Mr. MORAN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 2038, a bill to amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2057

At the request of Ms. BALDWIN, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2057, a bill to prevent conflicts of interest that stem from the revolving door that raises concerns about the independence of pharmaceutical regulators.

S. 2070

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2070, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, to reauthorize the Missing Alzheimer's Disease Patient Alert Program, and to promote initiatives that will reduce the risk of injury and death relating to the wandering characteristics of some children with autism.

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2070, supra.

S. 2080

At the request of Ms. WARREN, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 2080, a bill to increase the role of the financial industry in combating human trafficking.

S. RES. 279

At the request of Mr. MCCAIN, the name of the Senator from Texas (Mr.

CRUZ) 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.

S. RES. 323

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 323, a resolution requiring sexual harassment training for Members, officers, employees, interns, and fellows of the Senate and a periodic survey of the Senate.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. PETERS, Mr. RUBIO, Ms. KLOBUCHAR, Mr. SCOTT, Mr. BARRASSO, Mr. MANCHIN, and Mr. LANKFORD):

S. 2098. A bill to modernize and strengthen the Committee on Foreign Investment in the United States to more effectively guard against the risk to the national security of the United States posed by certain types of foreign investment, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Foreign Investment Risk Review Modernization Act of 2017''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign investment provides substantial economic benefits to the United States, including the promotion of economic growth, productivity, competitiveness, and job creation, and the majority of foreign investment transactions pose little or no risk to the national security of the United States, especially when those investments are truly passive in nature;

(2) maintaining the commitment of the United States to open and fair investment policy also encourages other countries to reciprocate and helps open new foreign markets for United States businesses and their products;

(3) it should continue to be the policy of the United States to enthusiastically welcome and support foreign investment, consistent with the protection of national security;

(4) at the same time, the national security landscape has shifted in recent years, and so have the nature of the investments that pose the greatest potential risk to national security, which warrants a modernization of the processes and authorities of the Committee on Foreign Investment in the United States;

(5) the Committee on Foreign Investment in the United States plays a critical role in protecting the national security of the United States, and, therefore, it is essential that the member agencies of the Committee are adequately resourced and able to hire appropriately qualified individuals in a timely manner, and that those individuals' security clearances are processed as a high priority;

(6) the President should conduct a more robust international outreach effort to urge and help allies and partners of the United States to establish processes that parallel the Committee on Foreign Investment in the United States to screen foreign investments for national security risks and to facilitate coordination; and

(7) the President should lead a collaborative effort with allies and partners of the United States to develop a new, stronger multilateral export control regime, aimed to address the unprecedented industrial policies of certain countries of special concern, including aggressive efforts to acquire United States technology, and the blending of civil and military programs.

SEC. 3. DEFINITIONS.

Section 721(a) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)) is amended to read as follows:

''(a) DEFINITIONS.—In this section:

''(1) ACCESS.—The term 'access' means the ability and opportunity to obtain information, subject to regulations prescribed by the Committee.

''(2) COMMITTEE; CHAIRPERSON.—The terms 'Committee' and 'chairperson' mean the Committee on Foreign Investment in the United States and the chairperson thereof, respectively.

''(3) CONTROL.—The term 'control' means the power to determine, direct, or decide important matters affecting an entity, subject to regulations prescribed by the Committee.

''(4) COUNTRY OF SPECIAL CONCERN.—

''(A) IN GENERAL.—The term 'country of special concern' means a country that poses a significant threat to the national security interests of the United States.

''(B) RULE OF CONSTRUCTION.—This paragraph shall not be construed to require the Committee to maintain a list of countries of special concern.

''(5) COVERED TRANSACTION.—

''(A) IN GENERAL.—Except as otherwise provided, the term 'covered transaction' means any transaction described in subparagraph (B) that is proposed, pending, or completed on or after the date of the enactment of the Foreign Investment Risk Review Modernization Act of 2017.

''(B) TRANSACTIONS DESCRIBED.—A transaction described in this subparagraph is any of the following:

''(i) Any merger, acquisition, or takeover that is proposed or pending after August 23, 1988, by or with any foreign person that could result in foreign control of any United States business.

''(ii) The purchase or lease by a foreign person of private or public real estate that—

''(I) is located in the United States and is in close proximity to a United States military installation or to another facility or property of the United States Government that is sensitive for reasons relating to national security; and

''(II) meets such other criteria as the Committee prescribes by regulation.

''(iii) Any other investment (other than passive investment) by a foreign person in any United States critical technology company or United States critical infrastructure company, subject to regulations prescribed under subparagraph (C).

''(iv) Any change in the rights that a foreign person has with respect to a United States business in which the foreign person has an investment, if that change could result in—

''(I) foreign control of the United States business; or

''(II) an investment described in clause (iii).

''(v) The contribution (other than through an ordinary customer relationship) by a United States critical technology company of both intellectual property and associated support to a foreign person through any type of arrangement, such as a joint venture, subject to regulations prescribed under subparagraph (C).

''(vi) Any other transaction, transfer, agreement, or arrangement the structure of which is designed or intended to evade or circumvent the application of this section, subject to regulations prescribed by the Committee.

''(C) FURTHER DEFINITION THROUGH REGULATIONS.—

''(i) CERTAIN INVESTMENTS AND CONTRIBUTIONS.—The Committee shall prescribe regulations further defining covered transactions described in clauses (iii) and (v) of subparagraph (B) by reference to the technology, sector, subsector, transaction type, or other characteristics of such transactions.

''(ii) EXEMPTION FOR TRANSACTIONS FROM IDENTIFIED COUNTRIES.—The Committee may, by regulation, define circumstances in which a transaction otherwise described in clause (ii), (iii), or (v) of subparagraph (B) is excluded from the definition of 'covered transaction' if each foreign person that is a party to the transaction is organized under the laws of, or otherwise subject to the jurisdiction of, a country identified by the Committee for purposes of this clause based on criteria such as—

''(I) whether the United States has in effect with that country a mutual defense treaty;

''(II) whether the United States has in effect with that country a mutual arrangement to safeguard national security as it pertains to foreign investment;

''(III) the national security review process for foreign investment of that country; and

''(IV) any other criteria that the Committee determines to be appropriate.

''(iii) EXEMPTION OF CERTAIN CONTRIBUTIONS.—The Committee may, by regulation, define circumstances in which contributions otherwise described in subparagraph (B)(v) are excluded from the term 'covered transaction' on the basis of a determination that other provisions of law are adequate to identify and address any potential national security risks posed by such contributions.

''(iv) TRANSFERS OF CERTAIN ASSETS PURSUANT TO BANKRUPTCY PROCEEDINGS OR OTHER DEFAULTS.—The Committee shall prescribe regulations to clarify that the term 'covered transaction' includes any transaction described in subparagraph (B) that arises pursuant to a bankruptcy proceeding or other form of default on debt.

''(D) PASSIVE INVESTMENT DEFINED.—

''(i) IN GENERAL.—For purposes of subparagraph (B)(iii), the term 'passive investment' means an investment by a foreign person in a United States business—

''(I) that is not described in subparagraph (B)(i);

''(II) that does not afford the foreign person—

''(aa) access to any nonpublic technical information in the possession of the United States business;

''(bb) access to any nontechnical information in the possession of the United States business that is not available to all investors;

''(cc) membership or observer rights on the board of directors or equivalent governing body of the United States business or the right to nominate an individual to such a position; or

''(dd) any involvement, other than through voting of shares, in substantive decision-making pertaining to any matter involving the United States business;

''(III) under which the foreign person and the United States business do not have a parallel strategic partnership or other material financial relationship, as described in regulations prescribed by the Committee; and

''(IV) that meets such other criteria as the Committee may prescribe by regulation.

''(ii) NONPUBLIC TECHNICAL INFORMATION DEFINED.—For purposes of clause (i)(II)(aa), the term 'nonpublic technical information'—

''(I) has the meaning given that term in regulations prescribed by the Committee; and

''(II) includes information (either by itself or in conjunction with other information to which a foreign person may have access)—

''(aa) without which critical technologies cannot be designed, developed, tested, produced, or manufactured; and

''(bb) in a quantity sufficient to permit the design, development, testing, production, or manufacturing of such technologies.

''(iii) NONTECHNICAL INFORMATION DEFINED.—For purposes of clause (i)(II)(bb), the term 'nontechnical information' has the meaning given that term in regulations prescribed by the Committee.

''(iv) EFFECT OF LEVEL OF OWNERSHIP INTEREST.—A determination of whether an investment is a passive investment under clause (i) shall be made without regard to how low the level of ownership interest a foreign person would hold or acquire in a United States business would be as a result of the investment. The Committee may prescribe regulations specifying that any investment greater than a certain level or amount would not be considered a passive investment.

''(v) REGULATIONS.—The Committee shall prescribe regulations providing guidance on the types of transactions that the Committee considers to be passive investment.

''(E) ASSOCIATED SUPPORT DEFINED.—For purposes of subparagraph (B)(v), the term 'associated support' has the meaning given that term in regulations prescribed by the Committee.

''(F) UNITED STATES CRITICAL INFRASTRUCTURE COMPANY DEFINED.—For purposes of subparagraph (B), the term 'United States critical infrastructure company' means a United States business that is, owns, operates, or primarily provides services to, an entity or entities that operate within a critical infrastructure sector or subsector, as defined by regulations prescribed by the Committee.

''(G) UNITED STATES CRITICAL TECHNOLOGY COMPANY.—For purposes of subparagraph (B), the term 'United States critical technology company' means a United States business that produces, trades in, designs, tests, manufactures, services, or develops one or more critical technologies, or a subset of such technologies, as defined by regulations prescribed by the Committee.

''(6) CRITICAL INFRASTRUCTURE.—The term 'critical infrastructure' means, subject to regulations prescribed by the Committee, systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems or assets would have a debilitating impact on national security.

''(7) CRITICAL MATERIALS.—The term 'critical materials' means physical materials essential to national security, subject to regulations prescribed by the Committee.

''(8) CRITICAL TECHNOLOGIES.—

''(A) IN GENERAL.—The term 'critical technologies' means technology, components, or technology items that are essential or could be essential to national security, identified for purposes of this section pursuant to regulations prescribed by the Committee.

''(B) INCLUSION OF CERTAIN ITEMS.—The term 'critical technologies' includes the following:

''(i) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under subchapter M of chapter I of title 22, Code of Federal Regulations.

''(ii) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, and controlled—

''(I) pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or

''(II) for reasons relating to regional stability or surreptitious listening.

''(iii) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by part 810 of title 10, Code of Federal Regulations (relating to assistance to foreign atomic energy activities).

''(iv) Nuclear facilities, equipment, and material covered by part 110 of title 10, Code of Federal Regulations (relating to export and import of nuclear equipment and material).

''(v) Select agents and toxins covered by part 331 of title 7, Code of Federal Regulations, part 121 of title 9 of such Code, or part 73 of title 42 of such Code.

''(vi) Other emerging technologies that could be essential for maintaining or increasing the technological advantage of the United States over countries of special concern with respect to national defense, intelligence, or other areas of national security, or gaining such an advantage over such countries in areas where such an advantage may not currently exist.

''(9) FOREIGN GOVERNMENT-CONTROLLED TRANSACTION.—The term 'foreign government-controlled transaction' means any covered transaction that could result in the control of any United States business by a foreign government or an entity controlled by or acting on behalf of a foreign government.

''(10) INTELLECTUAL PROPERTY.—The term 'intellectual property' has the meaning given that term in regulations prescribed by the Committee.

''(11) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(12) INVESTMENT.—The term 'investment' means the acquisition of equity interest, including contingent equity interest, as further defined in regulations prescribed by the Committee.

''(13) LEAD AGENCY.—The term 'lead agency' means the agency or agencies designated as the lead agency or agencies pursuant to subsection (k)(5).

''(14) MALICIOUS CYBER-ENABLED ACTIVITIES.—The term 'malicious cyber-enabled activities' means any acts—

''(A) primarily accomplished through or facilitated by computers or other electronic devices;

''(B) that are reasonably likely to result in, or materially contribute to, a significant threat to the national security of the United States; and

''(C) that have the purpose or effect of—

''(i) significantly compromising the provision of services by one or more entities in a critical infrastructure sector;

''(ii) harming, or otherwise significantly compromising the provision of services by, a computer or network of computers that support one or more such entities;

''(iii) causing a significant disruption to the availability of a computer or network of computers; or

''(iv) causing a significant misappropriation of funds or economic resources, trade secrets, personally identifiable information, or financial information.

''(15) NATIONAL SECURITY.—The term 'national security' shall be construed so as to include those issues relating to 'homeland security', including its application to critical infrastructure.

''(16) PARTY.—The term 'party' has the meaning given that term in regulations prescribed by the Committee.

''(17) UNITED STATES.—The term 'United States' means the several States, the District of Columbia, and any territory or possession of the United States.

''(18) UNITED STATES BUSINESS.—The term 'United States business' means a person engaged in interstate commerce in the United States.''.

SEC. 4. INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS IN NOTICE.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)) is amended by adding at the end the following:

''(iv) INCLUSION OF PARTNERSHIP AND SIDE AGREEMENTS.—A written notice submitted under clause (i) by a party to a covered transaction shall include a copy of any partnership agreements, integration agreements, or other side agreements relating to the transaction, including any such agreements relating to the transfer of intellectual property, as specified in regulations prescribed by the Committee.''.

SEC. 5. DECLARATIONS RELATING TO CERTAIN COVERED TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as

amended by section 4, is further amended by adding at the end the following:

''(v) DECLARATIONS RELATING TO CERTAIN COVERED TRANSACTIONS.—

''(I) VOLUNTARY DECLARATIONS.—Except as provided in this clause, a party to any covered transaction may submit to the Committee a declaration with basic information regarding the transaction instead of a written notice under clause (i).

''(II) MANDATORY DECLARATIONS.—

''(aa) CERTAIN COVERED TRANSACTIONS WITH FOREIGN GOVERNMENT INTERESTS.—The parties to a covered transaction shall submit a declaration described in subclause (I) with respect to the transaction if the transaction involves the acquisition of a voting interest of at least 25 percent in a United States business by a foreign person in which a foreign government owns, directly or indirectly, at least a 25 percent voting interest.

''(bb) OTHER DECLARATIONS REQUIRED BY COMMITTEE.—The Committee shall require the submission of a declaration described in subclause (I) with respect to any covered transaction identified under regulations prescribed by the Committee for purposes of this item, at the discretion of the Committee and based on appropriate factors, such as—

''(AA) the technology, industry, economic sector, or economic subsector in which the United States business that is a party to the transaction trades or of which it is a part;

''(BB) the difficulty of remedying the harm to national security that may result from completion of the transaction; and

''(CC) the difficulty of obtaining information on the type of covered transaction through other means.

''(cc) SUBMISSION OF WRITTEN NOTICE AS AN ALTERNATIVE.—Parties to a covered transaction for which a declaration is required under this subclause may instead elect to submit a written notice under clause (i).

''(dd) TIMING OF SUBMISSION.—

''(AA) IN GENERAL.—A declaration required to be submitted with respect to a covered transaction by item (aa) or (bb) shall be submitted not later than 45 days before the completion of the transaction.

''(BB) WRITTEN NOTICE.—If, pursuant to item (cc), the parties to a covered transaction elect to submit a written notice under clause (i) instead of a declaration under this subclause, the written notice shall be filed not later than 90 days before the completion of the transaction.

''(III) PENALTIES.—The Committee may impose a penalty pursuant to subsection (h)(3) with respect to a party that fails to comply with this clause.

''(IV) COMMITTEE RESPONSE TO DECLARATION.—

''(aa) IN GENERAL.—Upon receiving a declaration under this clause with respect to a transaction, the Committee may, at its discretion—

''(AA) request that the parties to the transaction file a written notice under clause (i);

''(BB) inform the parties to the transaction that the Committee is not able to complete action under this section with respect to the transaction on the basis of the declaration and that the parties may file a written notice under clause (i) to seek written notification from the Committee that the Committee has completed all action under this section with respect to the transaction;

''(CC) initiate a unilateral review of the transaction under subparagraph (D); or

''(DD) notify the parties in writing that the Committee has completed all action under this section with respect to the transaction.

''(bb) TIMING.—The Committee shall endeavor to take action under item (aa) within 30 days of receiving a declaration under this clause.

''(cc) RULE OF CONSTRUCTION.—Nothing in this subclause (other than item (aa)(CC)) shall be construed to affect the authority of the President or the Committee to take any action authorized by this section with respect to a covered transaction.

''(V) REGULATIONS.—The Committee shall prescribe regulations establishing requirements for declarations submitted under this clause. In prescribing such regulations, the Committee shall ensure that such declarations are submitted as abbreviated notifications that would not generally exceed 5 pages in length.''.

SEC. 6. STIPULATIONS REGARDING TRANSACTIONS.

Section 721(b)(1)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(C)), as amended by section 5, is further amended by adding at the end the following:

''(vi) STIPULATIONS REGARDING TRANSACTIONS.—

''(I) IN GENERAL.—In a written notice submitted under clause (i) or a declaration submitted under clause (v) with respect to a transaction, a party to the transaction may—

''(aa) stipulate that the transaction is a covered transaction; and

''(bb) if the party stipulates that the transaction is a covered transaction under item (aa), stipulate that the transaction is a foreign government-controlled transaction.

''(II) BASIS FOR STIPULATION.—A written notice submitted under clause (i) or a declaration submitted under clause (v) that includes a stipulation under subclause (I) shall include a description of the basis for the stipulation.''.

SEC. 7. AUTHORITY FOR UNILATERAL INITIATION OF REVIEWS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) in subparagraph (D)—

(A) in clause (i), by inserting ''(other than a covered transaction described in subparagraph (E))'' after ''any covered transaction'';

(B) by striking clause (ii) and inserting the following:

''(ii) any covered transaction described in subparagraph (E), if any party to the transaction submitted false or misleading material information to the Committee in connection with the Committee's consideration of the transaction or omitted material information, including material documents, from information submitted to the Committee; or''; and

(C) in clause (iii)—

(i) in the matter preceding subclause (I), by striking ''any covered transaction that has previously been reviewed or investigated under this section,'' and inserting ''any covered transaction described in subparagraph (E),'';

(ii) in subclause (I), by striking ''intentionally'';

(iii) in subclause (II), by striking ''an intentional'' and inserting ''a''; and

(iv) in subclause (III), by inserting ''adequate and appropriate'' before ''remedies or enforcement tools''; and

(3) by inserting after subparagraph (D) the following:

''(E) COVERED TRANSACTIONS DESCRIBED.—A covered transaction is described in this subparagraph if—

''(i) the Committee has informed the parties to the transaction in writing that the Committee has completed all action under this section with respect to the transaction; or

''(ii) the President has announced a decision not to exercise the President's authority under subsection (d) with respect to the transaction.''.

SEC. 8. TIMING FOR REVIEWS AND INVESTIGATIONS.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)), as amended by section 7, is further amended—

(1) in paragraph (1)(F), by striking ''30'' and inserting ''45'';

(2) in paragraph (2), by striking subparagraph (C) and inserting the following:

''(C) TIMING.—

''(i) IN GENERAL.—Except as provided in clause (ii), any investigation under subparagraph (A) shall be completed before the end of the 45-day period beginning on the date on which the investigation commenced.

''(ii) EXTENSION FOR EXTRAORDINARY CIRCUMSTANCES.—

''(I) IN GENERAL.—In extraordinary circumstances (as defined by the Committee in regulations), the chairperson may, at the request of the head of the lead agency, extend an investigation under subparagraph (A) for one 30-day period.

''(II) NONDELEGATION.—The authority of the chairperson and the head of the lead agency referred to in subclause (I) may not be delegated to any person other than the Deputy Secretary of the Treasury or the deputy head (or equivalent thereof) of the lead agency, as the case may be.

''(III) NOTIFICATION TO PARTIES.—If the Committee extends the deadline under subclause (I) with respect to a covered transaction, the Committee shall notify the parties to the transaction of the extension.''; and

(3) by adding at the end the following:

''(8) TOLLING OF DEADLINES DURING LAPSE IN APPROPRIATIONS.—Any deadline or time limitation under this subsection shall be tolled during a lapse in appropriations.''.

SEC. 9. MONITORING OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.

Section 721(b)(1) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)), as amended by section 7, is further amended by adding at the end the following:

''(H) MONITORING OF NON-NOTIFIED AND NON-DECLARED TRANSACTIONS.—The Committee shall establish a mechanism to identify covered transactions for which—

''(i) a notice under clause (i) of subparagraph (C) or a declaration under clause (v) of that subparagraph is not submitted to the Committee; and

''(ii) information is reasonably available.''.

SEC. 10. SUBMISSION OF CERTIFICATIONS TO CONGRESS.

Section 721(b)(3)(C) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)(C)) is amended—

(1) in clause (iii)—

(A) in subclause (II), by inserting ''and the Select Committee on Intelligence'' after ''Urban Affairs''; and

(B) in subclause (IV), by inserting ''and the Permanent Select Committee on Intelligence'' after ''Financial Services'';

(2) in clause (iv), by striking subclause (II) and inserting the following:

''(II) DELEGATION OF CERTIFICATIONS.—

''(aa) IN GENERAL.—Subject to item (bb), the chairperson, in consultation with the Committee, may determine the level of official to whom the signature requirement under subclause (I) for the chairperson and the head of the lead agency may be delegated. The level of official to whom the signature requirement may be delegated may differ based on any factor relating to a transaction that the chairperson, in consultation with the Committee, deems appropriate, including the type or value of the transaction.

''(bb) LIMITATIONS.—The signature requirement under subclause (I) may be delegated—

''(AA) in the case of a covered transaction assessed by the Director of National Intelligence under paragraph (4) as more likely than not to threaten the national security of the United States, not below the level of the Assistant Secretary of the Treasury or an equivalent official of another agency or department represented on the Committee; and

''(BB) in the case of any other covered transaction, not below the level of a Deputy Assistant Secretary of the Treasury or an equivalent official of another agency or department represented on the Committee.''; and

(3) by adding at the following:

''(v) AUTHORITY TO CONSOLIDATE DOCUMENTS.—Instead of transmitting a separate certified notice or certified report under subparagraph (A) or (B) with respect to each covered transaction, the Committee may, on a monthly basis, transmit such notices and reports in a consolidated document to the Members of Congress specified in clause (iii).''.

SEC. 11. ANALYSIS BY DIRECTOR OF NATIONAL INTELLIGENCE.

Section 721(b)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(4)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) ANALYSIS REQUIRED.—

''(i) IN GENERAL.—The Director of National Intelligence shall expeditiously carry out a thorough analysis of any threat to the national security of the United States posed by any covered transaction, which shall include the identification of any recognized gaps in the collection of intelligence relevant to the analysis.

''(ii) VIEWS OF INTELLIGENCE AGENCIES.—The Director shall seek and incorporate into the analysis required by clause (i) the views of all affected or appropriate intelligence agencies with respect to the transaction.

''(iii) UPDATES.—At the request of the lead agency, the Director shall update the analysis conducted under clause (i) with respect to a covered transaction with respect to which an agreement was entered into under subsection (l)(3)(A).

''(iv) INDEPENDENCE AND OBJECTIVITY.—The Committee shall ensure that its processes under this section preserve the ability of the Director to conduct analysis under clause (i) that is independent, objective, and consistent with all applicable directives, policies, and analytic tradecraft standards of the intelligence community.'';

(2) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively;

(3) by inserting after subparagraph (A) the following:

''(B) BASIC THREAT INFORMATION.—

''(i) IN GENERAL.—The Director of National Intelligence may provide the Committee with basic information regarding any threat to the national security of the United States posed by a covered transaction described in clause (ii) instead of conducting the analysis required by subparagraph (A).

''(ii) COVERED TRANSACTION DESCRIBED.—A covered transaction is described in this clause if—

''(I) the transaction is described in subsection (a)(5)(B)(ii);

''(II) the Director of National Intelligence has completed an analysis pursuant to subparagraph (A) involving each foreign person that is a party to the transaction during the 12 months preceding the review or investigation of the transaction under this section; or

''(III) the transaction otherwise meets criteria agreed upon by the Committee and the Director of National Intelligence for purposes of this subparagraph.'';

(4) in subparagraph (C), as redesignated by paragraph (2), by striking ''20'' and inserting ''30''; and

(5) by adding at the end the following:

''(F) ASSESSMENT OF OPERATIONAL IMPACT.—The Director may provide to the Committee an assessment, separate from the analyses under subparagraphs (A) and (B), of any operational impact of a covered transaction on the intelligence community and a description of any actions that have been or will be taken to mitigate any such impact.

''(G) SUBMISSION TO CONGRESS.—The Committee shall submit the analysis required by subparagraph (A) with respect to a covered transaction to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives upon the conclusion of action under this section (other than compliance reviews under subsection (l)(6)) with respect to the transaction.''.

SEC. 12. INFORMATION SHARING.

Section 721(c) of the Defense Production Act of 1950 (50 U.S.C. 4565(c)) is amended—

(1) by striking ''Any information'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), any information'';

(2) by striking '', except as may be relevant'' and all that follows and inserting a period; and

(3) by adding at the end the following:

''(2) EXCEPTIONS.—Paragraph (1) shall not prohibit the disclosure of the following:

''(A) Information relevant to any administrative or judicial action or proceeding.

''(B) Information to either House of Congress or to any duly authorized committee or subcommittee of Congress.

''(C) Information to any domestic or foreign governmental entity, under the direction of the chairperson, to the extent necessary for national security purposes and pursuant to appropriate confidentiality and classification arrangements.

''(D) Information that the parties have consented to be disclosed to third parties.''.

SEC. 13. ACTION BY THE PRESIDENT.

(a) IN GENERAL.—Section 721(d) of the Defense Production Act of 1950 (50 U.S.C. 4565(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (4), the President may, with respect to a covered transaction that threatens to impair the national security of the United States—

''(A) take such action for such time as the President considers appropriate to suspend or prohibit the transaction or to require divestment; and

''(B) in conjunction with taking any such action, take any additional action the President considers appropriate to address the risk to the national security of the United States identified during the review and investigation of the transaction under this section.''; and

(2) in paragraph (2), by striking ''not later than 15 days'' and all that follows and inserting the following: ''with respect to a covered transaction not later than 15 days after the earlier of—

''(A) the date on which the investigation of the transaction under subsection (b) is completed; or

''(B) the date on which the Committee otherwise refers the transaction to the President under subsection (l)(2).''.

(b) CIVIL PENALTIES.—Section 721(h)(3)(A) of the Defense Production Act of 1950 (50 U.S.C. 4565(h)(3)(A)) is amended by striking ''including any mitigation'' and all that follows through ''subsection (l)'' and inserting ''including any mitigation agreement entered into, conditions imposed, or order issued pursuant to this section''.

SEC. 14. JUDICIAL REVIEW PROCEDURES.

Section 721(e) of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended to read as follows:

''(e) ACTIONS AND FINDINGS NONREVIEWABLE.—

''(1) ACTIONS AND FINDINGS OF THE PRESIDENT.—The actions and findings of the President or the President's designee under this section shall not be subject to judicial review, including claims under chapter 7 of title 5, United States Code.

''(2) ACTIONS AND FINDINGS OF THE COMMITTEE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the actions and findings of the Committee under subsection (b) or (l), and any assessment of penalties or use of enforcement authorities under this section, shall not be subject to judicial review, including claims under chapter 7 of title 5, United States Code.

''(B) PETITIONS.—

''(i) DEFINITION.—In this subparagraph, the term 'classified information' means any information or material that has been determined by the United States Government pursuant to an Executive order, statute, or regulation to require protection against unauthorized disclosure for reasons of national security and any restricted data, as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

''(ii) PETITION.—

''(I) IN GENERAL.—Except as provided in subclause (II), not later than 60 days after the date on which the President or the Committee takes an action with respect to the covered transaction, any party to the covered transaction may file a petition under this subparagraph alleging that the action of the Committee is a violation of a constitutional right, power, privilege, or immunity.

''(II) NOTIFICATION.—No party to a covered transaction shall be permitted to file a petition or any claim related to a petition under subclause (I) unless—

''(aa) the party initiated the review of the transaction pursuant to a written notice filed under clause (i) of subsection (b)(1)(C) or a declaration filed under clause (v) of that subsection or the Committee determines that such a notice or declaration was not required; and

''(bb) the Committee has completed all action under this section with respect to the transaction.

''(III) RELATED CLAIMS.—Any claims related to a petition filed under this clause shall be filed before the date described in subclause (I).

''(iii) EXCLUSIVE JURISDICTION.—

''(I) IN GENERAL.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over claims arising under this subparagraph, subject to review by the Supreme Court of the United States under section 1254 of title 28, United States Code, only—

''(aa) to affirm the action of the Committee; or

''(bb) to remand the case to the Committee for further consideration.

''(II) STANDARD OF REVIEW.—The court shall uphold an action challenged under this subparagraph unless the court finds that the action was contrary to a constitutional right, power, privilege, or immunity.

''(iv) SCOPE OF REVIEW.—In a claim under this subparagraph, the court shall decide all relevant questions based solely on any administrative record submitted by the United States under clause (v).

''(v) ADMINISTRATIVE RECORD AND PROCEDURES.—

''(I) IN GENERAL.—Notwithstanding any other provision of law, the procedures described in this clause shall apply to the review of a petition under this subparagraph.

''(II) ADMINISTRATIVE RECORD.—

''(aa) FILING OF RECORD.—The United States shall file with the court an administrative record, which shall consist of the information that the parties submitted to the Committee and that the Committee relied upon in support of the action of the Committee under review.

''(bb) UNCLASSIFIED, NONPRIVILEGED INFORMATION.—All unclassified information contained in the administrative record that is not otherwise privileged or subject to statutory protections shall be provided to the petitioner with appropriate protections for any privileged or confidential trade secrets and commercial or financial information.

''(cc) DISCOVERY BAR.—Other than the provision of information in the administrative record described in subparagraph (II)(bb), no discovery shall be permitted.

''(dd) IN CAMERA AND EX PARTE.—The following information may be included in the administrative record and shall be submitted only to the court ex parte and in camera:

''(AA) Unclassified information subject to privilege or statutory protections.

''(BB) Classified information.

''(CC) Sensitive security information.

''(DD) Sensitive law enforcement information.

''(EE) Information obtained or derived from any activity authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), except that, with respect to such information, subsections (c), (e), (f), (g), and (h) of section 106 (50 U.S.C. 1806), subsections (d), (f), (g), (h), and (i) of section 305 (50 U.S.C. 1825), subsections (c), (e), (f), (g), and (h) of section 405 (50 U.S.C. 1845), and section 706 (50 U.S.C. 1881e) of that Act shall not apply.

''(ee) UNDER SEAL.—Any classified information, sensitive security information, law enforcement sensitive information, or information that is otherwise privileged or subject to statutory protections, that is part of the administrative record filed ex parte and in camera, or cited by the court in any decision, shall be treated by the court consistent with the provisions of this subparagraph, and shall remain under seal and preserved in the records of the court to be made available in the event of further proceedings. In no event shall such information be released to the claimant or as part of the public record.

''(ff) RETURN.—After the expiration of the time to seek further review, or the conclusion of further proceedings, the court shall return the administrative record, including any and all copies, to the United States.

''(gg) CONSIDERATION OF CLAIM WITHOUT INFORMATION IN ADMINISTRATIVE RECORD.—If, on motion or sua sponte, the court determines that the claim may be considered without any of the information in the administrative record, the court shall require that only the necessary information, if any, from the record be provided to the parties.

''(vi) EXCLUSIVE REMEDY.—A determination by the court under this subparagraph shall be the exclusive judicial remedy for any claim described in this subparagraph against the United States, any United States department or agency, or any component or official of any such department or agency.

''(vii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed as limiting, superseding, or preventing the invocation of, any privileges or defenses that are otherwise available at law or in equity to protect against the disclosure of information.''.

SEC. 15. FACTORS TO BE CONSIDERED.

Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. 4565(f)) is amended—

(1) in paragraph (1), by inserting ''including whether the covered transaction is likely to result in the increased reliance by the United States on foreign suppliers to meet national defense requirements;'' after ''defense requirements,'';

(2) in paragraph (4), by striking ''proposed or pending'';

(3) by striking paragraph (5) and insert the following:

''(5) the potential effects of the covered transaction on United States international technological and industrial leadership in areas affecting United States national security, including whether the transaction is likely to reduce the technological and industrial advantage of the United States relative to any country of special concern;'';

(4) in paragraph (6), by inserting ''and transportation assets, as defined in Presidential Policy Directive 21 (February 12, 2013; relating to critical infrastructure security and resilience) or any successor directive'' after ''energy assets'';

(5) in paragraph (7), by inserting '', including whether the covered transaction is likely to contribute to the loss of or other adverse effects on technologies that provide a strategic national security advantage to the United States'' after ''critical technologies'';

(6) in paragraph (10), by striking ''; and'' and inserting a semicolon;

(7) by redesignating paragraph (11) as paragraph (20); and

(8) by inserting after paragraph (10) the following:

''(11) the degree to which the covered transaction is likely to increase the cost to the United States Government of acquiring or maintaining the equipment and systems that are necessary for defense, intelligence, or other national security functions;

''(12) the potential national security-related effects of the cumulative market share of any one type of infrastructure, energy asset, critical material, or critical technology by foreign persons;

''(13) whether any foreign person that would acquire an interest in a United States business or its assets as a result of the covered transaction has a history of—

''(A) complying with United States laws and regulations, including laws and regulations pertaining to exports, the protection of intellectual property, and immigration; and

''(B) adhering to contracts or other agreements with entities of the United States Government;

''(14) the extent to which the covered transaction is likely to expose, either directly or indirectly, personally identifiable information, genetic information, or other sensitive data of United States citizens to access by a foreign government or foreign person that may exploit that information in a manner that threatens national security;

''(15) whether the covered transaction is likely to have the effect of creating any new cybersecurity vulnerabilities in the United States or exacerbating existing cybersecurity vulnerabilities;

''(16) whether the covered transaction is likely to result in a foreign government gaining a significant new capability to engage in malicious cyber-enabled activities against the United States, including such activities designed to affect the outcome of any election for Federal office;

''(17) whether the covered transaction involves a country of special concern that has a demonstrated or declared strategic goal of acquiring a type of critical technology that a United States business that is a party to the transaction possesses;

''(18) whether the covered transaction is likely to facilitate criminal or fraudulent activity affecting the national security of the United States;

''(19) whether the covered transaction is likely to expose any information regarding sensitive national security matters or sensitive procedures or operations of a Federal law enforcement agency with national security responsibilities to a foreign person not authorized to receive that information; and''.

SEC. 16. ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS.

Section 721(l) of the Defense Production Act of 1950 (50 U.S.C. 4565(l)) is amended—

(1) in the subsection heading, by striking ''MITIGATION, TRACKING, AND POSTCONSUMMATION MONITORING AND ENFORCEMENT'' and inserting ''ACTIONS BY THE COMMITTEE TO ADDRESS NATIONAL SECURITY RISKS'';

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (3), (5), and (6), respectively;

(3) by inserting before paragraph (3), as redesignated by paragraph (2), the following:

''(1) SUSPENSION OF TRANSACTIONS.—The Committee, acting through the chairperson, may suspend a proposed or pending covered transaction that may pose a risk to the national security of the United States for such time as the covered transaction is under review or investigation under subsection (b).

''(2) REFERRAL TO PRESIDENT.—The Committee may, at any time during the review or investigation of a covered transaction under subsection (b), complete the action of the Committee with respect to the transaction and refer the transaction to the President for action pursuant to subsection (d).'';

(4) in paragraph (3), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''IN GENERAL'' and inserting ''AGREEMENTS AND CONDITIONS'';

(ii) by striking ''The Committee'' and inserting the following:

''(i) IN GENERAL.—The Committee'';

(iii) by striking ''threat'' and inserting ''risk''; and

(iv) by adding at the end the following:

''(ii) ABANDONMENT OF TRANSACTIONS.—If a party to a covered transaction has voluntarily chosen to abandon the transaction, the Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to the covered transaction for purposes of effectuating such abandonment and mitigating any risk to the national security of the United States that arises as a result of the covered transaction.

''(iii) AGREEMENTS AND CONDITIONS RELATING TO COMPLETED TRANSACTIONS.—The Committee or lead agency, as the case may be, may negotiate, enter into or impose, and enforce any agreement or condition with any party to a completed covered transaction in order to mitigate any interim risk to the national security of the United States that may arise as a result of the covered transaction until such time that the Committee has completed action pursuant to subsection (b) or the President has taken action pursuant to subsection (d) with respect to the transaction.''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) LIMITATIONS.—An agreement may not be entered into or condition imposed under subparagraph (A) with respect to a covered transaction unless the Committee determines that the agreement or condition resolves the national security concerns posed

by the transaction, taking into consideration whether the agreement or condition is reasonably calculated to—

''(i) be effective;

''(ii) allow for compliance with the terms of the agreement or condition in an appropriately verifiable way; and

''(iii) enable effective monitoring of compliance with and enforcement of the terms of the agreement or condition.

''(C) JURISDICTION.—The provisions of section 706(b) shall apply to any mitigation agreement entered into or condition imposed under subparagraph (A).'';

(5) by inserting after paragraph (3), as redesignated by paragraph (2), the following:

''(4) RISK-BASED ANALYSIS REQUIRED.—

''(A) IN GENERAL.—Any determination of the Committee to suspend a covered transaction under paragraph (1), to refer a covered transaction to the President under paragraph (2), or to negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to a covered transaction, shall be based on a risk-based analysis, conducted by the Committee, of the effects on the national security of the United States of the covered transaction, which shall include—

''(i) an assessment of—

''(I) the national security threat posed by the transaction, taking into account the analysis conducted by the Director of National Intelligence under subsection (b)(4);

''(II) any national security vulnerabilities related to the transaction; and

''(III) the potential national security consequences of the transaction; and

''(ii) an identification of any of the factors described in subsection (f) that the transaction may substantially implicate.

''(B) ACTIONS OF MEMBERS OF THE COMMITTEE.—

''(i) IN GENERAL.—Any member of the Committee who concludes that a covered transaction poses an unresolved national security concern shall recommend to the Committee that the Committee suspend the transaction under paragraph (1), refer the transaction to the President under paragraph (2), or negotiate, enter into or impose, or enforce any agreement or condition under paragraph (3)(A) with respect to the transaction. In making that recommendation, the member shall propose the risk-based analysis required by subparagraph (A).

''(ii) FAILURE TO REACH CONSENSUS.—If the Committee fails to reach consensus with respect to a recommendation under clause (i) regarding a covered transaction, the members of the Committee who support an alternative recommendation shall produce—

''(I) a written statement justifying the alternative recommendation; and

''(II) as appropriate, a risk-based analysis that supports the alternative recommendation.'';

(6) in paragraph (5), as redesignated by paragraph (2), by striking ''(as defined in the National Security Act of 1947)''; and

(7) in paragraph (6), as redesignated by paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''paragraph (1)'' and inserting ''paragraph (3)''; and

(ii) by striking the second sentence and inserting the following: ''The lead agency may, at its discretion, seek and receive the assistance of other departments or agencies in carrying out the purposes of this paragraph.'';

(B) in subparagraph (B)—

(i) by striking ''DESIGNATED AGENCY'' and all that follows through ''The lead agency in connection'' and inserting ''DESIGNATED AGENCY.—The lead agency in connection'';

(ii) by striking clause (ii); and

(iii) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and by moving such clauses, as so redesignated, 2 ems to the left; and

(C) by adding at the end the following:

''(C) COMPLIANCE PLANS.—

''(i) IN GENERAL.—In the case of a covered transaction with respect to which an agreement is entered into under paragraph (3)(A), the Committee or lead agency, as the case may be, shall formulate, adhere to, and keep updated a plan for monitoring compliance with the agreement.

''(ii) ELEMENTS.—Each plan required by clause (i) with respect to an agreement entered into under paragraph (3)(A) shall include an explanation of—

''(I) which member of the Committee will have primary responsibility for monitoring compliance with the agreement;

''(II) how compliance with the agreement will be monitored;

''(III) how frequently compliance reviews will be conducted;

''(IV) whether an independent entity will be utilized under subparagraph (E) to conduct compliance reviews; and

''(V) what actions will be taken if the parties fail to cooperate regarding monitoring compliance with the agreement.

''(D) EFFECT OF LACK OF COMPLIANCE.—If, at any time after a mitigation agreement or condition is entered into or imposed under paragraph (3)(A), the Committee or lead agency, as the case may be, determines that a party or parties to the agreement or condition are not in compliance with the terms of the agreement or condition, the Committee or lead agency may, in addition to the authority of the Committee to impose penalties pursuant to subsection (h)(3) and to unilaterally initiate a review of any covered transaction under subsection (b)(1)(D)(iii)(I)—

''(i) negotiate a plan of action for the party or parties to remediate the lack of compliance, with failure to abide by the plan or otherwise remediate the lack of compliance serving as the basis for the Committee to find a material breach of the agreement or condition;

''(ii) require that the party or parties submit any covered transaction initiated after the date of the determination of noncompliance and before the date that is 5 years after the date of the determination to the Committee for review under subsection (b); or

''(iii) seek injunctive relief.

''(E) USE OF INDEPENDENT ENTITIES TO MONITOR COMPLIANCE.—If the parties to an agreement entered into under paragraph (3)(A) enter into a contract with an independent entity from outside the United States Government for the purpose of monitoring compliance with the agreement, the Committee shall take such action as is necessary to prevent a conflict of interest from arising by ensuring that the independent entity owes no fiduciary duty to the parties.

''(F) ADDITIONAL COMPLIANCE MEASURES.—Subject to subparagraphs (A) through (E), the Committee shall develop and agree upon methods for evaluating compliance with any agreement entered into or condition imposed with respect to a covered transaction that will allow the Committee to adequately ensure compliance without unnecessarily diverting Committee resources from assessing any new covered transaction for which a written notice under clause (i) of subsection (b)(1)(C) or declaration under clause (v) of that subsection has been filed, and if necessary, reaching a mitigation agreement with or imposing a condition on a party to such covered transaction or any covered transaction for which a review has been reopened for any reason.''.

SEC. 17. MODIFICATION OF ANNUAL REPORT.

Section 721(m) of the Defense Production Act of 1950 (50 U.S.C. 4565(m)) is amended—

(1) in paragraph (1), by striking ''committee'' and all that follows through ''Representatives,'' and inserting ''appropriate congressional committees'';

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

''(A) A list of all notices filed and all reviews or investigations of covered transactions completed during the period, with—

''(i) a description of the outcome of each review or investigation, including whether an agreement was entered into or condition was imposed under subsection (l)(3)(A) with respect to the transaction being reviewed or investigated, and whether the President took any action under this section with respect to that transaction;

''(ii) basic information on each party to each such transaction;

''(iii) the nature of the business activities or products of the United States business with which the transaction was entered into or intended to be entered into; and

''(iv) information about any withdrawal from the process.'';

(B) by adding at the end the following:

''(G) Statistics on compliance reviews conducted and actions taken by the Committee under subsection (l)(6), including subparagraph (D) of that subsection, during that period and a description of any actions taken by the Committee to impose penalties or initiate a unilateral review pursuant to subsection (b)(1)(D)(iii)(I).'';

(3) in paragraph (3)—

(A) by striking ''CRITICAL TECHNOLOGIES'' and all that follows through ''In order to assist'' and inserting ''CRITICAL TECHNOLOGIES.—In order to assist'';

(B) by striking subparagraph (B); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the left; and

(4) by adding at the end the following:

''(4) BIENNIAL INTELLIGENCE COMMUNITY REPORT.—

''(A) IN GENERAL.—The Director of National Intelligence shall transmit to the chairperson, for inclusion in a classified portion of each report required to be submitted under paragraph (1) during calendar year 2018 and every even-numbered year thereafter, the report of the interagency group established under subparagraph (C).

''(B) ELEMENTS.—The report referred to in subparagraph (A) shall include an identification, analysis, and explanation of the following:

''(i) Any current or projected major threats to the national security of the United States with respect to foreign investment.

''(ii) Any strategies used by countries of special concern to utilize foreign investment to target the acquisition of critical technologies, critical materials, or critical infrastructure.

''(iii) Any economic espionage efforts directed at the United States by a foreign country, particularly a country of special concern.

''(C) INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.—The Director of National Intelligence—

''(i) shall establish an interagency working group, composed of representatives of elements of the intelligence community, to prepare the report required under this paragraph;

''(ii) shall serve as the chairperson of the interagency working group; and

''(iii) may consult with and seek input from any member of the Committee, as the Director considers necessary.

''(5) CLASSIFICATION; AVAILABILITY OF REPORT.—

''(A) CLASSIFICATION.—All appropriate portions of the annual report required by paragraph (1) may be classified.

''(B) PUBLIC AVAILABILITY OF UNCLASSIFIED VERSION.—An unclassified version of the report required by paragraph (1), as appropriate and consistent with safeguarding national security and privacy, shall be made available to the public. Information regarding trade secrets or business confidential information may be included in the classified version and may not be made available to the public in the unclassified version.

''(C) EXCEPTIONS TO FREEDOM OF INFORMATION ACT.—The exceptions to subsection (a) of section 552 of title 5, United States Code, provided for under subsection (b) of that section shall apply with respect to the report required by paragraph (1).

''(6) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Financial Services, the Permanent Select Committee on Intelligence, the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Homeland Security of the House of Representatives.''.

SEC. 18. CERTIFICATION OF NOTICES AND INFORMATION.

Section 721(n) of the Defense Production Act of 1950 (50 U.S.C. 4565(n)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs, as so redesignated, 2 ems to the right;

(2) by striking ''Each notice'' and inserting the following:

''(1) IN GENERAL.—Each notice''; and

(3) by adding at the end the following:

''(2) EFFECT OF FAILURE TO SUBMIT.—The Committee may not complete a review under this section of a covered transaction and may recommend to the President that the President suspend or prohibit the transaction or require divestment under subsection (d) if the Committee determines that a party to the transaction has—

''(A) failed to submit a statement required by paragraph (1); or

''(B) included false or misleading information in a notice or information described in paragraph (1) or omitted material information from such notice or information.

''(3) APPLICABILITY OF LAW ON FRAUD AND FALSE STATEMENTS.—The Committee shall prescribe regulations expressly providing for the application of section 1001 of title 18, United States Code, to all information provided to the Committee under this section by any party to a covered transaction.''.

SEC. 19. FUNDING.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended by adding at the end the following:

''(o) FUNDING.—

''(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the 'Committee on Foreign Investment in the United States Fund' (in this subsection referred to as the 'Fund').

''(2) APPROPRIATION OF FUNDS FOR THE COMMITTEE.—There are authorized to be appropriated to the Fund such sums as may be necessary to perform the functions of the Committee.

''(3) FILING FEES.—

''(A) IN GENERAL.—The Committee may assess and collect a fee in an amount determined by the Committee in regulations, to the extent provided in advance in appropriations Acts, without regard to section 9701 of title 31, United States Code, and subject to subparagraph (B), with respect to each covered transaction for which a written notice is submitted to the Committee under subsection (b)(1)(C)(i).

''(B) LIMITATION ON AMOUNT OF FEE.—The amount of the fee determined under subparagraph (A) with respect to a covered transaction described in that subparagraph may not exceed an amount equal to the lesser of—

''(i) 1 percent of the value of the transaction; or

''(ii) $300,000, adjusted annually for inflation pursuant to regulations prescribed by the Committee.

''(C) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under subparagraph (A) shall—

''(i) be deposited as offsetting collections into the Fund for use in carrying out activities under this section;

''(ii) to the extent and in the amounts provided in advance in appropriations Acts, be available to the chairperson;

''(iii) remain available until expended; and

''(iv) be in addition to any appropriations made available to the members of the Committee.

''(4) TRANSFER OF FUNDS.—The chairperson may transfer any amounts in the Fund to any other department or agency represented on the Committee for the purpose of addressing emerging needs in carrying out activities under this section. Amounts so transferred shall be in addition to any other amounts available to that department or agency for that purpose.''.

SEC. 20. CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by section 19, is further amended by adding at the end the following:

''(p) CENTRALIZATION OF CERTAIN COMMITTEE FUNCTIONS.—

''(1) IN GENERAL.—The chairperson, in consultation with the Committee, may centralize certain functions of the Committee within the Department of the Treasury for the purpose of enhancing interagency coordination and collaboration in carrying out the functions of the Committee under this section.

''(2) FUNCTIONS.—Functions that may be centralized under paragraph (1) include monitoring non-notified and non-declared transactions pursuant to subsection (b)(1)(H), and other functions as determined by the chairperson and the Committee.

''(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of any department or agency represented on the Committee to represent its own interests before the Committee.''.

SEC. 21. UNIFIED BUDGET REQUEST.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by sections 19 and 20, is further amended by adding at the end the following:

''(q) UNIFIED BUDGET REQUEST.—

''(1) IN GENERAL.—The President may include, in the budget of the Department of the Treasury for a fiscal year (as submitted to Congress with the budget of the President under section 1105(a) of title 31, United States Code), a unified request for funding of all operations under this section conducted by some or all of the departments and agencies represented on the Committee.

''(2) FORM OF BUDGET REQUEST.—A unified request under paragraph (1) should be detailed and include the amounts requested for each department or agency represented on the Committee to carry out the functions of that department or agency under this section.''.

SEC. 22. SPECIAL HIRING AUTHORITY.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by sections 19, 20, and 21, is further amended by adding at the end the following:

''(r) SPECIAL HIRING AUTHORITY.—The heads of the departments and agencies represented on the Committee may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, candidates directly to positions in the competitive service (as defined in section 2102 of that title) in their respective departments and agencies to administer this section.''.

SEC. 23. CONFORMING AMENDMENTS.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), as amended by this Act, is further amended—

(1) in subsection (b)(2)(B)(i)(I), by striking ''that threat'' and inserting ''the risk''; and

(2) in subsection (d)(4)(A), by striking ''the foreign interest exercising control'' and inserting ''a foreign person that would acquire an interest in a United States business or its assets as a result of the covered transaction''.

SEC. 24. ASSESSMENT OF NEED FOR ADDITIONAL RESOURCES FOR COMMITTEE.

The President shall—

(1) determine whether and to what extent the expansion of the responsibilities of the Committee on Foreign Investment in the United States pursuant to the amendments made by this Act necessitates additional resources for the Committee and members of the Committee to perform their functions under section 721 of the Defense Production Act of 1950, as amended by this Act; and

(2) if the President determines that additional resources are necessary, include in the budget of the President for fiscal year 2019 submitted to Congress under section 1105(a) of title 31, United States Code, a request for such additional resources.

SEC. 25. AUTHORIZATION FOR DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO LIMIT FOREIGN ACCESS TO TECHNOLOGY THROUGH CONTRACTS AND GRANT AGREEMENTS.

(a) IN GENERAL.—The Director of the Defense Advanced Research Projects Agency, or a designee of the Director, may include in any contract or grant agreement that the Director enters into with a person, and that is funded by that Agency, a provision that—

(1) limits access by any foreign person to technology that is the subject of the contract or grant agreement under terms defined by the Director, including by limiting such access to specific periods of time; and

(2) in a case in which the person violates the prohibition described in paragraph (1), requires the person to return all amounts that the person received from the Agency under the contract or grant agreement.

(b) TREATMENT OF RETURNED FUNDS.—Any amounts returned to the Defense Advanced Research Projects Agency under subsection (a)(2) shall be credited to the same appropriations account from which payment of such amounts was originally made under the contract or grant agreement described in subsection (a).

(c) EXERCISE OF AUTHORITY.—The Director, or the designee of the Director, may exercise the authority provided by this section without the need for further approval by, or regulatory implementation within, the Department of Defense.

SEC. 26. EFFECTIVE DATE.

(a) IMMEDIATE APPLICABILITY OF CERTAIN PROVISIONS.—The following shall take effect on the date of the enactment of this Act and

apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after such date of enactment:

(1) Sections 4, 6, 8, 12, 13, 14, 15, 18, 20, 21, 22, 24, and 25 and the amendments made by those sections.

(2) Section 11 and the amendments made by that section (except for clause (iii) of section 721(b)(4)(A) of the Defense Production Act of 1950, as added by section 11).

(3) Paragraphs (5)(C)(iv), (7), and (14) of subsection (a) of section 721 of the Defense Production Act of 1950, as amended by section 3.

(4) Section 721(m)(4) of the Defense Production Act of 1950, as amended by section 17.

(b) DELAYED APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Any provision of or amendment made by this Act not specified in subsection (a) shall—

(A) take effect on the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee on Foreign Investment in the United States that the regulations, organizational structure, personnel, and other resources necessary to administer the new provisions are in place; and

(B) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date described in subparagraph (A).

(2) NONDELEGATION OF DETERMINATION.—The determination of the chairperson of the Committee on Foreign Investment in the United States under paragraph (1)(A) may not be delegated.

(c) AUTHORIZATION FOR PILOT PROGRAMS.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act and ending on the date described in subsection (b)(1)(A), the Committee on Foreign Investment in the United States may, at its discretion, conduct one or more pilot programs to implement any authority provided pursuant to any provision of or amendment made by this Act not specified in subsection (a).

(2) PUBLICATION IN FEDERAL REGISTER.—A pilot program may not commence until the date that is 30 days after publication in the Federal Register of a determination by the chairperson of the Committee of the scope of and procedures for the pilot program. That determination may not be delegated.

SEC. 27. SEVERABILITY.

If any provision of this Act or an amendment made by this Act, or the application of such a provision or amendment to any person or circumstance, is held to be invalid, the application of that provision or amendment to other persons or circumstances and the remainder of the provisions of this Act and the amendments made by this Act, shall not be affected thereby.

By Mrs. FEINSTEIN (for herself, Mr. BLUMENTHAL, Mr. MURPHY, Mr. SCHUMER, Mr. DURBIN, Mrs. MURRAY, Mr. REED, Mr. CARPER, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. FRANKEN, Mr. SCHATZ, Ms. HIRONO, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HARRIS, Mr. CASEY, and Mr. SANDERS):

S. 2095. A bill to regulate assault weapons, to ensure that the right to keep and bear arms is not unlimited, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, for the last month, in the wake of the tragedy in Las Vegas, I have been asking my colleagues to show some courage, stand up to the gun lobby, and take weapons of war off of our streets.

Now, we have all had to bear witness to another tragedy. Three days ago, in Sutherland Springs, Texas, a single person armed with an assault rifle murdered 26 people and left another 20 injured. This gunman walked into a church and opened fire on peaceful churchgoers, including children as young as 18-months old. A helpless toddler who barely learned to walk. Eight members of a single family were also lost. Eight.

The shooter had 15 magazine clips of ammunition—almost 450 rounds—and used all of them. Ask yourself: how would you feel in those moments, with hundreds of bullets flying around and not knowing whether you will live or die, or whether you will be able to protect your child? Think about those children—terrified, witnessing their families being shot while in a place of worship. It is time that we ask what this says about us as a country. And what does this say about us to the rest of the world.

In 1996, after a mass shooting where a gunman opened fire on tourists at the sea side in Port Arthur, killing 35 people, Australia acted swiftly. Twelve days later, Australia's government enacted sweeping gun control measures. Since then, there has not been a single mass shooting in that country since. Mass shootings in America, however, have become common place. It is no longer a matter of if, but when, another one will happen.

If there are now mass shootings in churches, where are we safe anymore? Not concerts, not schools, not holiday parties. Just a month ago, we experienced the worst mass shooting in our nation's history in Las Vegas. A gunman opened fire with multiple semi-automatic assault rifles that he had legally transformed into automatic weapons, killing more than fifty people and leaving more than 500 wounded. Among the victims were mothers, fathers, brothers, and sisters.

There was Kelsey Meadows, 28 years old, who after graduating from the University of California, Fresno, returned to her hometown of Taft, California to be a substitute teacher at her alma mater, Taft Union High School. She was described by the high school principal as ''smart, compassionate, and kind'' with a ''sweet spirit and a love for children.'' Her entire family and community was completely devastated. Kelsey could have been any of us attending that concert. My own daughter told me after the Las Vegas shooting that she was supposed to be in the city that evening, but her plans had to change. It was only a little more than a year before the Las Vegas shooting that we experienced what had then been the worst mass shooting in our nation's history.

That was when 49 people who were enjoying an evening of dancing with friends and loved ones were massacred in Orlando. Victims in Orlando included 22-year old Luis Velma who was working at Universal Studios on a Harry Potter ride. There was also Eddie Justice, a 30-year old accountant who texted his mother from the shooting, telling her: ''Mommy I love you.'' ''In club they shooting.'' ''He has us.''

I encourage every member of this chamber to imagine receiving those text messages from their son or daughter.

And just six months before that, 14 people were killed and more than 20 injured in San Bernardino, California at a work holiday party.

Among the victims was a father of six. A mother of three. A woman who was eight when she and her mother left Vietnam for a better life in America. The youngest victim was 26, and the oldest was 60.

The list goes on and on. Eight murdered at the Umpqua Community College in Roseburg, Oregon. A police officer and two innocent citizens brutally murdered by a man with an AK–47 style weapon in Colorado Springs. In 2013, 12 people fatally shot at the Navy Yard, less than two miles from where I stand today. And on December 14, 2012, 20 children had their lives taken at Sandy Hook Elementary School. Children.

Once again, I encourage every member of this body to imagine dropping their young child off at elementary school this morning, only to learn a few hours later that a gunman walked into that school and tried to kill as many people as possible. That is something we could have prevented. But we did not. Instead, we have made it easier for those with mental health issues to get guns. I often remember Sandy Hook and think about how we let these families down. We failed them. And sadly, the mass shootings have continued to get worse in terms of frequency and lives lost. And I will not sit by while these killings continue.

That is why today I am joining with my colleagues to reintroduce legislation to prohibit the sale, transfer, manufacture, and importation of assault weapons and large capacity ammunition feeding devices that can accept more than ten rounds. I will keep doing this. This legislation must constantly be before this body until it is enacted. Every member must make a decision whether to stand up or let the National Rifle Association win again.

This legislation is not perfect. But it is part of the solution. We must start with reducing the supply of the weapons of war that are used to take the lives of our loved ones.

The deadly assault weapons used by the attackers in each of the devastating shootings I have mentioned would have been banned under the Assault Weapons Ban bill that I am introducing today. The new legislation is based off of legislation we previously introduced following the horrific attack committed against young school

children in Newtown, Connecticut. It will provide much needed fixes to the law to keep our communities safer, while also protecting the rights of lawful gun owners.

Back when we enacted the 1994 legislation, that law prohibited semiautomatic weapons with a detachable magazine and at least two military characteristics. The bill we are introducing today tightens this test to prohibit semiautomatic rifles, handguns, and shotguns that can accept a detachable magazine and have one military characteristic. This is the standard employed in my home state of California—and it works.

Based on the 10 years of experience from the 1994 law, we learned that the ''two-characteristic'' test was too easy to ''work around'': a manufacturer could simply remove one of the characteristics, and the firearm was legal. The bill we are introducing today will close that loophole. The bill also prohibits ''bullet buttons'', a feature that certain manufacturers developed to evade restrictions on detachable ammunition magazines. In San Bernardino, the assault rifles originally contained ''bullet buttons'' for their magazine clips—which enabled them to avoid California's assault weapons ban. Our bill contains language to close this loophole.

This bill also prohibits ''bump-fire stocks'', which, as we saw in Las Vegas, allows individuals to convert semi-automatic rifles to function like a machine gun.

Other changes to the 1994 bill include updating the list of specifically-named military-style firearms that are prohibited, to account for new models developed since 1994; prohibiting semiautomatic rifles and handguns with a fixed magazine that can accept more than 10 rounds; adding a ban on the importation of assault weapons and large-capacity magazines; and eliminating the 10-year sunset that allowed the original law to expire. Importantly, our legislation also prohibits large-capacity ammunition feeding devices capable of accepting more than 10 rounds.

Now, let me tell you what the bill will not do.

It will not affect hunting or sporting firearms. Instead, the bill protects hunters and sportsmen by exempting 2,258 firearms used for hunting or sporting purposes and exempting antique, manually-operated, and permanently disabled weapons. The bill protects the rights of existing gun owners by grandfathering weapons legally possessed on the date of enactment. The bill also imposes a safe storage requirement for grandfathered firearms to ensure they don't get into the hands of people who would be prohibited from possessing them.

While the bill permits the continued possession of high-capacity ammunition magazines that are legally possessed on the date of enactment, it would ban the future transfer of these magazines.

Finally, the bill allows local jurisdictions to use existing federal Byrne JAG grant money to support voluntary buyback programs for grandfathered assault weapons and large-capacity ammunition feeding devices.

Opponents charge that this legislation impinges upon rights protected by the Second Amendment. I disagree.

The Supreme Court expressly held in District of Columbia v. Heller that ''the right secured by the Second Amendment is not unlimited.'' The Court made it clear that reasonable regulations are allowable under the Constitution.

This bill is simply establishing reasonable regulations for what types of weapons may be sold and used—individuals should not own a nuclear weapon, they should not own a rocket launcher, and they should not own a military-style assault weapon.

In fact, a number of courts have considered challenges to assault weapons bans. To date, every court that has considered a ban on assault weapons or large capacity magazines has upheld the law as reasonable.

In fact, the D.C. Circuit, the Second Circuit, the Fourth Circuit, the Seventh Circuit, the Ninth Circuit, as well as a number of federal district courts have all upheld laws like the one we are proposing.

Importantly, the Supreme Court let stand the ruling out of the Seventh Circuit upholding a local ban on assault weapons and high capacity magazines from the City of Highland Park, Illinois.

Mr. President, I believe very strongly that the most important duty that government has to its citizens is to protect the nation and the safety of its people.

When 26 churchgoers are killed in cold blood with their loved ones in a Baptist Church on a Sunday morning, we fail them by not making sure that they can worship in peace.

When 58 people attending a concert in Las Vegas lose their lives because a madman was able to use laws on the books to make his semi-automatic rifle into a machinegun, all of those who sit in this chamber have failed them.

When 14 people are gunned down during a holiday party by those with assault rifles that let off 65–75 rounds within minutes, our government has failed them.

When 20 elementary school children are slaughtered by an assault weapon, America has failed them.

The firearms used in these massacres are weapons of war. Let me say it as plainly as I can: weapons of war do not belong on our streets, in our churches, in our schools, in our malls, in our theaters, or in our workplaces.

Now, I am under no illusions—I know that the gun lobby has a stranglehold on this building. I know we got 40 votes in 2013, and I know Republicans control the Senate today. But I also know this was hard-fought in 1994, and we prevailed—with Republican support—and it was a bipartisan vote. I still believe that, at some point, Americans will come together and realize that we can be a nation that protects its people from the savagery of these weapons.

I urge my colleagues to support this bill. I thank the chair, and I yield the floor.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—DESIGNATING NOVEMBER 9, 2017, AS ''NATIONAL DIABETES HEART HEALTH AWARENESS DAY'', COINCIDING WITH AMERICAN DIABETES MONTH

Mr. NELSON (for himself and Mr. RUBIO) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas 30,300,000 people in the United States, or 9.4 percent of the population, have diabetes, including an estimated 7,200,000 people who are undiagnosed and an additional 84,100,000 people who have prediabetes;

Whereas adults with diabetes are 2 to 4 times more likely to die from heart disease than adults without diabetes;

Whereas at least 68 percent of people who are 65 or older and who have diabetes die from some form of heart disease;

Whereas, among Medicare fee-for-service beneficiaries, diabetes and cardiovascular disease are common, with cardiovascular disease affecting 31 percent of beneficiaries and diabetes affecting 28 percent of beneficiaries;

Whereas the American Heart Association considers diabetes to be 1 of the 7 major controllable risk factors for cardiovascular disease;

Whereas minority populations are disproportionately affected by both cardiovascular disease and diabetes;

Whereas findings from a recent study reveal that 52 percent of adults living with type 2 diabetes are unaware they are at an increased risk for cardiovascular disease and complications from cardiovascular disease;

Whereas 2 out of 3 deaths in people with type 2 diabetes are attributed to cardiovascular disease;

Whereas obesity, poor diet, and lack of physical activity are all major risk factors for type 2 diabetes and cardiovascular disease;

Whereas 1,250,000 people in the United States have type 1 diabetes and the incidence of type 1 diabetes is increasing by more than an average of 2 percent each year;

Whereas cardiovascular disease is a major cause of mortality for people with type 1 diabetes;

Whereas, according to the American Diabetes Association, diagnosed and undiagnosed diabetes cost the United States $322,000,000,000 in 2012;

Whereas cardiovascular disease accounts for 26 percent of the hospital inpatient costs of treating people with diabetes;

Whereas most of the costs of diabetes, 62 percent, is provided by government insurance, including Medicare, Medicaid, and the military;

Whereas appropriate awareness and education about the cardiovascular risks associated with diabetes can effectively reduce the health and financial burden of illness; and

Whereas the designation of November 9, 2017, as ''National Diabetes Heart Health

Awareness Day'' and coinciding with American Diabetes Month, will raise public awareness about the specific risks of heart disease for people with diabetes and help to ensure people at risk receive a timely diagnosis and proper treatment: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 9, 2017, as ''National Diabetes Heart Health Awareness Day'';

(2) supports the efforts of the Secretary of Health and Human Services, as well as the entire medical community, to educate people about the risks, symptoms, and treatment of diabetes to include comorbid cardiovascular diseases and risk factors;

(3) encourages the greater coordination of federally funded efforts that address diabetes or cardiovascular disease independently to incorporate the common comorbidity of diabetes and cardiovascular disease, including education and actions that address both; and

(4) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Secretary of Health and Human Services.

SENATE RESOLUTION 325—EXPRESSING SUPPORT FOR DESIGNATION OF THE WEEK OF OCTOBER 29 THROUGH NOVEMBER 4, 2017, AS ''NATIONAL OBESITY CARE WEEK''

Mr. CARPER (for himself, Mrs. CAPITO, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:

S. RES. 325

Whereas the disease of obesity is a major source of concern across the United States, and more than ⅓ of adults in the United States are affected by obesity, with the number of people affected by severe obesity in the United States continuing to grow;

Whereas experts and researchers agree that obesity is a complex disease influenced by various physiological, environmental, and genetic factors;

Whereas studies show that bias against and stigma associated with people affected by obesity can be significant barriers to effectively treating the disease;

Whereas research suggests that weight loss of as little as 5 to 10 percent of the total weight of an individual affected by obesity can improve the associated health risks affecting many patients living with obesity and can thereby support the goals of reducing chronic disease, improving health outcomes, and controlling healthcare costs;

Whereas comprehensive and individualized strategies for weight loss and weight management that consider all treatment options, such as reduced-calorie diets, physical activity modifications, pharmacotherapy, and bariatric surgery, have been identified as important components of treatment;

Whereas it will take a long-term collaborative effort, which will involve partners in diverse fields taking active roles, to improve obesity care and treatment; and

Whereas the week of October 29 through November 4, 2017, would be an appropriate week to designate as ''National Obesity Care Week'': Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week''; and

(2) encourages all people in the United States to create a foundation of open communication to eliminate the misunderstanding and stigma regarding obesity and to improve the lives of all individuals affected by obesity and their families.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MCCONNELL. 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 9:45 a.m., to conduct a hearing on the following nominations: Dana Baiocco, of Ohio, to be a Commissioner of the Consumer Product Safety Commission, James Bridenstine, of Oklahoma, to be Administrator of the National Aeronautics and Space Administration, Neil Jacobs, of North Carolina, and Nazakhtar Nikakhtar, of Maryland, both to be an Assistant Secretary of Commerce, Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board, Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration, and Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary, both of the Department of Transportation, and Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors; to be immediately followed by a hearing to examine protecting consumers in the era of major data breaches.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m., in room SD–106 to conduct a hearing entitled ''Protecting Consumers in the Era of Major Data Breaches.''

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m., in room SD–406 to conduct a hearing on the following nominations: Kathleen Hartnett White, of Texas, to be a Member of the Council on Environmental Quality, and Andrew Wheeler, of Virginia, to be Deputy Administrator of the Environmental Protection Agency.

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 Wednesday, November 8, 2017, at 10 a.m. to conduct a hearing on the nomination of Kirstjen Nielsen, of Virginia, to be Secretary of Homeland Security.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 10 a.m., in room SD–226 to conduct a hearing entitled ''The Impact of Lawsuits Abuse on American Small Businesses and Job Creators.''

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 2:30 p.m., in room SD–628 to conduct a hearing on S. 465, ''Independent Outside Audit of Indian Health Service Act of 2017'' and S. 1400. ''Safeguarding Tribal Objects of Patrimony Act of 2017''.

SUBCOMMITTEE ON AFRICA AND GLOBAL HEALTH POLICY

The Subcommittee on Africa and Global Health Policy of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, November 8, 2017, at 3 p.m. to conduct a closed hearing on Ambassador Haley's Recent Trip to Africa.

PRIVILEGES OF THE FLOOR

Mr. FRANKEN. Mr. President, I ask unanimous consent that my energy policy fellow, Shuchi Talati, be granted floor privileges for the remainder of this Congress.

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

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern Zach Foote be granted privileges of the floor for the remainder of the day.

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

Mr. GARDNER. Mr. President, I ask unanimous consent that Tom Kourlis, a member of my staff, be given floor privileges for the rest of the day.

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

NATIONAL DIABETES HEART HEALTH AWARENESS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 324, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 324) designating November 9, 2017, as ''National Diabetes Heart Health Awareness Day,'' coinciding with American Diabetes Month.

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

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

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

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

EXPRESSING SUPPORT FOR DESIGNATION OF ''NATIONAL OBESITY CARE WEEK''

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 325, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 325) expressing support for designation of the week of October 29 through November 4, 2017, as ''National Obesity Care Week.''

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

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

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

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

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

FITARA ENHANCEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3243, which was received from the House.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3243) to amend title 40, United States Code, to eliminate the sunset of certain provisions relating to information technology, to amend the National Defense Authorization Act for Fiscal Year 2015 to extend the sunset relating to the Federal Data Center Consolidation Initiative, and for other purposes.

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

Mr. MCCONNELL. I ask unanimous consent that the bill 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 bill (H.R. 3243) was ordered to a third reading, was read the third time, and passed.

FEDERAL AGENCY MAIL MANAGEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 250, H.R. 194.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 194) to ensure the effective processing of mail by Federal agencies, and for other purposes.

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

Mr. MCCONNELL. I ask unanimous consent the bill 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 bill (H.R. 194) was ordered to a third reading, was read the third time, and passed.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at 11 a.m. on Thursday, November 9, there be 30 minutes of postcloture time remaining on the Wehrum nomination, equally divided between the leaders or their designees, and that following the use or yielding back of that time, the Senate vote on the confirmation of the Wehrum nomination; 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 following disposition of the Wehrum nomination, the Senate stand in recess until 1:45 p.m., and that at 1:45 p.m., the Senate vote on the motion to invoke cloture on the Kan nomination with no intervening action or debate.

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

ORDERS FOR THURSDAY, NOVEMBER 9, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 9; 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 Wehrum nomination.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. 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, following the remarks of Senators Perdue and Merkley.

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

The Senator from Georgia.

TAX REFORM

Mr. PERDUE. Mr. President, I say to the Presiding Officer, like you, I am a relative newcomer to this body. It is an enormous privilege and responsibility to be a Member. Like you, I come from the real world, spending a career where your word is your bond, and telling untruth is not rewarded. Unfortunately, in this body, sometimes that is not the case, and both sides are guilty. What Americans are demanding right now is a change in the status quo, not only in this body but in Washington and in its entirety.

Tonight I want to talk about some of the things that have happened in this body. I know both sides are guilty, but these are a couple of examples that I think rise above the norm and are so egregious that I could not let them stand.

Right now, Members of the minority party and their friends in the media are doing everything they can to stop us from changing the Tax Code this year. Their complaint about healthcare was that we weren't doing it in regular order. Now we are doing tax reform in regular order. The bill that we are working on in the Senate will go to committee as soon as next week. It will be marked up with amendments from both sides. At the right time, it will then go to this floor, and we will have amendments—again, from both sides—and we will vote that bill, up or down, into law or not. But Members on the other side are actively spreading numbers in studies that are based on false assumptions and have been proven to be untrue. I want to highlight a couple tonight, but there are many others.

On Monday, the Tax Policy Center released a study saying that the House plan, which was released last week, to change the Tax Code would raise taxes on 25 percent of American families. The minority leader said this on that day:

This analysis makes clear that over one quarter of taxpayers will see a tax increase under the Republican plan, all in the name of giveaways for the wealthiest Americans and biggest corporations. Republicans want to take away middle class deductions for people with student loan interest and medical expenses so that the rich can exploit bigger loopholes and corporations can pay lower taxes.

That study by the Tax Policy Center didn't even survive a full day. It was retracted later that afternoon. It is not even publicly available online today to review any longer. Do you know what is, though? The statements that came out of that report that day—false statements, just like the one I just gave, and many others highlighting that this study was reality. Maybe even worse is that these are false stories that are still running through the

media, as if they were true, as if they were facts.

The website Vox posted a story about this study titled, ''The numbers are in, and House Republican tax bill raises taxes on nearly a third of Americans.'' Surely, they posted an update saying that the study has been retracted. They say that they will update the story once new numbers are released. In the meantime, this headline and this story are still in existence as if they were still true. Why wouldn't they take down the story? Why wouldn't they change the headline until new numbers are available?

I wish this were a single, discredited study we are talking about and that this were the only time something like this has happened since we started to have this debate about changing the Tax Code and making America competitive again. Unfortunately, it is not.

Multiple Members of the minority party said that the tax framework supported by President Trump would raise taxes on families earning less than $86,000 per year. One of my colleagues said: ''On average, middle class families earning less than $86,000 will see a tax increase under the Republican 'tax reform' plan.''

Another colleague said: ''The average tax increase on families nationwide earning up to $86,100 would be $794.00 per year.''

Here is another one: ''The average tax increase on families nationwide earning up to $86,100 would be $794.''

You begin to think that there is a common thread among many Members in this body about this same story. This talking point is so wrong that even the Washington Post later that day came out and said so. It gave this claim four Pinocchios, which we all know is their highest number against a falsity. That is the worst rating you can get on their fact checking.

The Washington Post's full ruling said:

> Democrats have spread far and wide the false claim that families making less than $86,100 on average will face a hefty tax hike. Actually, it's the opposite. Most families in that income range would get a tax cut. Any Democrat who spread this claim should delete their tweets and make clear they were in error.

That is from the Washington Post. At least one statement making this claim is still up, and I haven't seen a single statement admitting error. These are but a couple of examples. There are many more.

As one last example, House Minority Leader PELOSI has called changing the Tax Code ''a Ponzi scheme.'' Virtually every Democrat has called it a ''betrayal of the middle class.'' Clearly, the facts do not back up these claims.

The minority party is doing all it can to stop us from getting this done this year because it makes good politics somehow. That is the only explanation I can think of.

Answer this for me; it doesn't make any sense: Why would someone oppose giving the middle class a tax break? Why would someone oppose making America competitive again? Why would someone oppose bringing billions of dollars of U.S. profits back to the United States so that they can be reinvested in the economy and create jobs? I don't understand it.

It is time for people in Washington, and even in this body, to stop doing what is best for their own political self-interest on both sides, frankly, and start doing what is right for the national interest. That right now—in the next few days—is clearly one thing, and that is fixing this archaic Tax Code.

Every person in this body is responsible to some degree for the archaic nature of this Tax Code. Both parties are responsible. If they were acting in our national interest, we would be hearing about the study showing that, on average, Americans are projected to get a pay increase of somewhere between $4,000 and $9,000 under this plan. We would be hearing about how families making less than $86,000 a year are actually getting a tax cut. Again, that is a point even the Washington Post has acknowledged.

We would be hearing about how lowering the corporate tax rate, ending the tax on repatriated earnings will make us more competitive with the rest of the world. We would be hearing about the economic growth that could result from these potential changes.

We have a historic opportunity before us to deliver results and make a difference in the lives of all Americans. There are Members of the minority party, however, who have supported these changes in the Tax Code right up until the point when President Trump took office. But that is no excuse for this nonsense that is going on right now.

I think it is our role, on both sides, to call out these untruths. It is also our responsibility to stop this nonsense. What the American people want are facts. They don't want fake news. They want to know that we are here doing their work for them, to make sure that we make America competitive again.

I say to the Presiding Officer, like you, I live in the real world. I have dealt with the nonsense that came out of these bodies that affected our Tax Code in a way that kept us from being competitive. It is time we change that. We have to get it done this year so that we can ignite economic growth next year and give relief to the middle class, who have suffered so much over the last 8 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

NOMINATION OF WILLIAM WEHRUM

Mr. MERKLEY. Mr. President, we have a very important role in this Senate—to provide advice and consent on nominees. Our forefathers, who wrote the Constitution, envisioned that this power would be used rarely because a President, knowing this power existed, would nominate highly suitable people for the post that they were intended to occupy. But we haven't seen highly suitable people coming through this Chamber this year. In fact, we have seen one person after another fabulously unsuited for the office or position to which they were nominated.

We saw Scott Pruitt, who took on and attacked regulations designed to create clean air across this country time after time, in a very close association with the fossil fuel industry that wanted to allow more particulates, more particulates that cause a tremendous amount of health damage in this country.

We saw Betsy DeVos come through this Chamber, an individual who was nominated to be Secretary of Public Education but had never stepped inside a public school, didn't respect public schools, hadn't had children in public schools, hadn't volunteered in public schools, and wanted to decimate public schools. The best thing we could have done for public schools would have been to turn down that nomination, but this Chamber said: Boy, you know, we are going to do everything we can to damage public education.

Many of us stood up against that and said: No, let's fight for someone who can make public education better, not tear it down. But that is not what we got.

Now we have another individual to be considered on the floor of the Senate, Bill Wehrum. Bill Wehrum was nominated to head EPA's Office of Air and Radiation. Bill Wehrum has made a career out of working for powerful special interests and attacking any effort to make the air cleaner. Is that a person suitable for this role of protecting the air we breathe and making it better, someone who has sought to make it worse?

During the nomination hearing, I put up a very simple chart. I wanted to understand his thoughts about what was driving climate disruption. I put up a chart showing what NASA data showed for the solar impact, solar flares, and so forth, about which sometimes people say: Well, maybe it is solar flares that are causing the warming of the planet. NASA had data that showed a flat line on that and then a rising temperature.

I said: Is there any sign of correlation between these two lines?

His response was: Well, what do you mean? It is correlation.

He didn't have any understanding of the basics of how to compare one thing to another.

I put up another chart. The other chart showed all of the activities that are considered to be ones that might contribute to global warming, that are not manmade activities, things like the solar flares and volcanic activity. Again, the NASA data showed a flat line and the rising temperature.

I said: Does there appear to be any correlation between this flat line and this rise in temperature?

He again said: I just don't understand the data. I can't really comment on that.

Yet anyone with any basic ability to digest information would recognize that there was no correlation. You didn't have two things moving in the same direction.

Then I put up this chart right here. This chart shows that same temperature, observe the black line, and then it shows the line for rising carbon dioxide. I said: Well, are these things correlated?

Do you see any relationship between one line rising and the other line rising?

Again, he refused to answer.

How is it that we can put someone into a position who cannot even look at and comment on basic data, who has been a hired hand for the fossil fuel industry, who has fought to make our air filthier and more damaging to our health?

That is the nominee we have, a nominee who has sued on behalf of very powerful interests—the EPA, 31 times—to try to degrade the controls for things like mercury, which is a potent neurotoxin that damages the brains of, particularly, our children. Why should we have somebody who wants more mercury in our air in this position to consider air quality? It, certainly, does not make any sense to me.

He did have a chance to serve in this position, in an acting capacity, back in 2006. So he has been there before. He adopted guidelines on mercury emissions that had entire passages lifted word for word from information that had been provided by the industry. The industry did not want to regulate the mercury, and he just took its language and said that that is what we will do, that we will do what industry says. He was not working for the American people. He was working for the powerful and the privileged.

Then he told an EPA staffer ''not to undertake the normal scientific and economic studies'' when crafting important rules. He instructed his staff not to look at the scientific information when constructing rules. What did he want them to look at? He wanted them to just take the language from industry. That is certainly not protecting the public interest. As the New York Times wrote, he has sought to ''elevate corporate interests above those of the public.''

This is not a position in a company. This is not a position in a corporation. This is a position of public trust. He has failed that test. In fact, he has failed it so badly that, although he was nominated in 2006 when there was a Republican majority in this Chamber, his nomination was subsequently rejected by the Senate. Back then, we had folks who really, actually cared on both sides of the aisle far more about air quality. Now it seems like the enormous amount of funding from the Koch brothers for campaigns across the country has squelched any consideration from my colleagues about the quality of the air or the quality of our water. This nomination is, certainly, a test of that.

If my colleagues do care about the quality of our air, they will act like their predecessors did back in 2006, and they will reject this nomination. An individual who has betrayed the public trust should not be confirmed to a position of public trust.

Thank you.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. PERDUE). Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:03 p.m., adjourned until Thursday, November 9, 2017, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 8, 2017:

NATIONAL LABOR RELATIONS BOARD

PETER B. ROBB, OF VERMONT, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS.

DEPARTMENT OF VETERANS AFFAIRS

MELISSA SUE GLYNN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (ENTERPRISE INTEGRATION).

CHERYL L. MASON, OF VIRGINIA, TO BE CHAIRMAN OF THE BOARD OF VETERANS' APPEALS FOR A TERM OF SIX YEARS.

RANDY REEVES, OF MISSISSIPPI, TO BE UNDER SECRETARY OF VETERANS AFFAIRS FOR MEMORIAL AFFAIRS.