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## Senate

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

### PRAYER

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

Let us pray.

Eternal Spirit, who is enthroned on high, thank You for the happiness we receive because of fellowship with You. Keep us grateful for Your sustaining presence that surrounds us with Your favor.

Lord, bless and sustain our Senators. Remind them that You will not forget their faithful service to You and country. Deliver them from anxiety about what the future holds as they confidently trust You to care for them. Clothe them with Your righteousness, and prepare them to see Your face in peace. Help them to see themselves as Your servants, bringing the illumination of Your wisdom and peace to Capitol Hill.

God of our hopes and dreams, we bless Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 24, 2017.

To the Senate:

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

ORRIN G. HATCH,  
*President pro tempore.*

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

### RECOGNITION OF THE MAJORITY LEADER

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

### NATURAL DISASTER EMERGENCY FUNDING

Mr. MCCONNELL. Mr. President, today, the Senate will pass an important measure to provide relief for communities that are struggling to rebuild after the natural disasters that have affected many different parts of our country. Soon, this emergency funding legislation will be on its way to the President for his signature.

With these new resources, Federal aid workers from FEMA and the rest of the administration can continue their critical recovery operations, including search and rescue missions, debris removal, and infrastructure repair, as well as providing much needed assistance to individuals and to families.

I will continue to monitor these disaster response efforts, and I will continue to engage with leaders both in Washington and on the ground. The Senate will also continue doing its part to help the victims recover.

### TAX REFORM

Mr. MCCONNELL. Mr. President, on another matter, as we continue our work in the Senate, we look forward to

hearing the President's perspectives on how to advance our shared agenda, particularly the upcoming debate on bringing tax relief, economic growth, and jobs to Americans through tax reform.

Last week, the Senate passed a comprehensive, responsible budget that will help put the government on a path to balance and help put our economy on a road to robust growth. This week, the House plans to bring the budget to the floor for passage by Thursday. Once they pass it, we will have important legislative tools to help our economy grow through tax reform.

As we all know, after years of an economy that failed to live up to its full potential, the time is now to pass tax reform so that we can get America going again and growing again. We want to make taxes lower, simpler, and fairer. We want to close loopholes that are exploited by the wealthy. We want to make it easier to create new jobs in America and keep them here. In short, we want to take more money out of Washington's pockets and put more in yours.

These are the ideas that drive tax reform. They are shared by the President. They are shared by Americans in both political parties. They should be shared by Senators of both political parties, as well, and for many years, they actually were. The former chairman of the Finance Committee, Senator WYDEN, called our current Tax Code an "anticompetitive mess." The senior Senator from Michigan, Ms. STABENOW, expressed her concern for a tax code that incentivizes jobs to be shipped overseas, and our friend, the Democratic leader, wrote about our Tax Code's failure to help American workers compete.

Many Democrats called for action to get tax reform done. I hope that our Democratic friends will work with us now in a serious way to actually do it. After all, it is not as if the need for tax reform has changed since our friends

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



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made these statements as recently as a few years ago. The only thing that has changed is the occupant of the White House. That is the only difference. So let's get this done. The American people are counting on us.

#### NOMINATIONS OF SCOTT PALK AND TREVOR MCFADDEN

Mr. McCONNELL. Mr. President, on one final matter, in addition to our important legislative priorities, the Senate is also working hard to confirm the President's excellent judicial nominees.

Last night, I filed cloture on two nominees for U.S. district courts.

Scott Palk has been nominated to serve as a district judge for the Western District of Oklahoma. He has served in multiple roles in the U.S. attorney's office in prosecuting organized crime and terrorism cases, and the Senate Judiciary Committee sent his nomination to the floor with an overwhelming bipartisan vote.

Another nominee, Trevor McFadden, was voted out of the Judiciary Committee with no opposition at all. He has been tapped to serve as a district judge for the District of Columbia, and as a former police officer, Mr. McFadden will bring a wealth of law enforcement experience to the bench.

The Senate will vote on both of these nominees this week, and then we will continue working to confirm President Trump's outstanding judicial nominees. I look forward to supporting these nominees, and I urge my colleagues to join me in voting to confirm them.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

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

#### PRESIDENTIAL LEADERSHIP

Mr. SCHUMER. Mr. President, good morning.

Before I get into everything, I have just seen that President Trump has resumed his Twitter war with another Member of this body, our friend from Tennessee. It is long past time for the President to quit his daily compulsion of engaging in Twitter feuds and, instead, get to work for the American people. We have a lot of serious issues to deal with in this country. Our challenges are too entrenched and complex

to be solved if the President spends his time in a meaningless war of words on Twitter—today with this person, tomorrow with another.

We need President Trump to roll up his sleeves and get to work—to stop tweeting and start leading. Let me repeat that. Maybe the President will hear it. For the good of America, we need our President to roll up his sleeves and get to work—to stop tweeting and start leading.

#### NORTH KOREA

Mr. SCHUMER. Mr. President, concerning North Korea, instead of undermining his Secretary of State and picking Twitter fights with Kim Jong Un that risk a war, President Trump should formulate a serious strategy to put the heat on China to pressure the North Koreans and resolve this crisis. China holds the cards here, but they have done nothing to help us or very little at least.

#### HEALTHCARE

Mr. SCHUMER. Mr. President, on healthcare, President Trump should stop playing games with America's healthcare and publicly declare his support for the Alexander-Murray compromise.

President Trump is meeting with the Senate Republicans at their caucus lunch today, with Senator ALEXANDER and all other 11 Republican cosponsors of the bill. Why not provide some clarity? Why not say, as he has said in the past, that he supports Senator ALEXANDER's work? I believe many more Republican Senators want to sign their name onto this bill, but they are waiting to hear definitively from the President before they announce their support. After all, nearly every Republican here voted to extend the cost-sharing program already. It was part of their first healthcare bill. Every Democrat supports cost-sharing.

So the President has talked to me about wanting to be bipartisan on healthcare, and the best way to do it is to support Alexander-Murray. It is time that the President catches up to the rest of us and supports the bill. Right now he is the barrier.

Leader McCONNELL has said that if the President will sign it, he will put it on the floor of the Senate. It will get an overwhelming vote. It will then have to be put on the House floor. So Speaker RYAN will have no choice, or the rise in premiums will be on his back and the backs of his Members whom he seeks to protect.

#### REPUBLICAN TAX PLAN

Mr. SCHUMER. Probably most of all, when we talk about the President, it is time to stop tweeting and start leading on taxes. Mr. President, it is time to start really engaging with the substance of the tax plan that your staff

and congressional Republicans have put together because, Mr. President, your rhetoric does not match the reality on the tax bill.

The President has been selling his tax plan as a boon for the middle class. He told a group of truckers earlier this month that his tax plan is "a middle-class bill." He said: "The biggest winners will be everyday American workers." In his words, the Republican tax plan would bring about a "middle-class miracle."

President Trump, I urge you to look closely at the tax plan that your staff and congressional Republicans have put together. Ask the advisers around you what about this tax plan benefits the middle class and the everyday American worker more than the wealthy and the powerful, because trickle-down, if that is the only thing that benefits the middle class in your thinking, doesn't work. No one believes in trickle-down anymore except a small group of very wealthy business people who have undue influence on the Republican Party and, I hope, not on you, Mr. President.

Let's look at this plan that supposedly is a middle-class plan. It repeals the estate tax. That applies to a small number of families with estates over \$5 million. It lowers the rate on passthrough entities. That benefits wealthy law firms and hedge fund managers so they can pay less in taxes than the average citizen. It lowers the top rate while raising the bottom one. The cut in the corporate rate would hardly help the American worker. This is trickle-down. Our Republican colleagues don't talk about trickle-down because they know most of America doesn't believe in it.

Our corporations are flush with cash already. They are flush with cash. Giving them more cash is not going to change their behavior. What are they doing with this cash? Most of the large corporations are not creating jobs with the cash they now have. Stock dividends, stock buybacks, dividends, increases in CEO salaries—that is where it goes. So this bill is not a middle-class bill. I believe the President believes it is. You have to read it. No more tweeting, no more superficiality—read the bill. Don't let your advisers just walk in and say: Mr. President, it is a great, middle-class bill, and you just let them go by.

It has already been shown—not just by me but by many others—that Mnuchin and Cohen don't tell the truth about this bill, and they know better. The Tax Policy Center said that the top 1 percent of our country will reap 80 percent of the benefits from this plan. They also said, Mr. President, that it is a middle-class bill. According to the Tax Policy Center—no one has disputed it—a third of all middle-class taxpayers will see their taxes go up. Is that a middle-class tax bill, Mr. President, one in which taxes go up, not down, on nearly 30 percent of middle-class taxpayers?

Now, if this is such a middle-class tax plan, then, why do Republicans here on the Hill keep floating new middle-class deductions to cut—the very deductions on which the middle class depends. First, it was the mortgage deduction and, then, the elimination of State and local deductibility, which made it into the plan. Now they are even talking about capping pretax contributions to 401(k) plans.

There are such huge tax breaks for the wealthy and such a huge deficit hole that the tax writers have no choice but to raise taxes on the middle class and cut deductions. Even the great doubling of the standard deduction, Mr. President, is undone by the elimination of the personal deduction. If you are a family of three, you break even. If you are a family of four, you lose money even before they cut the other deductions.

Now, on State and local, in many Republican districts in the House, in many of our Republican colleagues' States, over 30 percent—certainly, 20 percent, and the lowest number is 17—of taxpayers would use that deduction. Eliminating the State and local deduction is a dagger to the heart of the middle class, Mr. President. You should tell your tax writers in the House and Senate to take it out of the bill.

Here is what PricewaterhouseCoopers just found out. Home values would go down 10 percent if we eliminated the State and local deduction. Homes are the piece of the rock for the middle class. People wait and struggle and pay every month so they can own their own home free and clear, and then that value declines because we eliminated State and local deductibility. Every homeowner is affected, even those who take the standard deduction.

If this were such a middle-class plan, I would say this to the President: Why wouldn't Republicans on the Hill scrap the repeal of the estate tax, which only benefits the very rich—not one drop goes to the middle class—instead of looking for more middle-class deductions, like the 401(k), to reduce or eliminate?

President Trump says he wants to do a middle-class bill, but if the only benefit to the middle class is this trickle-down theory, it is not a middle-class bill at all.

We Democrats have said all along that we want to update our Tax Code to provide middle-class tax relief. My caucus wants to provide tax relief to small businesses, not to big corporations. They are the ones that need the money to create jobs, not the big corporations who are flush with money.

Incidentally, as for AT&T, which is leading the charge for this tax cut, their average tax rate over the last 10 years was 8 percent, and they eliminated 80,000 jobs. So much for the idea that when you pay a low tax rate you are creating jobs.

So we offer this to the President: Come work with Democrats on a real middle-class tax bill. The plan your ad-

visers put together with Republicans on the Hill doesn't do what you say it does. We can put together a tax bill in a bipartisan way that actually gets the job done for the middle class and that tells the rich corporate leaders and financiers that they shouldn't be in control of the bill, which they are now, and you, Mr. President, are going along wittingly or unwittingly. Either way is no good for you, no good for your party, and no good, most of all, for America.

#### DISASTER RELIEF

Mr. SCHUMER. Now, Mr. President, one final word here on wildfires, which I know my colleague from California is ready to speak about. She has seen the damage and is working so hard to help the people of her State.

So we are going to talk about wildfires, Puerto Rico, and the Virgin Islands. First, we can't forget about the 3.5 million American citizens in Puerto Rico and the U.S. Virgin Islands, who continue to suffer the terrible effects of Hurricane Maria, the strongest storm to hit the island in a century. It has been more than a month since Maria, and 75 percent of Puerto Rico is still without electricity, only a third of the island's cell sites are functional, and many who have diseases like diabetes and other diseases or who are in need of dialysis have been unable to receive their specialized treatments and medication.

One million Americans in Puerto Rico are suffering without access to clean water. We have seen the pictures of them drinking sewage and water from Superfund sites. I read this report that they have accidentally used wells located in one of the most contaminated Superfund sites, Dorado, to get water, because they are so desperate.

I have called on the White House to put a point person in charge of the recovery, and I repeat that request today. The administration should appoint a CEO for response and recovery for Puerto Rico, someone with the ability to bring all the necessary Federal agencies together, cut redtape on the public and private side, turn the lights back on, get clean water flowing, and help bring recovery. It is a national tragedy that deserves the most organized and efficient response. A CEO for response and recovery with a direct line to the President in the White House would help get the house in order.

Now, at the same time, we can't forget the devastation brought by wildfires out West. A group of Senators will be speaking on the floor today—my colleague from California is about to do just that—in support of swift passage of disaster aid for those regions, and I wholly support the effort.

As the number of forest fires and the cost of fighting these fires has risen dramatically, it has left the Forest Service and the Department of the Interior at a severe funding deficit. This

has forced the Forest Service to take money from other accounts within the agency to cover the firefighting deficit, in a process called fire borrowing. Fire borrowing prevents the agency from carrying out its other missions, including investing in forest fire prevention.

As we have seen, the terrible forest fires rage across the West, hitting so hard the State of California, which my colleague is going to address. We must take action and provide the Forest Service with a long-term wildfire funding fix.

Some Members want to bog down this process with environmental and forest management riders, but I stand with Secretary of Agriculture Perdue and others who have called to simply fix the funding problem, without riders, to allow the agency to carry on its mission.

I yield the floor and ask unanimous consent that my colleague be given the time she requires to finish her remarks because I want a little over.

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

Mr. SCHUMER. Thank you, Mr. President.

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### BANKRUPTCY JUDGESHIP ACT OF 2017

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2266, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany H.R. 2266, a bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill.

McConnell motion to concur in the amendment of the House to the amendment of the Senate to the bill, with McConnell amendment No. 1568, to change the enactment date.

McConnell amendment No. 1569 (to amendment No. 1568), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Ms. HARRIS. Mr. President, I thank the minority leader, Senator SCHUMER, for his words of emphasis on the need to ensure that not only do our fellow Americans in Florida and Texas receive the relief they so dearly and sorely need but also that our fellow Americans in Puerto Rico and the U.S. Virgin Islands, as well, receive the relief

they need and receive the priority they deserve.

California has been devastated, frankly, by the wildfires that we have just experienced. Ten days ago, I was in Santa Rosa, CA, and witnessed firsthand the devastation that took place throughout that region and, in particular, in Coffey Park.

I met with evacuees. I met with firefighters. I met with community leaders, elected leaders, and others who traveled to that area out of concern and with a desire to help. I met county supervisors, and for two of them in particular, Supervisors Gore and Gorin, their entire districts were on fire. One of the supervisors even lost her own home. Yet they were leading the charge in the recovery efforts and doing so in such a selfless way and with such courage.

Entire communities were devastated, and people have lost everything and are still suffering to an incredible extent because of the loss they have experienced and the fact that they have not been resettled.

My heart breaks, as I know all of us feel for the 42 people and their families whose lives were ended in these fires. There were 42 people in this region who lost their lives. In addition, more than 8,400 homes and buildings were destroyed. For example, in Santa Rosa, 5 percent of the entire housing stock is gone. Many of the folks in these neighborhoods are middle-class families—working families. They are plumbers and teachers and first responders who were barely able to meet their mortgage. The fires have scorched more than 245,000 acres, and 100,000 Californians were forced to evacuate.

I must tell you, I am in awe of the work of the firefighters and first responders who fought tirelessly day and night. I heard stories of firefighters who worked 80 hours straight to do the work of evacuation, ensuring that no lives were lost and no lives were in peril. I am in awe of their work.

I met a firefighter. His first name is Paul, who, when I met him, was finally taking a moment of rest from the firefighting he had been doing. He was wearing sweatpants and a sweatshirt and flip-flops he borrowed from another firefighter because he lost his home and everything he had. Yet there he was on the frontlines fighting to make sure no other Californians, no other people faced the kind of devastation he faced.

There were more than 11,000 total firefighters who went to the fire. Some were from other States and even other countries. They deserve our thanks. I stand here in the U.S. Senate to thank them for the work they did, coming to California and helping us deal with this crisis.

First responders and medical professionals did important work as well. Fifty-one doctors from Santa Rosa Memorial Hospital who lost their homes and possessions still stayed overtime to help crowded emergency rooms full

of patients. I am uplifted by what I know, and the world now sees, which is the character of Californians. People rushed to help the elderly in nursing homes evacuate. I heard the story of a doctor who used his motorcycle to save newborn babies from a neonatal unit.

Now these folks need our help. Senator FEINSTEIN and I will continue to demand FEMA resources, which include the need for housing, individual assistance, transportation, and water infrastructure. We need to make sure all Californians, regardless of status, can get help at the shelters.

I spoke with DHS Acting Secretary Elaine Duke and confirmed that ICE will suspend immigration enforcement in the area until further notice. It is our belief, and it is our understanding as Californians, that notice will be clear as to when this effort will end, in terms of not enforcing immigration. We want to be clear when it is going to start so we can tell Californians because right now they are trusting DHS's word that this immigration enforcement has been suspended. We are told that FEMA, through Elaine Duke, will also support emergency packages that provide disaster relief for the hurricanes in Texas, Florida, Puerto Rico, and the U.S. Virgin Islands.

California is resilient and will rebuild, but we need help. More than 12,000 constituents have contacted our office, and we will continue to work with FEMA, HUD, the Small Business Administration, and the USDA to ensure that those affected in my State will get all the relief that is necessary.

Congress needs to fund programs like community development block grants and section 8 housing to help provide affordable housing for low- and middle-class residents. They need the help to find affordable housing. California is facing an affordable housing crisis like many other States in our country, and this is something that has been highlighted by the devastation these various States and territories have experienced recently, but it is an ongoing issue we must deal with.

We cannot stop there. We need larger supplemental emergency packages that include helping California. This has to be a long-term commitment. California is experiencing the worst fires in history, and they are becoming more frequent. In the 1980s, fires burned and wildfires burned under 25 acres, on average. Now typical wildfires will burn over 100 acres. California's 2017 fire season has not yet ended, and it has already burned more acres than the average for the past 5 years. In Southern California, from Kern County to San Diego, red flag warnings are occurring as we speak. There are currently up to 55 mile-an-hour winds and warm, dry weather, with no humidity or very little humidity. These are the conditions that were at play during the most recent wildfire crisis.

We must also look at the future and how we can prevent wildfires from reaching this magnitude as we go forward.

We must pass the Wildfire Disaster Funding Act.

Today, over half of the U.S. Forest Service budget is dedicated to combating wildfires, compared to just 13 percent of the budget in 1993. The wildfires are treated differently than floods or hurricanes. The Forest Service is not allowed to use general disaster relief funds at FEMA, and that makes no sense.

Prevention is cheaper than reaction. The U.S. Forest Service estimated that there are 6.3 billion dead trees in the Western States. Removing them would improve safety by mitigating wildfires. Also, it would have an economic benefit and create jobs. There are certain bills, and the bill I mentioned, that will help achieve this because it will allow the Forest Service to dedicate part of the budget to forest management and not just reacting.

We must listen to the experts. For example, CAL FIRE agrees. Too often, States are picking up the bill for prevention in forest management, and we should make it very clear that fires are not partisan. This bill I mentioned, the Wildfire Disaster Funding Act, is a bipartisan bill, and it should be inserted cleanly into the next supplemental emergency package.

Finally, let's recognize the connection between these disasters and climate change. California is leading the way and preparing for increasing wildfires, but the Federal Government needs to do its part. Natural disasters from fires to hurricanes, to floods do not discriminate by region or by party. We must help each other when these travesties hit, but also we must prepare for the future.

In closing, I would suggest and urge our colleagues to pass the supplemental bill and future emergency resources, ensure that Federal agencies deliver prompt help on the ground, and pass the Wildfire Disaster Funding Act.

Thank you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON. Mr. President, just as the Senator from California has outlined the needs of her State, having been hit by a natural disaster, so, too, natural disasters, not wildfires—although we have had plenty in Florida—but hurricanes have hit other States.

Yesterday, this Senator spoke at length about the effects on a particular industry, the citrus industry. I showed pictures of 75 percent to 90 percent of the fruit on the ground. This Senator made a unanimous consent request to include a bipartisan amendment to get money for agriculture, not just in Florida but Texas, Puerto Rico, the Virgin Islands, and the wildfires in California into the package—specifically, about \$3 billion for agriculture. The losses in Florida's agriculture are \$2.5 billion, of which three-fourths of a billion is just losses to citrus growers.

That is all the bad news because the unanimous consent request was rejected. The good news is, although the

White House rejected it, they made a promise to put it in a continuing supplemental emergency appropriations in November for all these natural disasters and get that funding in there for agriculture. Some of us on both sides of this aisle, in order to make sure that promise is kept, have put a hold on the nominee for Deputy Budget Director. I will take the White House at its word, and this ought to all be worked out in November. That was the subject of my address to the Senate yesterday, along with my colleague Senator RUBIO from Florida, as we talked about the losses particularly to agriculture.

Today I want to talk about how a month after the hurricane in Puerto Rico and 2 months after the hurricane in Florida, the aftermath is not going so swimmingly because people are not getting the assistance they need. Mind you, this is 2 months after the hurricanes. People lost all the food in their freezer because they didn't have any power. They are supposed to get assistance in order to be able to buy food. If you are living paycheck to paycheck and you don't have a paycheck, you don't have any money to buy food. Therefore, you should get financial assistance from FEMA and the USDA. Yet you ought to see the lines in Miami, in Orlando, in Tampa, and in Belle Glade, and then they are cutting off the lines. The people who are getting cut out are going without food. So we have a long way to go.

The USDA's Disaster Supplemental Nutrition Assistance Program, called D-SNAP, is supposed to help all of our people recover from losses incurred by Irma by making short-term assistance available. It is especially important for families who are low income, who don't have income, or they are not getting a paycheck. Now they are saddled with unexpected repairs like a storm-damaged roof. They spent money evacuating or they lost wages during the storm, or they lost power and lost all the food in their freezer. Some people buy food in bulk because they can get it cheaper and store it in the freezer. Then, bam. It is all gone because there is no power.

There were 50,000 people waiting at a center in South Florida, and many were turned away after waiting in the heat for hours and hours. The next day it was the same story in another city I didn't mention, Delray Beach. The people are getting desperate.

I thank FEMA for everything it has done. I thank the Congress for doing the first supplemental in September that was intended originally for Harvey in Texas but along came Irma in Florida. I thank the Congress for the additional supplemental we just passed last night, but the administration of all these programs for assistance to people is not going so well.

Let's take another example. You get on the phone and you call FEMA. You are supposed to get a FEMA representative, and you have to wait. If that is because FEMA needs more people on a

short-term basis to handle the amount of calls, well, FEMA, let's get it going.

What happens if you are calling because you need to have a FEMA representative come to your house to inspect your house so you can then get the necessary individual assistance to help you? You are waiting for assistance as to when a housing inspector can come and visit the home. Once you get through on the telephone, the last time we checked, the expected wait time to get a housing inspector is 45 days. That is too long for families to wait for an inspector to come because these Floridians are stuck living in damaged homes. Their homes have gotten wet, and, therefore, the mold and the mildew has built up, and they don't have any place else to go. They don't have any income to go down to one of the air-conditioned hotels, and they are still waiting for the FEMA inspector to come and inspect their home so they can get qualified to get the assistance that, in fact, they are due under the law. Our people can't access certain forms of FEMA assistance until the inspection is complete. I am told that FEMA has indeed increased the number of housing inspectors on the ground, but this process has to be expedited.

This isn't the only delay that is causing a very serious threat to health and to safety in Florida. FEMA has been very slow to bring in manufactured homes, mobile homes. Why? Because a lot of people's homes and/or mobile homes were so damaged, they can't go back and live there, so they get temporary assistance. They go into, hopefully, some air-conditioned place, such as an existing apartment complex or, per chance, a hotel. But what if you are in the Florida Keys? What if you are in the Keys, where there are not enough hotels and motels? In fact, there are not a lot of apartments.

By the way, the service industry is necessary to revive the tourism industry in the Keys, as an example, because that is the lifeblood of the economy, and the service industry has no place in which to live because their trailers are history.

I wish I had a picture here to show you of a mobile home park just north of Big Pine Key that I went to. There was not one mobile home that was upright. They were either all on their side, or they were upside down. It is not unusual because these are the Keys. The hurricane came right off the water, a category 4. But FEMA isn't getting those mobile homes, those manufactured homes, in as temporary assistance.

Understand, the example I gave is of the Florida Keys. There is one way in and one way out. But you have to compensate for that. In the meantime, people are suffering, and people are hurting.

The redtape should not stop anyone in this country from having a safe place to live. I urge FEMA to expedite the transporting of these units all over Florida, to Florida communities, and

filling them up so that Floridians have a place to live that is safe and clean.

I say to my friend from New Jersey, if what is going on in Florida isn't bad enough, what about Puerto Rico? Right now, more than a month after the hurricane, 80 percent of the island still doesn't have power. I didn't go into the urbanized parts of San Juan, although I was there and did look around; I flew into the mountains, into the little town of Utuado. For 2½ weeks, they were cut off. They didn't have a road to get up there for 2½ weeks.

I say to my friend from Washington, in Puerto Rico, would you believe that over a month after the hurricane, 30 percent still do not have potable water? In Utuado, in the mountains, I saw them going up to a pipe to get water that was flowing down through the mountains. This wasn't necessarily potable water, but it was the only thing they had. They were lining up with their plastic jars and plastic buckets.

Hospitals in Puerto Rico are rationing services. They are forgoing optional operations. They are making difficult decisions on prioritizing patients because of limited medication, and limited facilities, fuel, communications, and power. Dialysis centers are desperate to get clean enough water so that they can process the dialysis for kidney patients.

Clearly, more needs to be done to help the people of Puerto Rico in addition to the people in Florida and all the other States.

I urge my colleagues to remember the plight of Americans trying to put their lives together after a major disaster.

We have heard the Senator from California make a plea about the wildfires. You have heard this Senator make a plea for Florida, Puerto Rico, and the Virgin Islands. We have heard the Texas delegation make a plea for Texas. We all have to come together in this time of need and pass a robust and comprehensive aid bill. We hope the White House will be true to its promise that the additional aid, particularly for agriculture, will be put in the November emergency supplement. There should be absolutely no ambiguity that the Federal Government intends to provide all the necessary assistance to make our people whole.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

As we speak, millions of Americans are working to put their lives back together after what has been an especially devastating series of disasters, from hurricanes that caused unprecedented flooding, which the Senator from Florida just spoke about, the catastrophic damage there, to deadly wildfires that have scorched communities across the West. From Santa Rosa to San Juan, there are countless families who need a hand up right now,

and we have to be there for them, including our fellow Americans in Puerto Rico, where a vast majority of families on the island are still without power or access to clean water, as we just heard.

I am glad we will soon take up a relief package to send resources to help our neighbors in need, many of whom have lost everything. I am glad, as you will hear from many of our colleagues on the floor today, that this is not the end of our commitment to those affected by these recent disasters but, rather, a downpayment on what we know will be a very long road to recovery for many devastated regions. But I challenge my colleagues to do one better. Not only could we address the longstanding fisheries disaster that continues to cause hardship for the men and women of our fishing industry and our Tribal communities, we could also fix the flawed way this country fights wildfires.

For far too long, the U.S. Forest Service has been forced to use up its budget fighting wildfires every season, only to have no funds left over to work on preventing them. This is a very dangerous cycle and a disservice to so many communities in the West. It has only gotten worse as climate change takes hold, which means our wildfires have grown more massive in size and intensity in recent years. I urge my colleagues to treat wildfires like the disaster they are.

I hope we all take this moment to acknowledge all of our neighbors affected by disaster, even if they don't make the front page of the paper. Let's use this opportunity to get the policy right and help out all our neighbors in need.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I am grateful to be joining with a lot of my colleagues today to talk about the urgency and the importance of what has happened in the aftermath of horrific hurricanes—Hurricane Harvey more than 2 months ago and Hurricane Irma and Hurricane Maria over a month ago. They have wreaked havoc on millions of lives. They have destroyed billions of dollars of property. They have created pain, suffering, and loss—loss of life everywhere from Texas, to Florida, to Puerto Rico, to the U.S. Virgin Islands.

Right now, too many of our citizens are still living in not just unacceptable conditions for an American, but they are really living on the brink of homelessness—food and water insecurity, scarcity, and facing the ravages of poverty, where you have lost everything and you are in a dependent state, dependent upon relief aid, dependent upon your neighbors.

Thousands of families have lost everything, and I believe they have yet to receive the kind of support they deserve from their government. Governments were formed in this country. This Nation was founded on this ideal

of common defense. It is literally written into our founding documents, this idea that we are coming together for the protection and the strength of our communities. Right now, we are not doing enough, and that is not the American way.

I have seen it. During the storm that hit New Jersey, Superstorm Sandy, I still remember seeing us at our best, seeing neighbors open their homes, reaching out to one another. They were Americans standing up for Americans and not worrying about what their political parties were, not worrying about the risk there might be to themselves.

In fact, I still remember, as the storm was still raging, driving around my city in an SUV, checking in. I was coming up a hill, and I got a call from the President of the United States checking in on Newark. As the hurricane was beginning to leave, as the superstorm was beginning to leave, I got a call right after that from Governor Chris Christie expressing the same empathy, the same concern, checking in to see how I was doing.

I remember coming up on a hill, and just as I was finishing the last of those two conversations—talking to the most powerful person on the planet, the President, and the most powerful person in our State, the Governor; two different parties, two different backgrounds, but they are Americans—I remember coming up to a street corner where a massive tree had fallen, had torn down lines, and I saw a person in a raincoat standing there by the lines trying to wave me by to make sure my SUV didn't hit what could have been a live wire. I pulled the car over to the side in the wind and the rain, and I saw that it was an elderly man standing there in the streets feeling as if it was his obligation to protect his community. I stood there in the rain and looked at this elderly, African-American man who was standing there trying to protect people who were driving through and thought to myself: I talked to the most powerful guy in the country. I talked to the most powerful person in my State. But the true power that I saw was in an American who was working to take care of his community in a time of trial.

That was the spirit that stayed with me and lifted me during this crisis when I was staying up day after day—seeing his commitment to his community.

Martin Luther King said so eloquently that the ultimate measure of a man—and I would like to expand that and change that for a second—the ultimate measure of a person is not where they stand in moments of comfort and convenience but where they stand at times of challenge and controversy. That is where we are right now.

Tens of millions of us are very comfortable right now. This is a time of comfort and convenience for many. I got up this morning, I turned on my shower, and hot water came out. When I opened my fridge, there was food

there. But how can we sit idly by while there is an urgency going on of epic proportions?

Let me tell you about Puerto Rico. As my friend from Florida said, 80 percent of their island remains without power. I saw firsthand what 1 week without power did in my community. It literally led to the deaths of people—not the storm itself, but the lack of power was directly related to the deaths in the city of which I was mayor. There are people who don't have access to things we take for granted, whether it be a bank account or food. It was profoundly stated by my colleague that just access to clean water—right now, there are people who are falling ill and dying in Puerto Rico because of a lack of access to clean water. Sanitation systems, water, roads, bridges, electric grids—all of these urgently need Federal investment.

One of my staffers has a son who is a medic in the Puerto Rico National Guard, and he has told her that people in hospitals have died. The loss of life, the loss of American lives—our fellow citizens have died because of their lack of access to electricity and the lack of access to oxygen.

We are Americans. I know our character. I know our spirit. But right now, there are hundreds of thousands of people in our country who are suffering. They may not be proximate to us in geography; they may not be next to us in sight. But the spirit we need right now is the spirit of that man standing in the storm, watching over his neighbors, watching over people passing through, being there for their own.

We have work to do. We have an urgency. Where children are suffering without the basics, where schools are closed, where crops have been destroyed, where access to food has been destroyed, we have work to do. So my sense of urgency right now is believing that, as a first step, we must have a comprehensive aid package—not just to help our fellow Americans in Florida and Texas where there are urgent crises still going on. The gravity of the pain and suffering in the Virgin Islands and in Puerto Rico right now is unimaginable for those of us who are not experiencing it, and it is unacceptable for us, as Americans, not to be there for our fellow citizens.

We are just 5 days away from the fifth anniversary of the storm that hit New Jersey, and we have made great strides in New Jersey over the past 5 years. But the reality is that today in New Jersey, we are still recovering from that storm.

This is going to be a long process, an urgent process. It is going to be a process that necessitates resilience, necessitates endurance, and necessitates persistence. But it starts with this body, the Congress of the United States of America, putting together an aid package that includes direct grant funding for rebuilding our country. For Puerto Rico and the Virgin Islands, it

must include making sure the island is strong enough. From telecommunications, to energy sources, to schools, we must make sure that the aid package includes all that is necessary for these islands to stand up again and get to work for the many months and years to come of rebuilding.

I support my colleagues on both sides of the aisle. I am encouraged by the spirit I encountered that night, having a Democratic President and Republican Governor call me as concerned Americans. But the spirit I call on tonight is that of the elderly Black guy on a street in a storm who said: The storms may howl; the rain may come; the water may rise. But when it comes to my country, I will stand for America and stand for Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Mr. President, Hurricanes Harvey, Irma, and Maria have left a path of destruction along the Texas gulf coast, Florida, and Puerto Rico. The damage caused by these storms will be felt for many years to come.

This emergency supplemental is another step forward to recovery for the millions of Americans who call these places home. But I want to remind my colleagues that there is still an ongoing natural disaster in the West that is leaving families displaced, costing taxpayers billions of dollars, destroying structures, and taking human lives.

As of today, 5,000 firefighters are still battling more than a quarter of a million acres of wildfires burning across the West.

In my home State of Montana, despite an early snowfall, families this last weekend in Musselshell County were forced to evacuate after a fire ripped through a dry landscape and put their homes and livelihoods at risk.

In California, more than 8,000 structures have been lost to wildfires this year alone, and with temperatures expected to be in the 90s all week, there doesn't seem to be any end in sight.

Across the country, in total, fires have burned nearly 9 million acres—significantly more than the yearly average—and 1.2 million of those acres are in Montana. These fires have cost the taxpayers nearly \$3 billion to date.

Quite frankly, these wildfires have been devastating in Montana and in States across the West. It is critically important that we take quick action to mitigate the damage caused by these fires and get communities back on their feet.

The funds in this emergency package will reimburse the Forest Service for the funds borrowed to fight wildfires. When the Forest Service has to borrow from its nonfire accounts to cover firefighting on the ground, we lose out on critical maintenance, mitigation, and restoration work. This funding will pay back those accounts and support the work needed to recover after a record-breaking fire season. This funding can

help restore the trails and roads that were lost in fires, as well as keep our fishing streams clean and clear from runoff this spring. It will get folks back in the woods, thinning, cutting, and removing debris. It can provide the Forest Service with the resources to quickly salvage the dead and dying trees that are still usable and get that timber into our local mills.

Unfortunately, though, this bill fails to provide a long-term budget fix to pay to fight wildfires. Fire seasons are getting longer and more intense, which is quickly transforming the Forest Service from a forest management agency into a forest firefighting agency.

Folks, our climate is changing. History is telling us that our fire seasons are becoming more intense and they are becoming longer. Longer fire seasons will mean more borrowing from the Forest Service to fight these wildfires. We need a long-term fix.

Fires are burning a hole through the Forest Service budget, which too often leaves our forests unmanaged and at further risk for more catastrophic fires in the future. Money that should be used to curb the fire risks, maintain and improve forest health, research and develop better forest policies, and fund the work that must get done to make our forests more resilient is borrowed to fight wildfires. We must change the way we are paying for fighting wildfires.

The bipartisan Wildfire Disaster Funding Act is one step toward that fix. We must keep pressing forward to get this bill signed into law. Then we need to adjust the disaster budget cap to make sure this is truly a long-term fix.

As I said, this bill doesn't contain all of the answers we need to reduce wildfires, but it is no doubt a step in the right direction. It lets the Forest Service treat wildfires just like other natural disasters. This means more reliable support for forest management projects and emergency funding for catastrophic wildfire seasons.

These important wildfire and forest resources, combined with providing the necessary FEMA, flood insurance, and food assistance to those displaced by hurricanes, will take us a major step forward after a series of devastating natural disasters. But I want to underscore that we aren't at the finish line yet, and I will work with Chairman BOOZMAN on the Homeland Security Appropriations Subcommittee to ensure that all Montanans and all Americans impacted by natural disasters aren't left waiting for Congress to act.

Folks from both parties are going to have to work together to ensure that every community impacted by hurricanes, floods, and fires will have the resources to recover and turn the page. Americans directly impacted by these natural disasters continue to wake up each morning displaced, hungry, without power, and surrounded by destruction. Congress must remain diligent

and ensure these communities have the support that they need and that they deserve.

Finally, I will just say this: We are here today talking about the disaster funding bill. We are talking about the disaster funding bill because disasters are becoming more and more common. It is not going to change. We need to address the root cause of this, which is an ever-changing climate. Until we do, we are going to continue to see taxpayer dollars go out the door for disasters year after year.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### GAO CLIMATE CHANGE REPORT

Ms. CANTWELL. Mr. President, I come to the floor this morning to talk about a GAO report, or a Government Accountability Office report, that is being released today, which says that the cost and impact to the Federal Government of climate change is in the billions of dollars. In fact, it is in the hundreds of billions of dollars over the next 5 years, and, over the next decade-plus, it is in the trillions of dollars.

Why is this so astounding? It is astounding because we have not had the Government Accountability Office outline for us before what the impacts of climate costs the U.S. taxpayers, what it costs the Federal Government, and that we are paying an astronomical cost. Right now we are discussing the supplemental, and we can see the costs of the damage we have experienced from storms, damage from wildfires, and damages from other kinds of events and how much it costs the Federal Government. The GAO took the last 2 years to develop this report after receiving a letter from me and Senator COLLINS of Maine to say that we wanted to understand these costs.

Why did we do this? The Senator from Maine and I have long been advocates of looking at issues of adaptation and mitigation. We can debate all we want about what people think the impacts are of climate and what drives it. What we are here today to say is that we know that it is costing billions of dollars, and, as stewards of the taxpayers' money, we ought to do a better job at adaptation and mitigation. That is why we sent the letter, and that is why, probably 7 or 8 years ago, she and I started working to try to encourage various agencies that are most impacted by this to do a better job at adaptation and mitigation.

For us in the Pacific Northwest, we got to this point because we saw a shellfish industry almost devastated by the level of ocean acidification caused by changes in temperature. It was so



much so that we had to help the shellfish industry with science and research. If we wanted to keep a shellfish industry, we had to look at the science behind the seeding and do it at specific times when there was the right chemistry balance in the water. This incredible economy is enjoyed by so many Americans. The Washington shellfish industry that we have—five generations, six generations of families in that industry—was almost lost because of these changes.

Also, as a State that has a great deal of hydropower and very cost-efficient electricity, a 1-degree temperature change means a lot too in terms of snowpack—20 percent less snowpack. It means a lot to us for the challenges we face in keeping affordable electricity rates.

When it comes to fire, we have certainly taken it on the chin with two unbelievable back-to-back fire years, with unfortunate loss of life and billions of dollars of economic loss impacting both the Federal Government and to local communities.

What we are saying is that we can do better. We need to recognize these costs and the impact and do a better job of planning for them in the future. That is why one of the things that I have done with my colleagues—Senator MURRAY from Washington, Senators RISCH and CRAPO from Idaho, and Senators MERKLEY and WYDEN from Oregon—was to introduce a bill to help reduce our risk when it comes to fire seasons and what we can do to better protect our communities. That is the kind of planning and adaptation that we think we need to address.

Today's report cannot be ignored. It cannot be ignored that the Federal Government is going to have to spend this much money dealing with the impacts of climate. That is what the Government Accountability Office is saying. It says we need a better plan. We need to reduce costs. We need to look at these impacts and make sure that we as a nation are putting every resource into this. Otherwise, we really will be spending trillions of dollars.

That trajectory is real. That is what the GAO report says—hundreds of billions of dollars now and trillions in the future, but if we would simply recognize these impacts and start addressing them by having agencies recognize climate and plan for it, both in terms of adaptation and mitigation, I guarantee you that we can save the taxpayers money.

I hope my colleagues on both sides of the aisle will heed this report. This report is saying that climate is impacting us, the Federal Government. It is costing us a great deal of money. I guarantee you that it is money we would rather have to focus on whatever issues my colleagues would like to focus on—whether it is education, job training, or any of the other issues that someone might want to address, such as healthcare. We cannot afford to continue to pay this kind of money while not dealing with climate.

Impacts and costs are only going to accelerate. That is the scary thing. The GAO report says these numbers are going to increase for the future. Can we at least sit down at the table and talk about the ways—just like on fire, just like on flooding, just like on drought—to plan strategies for how we can work together to mitigate these impacts? I guarantee you, if we don't, this bill is going to continue to rise and the conflicts are going to get worse.

If you look at this year alone—even though I am saying it is \$600 billion over the next 5 to 10 years and trillions over the next 20—we will probably see \$300 billion in economic impacts in Texas, Florida, and Puerto Rico.

What is the conclusion I am drawing? I think the report is very clear. The research is very clear. One thing that is happening, as the climate changes, is that there are more intense weather events. These intense weather events are presenting challenges like we have never seen before. These challenges and the devastation that caused them are something that we need to take into consideration in the future.

Certainly, we need better science. We shouldn't rely on the European weather agency to give us the best, most accurate information about storms and weather. We should do that ourselves. We should use the great research that is being done at the labs in Tennessee on climate and what we can do to best prepare our Nation. We need to come to the table when it comes to the issues of drought and plan for strategies that work and work successfully now, not wait another 20 years and have the cost be even more astronomical.

I thank my colleague from Maine for joining this effort of getting this documentation by the Government Accountability Office. We need to take their accounting very seriously and start doing things that will help us reduce the risk, lower the cost, better protect our communities, and give the taxpayers a sense that we are not leaving them to devastation and storms every year but that we are coming up with better strategies to save lives and to save dollars.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I am pleased to join with my colleague and friend Senator CANTWELL to discuss a new GAO report on the cost of climate change.

As our Nation begins to recover and rebuild from the devastation of Hurricanes Harvey, Irma, Maria, and Nate, as well as from the wildfires that are sweeping across the West, we cannot ignore the impact of climate change on

our public health, our environment, and our economy. Most of the past focus of the impact of climate change has been on public health and the environment—important to be sure—but there has not been nearly enough analysis of the consequences for our economy and for the Federal budget, in particular.

In 2007, I first became interested in the cost of climate change when Senator Joe Lieberman and I headed the Homeland Security and Governmental Affairs Committee. We commissioned a report by the GAO to look at the fiscal risk of climate change for both the Flood Insurance Program and the Federal Crop Insurance Program. Our request was an attempt to sound the alarm that there were very significant fiscal consequences to the Federal Government for failing to take action.

The report found that the Department of Agriculture and the Department of Homeland Security can and should do better jobs of assessing the fiscal impacts that unchecked global warming will have on the taxpayer-funded Federal Crop Insurance Corporation and the National Flood Insurance Program. In addition, the report revealed that insurance programs had not developed a long-term strategy to deal with the effects of global climate change, putting them far behind private insurers that have incorporated these risks into their overall assessments.

According to a 2014 GAO report, the Federal Emergency Management Agency, FEMA, and the Risk Management Agency commissioned some climate change studies in order to better prepare for potential climate effects.

To build upon this important work, 2 years ago, Senator CANTWELL and I asked the GAO to conduct a comprehensive study on the costs and risks to the U.S. Government from climate change and to evaluate policy actions that could be taken by the Federal Government to address these financial consequences. After 2 years of indepth, nonpartisan analysis, the GAO publicly released the results of its findings this morning, and they are astonishing. The GAO estimates that, by the year 2039, climate change will cost U.S. taxpayers more than \$1 trillion. In just this past year alone, the economic losses will, almost certainly, exceed \$300 billion.

In Maine, our economy is inextricably linked to the environment. We are experiencing a real change in sea life, which has serious implications for the livelihoods of many people in our State, including those who work in our iconic lobster industry. With warming waters, lobsters are migrating into deeper waters, which poses more risks to our lobstermen and lobsterwomen. Additionally, Casco Bay, which is where Portland is located, has experienced an invasion of green crabs, which are not native to Maine and are devastating some of our other sea life population. This change in the Maine waters could be detrimental to our State's economy.



I am also very concerned about the excessively high rate of asthma in my State. According to public health physicians, this is due to air pollution that comes into our State. Now, Maine is not a coal-burning State, but the emissions from other States are causing the changes in sea life and are also contributing to the public health epidemic of a very high rate of asthma. The fact is, Maine is located at the end of our Nation's tailpipe, and we get emissions blown in from other States, which affects our economy and the health of our citizens.

The Federal Government cannot afford the billions of dollars in additional funding that is going to be needed if we do not take into account and start acting on the serious consequences of climate change. Spending more than \$300 billion each year, in response to severe weather events that are connected to warming waters and producing stronger hurricanes, is simply not a solution.

I hope the release of this new GAO analysis will encourage all of us to think more broadly about this issue, take a harder look at the economic consequences of climate change, and then use this analysis to inform Federal policy. We need to support practices and policies that promote resilience and reduce risk and exposure to weather-related losses for the Federal Government, for States, and for local communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, soon the Senate will pass a supplemental appropriations bill that provides much needed relief for folks across the country who are recovering from hurricane and wildfire devastation. While some of these resources will impact Texans who are recovering from Hurricane Harvey, I stress that much more will be needed in my State.

I will make one point abundantly clear, which is that Harvey has not been permanently handled in Texas. It is not over and done with, and it is not time to just move on. There was the storm, and now there is the storm after the storm.

Nearly 2 months after the hurricane—the most extreme rain event in U.S. history—many Texans are still waiting for normalcy to return to their debris-littered lawns and their torn-up living rooms, to their daily routines, their workplaces, their children's schools. The waters may have receded, but their troubles have not.

I have read, for example, about people having to wait 2, 3, or 4 hours before they can actually even speak to Federal Emergency Management Agency, FEMA, representatives, who themselves are overwhelmed with requests that are related not only to Hurricane Harvey but to Hurricane Irma's devastation in Florida and to Maria's flooding in Puerto Rico and the U.S. Virgin Islands. Never before do I remember a series of natural disasters hitting our Nation in such quick succession.

Yet I know, even as the inspectors are still evaluating damaged properties—moving as quickly as they can—FEMA is hiring hundreds of additional staff in the next few weeks to help with the backlog. I am hopeful this will help my fellow Texans, who have grown frustrated and discouraged by the procedural hurdles. As of Sunday, three shelters remain open in Texas, and over 60,000 people are living in hotels because their homes—reeking of mold—are still not ready, and they will not be for months.

A teacher I heard about is living on a cot in her classroom while her house undergoes repairs. The mayor of Rockport, one of the most devastated communities along the gulf coast, has said that perhaps one-third of the destroyed areas in his town may never be rebuilt. Hundreds of businesses have yet to reopen, and if they don't, it will make matters much tougher on local residents than they already are. The number of houses yet to be repaired is even larger than the number of businesses. The mayor of Port Aransas says that 75 percent of the homes in his community—three-quarters, just imagine—were severely damaged or destroyed. These are just a few of the reasons the situation demands ongoing attention, as well as the full extent of government resources.

Last month Congress got started—that was before subsequent hurricanes occurred—and the first wave of disaster relief was \$15.25 billion. Then the House passed the second wave, a \$36.5 billion disaster relief package to replenish FEMA's nearly depleted coffers and to address the National Flood Insurance Program, which should help pay some Texas claims.

Here in the Senate, the cloture vote on this second wave was yesterday, and I am glad we moved to end debate. It is clear to me that Texas will need significant additional Federal assistance for our recovery efforts. As I have told folks back home, we don't expect to be treated any better than anyone else, but we are not going to be treated any worse.

Last week, I spoke with President Trump and OMB Director Rick Mulvaney, and they made a commitment to me that there would be another funding request coming over in mid-November that would include Texas-specific hurricane relief. I realize that the folks impacted by Irma and Maria are also reeling, as well, and we want to make sure that we are locking arms with all of our colleagues who represent the areas hit by Hurricanes Harvey, Irma, and Maria, and also those hit by the wildfires out West. We are working together.

I appreciate the President's pledge, and I will continue to work with Senator CRUZ and with Governor Abbott to make sure that Texas has what it needs, not only to make a full recovery but a timely one as well.

#### TAX REFORM

Mr. President, at lunch, the President of the United States will be join-

ing us to discuss a different but very important topic, and that is Federal tax reform. We want to make sure that hard-working Americans get to keep more of what they earn in their paycheck and that we can help them improve their standard of living by reducing their tax burden.

We passed a budget resolution last week that was step one to getting where we need to be. So I am excited the President is joining us today, and I look forward to hearing his ideas. It is important that we all pull together to accomplish this joint goal. We appreciate his engagement on the issue, which has been clear from day one.

#### CONGRESSIONAL REVIEW ACT RESOLUTION

Finally, Mr. President, I would like to bring up one additional matter that we will be voting on soon, and that is the repeal of the recent Consumer Financial Protection Bureau rule, which governs how community banks, among others, resolve disputes with consumers. This rule that the CFPB issued bans using arbitration. Arbitration is a widely accepted method of resolving disputes between consumers and banks and other financial institutions, and it actually increases the benefit that flows to the consumer, as opposed to the alternatives, which are class action lawsuits that enrich lawyers, whereas consumers get pennies on the dollar.

The CFPB's own data shows that the rule would transfer hundreds of millions of dollars from businesses to plaintiffs' lawyers over the next 5 years. According to a recent Treasury report, the rule could generate 3,000 additional class action lawsuits over the next 5 years, costing businesses \$500 million in defense fees alone and obviously enriching those who would benefit more than the consumers themselves; that is, their lawyers.

The CFPB data itself shows that the vast majority of class action lawsuits delivered next to no relief to the class in question—consumers. And the Treasury report found that the agency, the Consumer Financial Protection Bureau, failed to consider much less onerous alternatives, like increased disclosure or a more limited ban.

I have been around long enough to remember that back in the eighties there was a movement called alternative dispute resolution, led by the Chief Justice of the U.S. Supreme Court, who pointed out that while access to courts was absolutely critical, unfortunately, because of the delay and expense of litigation, alternative dispute resolution mechanisms could actually benefit consumers more if they chose to resort to those alternative dispute mechanisms, and that is exactly what arbitration is. I believe that the CFPB has gone above and beyond its authority in eliminating this very meaningful way for consumers to get compensated when they get involved in disputes with their bank or other financial institutions, and there is no reason for us to enrich a class of lawyers who bring these lawsuits and see consumers end

up with pennies on the dollar, which is what the status quo would permit.

Thankfully, we have the power of the Congressional Review Act to overturn the rule, as the House has already done. I urge my colleagues to repeal the CFPB arbitration rule so that we can get rid of this harmful regulation, which imposes obvious costs and offers invisible benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to begin by paying tribute to the people of Puerto Rico, who have been through unimaginable disaster—a natural disaster not of their making and a financial disaster that is not any more their fault than the hurricane they have endured. They have persevered and, indeed, now are surviving and even thriving, despite the hurdles placed in their way by the humongous storm that destroyed parts of their island. In fact, even now, at least a quarter of their water is undrinkable, more than 80 percent of their electricity is down, many of their roads are unpassable, their schools are largely closed, and their island is paralyzed or, at least, largely paralyzed as far as economic progress and job creation are concerned.

They don't deserve this fate. They are Americans. They fought in our wars. I have been privileged to spend time with the Borinqueneers and led the effort to award them a Congressional Gold Medal as a sign of their patriotism and their dedication to our country.

They are not only Americans; they are patriotic Americans. So, too, are the first responders, military, and others from States around the country who have gone to Puerto Rico to help with relief. I want to recognize their courage, sacrifice, and service to our Nation.

The National Guard from Connecticut has gone to the island to help with National Guard from at least 13 States. There are thousands of them now, and they are working with men and women on the ground from FEMA, the Department of Energy, the Department of Homeland Security generally, and our military. They deserve our thanks. Yet, for all that heroic work, this Nation is failing Puerto Rico. Americans are on the verge of failing fellow Americans.

Puerto Rico has a population of about 3.4 million people, roughly the size of Connecticut. If the humanitarian crisis now ongoing in Puerto Rico had occurred in Connecticut, there would be an outcry and outrage of unprecedented proportion, comparable to a public surge of criticism unseen before. Yet the people of Puerto Rico endure this humanitarian crisis seemingly without response.

The President of the United States gives himself a 10. I agree. He deserves a 10 if the grading scale is 1 to 100 because barely one-tenth—in fact, less

than one-tenth of what this Nation owes to Puerto Rico—has been done for them.

I flew over the island of Puerto Rico in a Sikorsky Black Hawk during a recent bipartisan trip and saw out of the side of that Black Hawk the devastation and destruction I never thought I would see in America. Whole towns were flattened, homes razed to the ground, community centers destroyed, power lines dangling and down. I heard from the Corps of Engineers that there is no timetable to repair those lines, to restore electricity, which is the lifeblood of civilization and essential to bare economic functioning, let alone progress going forward, which is what the island needs. From what I hear, which families have told me, the shortages of food, water, and medicine persist. The hospitals depend on generators that are sometimes nonfunctional, and medicine is lacking in those hospitals.

What is at stake in Puerto Rico is really our humanity. In the midst of this humanitarian crisis, what is challenged is our humanity, not just the legality or the protocols but our basic instinct to help fellow Americans when they need it.

This Nation should not have a double standard for disaster relief. The Americans of Puerto Rico deserve what Connecticut would receive. I have stood in Connecticut with our Puerto Rican community. We are proud of the fact that we have more Puerto Ricans per capita than any other State in the country. That community has given back to Connecticut and has contributed to our quality of life. And we are proud of all of our Puerto Ricans who came from the island in past generations or recently. I stood with Gladys Rivera, who lived in Connecticut, went to Puerto Rico, and has just come back; with the Bermudez family, who have deep ties and family there and here; with Jason Ortiz, who is in charge of the Puerto Rican Agenda. And I could list many others. They have given me a picture of the humanitarian crisis in Puerto Rico that speaks to my heart—families who continue to suffer and endure these hardships.

The measure we are passing today is a tiny downpayment on what is needed for Puerto Rico. It is a short-term, very small sign of what we owe. It is a downpayment that must be followed by a much bigger long-term commitment, a Marshall Plan that will enable the island to not just repair the power lines or the roads but to rebuild with different kinds of power—renewables and solar—and not be dependent on diesel or coal. It will enable them to build stronger, more resilient structures, whether homes or commercial buildings, that can withstand future hurricanes. What is needed in Puerto Rico is not just repair but true rebuilding and recovery—and not just the physical structures but the sense of financial stability and pride.

So the pittance in this supplemental for Puerto Rico is the least we can do.

In fact, it is less than the least we can do because it actually adds to the debt Puerto Rico now has. It adds \$5 billion to the \$74 billion that is owed by Puerto Rico. It does nothing about the bankruptcy of PREPA, the power company. It in no way alleviates the financial burdens of debt; in fact, it adds to it.

Instinctively, we in this Chamber know we have an obligation to do more. There have been enough reports to fill this RECORD today about the courage of Puerto Rico and about the burdens it has to endure. We have seen and heard enough to know that a longer term plan is necessary, a Marshall Plan. Stronger leadership is necessary. Leadership has been lacking.

I have proposed a disaster relief czar who can cut through the redtape and the bureaucratic lack of cohesion and get this job done, someone who can tell the Corps of Engineers what the deadlines are and bring together the leadership of Puerto Rico and give them the empowering authority in resources, not just in words.

I also call for the CDC to be engaged more actively and effectively because Puerto Rico now faces a potential epidemic of mosquito-borne diseases: Dengue fever, Zika, chikungunya. The standing pools of water throughout the island—and I have seen them—pose a real public health threat at a time when the island is ill-equipped to deal with it.

I have begun working with my colleagues on a longer term plan because this measure must be followed by stronger, more robust steps. The damage done to the island was in the range of \$100 billion. That is a rough estimate. That \$100 billion must not only be reinvested, it must be used to provide resilience—real investment, real rebuilding. That is what is necessary for Puerto Rico.

I hope to return and visit again shortly, but in the meantime, the voices and faces of our fellow Americans there come to us clearly through my friends and neighbors in Connecticut who have joined with me in this call for real action and real rebuilding and real investment much more than this short-term downpayment which will shortchange the island if we do no more. It must be simply a first step that we owe our fellow Americans in Puerto Rico.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

#### TAX REFORM

Mr. THUNE. Mr. President, I don't need to tell anyone that middle-class Americans have had a rough time in recent years. Stagnant wages and a lack

of opportunities have left many American families stretched thin. Sending the kids to college, a secure retirement, putting something away for a rainy day—for too many families, these hallmarks of the American dream have started to seem more and more doubtful.

A recent survey found that 50 percent of people in this country consider themselves to be living paycheck to paycheck. And about one-third of people in this country say they are just \$400 away from a financial crisis. If anyone wants to know why we are taking up tax reform, this is why. We are taking up tax reform because it is not acceptable that 50 percent of Americans are living paycheck to paycheck and because it is not acceptable that one-third of voters are one unexpected car repair away from a financial crisis.

How is tax reform going to help? For starters, our tax reform bill is going to make sure that hard-working Americans are taking home more money from every paycheck. We are going to cut income tax rates. We are going to double the standard deduction—the amount of Americans' income that is not subject to any income tax—and we are going to significantly increase the child tax credit. All these things mean that American families are going to see an increase in their take-home pay. They are going to get to keep more of their hard-earned money. We are also going to simplify and streamline the Tax Code so that it is easier for Americans to figure out what benefits they qualify for, so they don't have to spend a lot of time and money filling out their tax returns.

But we are not going to stop with reforming the individual side of the Tax Code. Another key part of improving Americans' financial situation is reforming the business side of the Tax Code so that we can give Americans access to the kinds of jobs, wages, and opportunities that will set them up for a secure future.

In order for individual Americans to thrive economically, we need American businesses to thrive. Thriving businesses create jobs. They provide opportunities, and they increase wages and invest in their workers.

Right now, though, our Tax Code is not helping businesses thrive. Instead, it is strangling businesses large and small with high tax rates. Our Nation has the highest corporate tax rate in the industrialized world. It is at least 10 percentage points higher than the majority of our international competitors.

It doesn't take an economist to realize that high tax rates leave businesses with less money to invest in their workers, with less money to spend on wages, and with less money to create new and better paying jobs. This situation is compounded when you are an American business with international competitors that are paying a lot less in taxes than you are.

It is no surprise that American businesses that are struggling to stay com-

petitive in the global economy don't have a lot of resources to devote to creating new jobs and increasing wages.

A study from the White House Council of Economic Advisers estimates that reducing the corporate tax rate from 35 percent to 20 percent would increase average household income by \$4,000 annually. That is a significant pay raise for hard-working American families.

Another study shows a similar pay increase. Boston University professor and well-known public finance expert Larry Kotlikoff recently issued a study that concluded that lowering the corporate tax rate from 35 percent to 20 percent would increase household income by \$3,500 per year on average. Specifically, the study concluded that depending on the year considered, the new Republican tax plan raises GDP by between 3 and 5 percent and real wages by between 4 and 7 percent. This translates into roughly \$3,500 annually, on average, per American household.

On top of our high business tax rates, there is another major problem with our Tax Code that is decreasing American jobs, and that is our outdated worldwide tax system. What does it mean to have a worldwide tax system like we have here in the United States? It means that American companies pay U.S. taxes on the profits they make here at home as well as on part of the profits they make abroad once they bring that money back home to the United States.

The problem with this is that most other major world economies have shifted from a worldwide tax system to what is called a territorial tax system. In a territorial tax system, you pay taxes on the money you earn where you make it and only there. You aren't taxed again when you bring money back to your home country, like what happens here in the United States today.

Most of American companies' foreign competitors have been operating under a territorial tax system for years. They are paying a lot less in taxes on the money they make abroad than American companies are, and that leaves American companies at a disadvantage. These foreign companies can underbid American companies for new business simply because they don't have to add as much in taxes into the price of the products or services they sell.

When foreign companies beat out American companies for new business, it is not just American companies that suffer. It is American workers. That is why a key part of the Republicans' tax plan involves lowering our massive corporate tax rate and transitioning our tax system from a worldwide tax system, like we have in America today, to a territorial tax system, like all of our competitors have.

By making American businesses more competitive in the global economy, we can improve the playing field for American workers. So 57 percent of the manufacturers that took part in a

recent survey from the National Association of Manufacturers reported that they would be more likely to hire additional workers if comprehensive tax reform becomes law, and 52 percent reported that they would be more likely to increase employee wages and benefits. That would be a tremendous, tremendous boost for American workers.

Comprehensive tax reform will allow us to see the same kind of results in other industries.

The other part of improving the playing field for American workers is lifting the tax burdens facing small businesses. Small businesses are incredibly important to new job creation. Like larger businesses, right now small businesses are being strangled by high tax rates and, at times, even exceeding those paid by some of the largest corporations in our country. Well, that can make it difficult for small businesses to even survive, much less thrive and grow their businesses. Every dollar that we save small businesses by lowering their tax rates is a dollar a small business owner can use to expand the business, add another worker, or give employees a raise.

We can also help small businesses increase wages and create jobs by allowing them to recover their investments in things like inventory and machinery more quickly. Right now, it can take small businesses years, or in some cases even decades, to recover the cost of their investments in equipment and facilities. That can leave them extremely cash poor in the meantime. Cash-poor businesses don't expand, they don't hire new workers, and they don't increase wages.

Allowing small businesses to recover their investments more quickly will mean more jobs and more opportunities for American workers.

The American people had a rough few years, but economic stress doesn't have to become the status quo for the long term. We can start turning things around right now. Comprehensive tax reform along the lines of what is envisioned by the plan that has been put forward in the Republican framework will put more money in Americans' pockets. It will give Americans access to new jobs and more opportunities, and it will increase American families' wages.

I look forward to passing our comprehensive tax reform bill in the near future and to giving the American people the relief they have been waiting for.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

#### CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. REED. Mr. President, I rise today to oppose the Congressional Review Act resolution repealing the Consumer Financial Protection Bureau's forced arbitration rule. At a time when millions of Americans are suffering the consequences of abusive practices by major financial institutions—including the massive consumer fraud by Wells

Fargo and the exposure of up to half of the national population's personal information due to inadequate cyber security by Equifax—it is simply wrong to give immunity to bad corporate actors against lawsuits by the very customers they harmed.

I urge my colleagues to think about the millions of Americans who still don't know all the facts about whether they are victims of one of these or other major banking scandals. They deserve the chance to gather the facts and hold the responsible parties accountable. This anticonsumer resolution strips away those victims' constitutional first line of defense against lending fraud and permits corporations more opportunities to take advantage of consumers.

We have known for years that forced arbitration clauses harm the financial security of those who are most vulnerable to lending scams. Companies slip these clauses into the fine print of contracts for everything from loan applications to purchases on a smartphone. Let's be clear. Even if every American had the time to read and understand the fine print of every contract they sign, most of these contracts by major financial institutions are one-sided, and the consumer has no power to bargain the terms in the fine print.

With these in place, consumers who learn their bank or lender has overcharged or defrauded them also learn quickly that they have signed away their right to take the corporation to court. Instead, they must choose between dropping their claim or going it alone in an arbitration process that is clearly and notoriously stacked in favor of the corporation.

Forced arbitration makes it easier for predatory lenders to avoid the consequences for taking advantage of consumers. This reality is even more outrageous when we consider the fact that predatory lenders view servicemembers, military families, and veterans as prime targets for financial scams. The CFPB has noted that servicemembers are attractive targets because, among other things, they are required to maintain good finances, their pay is consistent, they often relocate, and many are just starting to make significant financial decisions. The Department of Defense is also well aware that military bases draw predatory lenders selling bad or illegal loans, which is one reason why the Department of Defense recently issued new rules banning forced arbitration for many loans covered by the Military Lending Act. But these rules still don't cover the full range of financial products that may be used to take advantage of military consumers and their families. That is why I have worked for years with Senator LINDSEY GRAHAM on legislation to ban forced arbitration clauses that waive or limit rights under the Servicemembers Civil Relief Act. The CFPB rule bans many of these and other forced arbitration clauses that disproportionately harm servicemembers and their families.

While the CFPB has provided data to support the arbitration rule's positive effects for servicemembers, we should also listen to the servicemember community. Their strong support for this rule speaks volumes. The CFPB rule's supporters include the Military Coalition, which consists of 32 military advocacy groups, including the Veterans of Foreign Wars, and associations representing the interests of members of the Navy, Army, Air Force, and Marine Corps. Moreover, in August, the National Convention of the American Legion adopted a resolution opposing legislation to repeal the CFPB forced arbitration rule because, among other reasons, it "is extremely unfair to bar servicemembers, veterans, and other consumers from joining together to enforce statutory and constitutional protections in court." Simply put, servicemembers and veterans don't want this CRA, and they are watching this vote closely.

Mr. President, forced arbitration is the prime example of a rigged system whereby powerful corporations and interests play by different sets of rules than average Americans. When a normal person defrauds another person, that person is entitled to seek a resolution in court. It is wrong for us to allow major corporations to create their own justice system that serves their own interests at the expense of American consumers, families, servicemembers, and veterans.

I urge my colleagues to oppose this resolution and to permit the CFPB arbitration rule to go into effect.

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

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

#### RECESS

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

Thereupon, the Senate, at 12:29 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. HOEVEN).

#### BANKRUPTCY JUDGESHIP ACT OF 2017—Continued

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, we currently have a \$20 trillion debt.

Now, we might ask ourselves, whose fault is it, Republicans or Democrats? The easy answer is both. Both parties are equally responsible, equally culpable, and equally guilty of ignoring the debt, ignoring the spending problem, and really I think allowing our country to rot from the inside out.

This year, the deficit will be \$700 billion, for just 1 year for our country,

\$700 billion. We borrow about \$1 million a minute. Under George W. Bush, the debt went from \$5 trillion to \$10 trillion. Under President Obama, it went from \$10 trillion to \$20 trillion. It is doubling under Republicans and Democrats.

Right now, we are in the midst of another spending frenzy. People will say: Well, we are spending the money for something good. We are going to help those in Puerto Rico, in Texas, and in Florida. My point is, if we are going to spend money to help someone in need, maybe we should take it from another area of spending that is less in need. I think that just simply borrowing it—even for something you can argue is compassionate—is really foolhardy and may make us weaker as a nation.

Admiral Mullen put it this way. He said: The No. 1 threat to our national security is our debt. In fact, most people who follow world politics—while we do have problems around the world—don't really see us being invaded anytime soon by an army or an armada, but people do see the burden of debt.

So what we have before us is a bill, \$36 billion, much of it going to Puerto Rico, Texas, and Florida. My request is very simple: We should pay for it.

About 1 month ago, we had \$15 billion for the same purposes. We are set, in all likelihood, to have over \$100 billion spent on these hurricanes. I simply ask that we take it from some spending item that seems to be less pressing. We could go through a list of hundreds and hundreds of items.

One thing I think we could start with is why don't we quit sending money to countries that burn our flag? If you are a country saying: "Death to America," burning the American flag, maybe we shouldn't give you any money. We give money to Pakistan, we trade and sell arms with most of the Middle East, which does not like us, and we do this with borrowed money. We don't even have the money we are sending, but we can make the burden a little less if we say: Let's not give any money to countries that hate us, to any country burning our flag.

In Pakistan, there is a Christian woman by the name of Asia Bibi. She has been on death row for 5 years for being a Christian. She went to the well to draw water, and the women of the village began chanting, "Death. Death to the Christian." As she was being beaten and pummeled on the ground and thought she was going to die, the police finally showed up. She thought they were there to rescue her. They were there to imprison her. They took her off to prison. That was 5 years ago. It is not easy being Christian in the Middle East.

In Pakistan, there was a doctor who helped us get bin Laden. His name is Afridi. He also has been in jail now for about 5, 6 years. He helped get us information that helped us to target bin Laden and finally get this great enemy of our country. The Pakistanis put him in jail for helping us.

The Pakistanis help us one day and stab us in the back the next day. When the Taliban was defeated under President Obama, when he put 100,000 troops in there, they scurried off into Pakistan, they had a sanctuary, and then they came back. I think we ought to think twice about sending money to countries that burn our flag, sending money to countries that persecute Christians, sending money to countries that, frankly, don't even like us.

We spend about \$30 billion helping other countries. If you were going to help your neighbor, if your neighbor was without food, would you first feed your children, and if you have a little money left over, help the children next door? That is what most people would do. If you are going to give money to your church or synagogue, would you go to the bank and borrow the money to give to somebody? Would that be compassionate or foolhardy? Is it compassionate to borrow money to give it to someone else?

People here will say they have great compassion, and they want to help the people of Puerto Rico and the people of Texas and the people of Florida, but notice they have great compassion with someone else's money. Ask them if they are giving any money to Puerto Rico. Ask them if they are giving money to Texas. Ask them what they are doing to help their fellow man. You will find often it is easy to be compassionate with somebody else's money, but it is not only that. It is not only compassion with someone else's money, it is compassion with money that doesn't even exist, money that is borrowed. Of the \$20 trillion we owe, China holds \$1 trillion of that.

All this might be said, and you might say: We just have to help people. You are worrying too much. Do you have to talk about details? Really, all the money is being well spent. If you look back at money that has been spent before on disasters, guess what—people replace everything, including things that weren't broken.

I remember, in Katrina, a family who was holed up in a beachside resort for weeks with taxpayer money. They could have put them up across the street for about \$60 or \$50 a night. They were staying in a \$400-a-night beachside resort with government money, with FEMA money.

I think we have to look at how well government spends money. Do you want an example of how well government spends money? Last year, we had some great science. There was a lot of great taxpayer-funded science going on. They wanted to study whether Neil Armstrong, when he set foot on the Moon, said: "One small step for mankind" or whether he said: "One small step for a man." So it was either "One small step for man" or "One small step for a man." They wanted to know if the article "a" was in there. So they took money that was actually intended for a good purpose—to study autism—and they studied Neil Armstrong's

statement when he landed on the Moon, \$700,000.

In the NIH last year, they spent \$2 million studying whether, if someone in front of you in the buffet line sneezes on the food, are you more or less likely to eat the food that has been sneezed on? I think we could have polled the audience on that one.

They spent \$300,000 studying whether Japanese quail are more sexually promiscuous on cocaine. I think we could probably just assume yes.

This kind of stuff goes on year after year. You think: Oh, those are aberrations. That is new.

William Proxmire was a Senator—a conservative Democrat back in the day—and he used to do something called the Golden Fleece Award. He would put out these awards. They sound exactly the same as the stuff we are finding now.

We spent money studying the gambling habits of Ugandans. We have studied how to prepare the Philippines for climate change. You name it, we are studying it around the world, with money we don't have.

If you want to make the argument: We are running a surplus, we are a great country, we are going to help all the other countries of the world—I would actually listen to you if we were running a surplus, but we are not. We are running a \$700 billion deficit. We borrow \$1 million a minute.

We have a lot of rich people here. We ought to ask these rich Senators: What have you given to Puerto Rico? What are you giving to Texas? Instead, they are giving your money. They are really not even giving your money. They are giving money they borrowed.

So what am I asking? Not that we not do this. What I am asking is: Why don't we take it from something we shouldn't be doing or why don't we try to conserve? So if you decided you want to help the people next door, you might say: I am not going to the movie theater. I am not going to go to the Broadway play. I am not going to the NFL game. I am going to save money by cutting back on my expenses so I can help the people next door who are struggling, the father and mother out of work, and they need my help—but you wouldn't go to the bank and ask for a loan to help people. That is not the way it works, unless you are a government. Then common sense goes out the window, and you just spend money right and left because you are compassionate, you have a big heart, because you have the ability of the Federal Reserve just to print out more money.

There are ultimately ramifications to profligate spending. We are approaching that day. Some say you get there when your debt is at 100 percent of your GDP. We have now surpassed that. We have about a \$17 trillion, \$18 trillion economy, and we have a \$20 trillion debt. Is it getting any better? Have we planned on fixing it at all? No, there is no fixing. Is one party better than the other? No, they are equally

bad. They are terrible. One side is at least honest. They don't care about the debt. The other side is just hypocrites because they say: We are going to win the election by saying we are conservative, we care about the debt, but they don't. The debt gets worse under both parties. Voters need to scratch their head and say: Maybe they are both equally bad with regard to the debt.

Most of the debt is driven by this. It is driven by mandatory spending. What is mandatory spending? These are the entitlements, Medicare, Medicaid, food stamps, Social Security. This is driving the debt. It is on autopilot. So when we talk about a budget, nobody is talking about doing anything about the spending on autopilot. Why? It is risky to talk about reforming entitlements because everybody is getting one. If we don't, though, we are consigned to more and more debt, and ultimately I think we are consigned to resign to a time in which the currency may well be destroyed and the country could be eaten from the inside out through this massive debt.

Last week, we voted on a budget. From appearances, you would say: Well, the Republicans put forth a conservative budget. It had \$6 trillion worth of entitlement savings. In the first year, it had \$96 billion worth of entitlement savings.

But ask one Republican, ask any Republican in Congress "Where is your \$96 billion worth of entitlement spending coming from?" and most of them wouldn't even know it was in the budget. It is in the budget to make it look good and look as if it balances over 10 years. Yet there is no plan to do anything to entitlement spending. There is no plan to do any entitlement savings. There is no bill in committee and no bill to come forward.

I introduced an amendment to the budget. I said: Well, if you are going to cut or save or somehow transform the entitlements into responsible spending, where we spend what comes in and we don't borrow, why don't we put rules or reconciliation instructions into the budget to tell people that, yes, we are honest, we are sincere, and we are actually going to cut spending? Do you know how many people voted for it? There are 52 Republicans; we had 5. They say they are for spending cuts, but they are not really because nobody will vote to give the instructions to actually do the spending cuts.

The budget we typically vote on is called discretionary spending. This is the military and nonmilitary. If you were to eliminate all of that, you still wouldn't balance the budget. That is one-third of the budget. You can't even balance the budget by eliminating one-third of it. You have to tackle the entitlements. Yet nobody has the where-withal, the guts, or the intestinal fortitude to actually do it.

We did have a big fix once upon a time on Social Security. In 1983, President Reagan and Tip O'Neill—Republican and Democrat—came together to

say that we were out of money, and we gradually raised the age of Social Security to 67. Is anybody happy to do that? Is anybody jumping up and down, saying: Oh, I want to wait longer to get Social Security. No, nobody is, but if we don't do it, there will be no Social Security because we are destroying the system.

Social Security pays out more than it brings in. Once upon a time, it was the other way around. We used to have about 16 workers for every retiree. Now we have a little bit less than three workers for every retiree. Families got smaller.

People ask me: Why are Social Security and Medicare running a deficit? Whose fault is it—Republicans or Democrats? Really, it is a little bit of both, but it is also the fault of your grandparents for having too many kids. A whole bunch of baby boomers were born, and they are all retiring, but the baby boomers had fewer kids, and the baby boomers' kids had even fewer kids, so it is a demographic shift.

If we put our heads in the sand and do nothing, the debt will continue to accumulate. We are accumulating debt by the billions of dollars every year. This year, it is \$700 billion, and it is estimated that it will be close to or may exceed \$1 trillion next year. During President Obama's tenure, we had deficits of over \$1 trillion in several years. Over an 8-year period, we actually increased the debt over \$1 trillion a year. There was about a \$10 trillion increase in the debt in the 8 years of President Obama.

If we look at whose fault it is, Republicans or Democrats, it is both. But I will tell you the way it works around here. People say that it is noble, that you are enlightened if you compromise. So here is the compromise you get. You heard that four of our brave young men died in Niger the other day. Most of the people here didn't even know we were there, to the tune of 1,000 soldiers. Once they heard about it—the hawks—they said: Oh, we need more. They didn't know 1,000 were there, but they said that we need more there, that we need more people in Niger.

No one has bothered to have a debate over what the war in Niger is about, whether we should be there, and whether we should send our brave, young men and women there. Our Founding Fathers said that was the first principle—the first principle of going to war. The initiation of war, the declaration of war, is to be done by Congress. They specifically took that power away from the President. It is not just about funding, although that is another way we control war, but the primary way we control whether we enter into war is the declaration of war. It is under article I, section 8. This is where the congressional powers are laid out. People say: Oh, that is an anachronism; we don't obey that anymore. They certainly don't. But it was never removed from the Constitution; they just quit and began ignoring this.

How important was this to our Founding Fathers? Madison wrote this. Madison said that the executive is the branch of government most prone to war; therefore, the Constitution, with studied care, granted the power of war to the legislature. It wasn't just Madison who said this; it was Jefferson, Washington, Adams. The whole panoply of Founding Fathers said that war was to be initiated by Congress.

We have had no vote, no debate, and most of the Members didn't know we were in this part of Africa. Yet here we are. But the knee-jerk reaction by those on the right typically, but some on the left, is that we need more, that we wouldn't have lost those 4 lives had we had 10,000 troops in a country in which none of us knew we were going to be at war. None of us fully debated who the parties are to the war. Yet we are going to be at war there now. So the knee-jerk reaction is that we are to expand our role in this war in Africa.

I had my staff ask a question: How many troops do we have in Africa? Nobody here knows. We looked it up, and we found out it is 6,000. We have 6,000 troops in Africa. We knew we were at war in Iraq, Syria, Afghanistan, and Libya, but we didn't really know we had 6,000 troops in Africa. That would include Libya. Six thousand troops are in Africa.

The point is, when you get back to the debate we are talking about—the budget—there are a great deal of expenditures to have troops in a hundred-some-odd countries. So we literally have troops in over 100 countries. We currently have 6,000 troops in Africa. It is expensive. How do you convince the other side of the aisle to pay for it?

Typically, the Republican side of the aisle says: "Katy, bar the door." We will spend whatever it takes, and then some, on the military.

The Democrats say: Well, what about welfare? We need more welfare.

Then they tell you that to compromise is noble, to be enlightened, to be pragmatic, that to compromise is what we should shoot for, that we should work with the other side. So that is what happens.

There has been a bipartisan consensus for maybe 50, 60, 70 years now, and that is to fund everything. If the right wants warfare, the left says we must get more welfare. If the left wants welfare, the right says we have to have more money for warfare. So it is guns and butter. It began in an aggressive way during the Vietnam war, but it has proceeded apace. We continue to spend money as if there is no tomorrow, but both parties are guilty. It is the right and the left. It is compromise that is killing this country. It is the compromise to spend money on everything, for everyone, whether you are from the right or the left.

But there could be another form of compromise. We could say that we wish to compromise in the reverse direction. We wish to say that, look, maybe for the Republicans, national defense is

more important than welfare, and maybe for the Democrats, welfare is more important than warfare, but maybe the compromise could be, you know what, we don't have enough money for either one. Maybe the compromise could be that we will spend a little bit less on each.

You know what. We did that recently. When I first came up here, I was elected in this tea party tidal wave that was concerned about debt. Something called a sequester was passed. Guess who hated it. All the big-spending Republicans and all the big-spending Democrats. They couldn't pass out their goodies and favors enough because there was some restraint.

You say: Well, I heard the sequester was terrible. I saw people at school and I saw people in my town saying that the sequester wasn't giving them enough money.

The sequester was actually a slowdown in the rate of growth of spending. This is why you have to understand newspeak. We talk about newspeak and how people change the meaning of words to make them meaningless or even to make them mean the opposite. You hear all the time—when we were having the debate on repealing ObamaCare, we were talking about capping the rate of growth of Medicaid. You heard all the squawking on the left saying we were going to cut Medicaid. No. We were going to cut the rate of growth of Medicaid.

So we had a sequester, and it was evenly divided between military and nonmilitary, between Republican interests and Democratic interests. It did not cut; it slowed down the rate of growth of spending over 10 years. It was actually working to a certain degree. We got it because people who were concerned about the debt fought and fought and said: We need to be concerned about the debt. We are hollowing out the country from the inside out.

Who destroyed the sequester? Really, the voices were louder on the Republican side than the Democratic side, but both parties were complicit. The sequester has essentially been gutted and destroyed, and the spending caps have become somewhat meaningless.

We have before us today \$36 billion. It will exceed the spending caps. We have a sequester in place, but there are all these exemptions, so it is exempt. Anytime you say it is an emergency, it is an exemption. Within the \$36 billion, though, there is \$16 billion because we run a terrible government-run flood program that is \$16 billion in the hole. So we are going to bail it out by letting it wipe out all of its debt. That sounds like long-term mismanagement in a badly run program rather than an emergency. Yet it is going to be stuck in an emergency bill so it can exceed the caps.

What am I asking for today? I am asking that we obey our own rules. We set these rules. We set these spending caps. We set the sequester. Let's obey



them. The other side will say: Oh, we are obeying the rules; we are just not counting this money. That is the problem. We have this dishonest accounting where people say: Oh yeah, we are obeying the rules. But we are not.

There are a couple of ways you could pay for this. The first way, I tried a couple of weeks ago. We had a \$15 billion bill, and I said: Why don't we pay for it with the foreign aid, the welfare we give to other countries? Why don't we say: You know what, it is time we looked at America first. It is time that we took care of our own. It is time that we spend money taking care of those in Texas, Florida, and Puerto Rico, but let's spend money that we were going to send in the form of welfare to other countries. Maybe we should take care of our own.

Instead, though, the Senate voted otherwise. I forced the issue. They weren't too happy with the amendment. I only got the vote because I was persistent and I threatened to delay things, and I was able to get a vote. Do you know how many Senators voted for this? No Democrats. No Democrats wanted to offset any spending, and 10 Republicans did. I think the vote was 87 to 10. Eighty-seven Senators voted to keep spending money without any offsets, to basically just borrow the money.

Now we are having the same debate again. I have an amendment to offset the \$36 billion. In all likelihood, I am not going to get an amendment vote because they don't have time. It would take 15 minutes, and God forbid we spend 15 minutes talking about how we are being eaten alive by a \$20 trillion debt. God forbid we talk about how a \$20 trillion debt is an anchor around the neck of the country. God forbid. God forbid we offer an amendment and at least take 15 minutes to have an offset, to say we should pay for this money we are going to send to Puerto Rico, Texas, and Florida, pay for it by taking it from some other element in the budget.

Last time, I offered foreign welfare. This time, what I put on the table is something that is very similar to a bill that has been put forward and offered for several years called the Penny Plan. The Penny Plan is this. There is a great illustration of this—if you want to look at this on YouTube—of a guy with a bunch of pennies stacked and showing sort of in a visual way what it would be like to cut one penny out of every dollar. That is what we are talking about. A 1-percent cut across the board would pay for this \$36 billion bill. It is actually a little bit less than 1 percent. One percent of a \$4 trillion budget would be \$40 billion. We need \$36 billion, so it is less than 1 percent. Just cut the budget less than 1 percent.

Do you think there might be 1 percent waste in every department, including even departments of government you might like? Do you think any American families ever had to deal with a 1-percent cut? Government is so

wasteful at every level that we could probably cut several percentage points of every division and department of government, and you wouldn't know it was gone. I mean, the waste is astounding. When we looked at where money is spent, we looked at some of the money that was being shipped overseas not too long ago, and one of the programs that we found was a televised cricket league for Afghanistan. All right, self-esteem is really important, and you are going to pay for it. So we are going to pay for television so that the Afghans can feel better about themselves by watching cricket on TV.

The first problem is that we don't have the money. We have to borrow it. The second problem is that they don't have televisions in Afghanistan. Well, some do, but the 1 in 1,000 people who have a television, I guess, are going to feel better about the Americans paying so that they can watch cricket on TV. It is one thing after another. We paid \$1 million for a variety program to put little songs and skits on their televisions. Once again, most of them do not have a TV to watch.

In the war effort in Afghanistan, we spent trillions and trillions of dollars on the war effort. We have defeated the Taliban many times, and I am sure that we could defeat them again, but that just means that they will go across the border, hide in caves, and go back when we are tired.

We spent \$45 million on a gas station in Afghanistan. This is an interesting gas station. It serves up natural gas. You might say that is great because we are lessening the carbon footprint in Afghanistan, except that it is completely absurd. They do not have any cars that run on natural gas in Afghanistan.

So they built a \$45 million plant. The original estimate was that it was going to cost about \$500,000. It was like 46 times the cost of overruns, and it ended up costing \$45 million. It serves up natural gas, but nobody has a car that runs on natural gas.

We said whoops, and we immediately bought them 24 cars that run on natural gas so they could go to the \$45 million gas station to get their natural gas. But that was not enough. We had natural gas cars for them, but they had no money with which to buy the natural gas. So we bought them all credit cards. We bought them natural-gas-burning cars, we gave them a natural-gas gas station, and we bought them credit cards to reduce the carbon footprint of those who are living in Afghanistan. This is absurd.

When we look at the budget and when we look at accounting, a lot of the money that has been spent overseas in the Iraq war, the Afghanistan war, the Syria war, the Niger war, the Libya war, the Somalia war, and the Chad war is not really budgeted. A lot of this money is actually done as an off-budget thing. It is called the overseas contingency operations. It is really a way of cheating, a way of being

dishonest in your accounting. It is a way of evading spending caps, but it has also gone a long way toward making it easier to keep spending money without restraint. We tried to put restraints on military and nonmilitary, and they were exceeded by this slush fund. They call it OCO funding, or overseas contingency operations. When we had the budget vote recently, I put forward an amendment and simply said that we should not spend above our caps. If we put these caps in place, this is what we should spend. I think that we got maybe 15 or 20 votes on that, but this is the problem.

Ultimately, we have to decide as a country this: Are we going to obey the Constitution? Are we going to go to war only when we declare war, when Congress does its job and declares war, or are we going to go to war anytime, anywhere? That is sort of what we do now. We go to war anytime, anywhere on the face of the planet, and it is not for free.

Not only is it expensive in dollars, but it is expensive in the lives of the young men and women who are sent to these wars. Yet no one has ever voted on them. We lost a soldier in Yemen 3 or 4 months ago. For his family, it was devastating, but America pays little attention because America is, basically, not fighting the war. A very small percentage of America—brave young men and women who are often from rural parts of our country—is fighting our wars, but the mass of America is not fighting. You could say that they are volunteers—that is great, and I think that is the best kind of army to have—but I hate it that we do not show the responsibility and care of actually doing our job and of taking the time to debate it.

Should we be at war in Yemen or not? Should we be at war in Niger? Should we be at war in Libya? Should we be at war in Chad? Should we be at war in Somalia, in Djibouti, in Pakistan, in Afghanistan? We have troops in probably 20 or 30 nations in which there is conflict going on, and we are actively involved in the midst of conflict in at least 6 or 7. It is very expensive in human lives and dollars.

We need to ask ourselves this: Will we do this forever?

The Sunnis have been fighting the Shia for about 1,000 years.

People say: Well, we are going after ISIS in Africa.

ISIS is basically a name for radical jihadist Islam, and it is all over the planet. Are we going to go everywhere and kill every one of them? Is there a possibility that, when we kill 1 that 10 more will pop up? Is the Whac-A-Mole strategy for killing every terrorist on the planet or every radical on the planet the way that we are going to win?

We went into Yemen on a manned raid in January or February of this year, and we lost one brave Navy SEAL. They say that we got information, but they will not exactly tell me what information they got. They claim



that it was this great information that is going to make the war on terror so much easier. I have my doubts. In the raid, though, which was a manned raid in the middle of Yemen, women and children died. I do not blame our soldiers. I have members of my family who are Active Duty. They do what they are told. They take orders. It is tough being put in a situation like that. You are dropped in the middle of nowhere in a village. Maybe the women and children are shooting at you as well. You have to defend yourself and complete your mission.

Yet I wonder whether or not the policymakers should be more involved with making the decision as to whether we should be in Yemen and whether or not the people who live in the surrounding area to that village will, for 100 years or more, recite through oral tradition the day that the Americans came, and whether or not we will have actually killed more terrorists than will have been created by the oral tradition of when the Americans came.

We are also aiding and abetting Saudi Arabia in this horrific war in Yemen. There are 17 million people who live on the edge of starvation in Yemen, and the war is exacerbating that. Yemen is a very poor country to begin with. They import about 80 percent of their food. Currently, the Saudis have a blockade. So no food is getting in. They say that it is to prevent arms, and I am sure it is, but one of the consequences is no food. There are a half million people with cholera right now. It is sort of a bad form of dysentery, and in poor countries, you die from cholera. There are a half million people with cholera. It goes along with no food and no clean water.

The Saudis are blockading Yemen, and the Saudis are bombing Yemen. We are selling the Saudis the weapons. We are refueling the planes and helping the Saudis pick the targets. One of the Saudi targets about 1 year ago was a funeral procession. This was a funeral procession of a Houthi leader or rebel. There were 500 people—civilians—who were wounded in that procession, and there were 150 who were killed by a Saudi bomb on civilians.

Do you think they are going to soon forget that? Do you think that by killing 150 people in a funeral procession and wounding 500, you killed more terrorists that day than you created?

I would say that that day will live on in oral history for 1,000 years. The day the Saudis came with American bombs and bombed an unarmed funeral procession will live on for 1,000 years, and hundreds—if not thousands—of people will be motivated to become suicide bombers because of the day that the Saudis bombed a funeral procession.

It is incredibly expensive in lives—their lives, our lives. When you look at the cause of famine around the globe and when you look at it extensively and study the causes of famine, it is war probably 6 or 7 times out of 10. War is a terrible thing, and we must ac-

knowledge that and try to think of ways that we can make war the last resort instead of the first resort.

I mean, for goodness sake, the people on television this Sunday did not know how many troops were in Niger. Yet their immediate response was that we should have had more—that we need more troops over there in Africa—in a place that most Americans have not heard of and have no idea who is fighting whom or whether or not it is an achievable goal. They say that 1,000 was not enough, that if we had had 10,000 in air support and all of this, we would have prevented these deaths. That is one lesson you could learn. The other lesson you could learn is that maybe we should not have been there at all.

You see, people have to stand up for themselves. There is this idea of sort of self-rule and independence, but if people are coddled and not sort of forced into the position of defending themselves, they will not.

We have been in Afghanistan for 16 years. In the 16 years we have been there, what have we found? We have found that about 60,000 to 80,000 Afghans have come over here. We have to help these translators. Well, they speak English, and they are pro-West. So they need to stay in Afghanistan and create a country. The best people left.

It is the same in Iraq. We won the war in Iraq, and all of the good people came over here. I have nothing personally against those who came other than that I am disappointed that there were not enough people who were heroic enough to stay in their country to help build a new country.

Who fights over there? Some of the Afghans fight. Some people join their army to shoot us. We have this green on green, where their soldiers are shooting our soldiers because they come in and intentionally are there to kill our soldiers. Yet the question is, How come, after 15, 16 years, the Afghans cannot fight to preserve their nation?

Now everybody says: Oh, if America comes home, the Taliban will take over. The Taliban is not quite ISIS. It is also not quite the same international sort of jihadist. They did harbor bin Laden once upon a time. Most of those people are dead if not all of them.

If you look at how terrorism ended when the IRA ended in England and in Ireland, it ended up being a negotiation. So many say that they will never negotiate with the enemy. If you never negotiate with the Taliban—they are, unfortunately, pretty popular in Afghanistan, and they are going to be there forever—can we kill them all? No. It is just like the radicals throughout these Islamic countries. I think there are too many to kill. The question is, Do you create more than you kill?

If you put this in context and say that we have to be able to defend our-

selves and that our country needs to be strong to defend itself, I could not agree more, but do you know what? We become weaker every day as we run up this debt. We are \$20 trillion in debt—\$700 billion this year. We borrow \$1 million a minute. Realize that predicament, and then realize that the powers that be do not want to allow amendments to offset spending.

I am proposing, if we spend money on Puerto Rico and Texas and Florida, that we offset it by taking it from something that is less of a priority, from something else in the budget. If we were to cut 1 percent of the rest of the budget, we would have more than enough to pay for this. Would anybody notice 1 percent? Sure. One would have to push things around a little bit, but they would all survive.

We have looked at spending, and to show you how bad spending in the Federal Government is, it gets faster each month as you get toward the end of the year. When there is only 1 month left, these bureaucrats say: Oh, my goodness, we might not be able to spend the money fast enough. So spending in the last month of the year is, actually, five times faster than in any other month of the year. In fact, in the last month of the fiscal year, not only is it five times faster, but each progressive day it gets faster. The last month of the fiscal year is September. On September 1, they spend the money like this. On September 2, it is like this. On September 3, it like this. On September 4, it is like this. It goes up every day because they are trying to shovel the money out as fast as they can. If they do not spend it all, they are afraid they will not get it next year. The common parlance is “use it or lose it.”

When you get all the way to the last day of the fiscal year, spending actually increases and goes with the rising and setting Sun. So it is 8 o'clock, earlier here than it is in California. As the Sun rises, we begin spending money in the East. We are shoveling it out as fast as we can. As the Sun progresses towards sunset, the spending shifts to the west coast. They are shoveling it out at 5 o'clock Pacific time in their trying to get rid of the money.

If you look at when most conferences are, when most government employees go to a conference in Las Vegas, it is in the last months of the year. They found that they have some money. What is a million bucks? You don't mind spending a million bucks, right? You want these government employees to have a good time. So there was a group—I think it was the General Services Administration—a couple of years ago, and you saw those pictures of the head of the GSA and his wife in a big Las Vegas hot tub, drinking champagne. I think that was a million-dollar event—it was either at that conference or at another one—in which they decided that it would be good and instructive for their employees if they actually had a Star Trek reenactment. So they hired Star Trek reenactors.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

#### PROTECTING OUR DEMOCRACY

Mr. FLAKE. Mr. President, I rise today to address a matter that has been very much on my mind. At a moment when it seems that our democracy is more defined by our discord and our dysfunction than by our own values and principles, let me begin by noting a somewhat obvious point that these offices that we hold are not ours indefinitely. We are not here simply to mark time. Sustained incumbency is certainly not the point of seeking office, and there are times when we must risk our careers in favor of our principles. Now is such a time.

It must also be said that I rise today with no small measure of regret—regret because of the state of our disunion, regret because of the disrepair and destructiveness of our politics, regret because of the indecency of our discourse, regret because of the coarseness of our leadership, regret for the compromise of our moral authority, and by “our,” I mean all of our complicity in this alarming and dangerous state of affairs.

It is time for our complicity and our accommodation of the unacceptable to end. In this century, a new phrase has entered the language to describe the accommodation of a new and undesirable order, that phrase being the “new normal.” But we must never adjust to the present coarseness of our national dialogue with the tone set at the top. We must never regard as normal the regular and casual undermining of our democratic norms and ideals. We must never meekly accept the daily sun-dering of our country, the personal attacks, the threats against principles, freedoms, and institutions, the flagrant disregard for truth and decency, the reckless provocations, most often for the pettiest and most personal reasons, reasons having nothing whatsoever to do with the fortunes of the people whom we have been elected to serve. None of these appalling features of our current politics should ever be regarded as normal. We must never allow ourselves to lapse into thinking that is just the way things are now. If we simply become inured to this condition, thinking that it is just politics as usual, then Heaven help us.

Without fear of the consequences and without consideration of the rules of what is politically safe or palatable, we must stop pretending that the degradation of our politics and the conduct of some in our executive branch are normal. They are not normal. Reckless, outrageous, and undignified behavior has become excused and countenanced as “telling it like it is” when it is actually just reckless, outrageous, and undignified.

When such behavior emanates from the top of our government, it is something else. It is dangerous to a democracy. Such behavior does not project

strength, because our strength comes from our values. It instead projects a corruption of the spirit and weakness.

It is often said that children are watching. Well, they are. And what are we going to do about that? When the next generation asks us “Why didn’t you do something? Why didn’t you speak up?” what are we going to say? Mr. President, I rise today to say “enough.”

We must dedicate ourselves to making sure that the anomalous never becomes the normal. With respect and humility, I must say that we have fooled ourselves for long enough that a pivot to governing is right around the corner, a return to civility and stability right behind it. We know better than that. By now, we all know better than that.

Here, today, I stand to say that we would better serve the country and better fulfill the obligations under the Constitution by adhering to our article I “old normal”—Mr. Madison’s doctrine of the separation of powers. This genius innovation, which affirms Madison’s status as a true visionary and for which Madison argued in *Federalist* 51, held that the equal branches of our government would balance and counteract each other when necessary. “Ambition counteracts ambition,” he wrote. But what happens if ambition fails to counteract ambition? What happens if stability fails to assert itself in the face of chaos and instability or if decency fails to call out indecency?

Were the shoe on the other foot, would we Republicans meekly accept such behavior on display from dominant Democrats? Of course we wouldn’t, and we would be wrong if we did.

When we remain silent and fail to act when we know that silence and inaction are the wrong things to do because of political considerations, because we might make enemies, because we might alienate the base, because we might provoke a primary challenge, because *ad infinitum*, *ad nauseam*, when we succumb to those considerations in spite of what should be greater considerations and imperatives in defense of our institutions and our liberty, we dishonor our principles and forsake our obligations. Those things are far more important than politics.

I am aware that more politically savvy people than I will caution against such talk. I am aware that there is a segment of my party that believes anything short of complete and unquestioning loyalty to a President who belongs to my party is unacceptable and suspect. If I have been critical, it is not because I relish criticizing the behavior of the President of the United States. If I have been critical, it is because I believe it is my obligation to do so as a matter of duty of conscience.

The notion that one should stay silent as the norms and values that keep America strong are undermined and as the alliances and agreements that en-

sure the stability of the entire world are routinely threatened by the level of thought that goes into 140 characters, the notion that we should say or do nothing in the face of such mercurial behavior is ahistoric and, I believe, profoundly misguided.

A Republican President named Roosevelt had this to say about the President and a citizen’s relationship to the office:

The President is merely the most important among a large number of public servants. He should be supported or opposed exactly to the degree which is warranted by his good conduct or bad conduct, his efficiency or inefficiency in rendering loyal, able, and disinterested service to the Nation as a whole.

Therefore, it is absolutely necessary that there should be full liberty to tell the truth about his acts, and this means that it is exactly as necessary to blame him when he does wrong as to praise him when he does right. Any other attitude in an American citizen is both base and servile.

President Roosevelt continued:

To announce that there must be no criticism of the President, or that we are to stand by a President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public.

Acting on conscience and principle is the manner in which we express our moral selves, and, as such, loyalty to conscience and principle should supersede loyalty to any man or party.

We can all be forgiven for failing in that measure from time to time. I certainly put myself at the top of the list of those who fall short in this regard. I am holier than none.

But too often, we rush not to salvage principle but to forgive and excuse our failures so that we might accommodate them and go right on failing until the accommodation itself becomes our principle.

In that way and over time, we can justify almost any behavior and sacrifice any principle. I am afraid this is where we now find ourselves.

When a leader correctly identifies real hurt and insecurity in our country, and instead of addressing it goes to look for someone to blame, there is perhaps nothing more devastating to a pluralistic society. Leadership knows that most often a good place to start in assigning blame is to look somewhat closer to home. Leadership knows where the buck stops, humility helps, and character counts.

Leadership does not knowingly encourage or feed ugly or debased appetites in us. Leadership lives by the American creed, “*E Pluribus Unum*”—“From many, one.” American leadership looks to the world, and just as Lincoln did, sees the family of man. Humanity is not a zero-sum game. When we have been at our most prosperous, we have been at our most principled, and when we do well, the rest of the world does well.

These articles of civic faith have been critical to the American identity for as long as we have been alive. They are our birthright and our obligation.

We must guard them jealously and pass them on for as long as the calendar has days. To betray them or to be unserious in their defense is a betrayal of the fundamental obligations of American leadership, and to behave as if they don't matter is simply not who we are.

Now the efficacy of American leadership around the globe has come into question. When the United States emerged from World War II, we contributed about half of the world's economic activity. It would have been easy to secure our dominance, keeping those countries that had been defeated or greatly weakened during the war in their place. We didn't do that. It would have been easy to focus inward. We resisted those impulses. Instead, we financed reconstruction of shattered countries and created international organizations and institutions that have helped provide security and foster prosperity around the world for more than 70 years.

Now, it seems that we, the architects of this visionary, rules-based world order that has brought so much freedom and prosperity, are the ones most eager to abandon it. The implications of this abandonment are profound, and the beneficiaries of this rather radical departure in the American approach to the world are the ideological enemies of our values.

Despotism loves a vacuum, and our allies are now looking elsewhere for leadership. Why are they doing this? None of this is normal. What do we, as U.S. Senators, have to say about it? The principles that underlie our politics, the values of our founding, are too vital to our identity and to our survival to allow them to be compromised by the requirements of politics because politics can make us silent when we should speak, and silence can equal complicity.

I have children and grandchildren to answer to, and so I will not be complicit or silent. I have decided I will be better able to represent the people of Arizona and to better serve my country and my conscience by freeing myself of the political considerations that consume far too much bandwidth and would cause me to compromise far too many principles.

To that end, I am announcing today that my service in the Senate will conclude at the end of my term in early January 2019. It is clear, at this moment, that a traditional conservative who believes in limited government and free markets, who is devoted to free trade, who is pro-immigration has a narrower and narrower path to nomination in the Republican Party—the party that has so long defined itself by its belief in those things.

It is also clear to me, for the moment, that we have given up on the core principles in favor of a more viscerally satisfying anger and resentment. To be clear, the anger and resentment that the people feel at the royal mess we have created are justi-

fied, but anger and resentment are not a governing philosophy.

There is an undeniable potency to a populist appeal, but mischaracterizing or misunderstanding our problems and giving in to the impulse to scapegoat and belittle threatens to turn us into a fearful, backward-looking people. In the case of the Republican Party, those things also threaten to turn us into a fearful, backward-looking minority party.

We were not made great as a country by indulging in or even exalting our worst impulses, turning against ourselves, glorifying in the things that divide us, and calling fake things true and true things fake, and we did not become the beacon of freedom in the darkest corners of the world by flouting our institutions and failing to understand just how hard-won and vulnerable they are.

This spell will eventually break. That is my belief. We will return to ourselves once more, and I say, the sooner the better because to have a healthy government, we must also have healthy and functioning parties. We must respect each other again in an atmosphere of shared facts and shared values, comity, and good faith. We must argue our positions fervently and never be afraid to compromise. We must assume the best of our fellow man and always look for the good. Until that day comes, we must be unafraid to stand up and speak out as if our country depends on it because it does.

I plan to spend the remaining 14 months of my Senate term doing just that. The graveyard is full of indispensable men and women. None of us here is indispensable, nor were even the great figures of history who toiled at these very desks in this very Chamber to shape the country we have inherited. What is indispensable are the values they consecrated in Philadelphia and in this place—values which have endured and will endure for so long as men and women wish to remain free. What is indispensable is what we do here in defense of those values. A political career does not mean much if we are complicit in undermining these values.

I thank my colleagues for indulging me here today. I will close by borrowing the words of President Lincoln, who knew more about healthy enmity and preserving our founding values than any other American who has ever lived. His words from his first inaugural were a prayer in his time and are no less in ours:

We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break the bonds of our affection. The mystic chords of memory will swell when again touched, as surely as they will be, by the better angels of our nature.

Thank you, Mr. President.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

THANKING THE SENATOR FROM ARIZONA

Mr. MCCONNELL. Mr. President, colleagues, we regret to hear that our friend from Arizona will conclude his Senate service at the end of his 6-year term.

I would like to say, on behalf of myself and I think many of my colleagues, we just witnessed a speech from a very fine man—a man who clearly brings high principles to the office every day and does what he believes is in the best interest of Arizona and the country.

I am grateful the Senator from Arizona will be here for another year and a half. We have big things to try to accomplish for the American people. From my perspective, the Senator from Arizona has been a great team player, always trying to get a constructive outcome no matter what the issue before us.

So I thank the Senator from Arizona for his service, which will continue, thankfully, for another year and a half, and for the opportunity to listen to his remarks today.

The PRESIDING OFFICER. The senior Senator from Arizona.

Mr. MCCAIN. Mr. President, it is very hard for me to add to the eloquence of my dear friend from Arizona, but I do want to say it has been one of the great honors of my life to have the opportunity to serve with a man of integrity, of honor, decency, and commitment to not only Arizona but the United States of America.

I have seen JEFF FLAKE stand up for what he believes in, knowing full well that there would be a political price to pay. I have seen him stand up for his family. I have seen him stand up for his forbearers who were the early settlers of the State of Arizona. In fact, there is a place called Snowflake, AZ, and obviously the “Flake” part comes from his direct predecessor.

It is the Flake family and families like them who came and worked and slaved and raised families and made Arizona what it is, and it has never had a more deserving son than JEFF FLAKE and his beautiful wife Cheryl and children.

So I would just like to say, JEFF, I have known you now for a number of years. I know you have served Arizona and the country, and there is one thing I am absolutely sure of, and that is you will continue that service, which is part of your family. It is part of your view of America. It is part of your willingness and desire to serve Arizona. One of the great privileges of my life has been to have the opportunity to know you and serve with you.

As we look, all of us, at some point at our time that we have spent here—whether it be short or whether it be long—we look back and we think about what we could have done, what we should have done, what we might have done, the mistakes we made, and the things we are proud of. Well, when the Flake service to this country in this Senate is reviewed, it will be one of honor, of brilliance and patriotism and love of country.

I thank you. God bless you and your family.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time now be considered expired, all pending motions and amendments be withdrawn, except for the motion to concur, and that Senator PAUL be recognized to speak for up to 5 minutes and then make a budget point of order; that myself or my designee be recognized to make a motion to waive; that following disposition of the motion to waive, the Senate vote on the motion to concur in the House amendment to the Senate amendment to H.R. 2266; and that if the motion is agreed to, the motion to reconsider be considered made and laid upon the table.

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

Under the previous order, all postcloture time has expired.

Under the previous order, the motion to concur with amendment is withdrawn.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, there have been many who have said, including Admiral Mullen, among others, that the greatest threat to our national security is our debt. We have a \$20 trillion debt. This year, the debt for 1 year will be about \$700 billion. We borrow \$1 million a minute. What we have before us is a bill that will exceed our spending caps.

We will be told that this is an emergency and we must do it. Yet I think the true compassion comes from helping those but also making sure we don't add to our debt. I think the truly compassionate person helps their neighbor by giving part of their surplus to their neighbor but not going to the bank and borrowing money to give it to their neighbor.

We are \$700 billion short in the budget, and we are simply going to print more money and send it to Puerto Rico, Texas, and Florida. What I ask is, if you are going to help people, why don't we set our priorities? Why don't we take money from other areas of the budget where it is not needed?

What I propose is that we cut 1 percent or a little bit less than that across the board. I think there is not a department of government that couldn't deal with 1 percent less, and we would take that money and we could spend it on the emergencies in Puerto Rico and Texas.

I think if we think somehow that it is compassionate to go ahead and just borrow more money and continue doing this, I think we are fooling ourselves. I think our country becomes weaker each day we add to the debt, and I think it is time we become honest with ourselves.

If you look at whose fault this is, there is enough blame to go around,

frankly. The debt doubled under George W. Bush from \$5 trillion to \$10 trillion. The debt then doubled again from \$10 trillion to \$20 trillion under President Obama.

We are on course to add, some estimate, another \$10 to \$15 trillion over the next 8 years. This is a real problem for our country. So I think, as we look toward helping those who suffer from the hurricanes, we should look toward taking it away from less pressing priorities.

There is also \$16 billion in here for the flood program that continues to pay people to build in flood zones. We do it year after year after year. We continue to rebuild in flood zones, and then the taxpayers are left on the hook. So we are wiping out \$16 billion in debt for the flood program, and we are also then spending money we don't have.

At this point, what I would like to do is raise a point of order that has to do with us exceeding the spending caps. I think, if we are going to be honest with ourselves—we are in the midst of talking about a large tax cut, which I favor, but how can we be the party or the people who cut taxes at the same time we continue to borrow more? So what I am asking, through this budget point of order, is that we actually adhere to our rule to not exceed our spending caps and try to slow down the accumulation of debt.

With that, I raise the section 314(e) point of order, pursuant to the Congressional Budget Act of 1974, against sections 304, 306, 308, and 309 of the Additional Supplemental Appropriations for Disaster Relief Requirements Act of 2017.

The PRESIDING OFFICER (Mr. PORTMAN). The Senator from Kansas.

Mr. ROBERTS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purpose of H.R. 2266, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

The yeas and nays resulted—yeas 80, nays 19, as follows:

[Rollcall Vote No. 247 Leg.]

#### YEAS—80

Alexander  
Baldwin  
Bennet  
Blumenthal  
Blunt  
Booker  
Boozman  
Brown  
Burr  
Cantwell

Capito  
Cardin  
Carper  
Casey  
Cassidy  
Cochran  
Collins  
Coons  
Cornyn  
Cortez Masto

Cruz  
Daines  
Donnelly  
Duckworth  
Durbin  
Ernst  
Feinstein  
Fischer  
Franken  
Gardner

Gillibrand  
Graham  
Grassley  
Harris  
Hassan  
Hatch  
Heinrich  
Heitkamp  
Heller  
Hirono  
Hoeven  
Isakson  
Kaine  
Kennedy  
King  
Klobuchar  
Leahy

Manchin  
Markey  
McCain  
McCaskill  
McConnell  
Merkley  
Murkowski  
Murphy  
Murray  
Nelson  
Peters  
Portman  
Reed  
Roberts  
Rounds  
Rubio  
Sanders

Schatz  
Schumer  
Scott  
Shaheen  
Stabenow  
Sullivan  
Tester  
Tillis  
Udall  
Van Hollen  
Warner  
Warren  
Whitehouse  
Wicker  
Wyden  
Young

#### NAYS—19

Barrasso  
Corker  
Cotton  
Crapo  
Enzi  
Flake  
Inhofe

Johnson  
Lankford  
Lee  
Moran  
Paul  
Perdue  
Risch

Sasse  
Shelby  
Strange  
Thune  
Toomey

#### NOT VOTING—1

Menendez

The PRESIDING OFFICER (Mr. STRANGE). On this vote, the yeas are 80, the nays are 19.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The point of order falls.

#### MOTION TO CONCUR

The question is on agreeing to the motion to concur.

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

The PRESIDING OFFICER (Mr. JOHNSON). Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

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

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

The result was announced—yeas 82, nays 17, as follows:

[Rollcall Vote No. 248 Leg.]

#### YEAS—82

Alexander  
Baldwin  
Bennet  
Blumenthal  
Blunt  
Booker  
Boozman  
Brown  
Burr  
Cantwell  
Capito  
Cardin  
Carper  
Casey  
Cassidy  
Cochran  
Collins  
Coons  
Cornyn  
Cortez Masto  
Cruz  
Daines  
Donnelly  
Duckworth  
Durbin  
Ernst  
Feinstein  
Fischer

Franken  
Gardner  
Gillibrand  
Graham  
Grassley  
Harris  
Hassan  
Hatch  
Heinrich  
Heitkamp  
Heller  
Hirono  
Hoeven  
Isakson  
Kaine  
Kennedy  
King  
Klobuchar  
Leahy  
Manchin  
Markey  
McCain  
McCaskill  
McConnell  
Merkley  
Moran  
Murkowski  
Murphy

Murray  
Nelson  
Peters  
Portman  
Reed  
Roberts  
Rounds  
Rubio  
Sanders  
Schatz  
Schumer  
Scott  
Shaheen  
Stabenow  
Sullivan  
Tester  
Tillis  
Udall  
Van Hollen  
Warner  
Warren  
Whitehouse  
Wicker  
Wyden  
Young

## NAYS—17

Barrasso	Inhofe	Risch
Corker	Johnson	Sasse
Cotton	Lankford	Shelby
Crapo	Lee	Strange
Enzi	Paul	Toomey
Flake	Perdue	

## NOT VOTING—1

Menendez

The motion was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table with respect to the prior vote.

The Senator from Idaho.

# PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION—MOTION TO PROCEED

Mr. CRAPO. Mr. President, I move to proceed to H.J. Res. 111.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 111, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements."

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

# PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 111) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Arbitration Agreements."

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

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

Mr. BROWN. Mr. President, what Congress is trying to do today, this evening, as long as it takes, as long as the arms are twisted, is frankly outrageous. Our job is to look out for the people whom we serve, not to look out for Wells Fargo, not to look out for Equifax, not to look out for Wall Street banks, not to look out for corporations who scam consumers.

Forced arbitration, pure and simple, takes power away from ordinary people. It gives it to the big banks, it gives it to Equifax, it gives it to Wells Fargo,

it gives it to Wall Street companies that already have an unfair advantage. We know the White House increasingly looks like a retreat for Wall Street executives. I would hope the Senate wouldn't follow suit.

Look at Equifax. In early September, we learned it compromised the personal data of more than 145 million Americans—5 million in my State, probably twice that in the Presiding Officer's State—names, dates of birth, addresses, Social Security numbers, driver's licenses, more than half the adult population of the United States of America.

So how did Equifax respond? By immediately trying to trick customers—their consumers, their customers—into signing away their rights to access the court system in exchange for credit monitoring.

So here is what Equifax did in simple terms. Equifax said: Oh, we will give you a free year of credit monitoring; sign right here. Oh, yeah, when you sign right here, the fine print says: but you can't ever sue us. You have to go through this forced arbitration, which of course almost nobody does, almost nobody understands, and almost no consumer ever wins. Only after Senators and consumer groups led a public outcry did they back down.

We sat in the Banking Committee and listened to the just-retired CEO of Equifax and then the next week listened to the trade association where the CEO of the trade association, who wasn't paid the tens of millions of dollars, I assume, that the retired CEO of Equifax was—the recently retired because he didn't do his job, even though he was getting all kinds of compensation. There is more on that later.

They backed down from this idea of forced arbitration because the public said: You basically have to be kidding. You are going to defraud 145 million people, and then they are going to sign something and the fine print says: Sorry, nah, nah, nah, nah, nah, you can't sue us. So they backed down. Great.

Then he said he was going to give up his bonus. That was really generous when he made in 2016 and 2017—as Senator CRAPO and I in the Banking Committee talked about today—he made about \$140 million in those 2 years, which is not real difficult math. There were 145 million people scammed, and the CEO, not doing his job, made \$140 million, so that is about a dollar per "scamee." I know that is not a word, but it sort of fits.

You would think after public shaming, Equifax would have learned its lesson. So last week Equifax again was just abusing the public trust. You wonder why people are cynical or people are skeptical. People are so frustrated about Wall Street and about financial services in this country because you have these multibillionaires—again, in 2 years, he made \$140 million. Well, you have these very wealthy executives who think they are doing us a favor be-

cause they are giving back their bonus. They already have \$100 million in their pocket, and that is just in the last 2 years. Who knows how far it goes back.

So they sent a representative to testify in front of the Banking Committee. Do you know what he said when we asked him—I asked him and others asked him—he still thinks it is appropriate for Equifax and the other credit bureaus to use forced arbitration clauses that prevent Americans they have hurt from having their day in court. He seemed to learn nothing from this. Even after the huge harm Equifax has caused 145 million Americans, 5 million Ohioans, they still defend their use of forced arbitration clauses.

Why do they like them so much? Why are they willing to stand strong and to hold on to their right to forced arbitration? Because they make so much money from forced arbitration because it keeps that power relationship. When Wall Street has all the power and 145 million consumers have almost no power—that is why they like forced arbitration and that is why they are turning the heat up on all of my colleagues here to stand strong for the banks, for Wall Street, for Equifax, for Wells Fargo, for forced arbitration. That is Equifax.

Let's take a look at Wells Fargo. In 2013, they used a forced arbitration clause to silence a customer who had accused the company of opening fake accounts in his name. OK. I will say that again. They used a forced arbitration clause to silence a customer who had accused the company of opening fake accounts in his name. Well, it turns out this customer was not just right, but we found out Wells Fargo opened 3.5 million of these fake accounts. Think about that. You have a relationship with a bank, and it happens to be Wells Fargo, which used to have a really good reputation as one of America's largest Wall Street banks—and neighborhood banks too. There are 6 million, if I am right, 6 million community banks, as they like to say. There are 6 million little branch offices in everybody's neighborhood.

So this bank took relationships they had with their customers, and they opened accounts pretty much for 3.5 million of their customers—accounts they never approved. Say you had a checking account with them. They went and opened another checking account in your name and didn't tell you. That is what they did.

So then they subjected their employees who opened those accounts to harsh sales goals. That is what they did—harsh sales goals. They threatened to fire anyone who didn't keep up. Here is the forced arbitration. Because Wells Fargo had the power of the forced arbitration clause, they were able to sweep this 2013 lawsuit under the rug, allowing the scandal to continue for years.

So go back to that. In 2013, if that customer didn't have that forced arbitration—which that customer didn't even know he or she signed. When they

wanted to sue, they found out they couldn't sue because they had signed, in the really small print that almost nobody reads—I am not a lawyer, and I don't know if I could understand that small print. I know many Americans can't. So that person couldn't sue.

Imagine if that person had been able to sue in an open court and then in discovery they had found out: Oh, my gosh. Wells Fargo opened 3.5 million of these accounts. Maybe we ought to do something about it. Instead, because of forced arbitration, the public didn't find out about what Wells Fargo had done until about 3 years later. So think of the damage. Maybe it wasn't 3.5 million cases—maybe they didn't open 3.5 million in 2013. Maybe it was only a million there, but every month they opened more and more and more fake accounts, false accounts, because nobody could sue because they were forced into arbitration, and arbitration always happens in a back room somewhere. Nobody really knows it is going on.

Again, think how much damage could have been prevented if that customer was allowed to take Wells Fargo to open court 4 years ago. When the scandal was finally brought to light, customers found out that forced arbitration was such a powerful tool for Wells Fargo and others and that it was all without their consent.

The Economic Policy Institute studied people who went into arbitration with Wells Fargo. They found out, on average—now, most people don't even try with arbitration. They just give up because it is only a few dollars, but those courageous souls or angry customers who actually went into arbitration, ended up—they didn't just lose and not win any money from Wells Fargo, they, on the average, had to pay Wells Fargo—maybe we would call it, in layman's terms, a countersuit in some sense—they had to pay Wells Fargo an average of \$11,000.

So they can't sue under Federal law. They have lost their day in court, under Federal law, because of this forced arbitration law. So they went to arbitration, and Wells Fargo, with their very smart, very well-paid lawyer—keep in mind, their CEO made about \$20 million. Their really well-paid legal team does very well. So that well-paid legal team went to work, and the average customer, who had no legal team on her side or on his side, ended up paying Wells Fargo, on the average, \$11,000. No wonder they love this forced arbitration law.

You heard that right, the customers ended up paying the bank. So the same bank that cheated customers into opening false accounts—they cheated, they deceived into opening false accounts and that doesn't even talk about the car insurance they made them buy down the road. That is another story. The same bank that cheated customers into opening false accounts, the customers ended up having to pay Wells Fargo for the privilege of getting scammed. Congratulations.

No wonder people don't trust Wall Street. No wonder people are mad at Wells Fargo and Equifax and these companies that scam the public and these banks that—I live in Cleveland, OH, in ZIP Code 44105. My ZIP Code had more foreclosures in 2007 than any ZIP Code in the United States of America, and I see what these banks did to my neighborhood, and I see what they do to Wells Fargo accountholders, and I see what they are doing to the 145 million whom Equifax has scammed.

Studies show that Wall Street and other big companies win 93 percent of the time in arbitration. Ninety-three percent of the time in arbitration the companies win. No wonder they are fighting like hell. No wonder they have lobbied this place like we have never seen. No wonder every Wall Street firm is down here begging their Senators to stand strong with Wall Street and pass this CRA, pass this resolution to undo the rule stopping forced arbitration.

So Wells Fargo's multidecamillionaire CEO came and testified in front of the Banking Committee early this month on an entirely new scandal. This is another Wells Fargo scandal, a scandal the last CEO in front of us didn't disclose. There was a new scandal he knew about and didn't tell us about. He said that Wells Fargo plans to keep using forced arbitration. It is amazing that bank that has hurt so many Americans would continue to crusade against consumers' right to a day in court.

This vote is all about a consumer's right to a day in court, pure and simple. These forced arbitration clauses are powerful. They are everywhere. They are in student loans. They are in credit card agreements. They are in nursing home agreements, even in employment contracts.

Gretchen Carlson, the well-known FOX News anchor, was prevented from suing her employer for sexual harassment by a forced arbitration clause in her employment contract. She has been urging Senators today to vote against the repeal of the consumer bureau's rule. In her words, forced arbitration “has silenced millions of women who otherwise may have come forward.” With all the other things about forced arbitration, think about what she said. She says forced arbitration “has silenced millions of women who otherwise may have come forward.”

Forced arbitration is about the biggest companies in the country, the biggest Wall Street firms and silencing customers, silencing victims. It is about giving more power to corporations. If you ask Americans if they think corporations have too much power, resoundingly, they say yes. This gives more power to those corporations that already have too much power in the lives of working Americans.

Let me tell you a story about an Ohioan. I will use only his first name, George. George is from Mentor, OH, a community east of Cleveland in Lake County. George's wife suffered physical

and mental abuse in a nursing home. Guess what. The nursing home had an arbitration clause. It denied him and his family their day in court. This nursing home could physically and mentally abuse his wife, who was helpless in this nursing home. She couldn't really fight back. She couldn't really do much herself to stop it. They couldn't go to court because they had signed a forced arbitration clause. George didn't know what a forced arbitration clause was, I assume, until that happened.

Forced arbitration clauses were so powerful and so effective that when George went to a lawyer, his lawyer said: You don't stand a chance fighting against it because they are going to put you into forced arbitration. They are not going to give you a free day in court.

Veterans and servicemembers have a lot of experience with this issue. A big Wall Street bank called Santander was illegally repossessing cars from servicemembers all over the country several years ago. When servicemembers spoke up about their rights—special protections they earned by serving our country—Santander used forced arbitration to keep them out of court.

We talk a good game about veterans here. We are always saying how we are on the side of veterans. I have served in the Veterans' Affairs Committee longer than any Ohio Senator ever. I pay a lot of attention to these issues, and I hear all of my colleagues mouth wonderful words about how we love veterans and ought to take care of veterans. The American Legion held its national convention in August and adopted a resolution supporting the consumer bureau's rule and opposing today's attempt to repeal it. The assistant director of the American Legion's veterans employment and education division said: “Our membership has stated unequivocally that we will not accept a future where our military veterans' financial protections are chipped away to increase the margins of the financial sector.”

These arbitration rules go after families of people in nursing homes. They go after customers who they get to sign up for things they didn't know they were signing up for. They go after people whose credit has been hacked and whose credit rating has been dinged, and they go after soldiers, airmen, sailors, and Coast Guard members. How will Members of this body look those servicemembers in the eye and explain that they chose to stand with Wall Street over our military members?

Forced arbitration hurts the 3.5 million people who had bank accounts fraudulently opened by Wells Fargo. Forced arbitration hurts the 145 million Americans who had their personal data put at risk by Equifax. It hurts employees who have been hurt by their employers. It hurts students who have been cheated by for-profit colleges. It hurts family members in nursing



homes. It hurts America's veterans. Forced arbitration hurts millions of Americans with student loan debt and credit cards. Damn near everybody in the country is potentially vulnerable to forced arbitration.

Who does forced arbitration help? We know that it is Wall Street banks and huge corporations that never pay the price for cheating working people. Those CEOs who make \$20 million and, then, generously give up their bonuses, will not give up forced arbitration because they know that will help their bottom line. That will help their stock bounce back. That will help their dividend. That will help their compensation.

I urge my friends on the other side to ask themselves: Whose side are we on—the people we serve who get hurt by forced arbitration or Wall Street CEOs who cash in? I ask my colleagues: Choose to side with the people we serve. Vote against repeal of the consumer bureau's rule. Give some power back to regular Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, we are having a very interesting and, obviously, intense debate tonight about arbitration clauses in financial contracts. Those who oppose the resolution that is on the floor tonight would have you think that the battle is over whether or not to stop what they call forced arbitration clauses in contracts.

The real issue is whether we will try to force the resolution of disputes in financial resolution into class action lawsuits. This is a question about whether we should force dispute resolution mechanisms into class actions. In fact, let me read the actual language of the rule that we are debating. It doesn't say anything about forced arbitration clauses. In fact, the rule doesn't stop arbitration clauses in contracts. It stops protections in arbitration clauses against class action litigation. Let's read what the actual rule says: The CFPB rule prohibits a company from relying in any way on a predispute arbitration agreement with respect to any aspect of a class action that concerns any consumer financial product or service.

In other words, the entire purpose of this rule is to promote class action litigation and to stop arbitration resolution when there is a dispute. Specifically, the rule requires any predispute arbitration agreement to include this specific language. In other words, people and companies are required to put this language into their agreements. This tells you what the dispute is about.

The language mandated by this rule is this: We agree that neither we nor anyone else will rely on this agreement to stop you from being part of a class action case in a court. You may file a class action in court or you may be a member of a class action filed by someone else.

It is about as clear as it could be. The issue here is this: Do we force the resolution of disagreements or disputes in financial transactions into class action litigation?

This is a rule to benefit the plaintiff's bar.

The rule also requires that companies that go through arbitration must submit records of arbitration cases to the CFPB within 60 days of those records.

Some have raised the argument that arbitration agreements gag consumers, including, as was suggested, saying that, were it not for arbitration agreements, the Wells Fargo fake accounts scandal would have been discovered earlier. The only thing confidential in arbitration is what is brought as specific evidence in that arbitration proceeding. The clauses in the law permit people to discuss the claims they are bringing and the company and the individual, if they choose to discuss them.

Nothing stopped anyone from talking publicly about what was going on at Wells Fargo. Arbitration keeps evidence confidential for the protection of consumers, but it does not keep them from speaking out about it.

Further, if judges believe that clauses do that, they often find them unconstitutional, as they stop consumers from speaking out. In fact, if you think about it, what generated the public understanding of the Wells Fargo circumstance, if I recall correctly, was a Los Angeles Times news article. It was the CFPB itself that failed, apparently, to read the news and understand what was going on at Wells Fargo. That was the reason that we saw it take so long for any action to take place—not an arbitration agreement.

In addition, those who are attacking arbitration agreements seem to make the case that arbitration agreements stop consumers from having options. The CFPB's own study said: The clear majority of arbitration clauses within our review specifically recognize and allow access to small claims court as an alternative to arbitration.

Let's just be clear. Arbitration clauses don't gag consumers. They don't stop them from speaking out about what they see going wrong. They don't force them out of the courts if they want to go into a small claims court. The only thing they do that is being objected to here is that they try to force them to not agree to go into a class action lawsuit. It is literally that question that is the biggest issue that we are dealing with here.

Mr. MERKLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. CRAPO. I haven't finished yet.

Mr. MERKLEY. I am sorry.

Mr. CRAPO. I am looking for more pages.

Mr. MERKLEY. While he is looking, will the Senator perhaps yield for a question?

Mr. CRAPO. I will yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. The thing that confused me about the Senator's commentary is that the Senator referred to people, through this regulation, being forced into court, but in reality, they would still have a choice of arbitration or court, as opposed to being locked into arbitration.

Are you familiar that under this rule people would still have the option of arbitration, if they thought that was good?

Mr. CRAPO. I am familiar that they would still have the option of arbitration.

That is why, when those who criticize our effort to reject this rule say we are trying to stop forced arbitration, the rule itself still allows arbitration agreements. What it stops is allowing the company to reach an agreement with the consumer to avoid class action litigation.

Mr. MERKLEY. I could possibly clarify that. My understanding is that, currently, when you have an arbitration clause, you have one option, and that is to go into arbitration.

Mr. CRAPO. That is not true.

Mr. MERKLEY. In this rule you have the ability to go to court or the ability to go to arbitration.

Mr. CRAPO. Let me reclaim my time, and the Senator can respond on his own time.

Let me clarify. As I indicated, even the CFPB, in its own study, said that most of the contracts—not all companies use the same contract—already allow two actions: No. 1, to go to small claims court or, No. 2, to go to arbitration. What the agreements don't allow is class action litigation. The specific and only restriction of the rule we are debating tonight is about whether class action litigation should be incentivized by taking out the ability of companies to insist that not be an alternative.

There is one restriction that we are debating here, and that is whether it is appropriate to allow companies to negotiate away class action litigation.

On July 10, the CFPB finalized its rule, as I have said, specifically prohibiting the use of predispute arbitration agreements that prevent consumers from participating in class action lawsuits.

The Dodd-Frank Act—the statute under which the CFPB was created—also set forth when the CFPB was authorized to prohibit, impose conditions upon, or limit the use of such agreements; namely, if the CFPB finds—and this is what they are required by law to find—that any such action was, No. 1, in the public interest and for the protection of consumers and, No. 2, consistent with the CFPB study's findings.

It is clear that the CFPB failed the legal requirements on both counts. In 2015 the CFPB released its final study and report on predispute arbitration to Congress. To say that the study was flawed is an understatement. It was panned for its questionable analysis,



data, and conclusions by the public, by academics, by consumers, by businesses, by Federal regulators, and by Members of Congress who noted that it could make consumers worse off by removing access to an important dispute resolution tool.

I will spend a few minutes delin- eating some of the valid criticisms, since the study was the basis and the legal requirement for the final rule. First, the study only compared class action settlements with arbitration awards. By only looking at arbitration awards and not consumer recovery in arbitration settlements that occur before awards, the CFPB ignored substantial evidence of arbitration agreements benefiting consumers.

The analogy that comes to mind is thinking about how much money you have in the bank by looking at your checking account, while ignoring what is in your savings account. Given this methodological flaw, it is difficult to make apples-to-apples comparisons about class action versus arbitration, but the Wall Street Journal's editorial board made a helpful observation: "Of the 562 class actions the CFPB studied, none went to trial." Let me read that again: "None went to trial." Most were dismissed by a judge or withdrawn by the plaintiffs or settled out of class.

The putative class victims received benefits in fewer than 20 percent of the cases, and the average cash recovery was—wait for it—\$32. Lawyers took an average 24 percent cut of the cash payments, about \$424 million in cases that settled.

Meanwhile, consumers were awarded relief in 32 of the 158 arbitration disputes the bureau examined—

These are arbitration results now—and rewards averaged \$5,389—or about 57 percent of every dollar claimed. Consumers who used arbitration received relief on average in two months after filing their claim. Class-action members had to wait two years.

Clearly, the CFPB cherry-picked the information it liked and omitted what it did not like. The CFPB and its advocates of the rule also argue that the rule restores a consumer's day in court. But, again, the CFPB's study explicitly states that no class actions filed during the time period that the CFPB studied from 2010 to 2012 even went to trial.

The study added that most arbitration agreements in consumer financial contracts contain a "small claims court carve-out," which provides the parties with a contractual right to pursue a claim in small claims court.

The CFPB claims that the rule will deter companies from bad behavior in the face of an increase in class action lawsuits. Yet there is no evidence to that effect.

A report released by the Treasury Department this week notes that "after years of study, the Bureau has identified no evidence indicating that firms that do not use arbitration clauses treat their customers better or have higher levels of compliance with the law."

The truth is, rather than deterring companies from bad behavior, this rule

will encourage frivolous lawsuits that companies feel compelled to settle, shifting hundreds of millions of dollars from businesses to plaintiff attorneys.

Many Members of Congress have weighed in on both the CFPB's arbitration study and how the final rule was developed. In 2015, 86 Members of the House and Senate wrote to Director Cordray asking that he reopen the arbitration study due to concerns about the Bureau's process. In 2016, 140 Members of the House and Senate again wrote to Director Cordray, raising concerns about the CFPB's proposed rule and asking the Bureau to reexamine their approach to arbitration. Unfortunately, the final rule was still issued without addressing any of the concerns identified.

Federal financial regulators have raised a number of concerns with the assumptions used in the development of the rule and the lack of consideration for alternative approaches. Recently, the Treasury Department issued an analysis that concluded that the CFPB did not sufficiently substantiate with any quantitative assessment its assumption that the current level of compliance in consumer financial markets is "generally sub-optimal," which means that the CFPB has not adequately demonstrated the rule will solve the assumed problem it set out to fix.

Treasury also noted the CFPB could have considered less costly alternatives, including more effectively informing consumers, clearer disclosure, or more targeted regulation. However, it failed to do so, opting instead for an all-or-nothing approach, which, again, is specifically designed to generate a phenomenal increase in class action litigation.

The Acting Comptroller of the Currency has also raised serious concerns with the rule and asked for the opportunity to review the CFPB's data and analysis to determine the potential impact of the rule. According to a recent letter by the Acting Comptroller of the Currency:

Eliminating the use of this tool could result in less effective consumer protection and remedies, while simply enriching class-action lawyers.

At the same time, the proposal may potentially decrease the products and services offered to their consumers, while increasing their costs.

The CFPB attempted to estimate the increase in costs, albeit incompletely, that are associated with this final rule and that could be passed onto consumers. The CFPB estimates in its final rule that the companies will incur \$2.6 billion of additional fees and settlements over the next 5 years, \$330 million of which will go directly to plaintiff lawyers. As astounding as these numbers are, the estimate includes only Federal court cases and fails to include State court cases.

Treasury's analysis also notes that the CFPB appears to understate the share of class actions dismissed by the

courts, thus failing to adequately consider the costs of meritless cases. According to Treasury, assuming that just 10 percent of class action cases are meritless, "the Rule would have to reduce harm to consumers by \$500 million per year to demonstrate any net benefit to society. The Rule does not come close to making that showing."

The OCC recently shed more light on how the CFPB's final rule could impact the cost of consumer credit. While the CFPB said that it could not identify any evidence to that effect, it did concede that "this does not mean that no pass-through [to consumers] occurred; it only means that the analysis did not provide evidence of it" and that "most providers will pass through at least portions of some of the costs."

Using the same data, the OCC conducted its own analysis and found "a strong probability of a significant increase in the cost of credit cards as a result of eliminating arbitration clauses."

In fact, the OCC found an 88-percent chance that the total cost of credit will increase and a 56-percent chance that costs will increase by at least 3 percent.

As Acting Comptroller Noreika noted, that means that a consumer, living week to week, could see credit card rates jump from an average of 12.5 percent to nearly 16 percent. He correctly added that "to the extent the CFPB's arbitration rule is being undermined, it is undermined by the CFPB's own data and the working paper on which the CFPB relied."

Community banks and credit unions across this Nation are raising concerns with the rule. The Independent Community Bankers Association opposes the arbitration rule because:

Community banks are relationship lenders, many of which have served their communities for multiple generations. A reputation for fair dealing is essential for their success, and abusive consumer practices have absolutely no place in their business model. Community banks invest heavily in resolving customer complaints amicably and on a timely basis.

In addition, the Credit Union National Administration, or CUNA, opposes the arbitration rule because "[a]mong the many consumer protections associated with the mission of credit unions is the high-quality service they provide to their members, which has prompted a successful system for quickly and amicably resolving disputes in the limited instances where they arise."

While the CFPB claims that many community banks and credit unions do not even have these clauses, I have heard from many small financial institutions that this rule would have a significant impact on their operations.

On July 25, by a vote of 231 to 190, the House voted to overturn this rule. The administration weighed in on the House's efforts, saying: "This legislation would protect consumer choices

by eliminating a costly and burdensome regulation and reining in the bureaucracy and inadvisable regulatory actions of the CFPB.”

It is alarming that the CFPB moved forward with a final rule in this manner, especially in light of the numerous concerns expressed. The CFPB could have made recommendations to improve the arbitration process or arbitration clauses if it identified concerns.

Aside from the substantive concerns about this specific rule, it brings the CFPB's own structure and accountability into focus. The CFPB is unlike any other Federal agency. Since its creation, we have argued that far too much power is invested in the CFPB Director without any effective checks or balances.

Last year, the DC Circuit Court of Appeals ruled that the CFPB, as it is currently structured, is unconstitutional. The ruling stated that Congress erred in creating a far-reaching agency that is led by a single Director. In particular, the ruling noted that “the CFPB's concentration of enormous executive power in a single, unaccountable, unchecked Director not only departs from subtle historical practice, but also poses a far greater risk to arbitrary decision-making and abuse of power.”

The Director is further insulated by being able to automatically withdraw funds from the Federal Reserve, rather than being required to justify the CFPB's annual funding needs to Congress.

The court's decision mirrored arguments from Members of Congress that the Director has wide-ranging power with little oversight and is a gross departure from the settled historical practice of having multimember commissions at agencies to keep them in check. In fact, the Senate repeatedly urged the prior administration to impose checks on the CFPB.

In 2011, 44 Senators wrote to the administration expressing concern about the lack of accountability in the structure of the CFPB. In 2013, 43 Senators wrote to the administration once again. In each instance, we advocated for the establishment of proper checks and balances for the agency, which, had they been imposed, almost certainly would have avoided this crisis rule that we see coming out.

Some of the specific checks and balances for which we advocated included replacing the single Director with a bipartisan commission to run the CFPB, subjecting the CFPB to congressional appropriations, and establishing safety-and-soundness checks for prudential regulators. Nevertheless, despite our efforts, this agency remains just as powerful and unaccountable today, and this rule is just the most recent demonstration of its continued lack of accountability.

Now the Senate has the opportunity to take another step toward holding this agency accountable. The CFPB

failed to demonstrate that consumers will fare better in light of its arbitration rule. In fact, they may be worse off.

I urge my colleagues to help ensure that consumers maintain access to quick, inexpensive, and efficient mechanisms of dispute resolution by overturning this rule.

Thank you.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I couldn't disagree more with my colleague from Idaho. He gave a very studious presentation that missed all the key facts. He made a big point out of the fact that we would lose a dispute resolution tool, but, in fact, access to small claims and access to arbitration remain in place, so it is simply wrong.

He noted that small claims is a great option, but, of course, what we are talking about are provisions in which credit card companies and cell phone companies and broadband companies put charges on your bill that are unjustified, but they are small amounts. They are little amounts. It is \$5 here, slammed there; it is \$10 there, jammed on your bill there. You discover it, and you call them up, and they say: Well, you can come to arbitration. Of course, arbitration means they choose the decision maker; they pay the decision maker, and that decision maker comes to them for future business. So it is completely rigged.

If anyone wanted to see an example of the swamp at work here in DC, we have it on the floor tonight. This is Big Business taking justice and ripping it out of the hands of consumers across our Nation.

It costs fees to go to small claims; you can't go to small claims for \$10 or \$5 or \$20. This is well understood.

My colleague made a big point about the fact that a lot of companies settle. These companies have the best lawyers that money can buy. They settle only when they have cheated the consumer and they know there is a chance they are going to get a worse verdict if it goes to trial. It is smart for them, and it saves money for them not to continue to adjudicate a case in which, clearly, they are wrong. So, of course, they will settle. This is not an argument against consumer rights; it is an argument for consumer rights.

My colleague made the argument that 25 percent of the fees go to the lawyers, but he didn't point out that means 75 percent goes to the consumers. Why is that a fair deal? Because consumers can't afford to go to court for \$10 or \$20 or \$15, so they are awfully happy to be able to get 75 percent of what they are owed.

Again, he didn't begin to mention the fact that the whole point is deterrence. These companies are given a right to cheat because there is no way for a customer to get a fair adjudication. In arbitration, the company chooses the judge; the company pays the judge. And these judges come back time and

again for case after case after case, finding for the companies time after time after time. So if you want a rigged system, if you want an example of a swamp flooding this room right here, this is it, right here, right now.

Deterring companies from cheating individuals makes a lot of sense. It adds a lot of value to our society. Credit card customers, nursing home residents, students with loans, veterans—veterans weigh in heavily against the abusive practice of a rigged system—certainly customers of cell phone companies and broadband.

I have had this experience myself. I looked at a bill, and I said: Wait, what is this charge on here that I have never seen before? I called up the company. Of course, you go through a phone tree, and you spend an hour trying to talk to some real person who is way overseas somewhere. They say: Well, we just added it to your bill 6 months ago, and you should have protested it the first month it was on your bill. Well, I don't look at the details every single month to see if the company tried to cheat me. And if they did it to me, they did it to thousands and thousands of others. They were willing to reimburse 1 month of this, but not the first 5 months. At \$10 a month, that is \$50. You can't go to small claims for \$50. You can't go to court for \$50. The only fair thing is to have the full range of options, and that is taken away by arbitration.

I would bet none of my colleagues here, not a one—and if any colleague would like to stand up and say they disagree, I would like to hear it—not a one would agree to have a serious dispute settled in which the opponent chooses the judge, pays the judge, and that judge gets business from them all the time. That is rigged and that is wrong, and that is why I encourage my colleagues to vote against this resolution tonight.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, Wells Fargo creates 3.5 million fake accounts, charging customers fees and ruining credit scores. Equifax lets hackers steal personal information on 145 million Americans, putting nearly 60 percent of American adults at risk of identity theft. And somehow we are about to vote on a Republican proposal that makes it harder for consumers to hold companies like Wells Fargo and Equifax accountable. I know it sounds nuts, but it is true.

Here is the issue: If you have a checking account, credit card, private student loan, or any number of financial products, there is a good chance you have given up your right to go to court if that financial firm cheats you. That is because tens of millions of consumer financial contracts include a forced arbitration clause that says that if this financial company cheated you, you can't join with other consumers in court; you have to go to arbitration by yourself. Tens of millions of consumers, including around 80 million

credit card customers, can't go to court if their banks cheat them.

Think about what this means in the real world. You wake up in the morning and find a mysterious \$30 fee on your account statement. You call the bank and say: I didn't agree to this. The bank tells you to pound sand. So what are your options? Well, if there is no forced arbitration clause in your contract, you have a choice: You can go to court, or, if your bank offers it, you can pursue arbitration.

Here is what you want to think about. Chances are pretty good that if the bank cheated you with a \$30 unauthorized fee, there are other customers in the same boat. That means, if you want, you can join a class action lawsuit against the bank for free. A class action gives you a chance to get some money back, and it doesn't cost you anything. A class action also means the bank might have to cough up some real money and think twice before hitting you and their other customers with hidden fees the next time around.

Now think about what happens if there is a forced arbitration clause. You can't join with other customers in court. Your only option is to file a solo arbitration claim, which will cost you \$200 or more just to get started. Who is going to pay \$200 up front to try to get back a \$30 fee? No one. That is exactly what the banks are counting on. They can get away with nickel and diming you forever.

But say the bank steals a bigger amount and you just can't stand it anymore, so you decide to be one of the roughly 400 consumers a year who go before an arbitrator. If you don't like the result, there is no appeal. Even worse, the banks are allowed to swipe your wallet in secret. The records of these proceedings are not public, so the regulators and the American people don't get to know what their banks are up to. Does that sound like justice in America?

Earlier this year, the Consumer Financial Protection Bureau put a stop to that. They issued a new rule that prohibits financial companies from forcing you to give up your right to join other customers in court and hold your bank accountable. House Republicans already voted to reverse that rule. The Senate will soon decide whether to follow suit and take away American families' freedom to choose to go to court if they are cheated by their bank.

Make no mistake—anyone who votes to reverse this rule is saying loud and clear that they stand with banks instead of their constituents, because bank lobbyists are the only people asking Congress to reverse this rule. Every other organization—all the ones that represent actual human beings, not banks—every one of them wants this rule to be saved. Let me tell you about some of them.

The Military Coalition, which represents more than 5.5 million veterans and servicemembers, supports the

CFPB rule because "our nation's veterans should not be deprived of the Constitutional rights and freedoms that they put their lives on the line to protect, including the right to have their claims heard in a trial." The coalition says that "[f]orced arbitration is an un-American system wherein servicemembers' claims against a corporation are funneled into a rigged, secretive system in which all the rules, including the choice of arbitrator, are picked by the corporation," and they warn that "the catastrophic consequences these [forced arbitration] clauses pose for our all-voluntary military fighting force's morale and our national security are vital reasons" to preserve the rule. That is from the Military Coalition.

The AARP, which represents nearly 40 million seniors, says that the CFPB rule should be preserved because it "is a critical step in restoring consumers' access to legal remedies that have been undermined by the widespread use of forced arbitration for many years." Older consumers are often at increased risk of financial scams, so the "AARP supports the availability of a full range of enforcement tools, including the right to class action litigation to prevent harm to the financial security of older people posed by unfair and illegal practices." That is the AARP, which represents seniors across the country.

The Main Street Alliance, which represents thousands of small businesses, says that the CFPB rule will help small businesses fight against big financial firms that try to drive up their fees. Since almost "20% of [small] business owners rely on credit cards as a source of investment capital—many of which contain arbitration clauses—forced arbitration makes it nearly impossible for small businesses and consumers alike to protest hidden fees, illegal debt collection, and other deceptive practices." That is from the Main Street Alliance.

So there it is. Veterans, servicemembers, seniors, small businesses, and consumers are all lining up to support the CFPB rule. But that is not all. Let Freedom Ring, an organization that proudly touts itself as "supporting the conservative agenda," likes the CFPB rule, too, saying it is "in keeping with our Framers' concerns that without appropriate protections, civil proceedings can be used as a means to oppress the powerless."

That is the thing you have to understand. The effort to reverse the CFPB rule isn't about promoting a conservative agenda, and it sure as heck is not about promoting a working people's agenda or a small business agenda. It is about advancing the banks' agenda, period.

The banks and their lobbyists actually have the gall to claim that they want to kill the rule because it is bad for their customers. That claim is just plain laughable. According to a rigorous, 3-year-long CFPB study, consumers recovered an average of \$540

million annually from class action settlements, while receiving less than \$1 million annually in the arbitration cases the agency reviewed. It is not even close. Even if there are instances in which arbitration is a better option for consumers than a class action lawsuit, the CFPB rule doesn't stop consumers from choosing arbitration. The rule simply says that consumers—consumers—should also have the freedom to go to court if that is what they prefer.

I will tell you one thing: When it comes to what is right for consumers, I listen to servicemembers, veterans, seniors, consumers, and small businesses. I don't listen to bank lobbyists. When a bunch of bank lobbyists tell you they know what is best for consumers, hang on to your wallet.

Millions of Americans of all political parties think the game in Washington is rigged against them, and this vote is exhibit A. Companies like Equifax and Wells Fargo have hurt millions of consumers and then turn around and try to escape accountability, using forced arbitration clauses. The Republican Congress hasn't done a thing to help the people hurt by Wells Fargo. The Republican Congress hasn't done a thing to help the people hurt by Equifax. Instead, tonight they are actually taking away one of the few legal tools to hold companies like Wells Fargo and Equifax accountable.

This is shameful, and I mean that. Any Senator who votes against our servicemembers and our veterans in order to shield big banks from accountability should be ashamed. We should vote down this proposal.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, the resolution we are debating today demonstrates the lengths Donald Trump and the Republican Party will go to protect the special interests that contribute billions of dollars to their political campaigns.

Earlier this year, the Consumer Financial Protection Bureau, CFPB, issued a rule to prevent certain financial service companies from forcing consumers to sign predispute arbitration clauses that block class action lawsuits. This might sound like a boring, technical change, but it is not. At stake is nothing less than the right of millions of Americans to be heard in a court of law.

Contracts mandating forced arbitration can be found in virtually every contract someone signs these days. Every time you agree to an update to the iTunes terms of service, purchase a Fitbit, or open a credit card, you are signing away your right to join together with others to sue in a court of law if something goes wrong.

In 2010, President Obama and Democrats in Congress created the CFPB to protect the American people from predatory business practices by consumer finance companies. And while the

CFPB can't do anything about the iTunes terms or service, it can protect you, through the rule we are debating today, from companies that sell products and services related to consumer credit, automobile leasing, debt management, credit scores, payment processing, check cashing, and debt collection—industries that serve some of our most vulnerable communities.

The resolution we are debating today would eliminate these protections and expose millions to the tyranny of forced arbitration. This is particularly relevant in light of two major news stories this year in which the negligence, fraud, and malfeasance of major financial institutions harmed consumers across the country. This rule, for example, would protect the 805 Hawaii residents who had fake bank accounts opened in their names by Wells Fargo. These people suffered real and material harm, but the fine print in their agreements explicitly prevents them from banding together in a class action lawsuit. This rule would prevent banks like Wells Fargo from doing this now and in the future.

In the wake of the massive Equifax data breach, the company initially forced consumers who registered for credit monitoring to forgo their right to join a class action and instead force them into private arbitration. These are high-profile examples of the problem but aren't the only ones. Hundreds of Hawaii residents have filed complaints with the CFPB about problems with credit reporting agencies and credit report errors that can increase the cost of a loan or result in the denial of credit.

Under a recent class action settlement, Hawaii customers falsely matched with someone on the terrorist watch list can receive over \$7,000 from TransUnion. Is it really any wonder why TransUnion and other credit bureaus have fought so hard to block class action lawsuits with forced arbitration?

This rule would also protect consumers from predatory payday lenders that are extorting over \$3 million in fees a year from Hawaii consumers alone. Over 98 percent of storefront payday lenders use forced arbitration clauses in their contracts.

Hawaii is home to more than tens of thousands of Active-Duty servicemembers, reservists, and veterans. This rule protects them too. In 2016, the Office of the Comptroller of the Currency fined Wells Fargo millions of dollars after they illegally foreclosed on homes or repossessed cars in violation of the Servicemembers Civil Relief Act. Without the CFPB rules, similarly affected servicemembers would be restricted from banding together to sue. It is why the American Legion, in announcing their support for the CFPB's rule and opposition to this resolution, said it would be "extremely unfair to bar servicemembers, veterans, and other consumers from joining together to enforce statutory and constitutional pro-

tections in court." It isn't difficult to understand why. Big banks and megacorporations want to force their customers to adjudicate disputes through arbitration.

According to the CFPB, companies win claims in arbitration 91 percent of the time. The deck is stacked against the consumer in these forced arbitration situations, and after these judgments, consumers were forced to pay an average of over \$7,000 to companies to even engage in the proceedings. Talk about a major imbalance of power.

Director Cordray and the entire CFPB spent years developing this essential consumer protection regulation, but I am not at all surprised that the President and his allies in Congress desperately want to eliminate this consumer protection rule. I urge my colleagues to vote no on this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, this vote really gives the U.S. Senate a choice. On one side, we have the biggest banks in America, financial institutions, which are arguing that you as a consumer, as someone who uses their banks, should be basically signing an arbitration clause that denies you the freedom to go to court. On the other side, the Consumer Financial Protection Bureau has argued these financial institutions are misusing this power, denying people access to courts, and it should come to an end. That is the choice.

I think I know who is going to win. I am not sure if the party on the other side of the aisle would have called this issue if they didn't already have it lined up for the financial institutions. I know many on the other side, maybe most, hate the Consumer Financial Protection Bureau like the devil hates holy water. The notion that this agency is going to stand up for consumers across America is something they find repugnant, something they would like to end tomorrow. I say thank goodness they are there.

There ought to be one agency in the Federal Government, at least just one, that speaks up for the little guy when it comes to these transactions. Think about the 3½ million people defrauded by Wells Fargo. These were people who had their identities stolen, had their Social Security numbers purloined for opening credit card and bank accounts that they never asked for—3½ million of them.

Let me tell you the story of one of them. It is a pretty interesting story. Her name is Tracy Kilgore. She is from New Mexico. She was not even a customer of Wells Fargo Bank, but she went in because she was the treasurer of a local chapter of the Daughters of the American Revolution. She went to the Wells Fargo branch one day in 2011 to have the names on the organization's existing account changed. A few weeks later, she received a rejection letter for a Wells Fargo credit card that she had never applied for.

It turns out the bank teller at Wells Fargo had taken the information she had given and submitted a credit card application on her behalf without her knowing it. The application was rejected and hurt Ms. Kilgore's credit score for a credit card she never asked for. Ms. Kilgore is fighting for her right to hold Wells Fargo accountable in court and to join with millions like her who have been victims of Wells Fargo's misconduct.

The Republicans tonight are saying they feel sorry for Wells Fargo. They really do. To think that this company manufactured and created 3½ million phony credit card and bank accounts at the expense of customers like Tracy Kilgore doesn't seem to move them at all. Instead, they want to stand by Wells Fargo, which put in that credit card application an arbitration clause which said: Tracy Kilgore, you can't go to court. You can't have your day in court. You have given it up. You signed it away to Wells Fargo.

Would Tracy go to court anyway? Let's say she had to file a new credit report and it cost her \$100. Is she likely to file a lawsuit against Wells Fargo? Probably not. Multiply that times 3½ million people who were defrauded by this bank, and you understand how a class action suit can finally hold Wells Fargo's feet to the fire, hold them accountable for literally cheating this woman and millions just like her.

The Republicans are arguing tonight that we ought to feel sorry for Wells Fargo. I don't. I don't feel sorry for them. I feel sorry for Tracy Kilgore, who, because of the arbitration clause, lost her opportunity to go to court and ask for simple justice from a judge or jury.

How about Equifax? If you think 3½ million people defrauded by Wells Fargo is a pretty awful situation, here is one dramatically worse. One hundred forty-five million—let me see. Right off the top of my head, that is about half of the people in this country. One hundred forty-five million Americans—five and one-half million who live in my State, that is almost half of our State population—had their personal data exposed in a massive Equifax data breach. In other words, if you had filed in the distant past, and there was a credit report on you, Equifax had all the information about you and your family, your banks, your Social Security numbers, and all the rest of it, Equifax ended up with a massive breach. Somebody hacked into their computer and stole your personal identity information, to the tune of 145 million Americans.

Equifax really felt bad about this. Here is what they said. Equifax, in response to this data breach, initially offered a free credit monitoring service for any customer who signed up, out of the 145 million. In other words, we will monitor to see if somebody stole your identity, they are misusing it, and hurting your credit status, but they added something: as long as the customer signed a forced arbitration

clause in fine print that prohibited them from joining a class action. Equifax wants to help you, even though they initially hurt you, as long as you will guarantee that you will never hold them accountable in court. How about that for a deal?

That is what the Republicans are defending tonight, exactly what I just described. They feel sorry for Equifax. They feel sorry for Wells Fargo. They want to make sure these banks and these credit companies really have a friend in the U.S. Senate.

We don't know if Equifax, which now claims it will no longer impose this forced arbitration on victims, will stand by that if they are ever challenged in court. We ought to ask ourselves why major groups across the United States standing up for just ordinary Americans find this Republican strategy on the floor tonight so reprehensible.

Listen to the groups that oppose this effort: the American Legion, the Consumer Federation of America, the NAACP, the United Automobile Workers, and many other consumer groups. They are saying: Why won't somebody in Washington speak up for the average American who is being defrauded by these banks, defrauded by these credit agencies? Why won't somebody in the Senate stand up for the agency that finally said enough and finally said that these financial institutions have had their way long enough?

Many of these financial institutions are hiding behind your local hometown banks. You know the ones I am talking about. I have them in my hometown of Springfield, IL. They are saying that this is all about your local community banks and your credit unions. We don't want to hurt them.

Here are the facts. Ninety percent of your community banks and credit unions do not have these arbitration clauses in their agreements. Do you know who does? The big banks. Sixty percent of the big Wall Street banks have these clauses, and they are the ones who are really behind this fight, the Wells Fargo and the other ones who want to maintain this ability to stop consumers from going to court to protect themselves when they have been defrauded by banks and credit and financial institutions.

This is a classic illustration of power in Washington. Is there any power in the hands of consumers and ordinary Americans? We will find out in the vote tonight. I am afraid it wouldn't be called on the other side of the aisle unless they figured the banks were going to win, again. It is unfortunate. We ought to live in a society where consumers have a fighting chance, and the system is not rigged against them. An arbitration clause is a way to rig a contract so a consumer is going to lose twice: lose when the bank takes advantage of them and lose when they try to go to court and they are stopped by the arbitration clause.

Consumers in this country have a battle on every single day to make a

living and to get by. This is an effort to take away one of your freedoms to go to court with a group of people who have been aggrieved just like you, have your day in court, win or lose. The Republicans want to take that away and so do the banks. I hope they don't prevail.

I yield the floor.

Mr. LEAHY. Mr. President, something truly outrageous is happening today on the floor of the Senate. The resolution we will consider today signals to the American people, in no uncertain terms, that they do not deserve the right to seek justice when big banks or other financial service providers rip them off, leave their personal information exposed to hackers, or engage in discrimination. The resolution of disapproval before us today will strip Americans of their rights in court and will ensure that corporate wrongdoing can remain shrouded in secrecy—all to protect powerful companies like Wells Fargo and Equifax.

Access to our court system is a fundamental principle in American society. It ensures that all those who wrong others, no matter how powerful, are equal in the eyes of the law and can be held accountable. That may no longer be the case. Access to our courts is under assault by companies that slip forced arbitration clauses into the fine print of agreements for basic services like checking accounts and credit cards. For some of these companies, like Equifax, consumers are not even their customers. They sell consumers' financial information to other companies. They have little incentive to protect consumers or even treat them fairly. That is how Equifax can actually make significant profits after it carelessly allowed the personal information of half of the adult population in the United States to be compromised. This is wrong.

The Consumer Financial Protection Bureau, CFPB, rightly put some commonsense limitations on the abuse of forced arbitration clauses. The rule provides that financial services companies cannot force consumers to sign away their right to join a class action lawsuit. The rule also requires more transparency when arbitration is used to ensure that wrongdoing cannot be hidden by powerful companies to keep consumers in the dark. Protecting consumers in this way should not be controversial.

With the blunt instrument of a resolution of disapproval, the majority is seeking to strike the CFPB's rule and prevent it from ever implementing a similar rule in the future. This action, through a simple majority vote, would slam the courthouse door shut on every American who is ever ripped off by a company like Wells Fargo or has their sensitive personal information carelessly left unprotected by a company like Equifax. If we go down the path of striking this rule, consumers will only be left with the same empty, meaningless apologies we always hear from

these companies when they are finally caught red-handed.

I hope the American people are following this vote today. If they want to know whether their Senator stands with them or stands with corporate abusers, they will certainly find out. Whose side will the Senate be on when the rollcall is taken on this key vote? The American people, and their rights as citizens and as consumers? Or the powerful corporate interests who are pushing to repeal this protective rule? We shall soon see.

This should not be a partisan issue. We all represent the American people. It is time we act like it. The Vermonters I represent are watching. They know what is at stake by repealing this rule. I urge every Senator who shared my outrage at Wells Fargo and Equifax to take a stand and reject this shameful resolution.

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

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

Mr. CRAPO. Mr. President, while we have a little bit of open time in between speakers, I thought I might respond to some of the things that have been said.

Those who are opposing this resolution tonight continue to put it as though this were a case of trying to stop consumers from having an adequate way to access dispute resolution and make it look like it is the big guys against the little guys. First of all, this rule we are talking about only applies to financial institutions. It doesn't apply in all the other kinds of cases that have been thrown out here tonight. If you want to look at the financial institutions that are the most concerned about this rule, it is the little guys. It is the credit unions. It is the local community banks that are pleading with us to stop this abusive rule. I just think that part of the record needs to be set straight.

Again, I am going to lay out what this debate is really about. This debate is not about trying to help facilitate banks and credit card companies and others in cramming down some solution on consumers. It is about trying to facilitate pushing dispute resolution into class action litigation. This is a very clear move to drive our dispute resolution in this country into class litigation.

I am going to give a little bit of history, but before I do that, I want to again read to the folks who are listening in on this debate what this rule exactly does. You would think from all of the debate that it stops consumers from going to court or that it forces consumers to use an abusive arbitration process. It is very clear. This rule

prohibits a company from relying in any way on a predispute arbitration agreement with respect to any aspect of a class action that concerns any consumer financial product or service.

The rule goes further. Remember that the ones that are the most worried about this are the credit unions and the small banks. Every agreement they enter into has to contain this language. This tells you what the fight is about.

We agree that neither we nor anyone else will rely on this agreement to stop you from being part of a class action case in court.

That is the rule we are talking about. You may file a class action in court or you may be a member of a class action filed by someone else. Are we fighting against a mandate—basically, a rule that is going to drive decisions and dispute resolutions into class action litigation? Yes, we are. We are fighting to protect the current system, which is one that has worked for years and years. I am going to get into that system. In fact, I will get into it right now. Let's compare class action litigation with arbitration as one of the alternatives.

In fact, before I make that comparison, let me point out that the CFPB's own study shows that the clear majority of arbitration clauses they studied allow access to small claims court as an alternative to arbitration. There is no effort to say to the consumer, if you want to, you can go to small claims court. In the United States, the limit in small claims is different in each State. It ranges from \$3,000 to \$15,000, but I would say the most common level is about \$10,000 of a claim. So a consumer who has any kind of a claim up to about \$10,000 can go to a small claims court.

Let's compare arbitration with class action litigation.

How much does the consumer recover? In a class action, the average is \$32 per person. In arbitration, the average is \$5,389 per person.

How long does it take to get the recovery? In a class action, it is 23 months, on average. In arbitration, it is 5 months, on average.

How many of them actually go to trial? Now, this is interesting because you think of a class action as your day in court. Remember that those who argued earlier tonight were telling consumers they were not going to get their day in court. The number of class action lawsuits that went to court were zero. Class action litigation is a mechanism to drive settlements. As for the number of arbitration suits that went to court, 32 percent reached a decision on the merits. That was not an actual court case, but it was a resolution by a decision maker. With regard to settlements, 12 percent classwide are made. In arbitration, 57 achieve settlement.

Here is one of the striking ones. How much is paid in attorneys' fees? In a class action, according to this study, which is the CFPB's study, \$424 million

goes to attorneys' fees. There were no attorneys' fees under the arbitration. There were some arbitration fees, and I will get to that in a minute, but they were nowhere close. By the way, this number, the \$424 million that went into attorneys' fees, is the reason we are having our debate tonight. This rule seeks to drive this decision-making model into this zone.

As for estimated additional class action costs for covered companies, it is \$2.6 billion for class actions and none for arbitration.

Some have said this is just an example of the Republicans trying to help Wells Fargo out. First of all, I am the chairman of the Banking, Housing, and Urban Affairs Committee. We have held hearings on the Wells Fargo situation and continue to look at it very closely. Senators from both parties take it very seriously and are working to find a resolution, but when it comes to the question of whether Wells Fargo used arbitration agreements to avoid liability, these are the facts.

Wells Fargo, which was found to have opened millions of unauthorized accounts in the names of its consumers, agreed to settle this for \$142 million—twice as much as the projected consumer loss. They made that agreement because arbitrating them in individual disputes would have cost much more. The argument that Wells Fargo is the example of what we are working to try to facilitate here is just not true.

As I said, let's talk a little bit about arbitration. On the floor tonight, arbitration has been characterized as this terrible, devilish idea that has been designed by Big Business in America to try to push the little guy out of a fair chance at recovery in a dispute. The Acting Comptroller of the Currency, who heads the independent Bureau of the Treasury, which is in charge of supervising and regulating national banks, has raised serious concerns.

In his recent letter, he indicates that arbitration can be an effective alternative dispute resolution mechanism that can provide better outcomes for consumers and financial service providers without the high costs associated with litigation.

That is key. In fact, if you look at history, nearly a century ago, Congress made private agreements to resolve disputes through arbitration valid, irrevocable, and enforceable under a Federal law, which is called the Federal Arbitration Act. This was a decision by this Congress nearly 100 years ago that said we have to find a way that is fair to resolve disputes that is not so expensive as the current dispute resolution models we have, namely, litigation. This longstanding Federal policy in favor of private dispute resolution serves the twin purposes of economic efficiency and freedom of contract.

Some have said this just lets banks get away with cheating their customers, but the opposite is true. Eliminating the use of this tool could result in less effective consumer protection

and fewer remedies while simply enriching class action lawyers. At the same time, the proposal may potentially decrease the products and services offered to consumers while increasing their costs.

The Wall Street Journal's editorial board similarly noted that arbitration has allowed consumers to easily resolve disputes by phone or online without their having an attorney.

As I have said, virtually every consumer who does not like this solution has the alternative to go to small claims court. The question here is whether we will facilitate pushing consumers out of the choice of arbitration. If the law is changed, which is what this rule seeks to do, then the disincentive for financial institutions to rely on arbitration will be seriously injured. The worry we have—and the intent of this rule—is that it will drive dispute resolution into class action litigation. That is what this whole dispute here tonight is about.

One of my colleagues tried to characterize arbitration as this system in which this company hires these decision makers, these arbitration judges, and that the judges are going to be biased because the judges are bought by the companies that use them for the arbitration. That is not an accurate description of what arbitration is.

There is actually a Federal law, which I have already referenced, which sets up the parameters in which arbitration operates, and there is an American Arbitration Association that administers it. When a person chooses to go into arbitration, what happens is that the whole system that takes over is administered not by the company but by the AAA, and under the American Arbitration Association's procedures, it appoints an arbitrator. The implication made earlier was that the arbitrator always rules for the company because that is the company that hires him.

Here is the truth. In the appointments of 1,847 disputes that the CFPB studied, arbitrators were appointed in 975 that involved 477 different arbitrators. In 704 of those disputes, the AAA appointed arbitrators who had also been in other financial disputes. Some of these arbitrators get picked a couple of times, but they are not picked by the company, and they are not beholden to the company. That is one of the reasons we set up the Federal arbitration system the way it is.

My point is, the effort to try to characterize this as some devious system that has been created to try to stop consumers from having access to fairness is simply false. We have a very fair system that has been working for over 100 years in this country. It has been litigated and litigated because those who want litigation to be the norm hate it. They do not want arbitration to work, but the reality is, it has worked wonderfully, and it has survived the litigation assaults.

Now those who want to drive decision making more into the courts and more



into class action litigation have been able to get a willing, listening ear in the Director of the CFPB, who, as I have said earlier, has no accountability to Congress, who does not even look to Congress for his budget, and is obviously on the side of the litigation bar, which wants to, once again, drive our decision-making system into a litigation mode.

That is the debate we are having. That is the argument tonight. Anyone who tries to say this is an effort by your local credit union, your local community bank, or your large credit card company to try to stop consumers from having adequate access to dispute resolution is mischaracterizing what the debate tonight is about.

I encourage all of my colleagues to reject this inappropriate and, frankly, expensive and dangerous rule.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I would like to say a few words about the battle between the jury system and a system in which regular Americans are forced into arbitration, which has a terrible record.

I can remember years ago, when I was attorney general, the attorneys general shut down one of the arbitration systems because it was so corrupted and was throwing decisions to big corporate interests, and you cannot really understand that unless you understand the importance of the role of the jury in our country.

For centuries, the jury has served as a last sanctuary within our constitutional structure for people who seek justice and fair treatment under the law. It was designed for a specific purpose. When Big Interests control our executive officials, as the Founding Fathers knew they could, when lobbyists have the legislatures tied in knots, as our Founding Fathers knew they could, and when media outlets steer public opinion against individuals, as our Founding Fathers saw that they could, the hard, square corners of the jury box stand firm against that tide of influence and money.

There is a lot of history here. It was the earliest American settlers who brought the jury to our country as precious cargo from England.

The Virginia Colony established the jury in 1624, roughly a year before the Dutch even settled the island of Manhattan. Early Americans created juries in 1628 in the Massachusetts Bay Colony, in 1677 in the Colony of West New Jersey, and in 1682 in Pennsylvania. Indeed, in our Declaration of Independence, our colonists put forward a list of grievances and admonished King George III for—and I quote them in the Declaration of Independence—“depriving us in many cases, of the benefits of Trial by Jury.”

When the original Constitution was silent on the jury, Americans sounded the alarm, and the Seventh Amendment was sent to the States in the Bill of Rights.

Alexander Hamilton, a famous Revolutionary-era Founder, stated in *Federalist No. 83*: “The friends and adversaries in the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury; or, if there is any difference between them, it consists in this: the former regard it as a valuable safeguard to liberty; the latter represent it as the very palladium of free government.”

Going on to the mid-19th century, when Alexis de Tocqueville wrote his famous “*Democracy in America*,” he observed that the jury should be understood in America as a “political institution” and “one form of the sovereignty of the people.” What did he mean? How does the jury protect the sovereignty of the people? Well, in two ways, as Sir William Blackstone explained.

Sir William Blackstone was probably the most cited source in those early days of the founding of our Republic and in the early days of the development of our laws. Sir William Blackstone explained that trial by jury “preserves in the hands of the people that share which they ought to have in the administration of public justice, and prevents the encroachments of the more powerful and wealthy citizens.”

Those are two separate thoughts. First, the civil jury devolves a share of government power—power which they ought to have—directly to the people. But second and uniquely, in a Constitution otherwise devoted to protecting the individual against the power of the State, the civil jury is designed to protect the individual against other individuals—more specifically, against other more powerful and wealthy individuals.

Even former Chief Justice William Rehnquist observed about this era that “the Founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign.”

That is at heart what this fight is about. Remember Blackstone’s words: The jury “prevents the encroachments of the more powerful and wealthy” citizens. That means the jury is intended to be a thorn in the side of the powerful and wealthy. It is intended to make the powerful and wealthy stand equal—annoyingly equal to them—before the law with everyone else. The jury is intended to be the little branch of government that the wealthy and powerful can’t get to, can’t fix, can’t control. That is why jury panels are new every time. If you had a permanent panel of the same jurors over and over, the powerful and wealthy would tend to influence the institution. The jury stands against all that tide of influence. That is what it is there for. That is how it was designed. Who is more powerful and wealthy today than mighty corporations and big special interests? And guess what—big corpora-

tions and special interests hate the jury. The small institution has big enemies.

It would astound the Founding Fathers to see how far we have fallen from the popular affection and loyalty for the jury trial in 1776. Juries are indeed about dispute resolution and about making sure that everybody can get a fair shake and that powerful and wealthy interests can’t put the fix in, but more than that, the civil jury helps check power.

The American system of government is built on the premise that divided government and separated powers—checks and balances—will best protect individual liberty. The civil jury distributes authority of the State directly to citizens, giving them direct power to resolve disputes—sometimes very important disputes—and it gives them this power in a way that makes it very hard for special interests to control.

Well, if we look around today, the influence of wealth and power suffuses the legislative and executive branches. Corporate lobbying and corporate and billionaire election spending are at unprecedented levels. In our political debate, dark money dollars drown out the voices of average citizens in what has been called “a tsunami of slime,” and all that money is not spent for nothing.

Powerful interests love a game that is rigged in their favor—always have, always will. It is a tale as old as time. Well, rigging the game doesn’t go over well in the jury box. Special interests may seek special influence with legislators and regulators all of the time. It is their constant activity, licensed and regulated by lobbying and campaign finance laws. Their every waking moment is devoted to tampering with the legislative and executive branches, but tampering with a jury is a crime, and it is a crime for a reason.

In a world where so many feel powerless, juries give regular citizens real authority. In a world of fractious partisanship, juries make citizens work together and decide together. And in a world in which injustices pile up against barricades of well-kept indifference, a jury can blow the status quo to smithereens. This is the vital constitutional role of the civil jury. This is what mandatory arbitration is designed to attack—to remove the access of regular citizens to this institution of our government which was so important to our Founding Fathers because it is an institution that the wealthy and powerful cannot control. They can control mandatory arbitration. Over and over again, it has been shown to be subject to corporate favoritism and control. There is a reason that the big and powerful special interests want to get rid of access to a jury and want to force people into mandatory arbitration. They are not doing it for the sake of having their adversaries and opponents get better access to justice; they are doing it to shut off access to the civil jury. They want everybody forced into rigged games.



We ought to be fighting to preserve and enhance the civil jury as an element of the uniquely American system of self-government. Our forefathers fought and bled and died to create and preserve this system of government in which the civil jury has a vital role. From Alexander Hamilton to Alexis de Tocqueville, to William Blackstone, to William Rehnquist—you can go on and on in our history with people who have pointed out the vital role of our jury. Squelching it is the task of the wealthy and powerful, mighty corporations that seek to squelch it and force everybody into corporate-friendly, mandatory arbitration.

We should think on this question in the long view—not who gets the immediate benefit of not having to face trained lawyers, not having to face people in an open forum, not having to be before a free and independent jury. We should think of the message of our Founding Fathers, who put the need for a civil jury right into the Declaration of Independence, who demanded it as part of our Bill of Rights, and who saw it as an essential element of our liberty.

With that, I yield.

I see my distinguished colleague from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

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

I want to start by thanking my friend and colleague from Rhode Island for pointing out why we have a jury system, a system of our peers who can listen to all sides of an argument in a fair way and render justice.

What this resolution does is prohibits many consumers around the country from having the choice of going before a jury as part of a group of people who have been wronged.

For months, the American people had been hearing stories of how big banks, big financial institutions, have engaged in various schemes that harmed consumers and cheated consumers out of millions and millions of dollars. The most notorious recently, of course, was the case of Wells Fargo, which opened up a lot of fake accounts—meaning they opened accounts without consumers asking them to open accounts—and then charged consumers for those accounts. It is a fact that Wells Fargo in many cases tried to use forced arbitration to prevent those people who had been wronged from getting access to justice, from being compensated for their harm.

We also heard about the Equifax case. Equifax is a credit reporting agency. They collect gobs of information on all of us—on over 170 million Americans—without our permission. We don't say: Equifax, go out and dig up as much information about us as you can and put it on your computer system. They go out and do it. We all know that they were subjected to a massive hack and that very confidential, highly personal information on

over 100 million Americans has now been compromised.

One of the things Equifax did after that was they said to consumers: You know what, we know that your information may have been compromised because of this hack on our system, and we want to help protect you, but if you want our protection, you have to sign away your rights to be part of a class action lawsuit against us.

That was their original plan and their original instinct. Well, there was a big public outcry about that, and they backed off. But the former CEO of Equifax, in a Banking Committee hearing just a few weeks ago, said they backed off in response to the public outcry, but if they had done business as usual, they would have prevented those consumers from getting compensation for wrongs through the court system.

Even after we hear about Equifax and that scandal and the Wells Fargo banking scandal, we are here on the floor of the Senate not to help even the playing field for consumers but to take away a right that consumers now have to help even the playing field against these big banks and financial institutions. It is entirely backward.

I want to read from the statement that was issued by the Consumer Financial Protection Bureau, the CFPB, on July 10 of this year when they issued their new rule. Here was the headline: "CFPB issues rule to ban companies from using arbitration clauses to deny groups of people their day in court." Simple as that. It went on to say that financial companies can no longer block consumers from joining together to sue over wrongdoing. It pointed out that companies use mandatory arbitration clauses to deny groups of people their day in court. They went on to say that many consumer financial products, like credit cards and bank accounts, have arbitration clauses in their contracts that prevent consumers from joining together to sue their bank or financial company for wrongdoing. That is right. We all know that in the fine print of a lot of credit card applications, in the fine print that consumers get from a lot of big financial institutions, and in the fine print of auto loans, they have buried these provisions that compel those consumers to give up their rights.

This is not a question—I have heard conversations on the floor today—about whether arbitration in and of itself is a good or a bad way to resolve disputes. If I have been wronged or you have been wronged and you agree voluntarily to enter into an arbitration dispute mechanism, fine. Do it voluntarily. That is not what this is about. It is not what it is about at all.

This is about forcing arbitration. We listened to the CEO of Wells Fargo. We listened to the former CEO of Equifax. They all say they value their consumers. They want to make sure they do right by their consumers, but it turns out they don't trust their consumers at all because they want to

take away from those same consumers the right to seek justice through the court system if that is what those consumers choose to do. That is exactly why the Consumer Financial Protection Bureau took the action it did to protect consumers and to make sure that they could not be compelled into arbitration. If they chose it after they had been wronged, that is their decision, but this is about mandatory arbitration and forcing consumers to give up their rights.

We have heard a lot about the Washington swamp. This resolution to overturn this consumer protection provision is the Washington swamp at its muckiest and at its smelliest.

Now, I have a letter I received today from the American Legion, people who have represented men and women who have served our country. Here is what it says. This is from the legislative director at the American Legion:

Dear friends and colleagues, I write to reiterate the American Legion's strong support for the Consumer Financial Protection Bureau arbitration rule in light of reports that the Senate could vote on the matter as early as this evening.

The alarm bells went up at the American Legion and other places.

You may recall that I emailed you about this on October 2. That email is below, but today I want to share a couple of additional points.

Point No. 1 is in bold.

A vote to overturn the Consumer Financial Protection Bureau arbitration rule is a vote against our military and veterans.

That is from the American Legion.

I want to read some of the other veterans organizations that are against this action that the Senate is headed toward tonight: Blue Star Families, Military Order of the Purple Heart, the National Guard Association of the United States, National Military Family Association, Reserve Officers Association, and the list goes on and on. They are joined by consumer protection groups.

Here is what the American Legion said in their October letter to every Member of the Senate. It says that the Consumer Financial Protection Bureau's rule on arbitration agreements addresses the widespread harm of forced arbitration by restoring the ability of servicemembers, veterans, and other consumers to join together and seek relief in class action lawsuits when financial institutions break the law.

The American Legion summed it up just perfectly here. They pointed out that the Consumer Financial Protection Bureau put forward a rule that said that veterans who have been wronged or cheated can join together to seek justice in the court system and that other consumer groups can as well. I have heard a lot of talk today about people saying: You know what, we actually passed this law a little while ago that would protect servicemembers and that would allow servicemembers to band together to seek justice.

Well, I have two points. One is the American Legion and all of these veterans groups, they don't think that was good enough, and they are appalled at what the Senate is thinking about doing tonight.

The second question is this. Yes, we should protect our veterans, but why shouldn't we also be protecting all of the other consumers around the United States of America? Why shouldn't they be able to seek justice? Why should they be compelled to go to arbitration when they would rather choose to go through the court system?

We have heard fellow Members talk about why the deck is stacked against individuals. Just think about it. You get cheated by your bank. Maybe it is 100 bucks, or maybe it is 500 bucks. You get on the phone, and you know you are put on there forever. You are put on hold. You are put on hold, and you finally get through. You get somebody. Maybe they pass you to somebody else or maybe you get dropped in the process. But at the end of the day, in order for you to get your money back when they have been wronged, under this provision, the old provision, you would have to go to arbitration and you would have to shell out a lot of money, and the big banks know that. So what they fear is that all of us, as consumers who have been cheated, we have a chance to get together. It is a class action. It is when everyone who has been wronged can get together and actually have a little bit of power and leverage against a big bank, whether it is Wells Fargo or Equifax or whoever it may be. That is the whole idea of a class action. People get to band together, and that is what the American Legion is asking the Senate to do—to let veterans band together but also just to let American consumers band together to seek justice.

I just want to share with the Senate a story about one of my Maryland constituents and what happened to one of my Maryland constituents because I think a lot of people can relate. This is a pretty extraordinary story, but they can relate to how one individual feels like when they are fighting against a big organization. This was a story that was reported on NPR, and the Maryland constituents' name is Michael Feifer.

Here is what happened. One morning in February, Michael Feifer was heading off to his job in Maryland at a company that builds guitars. He walked to the spot where he parked his car. His car wasn't there, and so he called the police. He called the police. He said: I was livid. I thought someone stole my car.

Well, somebody had made off with Feifer's car, but it wasn't a car thief. It was Wells Fargo Bank. The police informed him of this when he called them up, and Michael Feifer said: That is when I found out my car was repossessed.

Now, he had no idea why Wells Fargo wanted to repossess his car. He says his

payments were automatically taken out of his checking account—his car payments. So he called Wells Fargo, and he found out that the bank had put another insurance policy on his car. Lenders sometimes do this when a borrower doesn't have insurance. Wells Fargo calls it collateral protection insurance, CPI. Now, sometimes there is nothing wrong with that, but Wells Fargo imposed this insurance on nearly half a million people who already had bought insurance. They were already covered. Wells Fargo just decided to put another insurance plan on them and—guess what—started charging them for it.

So that is why right after Feifer's car got repossessed, Wells Fargo told him that he had been marked delinquent for not paying his insurance. Now, this again was insurance he didn't want and he didn't need. Well, they said: Too bad, you owe us \$1,500.

Now, Michael Feifer then showed up at the bank with his bank statements and showed all the payments he had made for the vehicle. He showed proof of insurance showing that he never had a lapse in his insurance, and he says the people at the bank said: Well, you shouldn't owe anything; it is not your fault. He said: They were just as confused as I was.

Well, then, he said the branch employees tried to be helpful. They called up the Wells Fargo department that dealt with the details of car repossessions to find out what was going on, and they kept putting them on hold. So this is the Wells Fargo department putting their own Wells Fargo's branch folks on hold. He was there 2½ hours, and then it turns out they told him to call back a couple of days later.

Well, he called back a couple of days later, and they said there was no prior record of his calls to the bank. He said they were very rude to him. Then, while he was arguing with the bank, they said: We have repossessed your car. If you don't pay us 600 bucks, we are going to sell it off. So he paid them 600 bucks. Then he found out that he wasn't alone and that Wells Fargo had also engaged in this scheme to sell people car insurance as part of their car loans when they already had insurance.

So this is a very simple issue. The issue is whether or not consumers who have been wronged by big banks or other financial institutions can choose to band together with others to seek justice. What the Consumer Financial Protection Bureau did was to say that consumers have that right. They have the right to choose how to go about getting justice.

What this Senate resolution does is to take that right away from consumers and says: If you want to seek justice, you can only go through forced arbitration, where we know the deck is stacked against the lonely consumer and stacked in favor of the big banks and the big financial institutions.

Let's not do that. Let's vote down this resolution. Let's protect the con-

sumer protections that are in place today.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Thank you, Mr. President, for the recognition this evening.

Mr. President, I rise to support the Consumer Financial Protection Board's arbitration rule that has been spoken about this evening very eloquently by my colleagues here on the Democratic side.

The new rule protects consumers from predatory financial practices. These consumers are our everyday constituents. They are servicemembers and veterans, moms and dads, the elderly, students, and working people. It protects these folks by limiting binding arbitration clauses.

Now, what is a binding arbitration clause? These clauses take away consumers' rights to seek relief in court when they are wronged. This rule puts money in the pockets of consumers who have been taken advantage of.

The Consumer Financial Protection Board estimates that the rule will mean \$342 million per year in compensation to consumers. Repealing the rule would take that money, which should go to consumers, and give it to some of the wealthiest corporations in this Nation.

When millions of consumers are scammed, what is the most logical remedy? When millions of consumers are scammed, what is the logical remedy—millions of separate cases before arbiters selected by the corporation or a class action case before an impartial judge and jury?

The right to go to court before a jury of your peers is enshrined in the Constitution. The Seventh Amendment states:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved. . . .

Now, let's talk about the Seventh Amendment and what one of our Founders said. James Madison wrote:

Trial by jury in civil cases is as essential to secure the liberty of the people as any one of the pre-existent rights of nature.

This rule guarantees access to our impartial courts. It is always good to have the spirit of the Constitution and the Founders on your side.

I stand with the supporters of this rule. Who are they? There are many. For example, there is the American Legion. Just today, its legislative director wrote in no uncertain terms:

A vote to overturn the CFPB arbitration rule is a vote against the military and veterans.

The Military Coalition, representing 5.5 million servicemembers, also supports this rule. In July, they wrote: "Forced arbitration is an un-American system wherein servicemembers' claims against a corporation are funneled into a rigged, secretive system in which all the rules, including the choice of the arbitrator, are picked by the corporation."

These are incredibly strong statements of opposition from military and veterans groups. Also in July, over 300 consumer, civil rights, labor, and small business groups wrote: "The rule . . . is a significant step forward in the ongoing fight to curb predatory practices in consumer financial products and services and to make these markets fairer and safer."

Signers of this letter include the AFL-CIO, the American Federation of Teachers, Consumers Union, the NAACP, LULAC, and dozens of other organizations.

Conservatives also support this rule. One of the early tea party activists, Mr. Judson Phillips, wrote an op-ed in the Washington Times. He said: "This time, the CFPB is right and the Republicans should stand on the side of American citizens and protect the Constitution and the Seventh Amendment."

Where are our Republican friends? They are not here on the floor talking about this rule.

Finally, the American people broadly support this rule. A recent poll showed 67 percent supported the rule; only 13 percent opposed it. So who opposes this rule and who is behind this resolution to repeal it? Corporations that want to avoid penalties in court when they abuse their customers and big financial industry trade associations and lobbyists.

It would allow credit card, student loan, and payday lending firms—which would see big benefits if this resolution passes—to keep forcing consumers to sign contracts that take away their right to go to court.

Wells Fargo, one of the largest banks in America, spent years creating millions of fake accounts, just to bill their own customers more fees. They eventually admitted a complete and total fraud of epic proportions. Equifax, one of the largest credit bureaus in America, allowed over half of all American consumers' personal information to be hacked. These companies should not be able to use binding arbitration to avoid the legal consequences of their actions. Today's debate is a perfect example of how policymaking in Washington is broken.

A Federal agency did what is required. It undertook an exhaustive study and created a rule to protect consumers from abusive contracts. Now the affected industry is spending millions on lobbying and public relations to repeal the consumer protection rule—to protect their bottom line at all costs.

This vote will decide the fate of \$342 million per year. Should it go to consumers who were wronged? Of course, it should. Or should it stay with the corporations that committed those wrongs? Of course, it should not.

Congress is not popular these days. Americans overwhelmingly believe special interests and lobbyists have too much power compared to the regular people. Today, we can take a step to re-

pair our reputation. We should side with our constituents on this important vote and reject this resolution. I urge a "no" vote.

I yield back.

The PRESIDING OFFICER (Mr. ROUNDS). The Senator from Illinois.

Ms. DUCKWORTH. Mr. President, I come today to speak out in opposition of this misguided effort to overturn the Consumer Financial Protection Bureau's arbitration rule, which protects the rights of consumers and protects our brave servicemembers and veterans from being taken advantage of by unscrupulous financial institutions.

It was only a couple of weeks ago that we had the CEO of Equifax here on Capitol Hill, testifying about how his company had failed to protect Americans' private financial information and put more than 140 million consumers at risk of fraud or worse. That wasn't too long after we had the CEO of Wells Fargo here, testifying about how his company had defrauded millions of consumers by forcing them into accounts and fees they had never signed up for and, certainly, had not agreed to.

The American people were outraged by these scandals, and with good reason. Both of these companies had committed serious wrongdoings, and they admitted it. But that still didn't stop either from trying to shield themselves from the legal liability their own actions had risked.

Both of these companies tried to prevent the people they had taken advantage of from holding them accountable in court by using what is known as forced arbitration clauses. They thought—and it seems they were right—that if they could stop people from suing them for their wrongdoing and, instead, force them into private arbitration that heavily favored megabusineses at the expense of consumers, they would have a better shot at saving money for their company. They didn't care about consumer rights or even justice. They just wanted to make as much money as they could—legally or illegally—and then get out of Dodge as cleanly as possible.

But because the American people were so outraged by these scandals, we noticed what they were trying to do. The actions of both companies caused an uproar that ultimately led them to back down and ensure that American consumers didn't have to give up their right to a day in court just for doing business with these companies. Those sorts of forced arbitration clauses were exactly what the CFPB was trying to stop when it implemented the rule my colleagues on the other side of the aisle are trying to repeal tonight. Wells Fargo's and Equifax's attempts to force consumers into mandatory arbitration clauses should have been a lesson, but I guess those working to reverse this rule here tonight didn't learn it.

It is common to hear stories throughout my State of Illinois—and throughout the military community—of serv-

icemembers being taken advantage of through predatory loans, scams, abuses, and fraud. That is because Active-Duty servicemembers are particularly vulnerable consumers, especially when they are deployed. They get a guaranteed paycheck, but they also have limited time to read their credit card statements and keep up with security breaches to see if their identities have been stolen. They are too busy carrying out their mission.

Servicemembers are also frequently on the move between deployments and base relocations, often separated from their spouses and their families for long periods of time. Despite that, they still need to wire money when emergencies happen. They still need to pay bills, and their focus isn't always on whether a loan they took out has hidden fees or if a company is charging them a higher rate than they are supposed to. What they are focused on, and rightly so, is carrying out their mission, often in places like Afghanistan.

Corporations and scam artists know this, and they take advantage of it. The CFPB's forced arbitration rule could help protect our servicemembers from this sort of abuse. It seems that a few of my colleagues want to make it harder for military families to get by, and that is a shame.

Abusive corporate practices, left unchecked, not only cause incredible financial difficulty for servicemembers and their families, but they also have national security implications, directly impacting military readiness. In the military, bad credit can affect your security clearance and advancement. When the DOD loses qualified servicemembers because of financial instability, they also lose mission capability and the significant investments made in that person's training. This is an expensive loss. DOD estimates that each separation from service costs taxpayers more than \$57,000.

Corporate abuse also causes personal difficulties. When someone is deployed, the last thing they should have to worry about is whether their house is going to be foreclosed on or their car is going to be repossessed because they were a victim of a scam. When they are going to battle or heading out on a mission, the last thing our troops should be thinking about is how a company took advantage of the fact that they were out of the country—and how there is so very little they can do about it.

Unfortunately, this isn't a hypothetical issue. Servicemembers get taken advantage of all the time, and we have seen countless times how their ability to file lawsuits holds bad actors accountable. Not too long ago, the banks Santander and Wells Fargo paid tens of millions to resolve lawsuits that were filed because they were illegally repossessing servicemembers' cars. JPMorgan Chase paid \$27 million to settle a lawsuit from servicemembers who were being overcharged for mortgages. And student loan servicer

Navient paid 78,000 servicemembers \$60 million after overcharging them on their student loans. In each of these instances, servicemembers, sometimes with the help of government, filed a lawsuit to get relief and hold these financial actors accountable. When companies force our servicemembers—or any consumer—into arbitration, military families lose the right to hold wrongdoers accountable.

That is what happened to Archie Hudson, a disabled veteran, father of two, and husband from Waynesboro, MS. A few years ago, Archie requested a loan from Wells Fargo to replace his home's windows. Instead, he received a Wells Fargo credit card along with sky-high interest rates and a forced arbitration clause hidden in the fine print. He didn't realize it at the time, like the millions of others that Wells Fargo scammed, but it ultimately helped to ruin his credit. When Archie tried to get his day in court, he was, instead, forced into an arbitration proceeding that favors lenders over consumers. He is not alone. The vast majority of people who have been forced into arbitration could tell you that the system is rigged.

When the CFPB first looked into this issue, they found that when consumers file an arbitration claim against a company that takes advantage of them, they have to pay an average of \$161 in filing fees, and they almost always lose.

Companies, on the other hand, won a whopping 91 percent of the time that they go into arbitration against consumers. On average, the consumer then had to pay \$7,725 in damages to further pad corporate profits.

Banks sometimes try to defend these clauses by saying that the reduced legal liability helps them reduce costs for consumers, but there is absolutely no evidence that is true. In fact, when companies have added these forced arbitration clauses in the past, the evidence suggests that they never reduce costs for consumers. These clauses simply mean bigger profit margins for those banks that break the law.

There is a reason so many military veterans service organizations like the American Legion, the Air Force Association, the Marine Corps League, the National Guard Association, the Vietnam Veterans of America, and groups like the AARP oppose this effort. Remember, arbitration isn't about saving lawyers' fees or decreasing costs to consumers. It is there to protect the interests of banks over consumers.

Look, I am not naive. I get that companies—especially banks—are in the business of making money. It makes sense that they would want to force all their customers into arbitration because that saves them money. But why on Earth would my colleagues in the Senate go along and help them rob servicemembers and consumers of their rights to go to court? Why would we allow bad actors to get off scot-free?

If they believe that our servicemembers are unfairly getting rich off suing

companies that wrong them, they should say that. If they believe companies that break the law should be shielded from having to answer for their illegal actions in court, they should say that. We shouldn't let them hide behind cutting regulations. I am all for cutting needless redtape, but the arbitration rule is an example of a regulation that actually helps Americans. It helps our servicemembers and our military families.

A vote to overturn the arbitration rule is a vote against our military and against those who wake up every single day to serve and protect the greatest Nation on the face of the Earth.

Thank you.

I yield back.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent that following my remarks of no more than 2 minutes, Senator FRANKEN follow me, and then Senator BLUMENTHAL.

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

Mr. BROWN. Mr. President, I just want to make an observation after listening to the words of my friend Senator DUCKWORTH, who speaks, as Holly Petraeus and so many others have spoken, about the importance of this rule to veterans in this country.

It is not just consumers. It is not just women who have been abused in the workplace. It is not just people who sign up for credit cards. It is veterans in this country who are the losers if this vote passes tonight.

I would first like to read the number of Democrats who have been on the floor in opposition to this motion in support of the rule. I started, then Senator MERKLEY, Senator WARREN, Senator HIRONO, Senator DURBIN, Senator WHITEHOUSE, Senator VAN HOLLEN, Senator UDALL, Senator DUCKWORTH, soon after, Senator FRANKEN, and Senator BLUMENTHAL.

On the other side there has been one Senator. Senator CRAPO is a good friend of mine. He is chairman of the committee. I am the ranking member. He is doing his duty and defending his position well. But no other Republican Senator, no supporter of this resolution—nobody wants to come down here and speak. Why? Because they don't want to be seen as defenders of Wall Street. They don't want to be seen as defenders of the most powerful people in this country. So they stay back in their offices quietly.

They will come down here meekly on the floor, and they will vote yes, and they will go home and hope nobody knows about it. But they are not willing—again, Senator CRAPO, whom I admire and respect greatly, knows those aren't just words. I mean it. He is doing his duty as chairman of the Banking Committee. None of the rest of them want to join him. I think that tells you a whole lot.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I rise to discuss the Consumer Financial Protection Bureau's recently finalized rule to limit the use of predispute, forced arbitration clauses in contracts for financial services and products. I strongly oppose the Congressional Review Act resolution to dismantle this vital consumer protection.

Forced arbitration clauses force individuals to sign away their right to go to court as a condition of buying a product or a service, and they allow corporate America to take advantage of a shadow justice system that is inherently biased toward the corporation and offers no meaningful appeals process. To put it bluntly, these clauses serve one purpose and one purpose alone, to help make sure the giant corporations still come out on top if they have wronged consumers.

Thankfully, we started to make some progress in addressing forced arbitration. Five years ago, the Consumer Financial Protection Bureau began an intensive study of forced arbitration clauses in consumer financial services contracts for things like credit cards, savings accounts, and private student loans. The study confirmed that forced arbitration stacks the deck against consumers and in favor of powerful corporations. Of the 341 reviewed cases of forced arbitration in which consumers made claims against financial institutions, the CFPB found that consumers obtained relief in just 32 disputes. That is 32 out of 341—9 percent of the time.

By contrast, of the 244 cases of forced arbitration in which companies made claims against their customers, the companies obtained relief in 227 of them or 93 percent of the time. For the consumers who did obtain relief, the CFPB found they won far less than they had claimed, while the companies that obtained relief recovered nearly the entirety of their claim.

The study also demonstrated how giant financial institutions have learned to pair forced arbitration clauses with class action bans to shutter the courtroom doors on groups of individuals with small claims. Once blocked from going to court as a class, most people drop their claims entirely because they lack the financial means or will to fight a corporation in arbitration as an individual, where outcomes are seemingly predetermined in favor of the corporation.

Although millions of financial consumers are covered by forced arbitration clauses and class action waivers, the CFPB found, on average, that only 25 consumers with claims of less than \$1,000 pursue arbitration annually. Think about it. That is just license for corporations to rip you off \$20, \$30 at a time. It is license.

Finally, forced arbitration is shrouded in secrecy, which shortchanges current and prospective customers of information that may affect their financial decisions. Between confidentiality requirements contained in many forced

arbitration agreements and the secretive nature of the arbitration proceeding itself, financial institutions use force arbitration agreements to shield themselves from accountability to the courts and to the public eye.

Let's take the Wells Fargo scandal. Just last year, the public was shocked to learn that over the course of 5 years, Wells Fargo employees had been incentivized to open millions of sham accounts in the names of Wells Fargo customers, including over 31,000 in my State of Minnesota. Then the bank charged the customers for those accounts without their permission. One reason this fraudulent practice was able to continue for so many years is because Wells Fargo's customer account agreement included and continues to include, yes, a forced arbitration clause.

When customers discovered and attempted to sue Wells Fargo for the sham accounts, the company forced them into arbitration, having successfully argued that any dispute arising from the sham account was covered by the arbitration clause in the agreement for the real account.

Let me say that again. Wells Fargo successfully argued that any dispute arising from the sham account was covered by the arbitration clause in the agreement for the real account. That is what we are voting on here.

If these claims—some of which date back to 2013—had been able to proceed to court rather than in private, forced arbitration, other Wells Fargo customers would have been alerted to the wrongdoing and may have been able to save themselves and thousands of others from being ripped off and prevented damage to their credit. That really matters to people. A bad credit score can mean the difference between getting a mortgage and not getting a mortgage, getting a car loan or not, or even getting a job or not.

Fortunately, a few months ago, the CFPB issued a rule to ban financial institutions from preventing their customers from banding together to seek justice in a public court of law. This is good news for consumers who have been scammed by payday lenders, debt relief companies, or big banks like Wells Fargo; it is good news for our servicemembers and veterans who wish to vindicate their rights under the Servicemembers Civil Relief Act; and it is good news for small businesses, community banks, and credit unions that have been forced to compete with powerful corporations that are pocketing billions in stolen money from consumers.

Let's be very clear about what the rule doesn't do because I think there has been some misinformation put out there. The rule is not about banning arbitration altogether, and the rule does not prevent a consumer from pursuing arbitration if he or she wants to, assuming the corporation also wants to go to arbitration. Instead, the rule simply takes the "forced" out of "forced

arbitration" and gives the consumers a real choice again to pursue a claim of wrongdoing in arbitration or band together with similarly harmed consumers to seek justice in a public court of law.

Now the big banks and financial institutions—including Equifax, the massive credit bureau that put 143 million Americans' private information at risk—are trying to kill the rule, and they are far too close to getting their way.

As long as I have been in the Senate, I have been fighting to end forced arbitration. I have always said my efforts are about reopening the courtroom doors because they should never have been closed in the first place.

I urge my colleagues on both sides of the aisle to see the CFPB's rule for exactly what it is, a commonsense way to restore transparency and accountability in our Nation's financial system and to level the field between Wall Street and consumers. We must allow the CFPB to move forward in implementing this critical consumer protection.

I ask you to please join me in showing strong support for the CFPB's rule, knowing what is in the rule, knowing what this is about, and then opposing the special interests that are attempting to take this rule away.

Thank you.

I yield the floor to the Senator from Connecticut.

**THE PRESIDING OFFICER.** The Senator from Connecticut.

**MR. BLUMENTHAL.** Mr. President, I am honored to follow my colleague from Minnesota, who has made many of the same arguments very eloquently that my colleagues have made as we approach a vote literally in the dead of night. There is a reason for the timing of this vote.

My Republican colleagues would much rather have it done past the deadline for the newspapers, out of the public eye, because most Americans would be repulsed by the idea that they are losing fundamental rights, and what could be more fundamental than the right to go to court. That is the right that will be lost to countless Americans if this vote in favor of S. J. Res. 47 succeeds tonight. It would literally repeal the Consumer Financial Protection Bureau's arbitration rule using the Congressional Review Act.

Most Americans will discover this repugnant step when they go to their lawyer's office, and they state their grievance, their harm, their cause of action, and their lawyer looks at a contract or some other piece of paper, which has in fine print a forced arbitration clause. That forced arbitration clause, in effect, blocks the courthouse door. It denies them their day in court. It compels them to go before a group of people—often, the majority selected by the big company they want to sue. At best, the result is to give them less to remedy the wrong against them than they suffered in harm.

Often, the lawyer will say: You know, this effort is going to cost you more than you will gain. In good consciousness, I must tell you that you will not recover as much as you have to pay me, and that is because those consumers cannot join together in arbitration as they can in a class action. Often, it is because the cost of going to court individually, even if they win, will be more than they would gain in arbitration. It is done in secret, when their case is arbitrated, so others cannot be warned about a similar harm in a product or a service they are about to purchase and suffer the same harm or wrong.

A vote in favor of this resolution is a vote in favor of predatory lending. It is a vote in favor of wage theft. It is a vote in favor of sexual harassment. It is a vote in favor of medical malpractice. It is a vote in favor of denying millions of Americans a fundamental right to a day in court.

Without the promise of justice from the courts, few consumers can even think about undertaking the cost of an attorney or take on the tremendous effort of bringing those individual actions against service providers.

The harm falls, tragically, particularly on our veterans. I commend and thank Holly Petraeus for her profoundly significant work to alert our veterans and all of us to those harms. These abusive practices harm our veterans more than others because they trust the abusive pitches that come at them as they are about to leave Active Duty or sometimes while they are on Active Duty or shortly after they leave. They have no control over where they are deployed or even where they are based, but the con artists and big corporations can come after them. They know where they are. They are targets of opportunity.

In one stunning example—just to give one—documented by the New York Times not long ago, a sergeant in the Army National Guard who was serving in Iraq said that men came to his house and improperly repossessed his car, threatening his wife with jail time if she didn't give them the keys. Appallingly, this sergeant received no restitution. His case was discarded because his contract with the auto lender included a forced arbitration clause. That is the practical harm resulting from these causes.

Wells Fargo has been mentioned as an example of how contracts, in effect, are forced on people without their knowledge for accounts, contracts for insurance that were put on their loans without their knowledge.

Equifax, in the height of arrogance—the remedy offered to consumers had a forced arbitration clause as part of their acceptance of a remedy for the harm done by Equifax itself. You can't make this stuff up. You cannot create the fiction that matches this reality for abuse and harm to consumers.

Repealing this rule strips consumers of one of their only avenues of relief

from careless negligence or a slow response to harm. In the case of Equifax, unfortunately, it probably will not be the last.

The CFPB rule draws a line in the sand. It puts consumers on a level playing field. It eliminates a provision that in law school was often identified as a contract of adhesion, where one side has such power over the other that they can dictate the terms, inherently unfairly, to the consumer. It demands that those consumers be treated fairly.

Repealing this rule would allow companies like Equifax and Wells Fargo to have their run of the contracts in America, repeat the harms that have caused such widespread consumer harm, and let them off the hook. I urge my colleagues to reject this dangerous rollback of rights. It may be welcomed by some corporations, but in their hearts, as well as their minds, the vast majority of companies want to do the right thing. The outliers are the ones supporting this rule.

It would not eliminate arbitration where both sides feel it is in their mutual interests; it would simply eliminate that fine print that enables those rip-off clauses that harm our veterans—people who fight for our fundamental rights. One of those fundamental rights—access to justice—is barred by this resolution.

I hope my colleagues will reject it, enable consumers to hold financial institutions accountable, and continue the work of the CFPB in making sure that consumers really receive a fair shake when they enter into a contract.

I yield the floor to my colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I was just going to ask whether my colleague would yield for a question.

My distinguished colleague from Connecticut is an extraordinarily experienced and able lawyer. He was U.S. attorney in Connecticut; for a long time, he was his State's attorney general, and I think he has argued more before the U.S. Supreme Court than perhaps anybody in modern history now in the Senate. One of his passions and one of the things he focused on in law enforcement was consumer protection, bringing to justice big entities that had done wrong to consumers.

My question for him, if I may ask one, would be, are there circumstances—do you have experience of circumstances in which very big and powerful entities, corporations, or industries engaged in misconduct, even fraud, in which the individual harm to each of the consumers was not very big—a bogus \$30 fee, a bogus \$100 surcharge, something like that—but multiplied by thousands or tens of thousands of customers, it became an enormously lucrative fraud for the institution involved? Is that a situation that happens in real life, in your view, I ask my distinguished colleague?

Mr. BLUMENTHAL. I thank my colleague from Rhode Island for that very

pertinent question. Before I answer it, I thank him for his service as his State's attorney general and his State's U.S. attorney. He has as much experience as I do, and I know he appreciates that there are countless examples of exactly the kind of predicament he has so well described.

The harm to each individual may be measured in tens of dollars, but the harm nationally to consumers may be measured in millions of dollars. If each of those consumers is forced to arbitrate, the result at best would be a few dollars to each of them, and most of them will abandon the claim because the services of an attorney or even the time they have to take to appear before a panel of arbitrators simply won't be worth it.

The harm is not only to them, as my friend and colleague from Rhode Island has implied so well, it is to the consumers of the future because without public knowledge of the defective product or the predatory lending or the sexual harassment, that same harm will happen again and again.

To take the topic of the day, sexual harassment, many of those employment clauses had the forced arbitration requirement that led to settlements and secrecy. For years and years, that harm was repeated to women who suffered because they were unaware of the harm about to befall them.

It is a human tragedy, not just a financial tragedy, that often befalls consumers because of those fine-print arbitration clauses that consumers very often never even consider because at the time they sign the contract, they are not thinking about what can go wrong; they are buying a car or a product that seems just fine, or they are entering into a new job, or, as in the case of a veteran, they are signing up for a for-profit college, and they scarcely expect they will be, in effect, victims of these forced arbitration clauses.

So the answer to my colleague's question, as he knows because he himself is such an expert in consumer protection, is a resounding yes. This rule is necessary to protect consumers against those kinds of harms, which, when added nationally, can be tremendously costly to our Nation as a whole.

Mr. WHITEHOUSE. If I may ask if the Senator will yield for another question.

Mr. BLUMENTHAL. I would be happy to yield.

Mr. WHITEHOUSE. As I understand from the Senator's response to my last question, if you force the victims of low-dollar but multi-victim fraud to have arbitration as their only remedy, you are way less likely to get consumers asserting their rights, and ultimately you may have low-dollar, multi-consumer frauds that remain very remunerative for the crooked outfit conducting the massive fraud.

I get the Senator's point that the incentives are such that it is very hard for an individual consumer to be will-

ing to pursue that claim. If there is no way to aggregate themselves together into a class action, then there is really no way to pursue that claim.

But my second question goes to a further point, which is that the power of a court in a matter like that includes the power not just to award damages but to provide other relief: to direct the company to quit the fraud, to give orders to people to clean up their act, to promise never to do it again, and so forth. I am not aware of any arbitration panel that has ever been given that authority or has ever used their limited power as arbiters or arbitrators to try to influence the behavior of the corporation.

Is there not also a significant difference between an individual consumer being forced to go to an often stacked arbitration panel to pursue a claim that is so small, it is not worth their money, and the simple power to provide the real remedy the public seeks, as the Senator so wisely said, to protect the next consumer? It is not just about the people who got their pockets picked, who paid their unreasonable fee, who got defrauded; it is about stopping it so the future consumer is protected. I am not familiar with arbitration panels having that power.

Mr. BLUMENTHAL. I appreciate my colleague's question. That is absolutely right. Arbitration panels do not have the power to issue injunctions—it is that simple. They do not have the power to grant injunctive relief even in the worst of circumstances. That is one of the reasons forced arbitration clauses exist: There is no danger of a court ordering increased disclosure or fairer terms going forward or an end to deceptive and misleading practices.

I see we have been joined by another of our colleagues, Senator CORNYN of Texas, who served as attorney general before he began his distinguished career here, and he knows well that, as attorneys general, we often insisted on injunctive relief because we wanted to protect people going forward. That is a remedy that arbitration panels simply cannot award, and it is enormously consequential.

Mr. WHITEHOUSE. And not infrequent in class action cases?

Mr. BLUMENTHAL. That is exactly right. It is not infrequent in class action cases and not infrequent in individual cases where a plaintiff is willing to persist and takes it, as a matter of principle, that he will go to the nth degree legally and spend whatever it takes, if he or she has the resources, and some have done it as a matter of conviction and conscience to vindicate individual consumer rights, even though their ultimate payback in monetary terms may not have actually been worth it. But injunctive relief is often the key to fairness and justice.

Mr. WHITEHOUSE. In conclusion, is it fair to say that the measure we are about to vote on will indisputably have the effect of shifting enormous power



from consumers to corporations that engage in high-volume but low-dollar fraud?

Mr. BLUMENTHAL. Exactly right. I think that is the essence of what the effect will be today of this vote if it is to roll back this rule and, in effect, enhance the overweening power of companies and corporations that force consumers to engage in arbitration that they do not know will be the result and cannot change because it is a fixed term, even though it is in the fine print, and eventually rips them off.

I thank my colleague for those extraordinarily insightful questions.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. SCHUMER. Mr. President, I want to first thank my colleagues, particularly SHERROD BROWN, our ranking member of the committee, Senators WHITEHOUSE, BLUMENTHAL, FRANKEN, and so many others who have spoken so eloquently on this issue. I don't think it is a coincidence that many Members on our side have spoken and very few on the other side. Once again, it is one of those instances where the powerful will get more powerful. Everyone knows it, and people are not out there beating their breasts about this if they are trying to support it, and maybe there is a little bit of being ashamed.

This is what has happened here. We finally have an agency to protect the consumers against large institutions, most of which are good institutions, but some of which typically take advantage of the average person. They do it in a whole variety of ways. We saw with Equifax the idea that they didn't have to protect people's information and were almost nonchalant about it. We saw it with Wells Fargo, where people came up with a scheme. We see it all the time. The average consumer doesn't have the lawyers, the time, and the ability to study what is happening. They don't understand the long contracts where they sign away their rights to go to court. They need a bank account. They need a car loan. They need something, and, yes, their only recourse in this case may be a class action suit, particularly if it is \$20 or \$30. You are not going to go to court individually, but if it is thousands of people, a trial lawyer will make some money, yes, to protect those people. How horrible that people might have the ability to come together and hire a lawyer.

What is happening in the last 9 months is that—we have a lot of people who are disaffected. Many of the campaigns, including President Trump's campaign, understood that. But when President Trump campaigned, he campaigned as a populist against the powerful institutions, against the Washington lobbyists, and said: Let's do something for average people. But once he got into office, he embraced the hard right, whose goal in most cases is to just protect the powerful. They got this sort of drumbeat going on: Poor

innocent people have too much power, and big banks and big corporations don't have enough. Let's go after unions, even though incomes are down and only 6 percent of private America is unionized. Let's go after them. They are too powerful. They make these big corporations squirm or pay a little more money to people or pay a benefit or pay some healthcare—how horrible. Let's go after the trial lawyers. I don't always agree with their tactics. I voted against them on occasion. But let's go after them, even though they are one of the few recourses that average people have. That is hardly as reprehensible as an Equifax or a Wells Fargo in doing what they do. But people on the other side somehow have this mythology because of the hard right and its machine and their think tanks and their media messaging—FOX News—that somehow the powerful are getting a bad break in America and the average person has too much power.

What is wrong?

I will say this. It is going to lead to people being even more disillusioned, more angry, more sour, and we will move further away from what the American dream, ideal, and optimism are.

Our colleagues on the other side, my dear friends—I like them, I really do—wittingly or unwittingly are part of this movement, and it is a shame. It is a shame.

Community banks aren't beleaguered by these cases. They don't usually do this stuff. When I talked to community bankers who lobbied me on this, they basically said to me: No, we are with the whole banking association. The big banks want this.

This is not little banks. These are the Wells Fargos and the Equifaxes. We shouldn't do it. We shouldn't do it.

I worry about this country. I love this country. It has been so good to me, my family, and my people. I still believe to this day that it is what the Founding Fathers called it when they left Constitution Hall—God's noble experiment.

We are one nation under God, noble. We are a noble country. No one has had the ideals we have had for hundreds of years. We are an experiment. We keep evolving, changing, and adapting, as we should. But when I see what has gone on in the last 9 months—a combination of the President's appeal to lower instincts of people, to divisive instincts, and the hard right machine, which has too much power on the other side of the aisle—I worry. I worry. I worry about the country. I worry about our standards of decency and honor.

Everyone heard Senator FLAKE speak today. It moved all of us. It is a shame he is leaving this body because he has been a voice and a beacon. I didn't agree with him on most issues, as is pretty obvious by our voting records, but he stood for the right thing. I say to my colleagues, somehow we are doing too many wrong things around here. We are trying to take away peo-

ple's healthcare. We say we want better healthcare at lower costs. That is what the President says, but we put a bill on the floor that does the opposite. We know it. We are doing it on taxes. We say we want to help the middle class, and the tax bill dominantly helps the wealthy.

Our colleagues on the other side of the aisle are afraid to say they are helping the wealthiest because they think that is the way to create jobs because they know that Americans don't believe it—nor should they.

Most recently, the great Kansas experiment, the Koch brothers' own laboratory, totally flopped.

They say unions have too much power, and yet incomes in the middle class have declined. There are abuses. There are abuses everywhere, but middle-class incomes decline, fewer people have bargaining power, more people are paid lower, and there are 7 million fewer good-paying jobs in America today than 15 years ago. In part, that is because we don't have unions and because the hard right has learned through legal tactics to destroy them, and now with government legal tactics on the absurd argument that the First Amendment says you don't have to join a union or pay dues to a union.

This is just one of many issues where once again we are helping the powerful against the powerless. There is a political benefit, I understand. There is a fear if you go against these hard-right forces. I have heard it from my colleagues, but it is wrong for the country. I wish that maybe a bell would ring. There are lots of issues we don't agree on, but some of these issues don't have a basis in fact. That is why the floor is empty on the other side.

I respect my dear friend. He is a good, good man, in the Flake mold. He has to be here all night and defend it. He doesn't have too many others backing him up, and I think I know why, because deep down they know it is wrong. They can figure out that there is an abuse of trial lawyers, but they still know it is wrong. They still know it is wrong.

To sum it up, a "yes" vote is handing a "get out of jail free" card or the equivalent to Wells Fargo and Equifax. It is that simple. A "yes" vote is saying you believe that Americans who get taken advantage of don't have the right to seek recourse. A "yes" vote tells rapacious financial institutions that they can continue to hose consumers without any serious consequences or accountability, because we all know that average folks don't have the ability to go to court on their own to sue. We know that. Everyone knows that.

If there are abuses, let's fix them, but don't totally denude people who don't have much power from the little power they might have through going to court. I hope that maybe there is somebody, because the vote is close. It took a long time to bring this resolution to the floor because there were some people who wanted to stand up, but they



got ground down by this hard right machine that always wants its way.

They are doing great. Corporate America is making more money than ever before. Financial institutions are healthier than ever before, but it is not good enough. More—we want more. The “more” is fine if it didn’t come at the expense of average folks when somebody is abusive.

The CRA is a meat-cleaver approach. Those who have issues with this should try to address them with a scalpel, not a bludgeon. I urge my colleagues one final time, those on the other side of the aisle, to vote no on this disapproval resolution on behalf of our constituents, who deserve to have more rights when standing up to the powerful when they are right, not less.

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. 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.

Mr. CORNYN. Mr. President, I know, for people watching this debate, it is easy to be confused. You hear the Democratic leader claiming that this is about the people who have no power, fighting against the most powerful institutions this country has to offer in them, somehow, trying to disadvantage them when, in fact, the opposite is true.

In situations like this, it is frequently a good thing to follow the money. The reason the Consumer Financial Protection Bureau wants to ban arbitration as a means of alternative dispute resolution is that the trial lawyers, who benefit from the huge attorneys’ fees awards, do not like the idea that they are, basically, being boxed out of that dispute resolution system; whereas, we know from the studies that have been done that consumers actually benefit from a cheaper, more efficient, more timely way of resolving disputes with financial institutions with which they may have disagreements.

Back in the eighties, I still remember when I was a district judge in San Antonio, TX. Warren Burger, the Chief Justice of the U.S. Supreme Court, made the point that it was so expensive and so time-consuming for individual citizens to resolve their disputes in courts of law that we needed what we all called an alternative dispute resolution system that was able to resolve these disputes in a more timely, more cost-effective sort of way, recognizing that very few people could afford to pay a lawyer an hourly fee or even a contingent fee for protracted civil litigation. Basically, ordinary consumers were frozen out of the dispute resolution process and were denied their day in court.

That system actually worked pretty well, including arbitration, which, ac-

cording to a Federal statute—the Federal Arbitration Act—is an impartial tribunal that, basically, decides these disputes in an efficient, cost-effective sort of way. In fact, we know from the studies that have been done that consumers actually benefit more from arbitration than they do as members of a class in class action lawsuits, where consumers typically get pennies on the dollar and the class counsel, the lawyers involved, are, perhaps, awarded millions of dollars.

You have to ask the question: Whose benefit is that for? Is it really for the consumers or is it for the lawyers? I think the answer is pretty clear. It is not for the consumers. So, when I hear our friend across the aisle, the distinguished Democratic leader, cry crocodile tears for consumers, really, those are for the class action lawyers who are not part of the arbitration process.

I think it is really important to make that point, which is that every single study that has been done shows that consumers actually benefit from arbitration compared to ordinary litigation. Not everybody can afford to be O.J. Simpson and hire the very best lawyers in America and try a case for weeks on end at a cost of millions of dollars. It just, simply, does not work that way for most people. So this is a very efficient, cost-effective, fair way to resolve those disputes in a way that consumers benefit.

I do not understand, honestly, our colleagues across the aisle, except for their desire to demonize banks and large financial institutions, but it is not just large banks and financial institutions; it is community banks. We are talking about contractual arbitration provisions, which allow consumers to benefit from a means to resolve disputes with their local community banks, and they do not often involve huge amounts of money. Typically, lawyers are not going to be interested in a claim that do not involve much money, which is why most often, when one does get litigated, it is in the context of a class action, in which they aggregate all of these claims for thousands of people. Then, as we know, typically, it ends in some sort of settlement from which the consumers get coupons—frequently, no money—and the class lawyers reap millions of dollars.

Our colleagues across the aisle act as if they have the better part of this argument when, actually, they are arguing on behalf of one of the narrowest, wealthiest special interests in America today, and that is the trial lawyers. They act as if they are the friend of the consumer when they are actually arguing to the detriment of the consumer, because the consumer benefits from this less expensive, more efficient, more timely resolution of disputes with financial institutions, which is through contractual arbitration.

There is the fact that the Consumer Financial Protection Bureau, which is sort of an anomaly in our system, is

accountable to no one and not susceptible to oversight by Congress because of the way it was created. It is not even funded by appropriations of Congress as other government agencies are. It is really a rogue agency in so many ways—not accountable to the American people, not subject to the oversight of Congress, not dependent upon Congress for the appropriations to, basically, do its work. So, when it overreaches like this and essentially outlaws this efficient, cost-effective, impartial way of resolving civil disputes, this is, perhaps, the greatest demonstration of the abuse that was wrought by the creation of the Consumer Financial Protection Bureau in the first place.

When consumers benefit and trial lawyers do not, I don’t know how you can justify the arguments on the other side, except to say that they are the party of the trial bar and that they really don’t care about the consumers because they realize that consumers will end up with pennies on the dollar and that they would actually be better off in using the arbitration provisions in these contracts that are subject to the Federal Arbitration Act. Actually, this is a Federal law that mandates the procedures by which these arbitration panels are created. It is not as if the banks get to choose who sits on the arbitration panels. It is not as if they get to pick the judges in the cases. These are nonpartisan arbitrators who will decide the facts in law and let the chips fall where they may.

I, for one, am not buying the crocodile tears of our friends across the aisle. They are not arguing in favor of the consumer; they are arguing on behalf of the trial bar, which gets rich on these cases.

It is not just the fact that this handful of cases from which the lawyers get rich solves the problem, because there are many people who have legitimate disputes that need to be resolved from which the lawyers just simply turn away and say that that case will not get me enough money to justify my involvement. So guess what. You are out of luck. Good luck in finding a lawyer to litigate your case for \$100 or \$200. You are just not going to get a chance to do that. If a class action lawyer will not take the case, you are out of luck. I guess our friends across the aisle do not care.

As for the fact that consumers could get recourse through arbitration in their using the Federal Arbitration Act—from an impartial panel that will decide what the facts are and grant awards without having to go to the expense and time associated with ordinary litigation—they, simply, do not really care about that.

I would say, notwithstanding the dystopian view of our friends across the aisle that, somehow, this is a great conspiracy against the forgotten man and woman in our country, the opposite is actually true. What they are trying to do is advocate for the rich

and the powerful—the trial lawyers in America—and against the best interests of the consumer, who benefits from this contractual arbitration provision.

I hope that our colleagues will not be persuaded by the arguments on the other side, because there is just, simply, no factual basis for them. I hope that in a little while here, when we vote on this congressional resolution of disapproval, we will have a solid vote in the disapproving of this ban on the use of alternative dispute resolution to resolve disputes, because a “no” vote, basically, is a vote on behalf of the rich and the powerful—the trial lawyers in America—who get enriched by the status quo in the absence of an alternative dispute resolution system.

The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Thank you, Mr. President. Tonight we are on the verge of passing a Republican resolution to make it easier for financial institutions to cheat people. Earlier this year, the Consumer Financial Protection Board issued a rule that prohibits financial companies from forcing you to sign an arbitration clause that makes you forfeit your right to take a bank to court. So if this proposal passes, that rule will just disappear.

Now, there are no real human beings who think it should be easier for financial institutions to steal money from you and get away with it. Bank lobbyists are the only people asking Congress to reverse this rule, but let's face it, the Wall Street Journal is pretty powerful around here. The question the American people should be asking right now is, Are they powerful enough to win tonight?

The reason this vote is happening so late at night is because we were right on the verge of blocking it. The American people have watched as Wells Fargo cheated its customers and then used arbitration clauses to try to escape liability. They watched as Equifax negligently allowed hackers to steal personal financial information of more than half of all American adults and then used arbitration clauses to try to escape accountability. Politicians have been watching it too. While many of their eyes might be blinded by dollar signs, it may not be enough.

There is bipartisan opposition in the Senate to turning financial institutions loose to swindle their own customers. Right now our best guess is that it is 50 to 50. That means that Vice President MIKE PENCE is on his way to the Senate to cast a tie-breaking vote. If we can't peel off one more Republican, MIKE PENCE will decide whether consumers can hold banks like Wells Fargo accountable when they cheat their customers.

Now, everyone assumes MIKE PENCE will side with the big banks, and I have just one simple question: Why?

President Trump, MIKE PENCE works for you. His job is to cast his vote the way you tell him to cast it. We spent

more than a year listening to you, first as a candidate and then as a President, and you have gone on and on and on about how strong you are, how tough you are, and about how you are going to stand up to Wall Street.

Well, this bill is a giant, wet kiss to Wall Street. Bank lobbyists are crawling all over this place begging Congress to vote and make it easier for them to cheat their customers. President Trump, are you really going to let MIKE PENCE cast a tie-breaking vote to hand big banks their biggest win in Congress since they crashed the economy 9 years ago?

You know, I followed a news story about how tough you are, Mr. President—standing up to MITCH MCCONNELL, PAUL RYAN, and the Republican Party. Well, this is a top priority for them, Mr. President. So do you work for MITCH MCCONNELL now? Is that the deal? Are you going to roll over and hurt millions of people in this country because MITCH MCCONNELL tells you to?

I keep hearing that you and Steve Bannon are going to remake the Republican Party into a party that stands up to Wall Street. Steve Bannon works with the White supremacists, but, hey, he says he is going to help you drain the swamp, right?

Well, where is the all-powerful Steve Bannon now? Where is he to tell MIKE PENCE and Donald Trump that they don't work for MITCH MCCONNELL?

Every organization—all the ones that represent actual human beings, not banks—want this rule to be saved, none more than the organizations that represent our veterans and our servicemembers. Do you know why that is, Mr. President? It is because they are sick and tired of being cheated by banks. They are sick and tired of politicians who say “thank you for your service” and then turn around and vote to make it harder for them to build a future for themselves and their families.

The Military Coalition, which represents more than 5.5 million veterans and servicemembers, supports the CFPB rule because “our Nation's veterans should not be deprived of the constitutional rights and freedoms that they put their lives on the line to protect, including the right to have their claims heard in a trial.” The Coalition says that “[f]orced arbitration is an un-American system wherein servicemembers' claims against a corporation are funneled into a rigged, secretive system in which all the rules, including the choice of arbitrator, are picked by the corporation.” They go on to warn that “the catastrophic consequences these [forced arbitration] clauses pose for our all-voluntary military fighting force's morale and our national security are vital reasons” to preserve this rule.

We have seen all the tweets, Mr. President. We have seen you go on and on about how disrespectful it is of our veterans and their families that some

football players don't want to stand for the national anthem. Well, all three of my brothers served in the military, Mr. President. Do you know what is disrespectful of our veterans and their families? Passing laws that hurt our veterans and their families. Casting tie-breaking votes for laws that are opposed by the American Legion, by the Military Coalition, by the Vietnam Veterans of America, by AMVETS, by the Association of the United States Navy, by the Military Order of the Purple Heart, by the Iraq and Afghanistan Veterans of America, by the Military Child Education Coalition, by the Military Veterans Coalition of Indiana, by the National Association of Black Veterans, by the National Guard Association of the United States, by the National Military Family Association, by the Noncommissioned Officers Association, by the Reserve Officers Association, by the Retired Enlisted Association, by the Veterans for Common Sense, by the Veterans Education Success, by Veterans Legal Institute, by VETJOBS and by Vets First.

President Trump, this is up to you. Don't do this. Don't let MIKE PENCE cast the deciding vote to hand a huge victory to Wall Street. If you do, you should be prepared for the consequences. Veterans know when a politician is all talk. They know the difference between a cheap pat on the back and a real punch to the gut. They will not forget what happens here today.

And for Steve Bannon—if this really happens today and MIKE PENCE casts the deciding vote to make it easier for financial institutions to cheat people, do you want to remake the Republican Party in your image? Do you want to watch primary challenges against Republicans who roll over to Wall Street? Do you want to go after the weak and spineless, the DC-Wall Street swamp, the politicians who will not stand up to MITCH MCCONNELL, and all the globalists who think cash matters more than people? If MIKE PENCE votes for this monstrosity, why don't you primary Donald Trump, and when you are finished with him, why don't you go after MIKE PENCE?

Steve Bannon, put your fat wad of billionaire Mercer money where your mouth is or stop pretending that you are anything other than what you are.

With the remainder of my time, I would like to read letters and op-eds from veterans begging Congress not to repeal this rule.

The first is from Col. Lee F. Lange, U.S. Marine, Retired, with 30 years of service, now serving as Arizona chapter president of the Military Officers Association of America. He titles his letter, “I Served to Protect Our Rights; Don't Let Equifax Take Them Away.”

As a career Marine, I served to protect the rights of Americans as guaranteed by the Constitution and its amendments. Among them is the 7th Amendment right to trial by jury in civil cases, a right dismissed by companies like Equifax and now under siege in Congress.

Forced arbitration “ripoff clauses” buried in the fine-print of bank accounts, auto loans and other contracts strip servicemembers and veterans of their day in court when big banks and other financial institutions violate the law. Instead, people must face companies alone and cannot join together in a rigged, secretive process where the banks and lenders often choose the arbitrator.

Men and women in uniform are surely among the 145.5 million people impacted by the massive data breach of sensitive personal information held by the credit reporting agency Equifax—and among those whose access to the courts was stripped in Equifax’s fine print until the company had to relent. Servicemembers from Sergeant Charles Beard to Army soldier Prentice Martin-Bowen have also had their rights limited by forced arbitration.

Wells Fargo continues to use forced arbitration to deny victims of the fake account scandal access to the justice system. Arizona and Southern California were the epicenter of the Wells Fargo scandal and Wells Fargo is Arizona’s largest bank. Some of the state’s more than 500,000 veterans were certainly caught up in its effects. Wells Fargo has been caught but it is likely not the only financial institution guilty of illegal practices.

The Department of Defense has long pushed for servicemembers full legal recourse against unscrupulous lenders, and members now have some protection against forced arbitration clauses through the Military Lending Act. But the MLA protections don’t apply to auto loans, to rights under the Servicemembers Civil Relief Act, to bank account fraud like the Wells Fargo scandal, or to veterans.

The Consumer Financial Protection Bureau (CFPB) and its Office of Servicemember Affairs have worked to protect those who serve by issuing a rule restoring our 7th Amendment rights and limiting the use of forced arbitration. The CFPB rule enhances military consumer protections in the MLA, restoring the right of servicemembers and veterans to seek civil justice, including class action suits, for illegal acts.

For that reason, The Military Coalition, a national consortium of uniformed services and veterans organizations representing 5.5 million current and former servicemembers and their families and survivors, urged Congress to let the CFPB rule go into effect. The American Legion has done the same. The general public—including 64 percent of Republicans and 74 percent of Democrats—also supports the rule to restore our day in court.

But, despite this outpouring of support, the U.S. House of Representatives has voted to block the rule from going into effect. Wall Street lobbyists are pushing Congress to leave forced arbitration as the only solution, severely limiting the recourse of servicemembers and all Americans. For example, only four arbitrations have been filed against Wells Fargo in Arizona despite up to 178,972 or more fake accounts in the state.

That is 4 arbitrations against 178,972 or more fake accounts in the State.

We can’t allow forced arbitration to be used as a tool to block accountability.

The Senate, armed with lessons learned from the Equifax and Wells Fargo scandals, can still reverse course. Our Senators must put the interests of active-duty servicemembers, veterans, and American consumers ahead of Wall Street lobbyists and reject efforts to take away our day in court.

That was from Col. Lee Lange, U.S. Marine Corps, Retired, chapter president of the Arizona Chapter of the Military Officers Association of America and president of the Southwest Veterans Chamber of Commerce.

There is another one that I would like to read, and this is from the chairman of the Alaska Veterans Foundation. It is titled “Forced arbitration and a right worth fighting for,” by Ric Davidge.

As a veteran, I am proud to have helped protect the freedoms so zealously guarded for us by our Founders. Another guarantor of those liberties is the right to our day in court—one especially vital to today’s servicemembers who are so often taken advantage of by financial institutions.

Today, the right to our day in court is endangered because of actions under consideration by the United States Senate on the issue of powerful banks and forced arbitration.

James Madison, one of the principal drafters of the Bill of Rights, wrote that “trial by jury in civil cases is as essential to secure the liberty of the people as any one of the pre-existent rights of nature.” The Founders saw this right to be heard before a jury of our peers as so vital that they enshrined it in the Seventh Amendment.

This right is not only, in Winston Churchill’s words, “a safeguard from arbitrary perversion of the law,” but also a means to ensure equal access to justice for the powerful and the powerless alike, and for citizens to signal and set acceptable standards of conduct in our society.

Why bring this all up now? Because the U.S. Senate is considering legislation to roll back a rule recently finalized by the Consumer Financial Protection Bureau (CFPB) to limit forced arbitration clauses buried deep in consumer financial agreements. These forced arbitration agreements are found in the fine print of financial agreements signed by tens of millions of everyday Americans with the Wall Street banks, covering everything from credit cards and checking accounts to prepaid cards and payday loans. And they require consumers to take disputes over bank wrongdoing not to courts overseen by judges, but to arbitrators chosen by the financial institutions—under their own rules.

Arbitration hearings are held in private with no public record, no meaningful rules, not even a requirement that arbitrators enforce state and federal laws. And of course, no jury.

Perhaps most significant of all, Big Banks have leveraged arbitration to block class action suits, where the ability of consumers to band together helps balance the extraordinary legal and financial resources at banks’ disposal.

The Wells Fargo scandals—yes, there’s more than one—offer a prime example of how financial institutions use forced arbitration to rip off consumers.

The bank, with 48 branches in Alaska, opened nearly 6,000 of its infamous fake accounts here on the Last Frontier.

A California judge ordered the financial giant to repay customers more than \$200 million for manipulating accounts to generate overdraft fees—another activity repeated here.

Recently, nearly a quarter million Wells Fargo car loan customers were dinged for nonpayment of insurance policies illegally taken out for them—and almost 25,000 had vehicles repossessed.

Most infuriating, Wells Fargo has been fined millions for foreclosing on servicemembers or repossessing their cars in violation of the Servicemembers Civil Relief Act.

In every case, Wells has used arbitration to shield itself from accountability. Since 2009, only 215 consumers nationwide have filed arbitrations against Wells Fargo—but not one in Alaska. The reason: arbitration is often

too expensive for a single consumer with a small claim.

That’s why the CFPB rule is so important—and why the Big Banks’ Washington lobbyists are working overtime to have it overturned. The regulation will ensure all Alaskans retain the right to their day in court as part of class actions—and uphold the Servicemembers Civil Relief Act to protect the legal rights of the men and women fighting for this country.

As Congress considers whether to preserve this critical protection for everyday consumers, and especially for our servicemembers, our Alaska Republican Senators, Lisa Murkowski and Dan Sullivan, need to remember that equal access to justice is not a Republican or a Democratic idea. It is an American right, as old as our Republic itself, and it’s worth fighting for.

Ric Davidge serves as chairman of the Alaska Veterans Foundation.

From Robert Mitchell, a Marine Corps veteran: “Forced arbitration is un-American.” This is from the Arkansas Democrat-Gazette.

I am a proud Marine Corps veteran. Abroad, I joined with my fellow Marines in united pursuit of justice and rights. At home, I fight for them and other U.S. military members to be treated fairly and with dignity in their financial affairs. I’m disappointed by the actions of my U.S. Sen. Tom Cotton, who is seeking to roll back a recent rule that restores servicemembers’ and other Americans’ legal rights in the financial marketplace.

So often, military members are unfairly targeted by aggressive lenders, abusive debt collectors, reckless credit-reporting bureaus, and discriminating employers. So I devote my time to help them enforce their rights under federal and state laws that grant them remedies and other ways to hold bad actors accountable when they flout these laws.

He goes on to talk about what happens in the fine print in these contracts and how it is that veterans and Active-Duty servicemembers are repeatedly cheated.

His closing remarks are as follows:

Unfortunately, although the rule restores the rights of active-duty servicemembers and American civilians, it has become controversial in Washington because the financial-services industry opposes it. For several years now, financial institutions have been able to use their strict terms to wipe away individuals’ rights and essentially ignore legal complaints.

But Senator Cotton and our representatives in Congress must take the opportunity to look beyond the lobbyists and toward the experiences of our military members and the U.S. Constitution. They should support, not abandon, a rule that simply restores our traditions.

I will just reference a letter from The Military Coalition, a consortium of uniform services and veterans organizations representing more than 5½ million current and former servicemembers and their families and survivors who also wrote in strong support of protecting the Consumer Financial Protection Bureau arbitration rule. They conclude:

Our nation’s veterans should not be deprived of the Constitutional rights and freedoms that they put their lives on the line to protect, including the right to have their claims heard in a trial by a jury when their rights are violated. The catastrophic consequences these clauses pose for our all-voluntary military fighting force’s morale and

our national security are vital reasons for this rule to take effect immediately.

We also have a resolution passed by the Ninety-Ninth National Convention of the American Legion asking Congress not to roll back the arbitration rule put forward by the CFPB, and we have a letter from more than 30 veterans associations begging this Congress to please not get rid of the forced arbitration clause that has been put forward by the Consumer Financial Protection Bureau.

Mr. President, I ask unanimous consent to have these letters and resolution printed in the RECORD.

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

THE MILITARY COALITION,  
Alexandria, VA, July 25, 2017.

Hon. PAUL RYAN,  
Speaker of the House,  
Washington, DC.

Hon. NANCY PELOSI,  
House Minority Leader,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Senate Majority Leader,  
Washington, DC.

Hon. CHUCK SCHUMER,  
Senate Minority Leader,  
Washington, DC.

DEAR REP. RYAN, REP. PELOSI, SEN. MCCONNELL, AND SEN. SCHUMER: The Military Coalition (TMC), a consortium of uniformed services and veterans organizations representing more than 5.5 million current and former servicemembers and their families and survivors writes today in strong support of the Consumer Financial Protection Bureau's (CFPB) final rule on Arbitration Agreements (Docket No. CFPB-2016-0020; RIN 3170-AA51). The final rule addresses the widespread harm of forced arbitration by preserving the ability of service members and other consumers to band together to seek relief through the civil justice system when financial institutions have broken the law. We applaud the CFPB for moving forward on this rule that recognizes the detrimental effects of forced arbitration and class action waivers on our brave men and women in uniform.

Forced arbitration is an un-American system wherein service members' claims against a corporation are funneled into a rigged, secretive system in which all the rules, including the choice of the arbitrator, are picked by the corporation. Found in almost every financial services contract, forced arbitration clauses systematically include a provision banning the rights of consumers to band together to hold a corporation accountable. Given the exponential and expansive use of these clauses by financial institutions in contracts with service members, prohibiting the practice of forcing service members to surrender fundamental Constitutional and statutory rights through the use of pre-dispute forced arbitration clauses is now more critical than ever.

Our service members protect our nation against both foreign and domestic threats. The sacrifices and logistical undertakings they and their families make in order to serve are compelling reasons alone to ensure they are not only shielded from predatory financial practices and unscrupulous lenders, but are also able to enforce their congressionally mandated rights through our civil justice system if and when violations arise.

However, class action waivers work against these rights. They are particularly abusive when enforced against service mem-

bers, who may not be in a position to individually challenge a financial institution's illegal or unfair practices because of limited resources or frequent relocations or deployment. Furthermore, for those service members on active duty and serving overseas, it is critical to retain the ability to get justice without having to interrupt their service and distract their attention from the mission at hand. Since these types of service members cannot participate full time in pursuing an individual claim, being able to enforce their rights through the class action mechanism is essential. Thus service members should receive the benefits of participating in a class action despite their inability to shoulder the burden of bringing a claim alone.

Our nation's veterans should not be deprived of the Constitutional rights and freedoms that they put their lives on the line to protect, including the right to have their claims heard in a trial by a jury when their rights are violated. The catastrophic consequences these clauses pose for our all-voluntary military fighting force's morale and our national security are vital reasons for this rule to take effect immediately.

Sincerely,

THE MILITARY COALITION.

NINETY-NINTH NATIONAL CONVENTION OF THE  
AMERICAN LEGION—RENO, NEVADA, AUGUST  
22, 23, 24, 2017

Resolution No. 83: Protect Veteran and Servicemember Rights to Fair Consumer Arbitration

Origin: Convention Committee on Veterans Employment & Education

Submitted by: Convention Committee on Veterans Employment & Education

Whereas, The American Legion is a national organization of veterans who have dedicated themselves to the service of the community, state and nation; and

Whereas, The U.S. Consumer Financial Protection Bureau's (CFPB) rule on Arbitration Agreements (Docket No. CFPB-2016-0020; RIN 3170-AA51) addresses the widespread harm of forced arbitration by restoring the ability of servicemembers, veterans and other consumers to join together and seek relief in class action lawsuits when financial institutions break the law; and

Whereas, Congress enacted the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. app. 501 et seq., to strengthen and expedite national defense by granting servicemembers certain protections in civil actions against default judgments, foreclosures and repossessions, enforceable in a court of law; and

Whereas, In some cases, financial institutions violate SCRA or other statutory or constitutional protections in their interactions with servicemembers; and

Whereas, Many financial institutions include pre-dispute mandatory arbitration clauses in contracts of adhesion that bar servicemembers and others from bringing a legal action in court or banding together in a class action lawsuit to seek relief under federal or state law; and

Whereas, Class action waivers are particularly burdensome to servicemembers, who may not be able to challenge a financial institution's illegal or unfair practices individually due to limited resources, deployment or frequent relocations; and

Whereas, The Department of Defense concluded in 2006 that "Servicemembers should maintain full legal recourse against unscrupulous lenders. Loan contracts to servicemembers should not include mandatory arbitration clauses or onerous notice provisions, and should not require the servicemember to waive his or her right of recourse, such as the right to participate in a plaintiff class"; and

Whereas, This is extremely unfair to bar servicemembers, veterans and other consumers from joining together to enforce statutory and constitutional protections in court, placing an extreme hardship on the individual: Now, therefore, be it

*Resolved, By The American Legion in National Convention assembled in Reno, Nevada, August 22, 23, 24, 2017, That The American Legion oppose legislation to repeal the Consumer Financial Protection Bureau's rule on arbitration agreements and bar servicemembers, veterans and other consumers from joining together in court against unscrupulous financial institutions.*

MAY 3, 2017.

Sen. MIKE CRAPO,  
Chair, Committee on Banking, Housing, and  
Urban Affairs, U.S. Senate.

Rep. JEB HENSARLING,  
Chair, Committee on Financial Services,  
House of Representatives.

Sen. SHERROD BROWN,  
Ranking Member, Committee on Banking, Housing,  
and Urban Affairs, U.S. Senate.

Rep. MAXINE WATERS,  
Ranking Member, Committee on Financial Services,  
House of Representatives.

DEAR CHAIRMEN CRAPO AND HENSARLING & RANKING MEMBERS BROWN AND WATERS: We, the undersigned representatives of organizations who advocate for our nation's military servicemembers, veterans, survivors, and military families, write to urge you respectfully to ensure that important laws and regulations that protect against financial deception and abuse are not watered down or eliminated. We hope that bipartisan agreement is possible in order to protect America's military heroes and their families by resisting proposals that would curtail the effectiveness of the Consumer Financial Protection Bureau (CFPB).

CFPB's Office of Servicemember Affairs—launched by Mrs. Holly Petraeus—has produced tangible results for military families across the country. Military leaders nationwide have lauded the work of the consumer agency and its dedicated military unit. For these reasons, we urge you to resist any proposals that would limit the CFPB's ability to work on behalf of servicemembers through changes to its authorities, structure, or independent funding.

The CFPB's work to protect, assist, and educate military families in the financial sphere is paying dividends for our nation's military personnel readiness. We urge you to continue to support the work of the Consumer Financial Protection Bureau and its dedicated military office.

The enclosure to this letter summarizes the many ways that the CFPB supports the Defense Department's key asset, its men and women in uniform and their families.

Sincerely,

AMVETS, American Legion Post 122, Association of the United States Navy, Blue Star Families, Coast Guard Chief Petty Officers Association, Code of Support Foundation, Fleet Reserve Association, Iraq and Afghanistan Veterans of America, Ivy League Veterans Council, Military Child Education Coalition, Military Order of the Purple Heart, The Military / Veterans Coalition of Indiana, National Association of Black Veterans, National Guard Association of the United States.

National Military Family Association, Non-Commissioned Officers Association, Public Law Center, Operation Veterans ReEntry, Reserve Officers Association, Swords to Plowshares, The Retired Enlisted Association, Tragedy Assistance Program for Survivors, Veterans for Common Sense, Veterans Education Success, Veterans Legal

Clinic of the University of San Diego, Veterans Legal Institute, Veterans Student Loan Relief Fund, VetJobs, VetsFirst, a program of United Spinal Association, Vietnam Veterans of America.

#### THE VALUE OF THE CFPB TO NATIONAL SECURITY

##### MILITARY FAMILY FINANCIAL READINESS

At the direction of Congress, the Department of Defense (DOD) produced a report outlining its concerns with harmful financial practices. The report noted that “predatory lending undermines military readiness, harms the morale of troops and their families, and adds to the cost of fielding an all volunteer fighting force.”

According to Department of Defense analysis of involuntary separations that were due to legal or standard-of-conduct issues—an average of 19,893 per year—the Department estimates that approximately half are attributable to a loss of security clearance, and, of these, 80 percent are due to financial distress. The Department estimates that each of these separations costs taxpayers over \$57,000. Addressing financial misconduct by bad actors that target military families can both contribute to overall military readiness and reduce the costs to taxpayers of involuntary separations.

Senior enlisted leadership vigorously praised the work of the Consumer Financial Protection Bureau and its Office of Servicemember Affairs in a February 14, 2017, hearing by the Senate Armed Services Committee, Military Personnel Subcommittee. For example, Sergeant Major of the Army Daniel A. Dailey stated, “I see value in that organization and I know they have done great things for our servicemembers.”

##### ‘DOLLAR SIGNS IN UNIFORM’

In an op-ed in the *The New York Times*, Mrs. Petraeus describes how certain industry actors build their business models on revenue from servicemembers, veterans, and their families. While we welcome and celebrate businesses that serve our community in an honorable, trustworthy manner, some bad actors see us as nothing more than “dollar signs in uniform.”

In the last decade, we have seen financial companies engage in foreclosure activity, auto lending, and payday lending that violated laws and regulations protecting consumers and servicemembers. There is a clear need for the CFPB to provide both prevention and protection against harmful financial practices.

##### THE CFPB’S STRONG RECORD

The CFPB engages in a number of activities that benefit military families including monitoring of complaints, enforcement, outreach and education, and consumer protection initiatives.

Consumer Complaints. Military families have submitted 70,000 complaints; the agency’s military unit closely analyzes these complaints to better understand the challenges that servicemembers face and how to address them. These complaints often lead to significant monetary relief for families who have been harmed by wrongful practices.

Education and Outreach. The CFPB has brought new leadership and emphasis on service member issues by actively reaching out to listen to and engage with servicemembers and has developed a variety of resources.

Military installation visits: Nineteen visits in 2015 where the OSA held Town halls and listened to servicemembers directly.

Briefings, Outreach, and Community Collaborations: Over 60 events in 2015 delivered consumer resources directly to servicemembers.

Veterans Outreach: Sixteen events were held in 2015 with the aim of collaborating with other veteran support organizations promoting consumer protection.

Digital Engagement: Financial resources delivered through social media, and social media town halls with federal and non-profit partners, as well as offering online training for military financial educators.

On-Demand Virtual Forums: The forums provide servicemembers and military financial educators with virtual training on topics ranging from debt collection to the CFPB’s complaint process.

Direct-to-Consumer Education Materials: The materials provide information on common issues facing the clients of the military legal assistance community, including protecting your credit while you are away from home, knowing your rights when a debt collector calls, and minimizing student loan payments.

Between October 1, 2011 and December 31, 2016, OSA delivered consumer financial educational information and materials to more than 26,000 servicemembers through live events. This included interacting with active-duty servicemembers and National Guard personnel through leadership roundtables and town-hall-style listening sessions at 145 military installations/units.

Supervision and Enforcement. The CFPB has placed a high priority on holding financial companies that may be harming military families accountable.

Before the CFPB was created, no federal agency routinely examined or supervised non-bank businesses offering consumer financial products. The Federal Trade Commission had enforcement authority under the Federal Trade Commission Act against unfair and deceptive practices and to enforce federal credit laws with non-bank financial services companies, but did not have supervision authority. The CFPB’s new supervision authority coupled with its authority to enforce the Military Lending Act and its focus on listening to servicemembers has allowed for enforcement actions that would not have happened without the CFPB.

For example, the CFPB cited Cash America for violating the Military Lending Act after routine examination exposed compliance problems. The agency took action against USA Discounters and other retail creditors abusing military allotment systems. Other enforcement actions that also impacted servicemembers include:

Rome Finance where, in conjunction with 13 state attorneys general, CFPB provided \$92 million in debt relief for 17,000 U.S. servicemembers and other consumers;

Suits against closed proprietary colleges ITT and Corinthian Colleges, Inc. for predatory lending with debt relief for Corinthian students of \$480 million ultimately secured.

Common-Sense Rules of the Road. The consumer agency has also pursued consumer protection initiatives that will strongly benefit military families.

Debt Collection: Over 46% of complaints received from servicemembers in 2015 concerned debt collection. And according to a 2015 report, servicemembers were nearly twice as likely to submit debt collection complaints as the general population who also submitted complaints. The CFPB has outlined proposals to increase consumer protections from debt collectors to address the industry’s most abusive practices.

Forced Arbitration: The CFPB’s proposed rule to rein in the widespread harm of forced arbitration by preserving the ability of servicemembers and other consumers to join together in court when financial institutions break the law. Compliance with the Servicemembers Civil Relief Act has been a particular problem. Class action bans, which

take away the right to collective action, are particularly abusive, as they prevent courts from ordering widespread relief when thousands or millions of servicemembers are harmed. Class action bans also prevent servicemembers from banding together when they are not in a position to individually challenge a financial institution’s illegal or unfair practices due to limited resources or frequent relocations or deployment. The Military Coalition, representing 5.5 million servicemembers and their families, recently sent a letter to the CFPB in support of this proposal.

##### CONCLUSION

As noted by the Military Officers Association of America, in a recent letter to the U.S. Senate Committee on Banking, Housing, and Urban Affairs, it is “vitally important to the military community and readiness that the work of the Office of Servicemember Affairs continues.”

Ms. WARREN. It really comes down to this: We have heard from veterans groups, from individual veterans, Active-Duty military, and from banks, and the banks are the ones saying: Roll back this rule, and the veterans and Active-Duty military are asking us not to.

The decision hangs in the balance tonight, and I urge my colleagues: Just once, don’t stand up with the big banks; stand up with the veterans.

I urge the President of the United States: Show us what you are made of. Stand up with America’s veterans. Stand up to Wall Street; don’t just roll over for Wall Street. Be there for the people who count on you. Be there for our veterans and Active-Duty military.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, just for everybody’s information, I am going to speak for just 2 or 3 minutes and then yield back our time, and then Senator BROWN will do the same, and then we will proceed to a vote.

I just want to make clear what we are talking about here. You have heard a lot of talk tonight about how this is trying to stop the forced arbitration. You have heard that word a lot. Let’s make it really clear what the debate is about.

Using the CFPB’s own study—I am quoting the CFPB now—“the clear majority of the arbitration clauses within our review specifically recognize—and allow—access to small claims courts as an alternative to arbitration.” So this notion that we are here fighting tonight about whether people who have small claims don’t have any outlet except arbitration is simply false. That is a false orchestration of what the argument is.

What is the argument? Well, why don’t we look at the rule and see what the rule says again? And now I am quoting specifically from the CFPB rule. It prohibits a company from relying “in any way”—it doesn’t say forced arbitration—from relying “in any way on a pre-dispute arbitration agreement . . . with respect to any aspect of a class action.”

It goes on, and the rule actually states specific language that people

have to put in their contracts. What is that language? This rule requires people to “agree that neither we nor anyone else will rely on this agreement to stop you from being part of a class action case in court.”

So the issue here, Mr. President, is not forced arbitration. Even existing arbitration clauses allow alternatives. The issue here is the CFPB's effort to force dispute resolution into class action litigation.

Some have talked here tonight about how we are trying to stop access to the courtroom. Well, first of all, I think that argument is belied again by the CFPB's own study that explicitly states that no class actions filed during the time period that the CFPB studied even went to trial. So this argument falls on its own face.

Meanwhile, let's look again at what the difference between arbitration and forced class actions does. In arbitration, a decision on the merits was reached in 32 percent of the disputes filed, where, as I indicated, zero of the class action cases even went to trial. In addition, according to the CFPB's own study, most arbitration agreements and consumer financial contracts contain a small claims court carve-out.

Given the methodological flaws in the CFPB's study, it is difficult to make apples-to-apples comparisons about class action versus arbitration, but the Wall Street Journal's editorial board made this observation:

Of the 562 class actions the CFPB studied, none went to trial. Most were dismissed by a judge, withdrawn by the plaintiffs or settled out of class.

I will conclude with just the numbers that we have already talked about many times tonight.

What is the comparison between arbitration and class action litigation? That is the issue tonight. What is the comparison? The average recovery for the consumer in a class action case is \$32. The average recovery in an arbitration is \$5,389. It takes 2 years for the class action to take place; 5 months for the arbitration. In 12 percent of the class action matters did they even reach settlements. In 60 percent, they reached them in arbitration. Attorneys' fees: \$424 million in class action cases; virtually no attorneys' fees in arbitration cases.

The point here is exactly this: The debate tonight is not, as many would have you believe, over whether we are forcing arbitration. Even the arbitration clause in the current system creates options for consumers to go into small claims courts. The vote here tonight is whether to force dispute resolution into class action litigation, and that is what we need to decide with tonight's vote.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, the Vice President of the United States is here. Looks like Equifax and Wall Street and Wells Fargo will win again. The Vice President only shows up in this body

when the rich and the powerful need him. It is pretty clear tonight that Wall Street needs him. This vote will make the rich richer. It will make the powerful more powerful.

Forced arbitration hurts the 3.5 million people who were defrauded by Wells Fargo. Forced arbitration hurts the 145 million Americans who were wronged by Equifax, 5 million in Ohio alone. It hurts employees who have been hurt by their employers. It hurts students who have been cheated by for-profit colleges. It hurts family members in nursing homes. It hurts the millions of Americans with student loan debt and credit cards.

I will close with this. I want every voting Member of the Senate to look into the eyes of the American Legion veterans who say a vote to overturn the CFPB arbitration rule is a vote against our military and against our veterans. Vote no.

I yield back the time on our side.

Mr. CRAPO. Mr. President, I also yield back our time.

The PRESIDING OFFICER. All time is yielded back.

The joint resolution was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

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

The PRESIDING OFFICER (Mr. BOOZMAN). Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—50

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

NAYS—50

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

The VICE PRESIDENT. On this vote, the yeas are 50, the nays are 50. The

Senate being equally divided, the Vice President votes in the affirmative, and the joint resolution, H.J. Res. 111, is passed.

The PRESIDING OFFICER (Mr. BOOZMAN). The majority leader.

#### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in 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.

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 247, on the motion to waive the budget point of order with respect to the House message to accompany H.R. 2266, Emergency Supplemental Appropriations. Had I been present, I would have voted yea.

Mr. President, I was unavailable for rollcall No. 248, on the motion to concur in the House amendment to the Senate amendment to H.R. 2266, Emergency Supplemental Appropriations. Had I been present, I would have voted yea.

#### GAO OPINION LETTER ON 2016 TONGASS PLAN AMENDMENT

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that a letter from the U.S. Government Accountability Office, GAO, dated October 23, 2017, be printed in the RECORD.

The letter provides notification that the 2016 Amendment to the Tongass Land and Resource Management Plan, USDA, Forest Service, Tongass Land and Resource Management Plan, Record of Decision, R10-MB-769I, Washington, D.C.: December 9, 2016, is a rule subject to the Congressional Review Act, 5 U.S.C. § 801 et seq.

I wrote to GAO on February 13, 2017, asking it to determine whether the 2016 Tongass plan amendment constitutes a rule subject to the CRA. In response, as communicated in its letter of October 23, GAO determined that the plan amendment is a rule and does not fall within any of the exceptions provided in the CRA. Accordingly, with this GAO opinion and its publication in the CONGRESSIONAL RECORD, the rule will be subject to a congressional joint resolution of disapproval.

The letter I am now submitting to be printed in the CONGRESSIONAL RECORD is the original document provided by GAO to my office. I will also provide a copy of the GAO letter to the Parliamentarian's office.

For those who may be interested, the 2016 Tongass Plan Amendment can be found online at <https://www.fs.usda.gov/detail/tongass/landmanagement/?cid=stelprd3801708>. GAO's determination can be accessed at <http://www.gao.gov/products/B-238859>.



I look forward to debating the future of this rule in the weeks and months to come.

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

U.S. GOVERNMENT  
ACCOUNTABILITY OFFICE,

Washington, DC, October 23, 2017.

Subject: Tongass National Forest Land and Resource Management Plan Amendment.

Hon. LISA MURKOWSKI,  
U.S. Senate.

This is in response to your letter requesting our opinion on whether the 2016 Amendment to the Tongass Land and Resource Management Plan (2016 Tongass Amendment or Amendment), approved by the Tongass Forest Supervisor on December 9, 2016, is a rule under the Congressional Review Act (CRA). For the reasons discussed in more detail below, we conclude that the 2016 Tongass Amendment is a rule under CRA.

#### BACKGROUND

##### Tongass National Forest

The Tongass National Forest is the largest of the 154 national forests. It comprises 78 percent of the land base in southeast Alaska. Of its approximate 16.7 million acres, about 10 million acres are forested. Of the forested acres, the Forest Service classifies approximately 5.5 million acres as being “productive forest.” As a national forest, the Tongass is managed by the Forest Service within the Department of Agriculture (USDA).

Since inception, the Tongass timber program has been based on harvesting old-growth trees—in the context of the Tongass, generally meaning trees more than 150 years old—that can be a source of high-quality lumber. The Forest Service began offering timber sales on the Tongass in the early 1900s. Although timber harvest increased substantially in the 1950s through 1970s, harvest has since declined significantly.

A number of laws and regulations have reduced the number of acres where timber harvest is allowed on national forests, both nationwide and on the Tongass. Specifically, according to statistics provided by Forest Service officials, of the approximately 5.5 million acres of productive forest in the Tongass, approximately 2.4 million acres are not available for harvest because of statutory provisions, such as wilderness designations, and another 1.8 million acres are not available for harvest because of other factors, such as USDA adopting the roadless rule.

##### National Forest Planning Process

The National Forest Management Act of 1976 (NFMA), as amended, requires the Forest Service to “develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest systems.” Plans are to provide for “the multiple use and sustained yield of the products and services obtained from [the national forests] . . . and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness.” Thus, the Forest Service must “balance competing demands on national forests, including timber harvesting, recreational use, and environmental preservation.”

Forest plans identify the uses that may occur in each area of the forest. The Forest Service is required to update forest plans at least every 15 years and may amend a plan more frequently to adapt to new information or changing conditions. Resource plans and permits, contracts, and other instruments for the use of national forests must be consistent with the applicable plans. When a plan is revised, these instruments are to be

revised as soon as practicable to be made consistent with the revised plan, but only subject to valid existing legal rights. The Forest Service is required to promulgate and follow certain procedures set forth in regulation for the development, amendment, and revision of forest plans. The decision to adopt a forest plan and the rationale for making that decision are made public in a Record of Decision (ROD) issued pursuant to the National Environmental Policy Act (NEPA). For timber harvest activities, forest plans typically identify areas where timber harvest is permitted to occur and set a limit on the amount of timber that may be harvested from the forest.

The Tongass forest plan allocates defined areas of the forest to various Land Use Designations (LUDs). In general, the plan allocates all areas of the forest to LUDs as part of the forest planning process. Some LUDs implement statutory land designations, such as wilderness, and areas allocated to those LUDs must be managed in accordance with the statutory requirements applicable to those land designations. Other LUD allocations are for development of resources, such as timber production, and the Forest Service manages these areas in accordance with LUD direction, such as by allowing roads to be built and commercial timber to be harvested.

The descriptions of the uses allowed by the plan within a LUD and the corresponding permissible activities are management prescriptions. Each management prescription gives general direction on what may occur within areas allocated to the corresponding LUD, the standards for accomplishing each activity, and the guidelines on how to go about accomplishing the standards. While a forest plan may allocate certain areas to a timber LUD, that allocation does not itself authorize third parties to harvest timber. If the applicable management prescription allows timber harvesting within a given LUD, additional steps are required before the contractual right to harvest timber is created. The Forest Service will identify a sale area, conduct the required environmental analyses, appraise the timber, and solicit bids from buyers interested in purchasing the timber. The Forest Service then prepares the timber sale contract and marks the sale boundary and the trees to be cut or left. The purchaser is responsible for cutting and removing the timber, with the Forest Service monitoring the harvest operations. These sales or projects are to be conducted consistent with the applicable forest plan, but plans generally do not require any specific sale or project to be undertaken.

##### Tongass National Forest Planning

In 1979, the Tongass National Forest was the first to complete a forest plan under NFMA. The plan was amended in 1986 and 1991. In 1997 USDA approved a Revised Forest Plan, which was then amended in 2008.

In 2010, USDA announced its intent to transition the Tongass timber program to one based predominantly on the harvest of young growth—generally consisting of trees that have regrown after the harvest of old growth—in part to help conserve the remaining old-growth forest. A 2013 memorandum from the Secretary of Agriculture stated that within 10 to 15 years, the “vast majority” of timber harvested in the Tongass would be young growth. The memorandum also stated that the transition must be done in a manner that “preserves a viable timber industry” in southeast Alaska. The Forest Service announced in May 2014 that it would amend the forest plan for the Tongass to accomplish the transition. As part of the decision-making process for the amendment, in November 2015 the Forest Service released

for public comment its proposed forest plan amendment and accompanying environmental analyses.

The substantive changes in the 2016 Tongass Amendment are set out in Chapter 5 of the Amendment. As compared to the 2008 plan, the 2016 Tongass Amendment generally reduced the areas potentially open to old-growth harvest while allowing young growth harvest in some areas previously unavailable for any type of harvest. Specifically, the 2016 Tongass Amendment makes the following changes to the 2008 Tongass Land Resource Management Plan (LRMP):

Allows old-growth harvest only within the portion of the Tongass National Forest included in the first phase of a timber sale program adaptive management strategy set forth in a 2008 Tongass LRMP Amendment Record of Decision;

Allows young-growth harvest in all phases of the 2008 timber sale program adaptive management strategy, but only outside of roadless areas identified in the 2001 Roadless Rule;

Allows young-growth management in development LUDs and in the Old-Growth Habitat LUD, beach and estuary fringe, and riparian management areas outside of stream buffers, subject to certain conditions and for a specified period of time;

Establishes direction to protect priority watersheds;

Modifies the network of old-growth reserves to maintain their effectiveness; and

Includes new management direction to facilitate renewable energy production.

USDA describes the other changes resulting from the 2016 Tongass Amendment as simply clarifications, corrections of typographical errors, and updates of references to law, regulation, and other mandatory policy direction to reflect the current version of the provisions that have changed since 2008.

##### Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires all federal agencies, including independent regulatory agencies, to submit a report on each new rule to both Houses of Congress and to the Comptroller General before it can take effect. The report must contain a copy of the rule, “a concise general statement relating to the rule,” and the rule’s proposed effective date. In addition, the agency must submit to the Comptroller General a complete copy of the cost-benefit analysis of the rule, if any, and information concerning the agency’s actions relevant to specific procedural rulemaking requirements set forth in various statutes and executive orders governing the regulatory process. CRA also established special expedited procedures under which Congress may pass a joint resolution of disapproval that, if enacted into law, overturns the rule.

USDA has not sent a report on the 2016 Tongass Amendment. In its response to us, USDA stated that “it is the position of the Department of Agriculture that the 2016 Tongass Amendment is not subject to CRA. Accordingly, the amendment will not be submitted pursuant to CRA.”

##### ANALYSIS

In 1997, we decided whether the Tongass National Forest Land and Resource Management Plan issued May 23, 1997, was a rule under CRA. In that decision, we reviewed CRA’s definition of a rule, found that the Plan fit within that definition, and concluded that it was a rule for CRA purposes. As explained below, we reach the same conclusion with regard to the 2016 Tongass Amendment.

CRA incorporates by reference the definition of “rule” found in section 551 of the Administrative Procedure Act (APA) which provides, in relevant part:

“rule” means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.”

However, under CRA, the term “rule” does not include:

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.”

Consequently, the first step in analyzing whether the 2016 Tongass Amendment is a rule under CRA is to determine whether it meets the definition in section 551 of APA.

The definition has three key components. A rule must (1) be an agency statement, (2) have future effect, and (3) be designed to either implement, interpret, or prescribe law or policy or describe the agency’s organization, procedure, or practice requirements. First, in order to be a rule, the statement must be made by an agency. USDA, the issuer of the 2016 Tongass Amendment, is an agency. The 2016 Tongass Amendment therefore meets the first component of the definition.

Second, the agency statement must have future effect. The 2016 Tongass Amendment is a guide for future forest management activities and establishes a prospective management direction. The text of the Amendment specifically notes that all future plans and activities will be based on this Forest Plan. We therefore conclude that the 2016 Tongass Amendment also meets the second component of the definition.

Third, the statement must be designed to implement, interpret, or prescribe law or policy or describe the agency’s organization, procedure, or practice requirements. The purpose of the 2016 Tongass Amendment, like all forest plans, is to implement the provisions of NFMA and other applicable statutory and regulatory provisions. The Amendment also implements USDA’s policy to transition the Tongass timber program to one based predominantly on the harvest of young growth. It thus meets the third component of the definition and falls within the definition of the term “rule” in section 551 of APA.

USDA argues that the Amendment is not a rule because it does not provide final authorization for any activity and does not substantially affect the rights or obligations of non-agency parties. It points out that implementing the Amendment necessarily requires additional actions by the Forest Service, and that the Amendment itself neither creates nor takes away any party’s rights or obligations. However, APA does not require that an agency statement provide final authorization for any activity, or that it substantially affect the rights or obligations of non-agency parties, to qualify as a rule. Indeed, “the impact of an agency statement upon private parties is relevant only to whether it is the sort of rule that is a rule of procedure . . . not to whether it is a rule at all.” The APA sets forth only the three requirements described above, each of which is met in this instance.

Our analysis now turns to whether the Amendment falls under any of the CRA exceptions. In its response to us, USDA presents alternative arguments that the 2016

Tongass Amendment is a rule of particular applicability or, alternatively, a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

#### Rules of Particular Applicability

USDA argues that the 2016 Tongass Amendment is a rule of particular applicability because it applies to a single national forest and, thus, is not a rule for purposes of CRA pursuant to the exception in section 804(3)(a). According to the legislative history of CRA:

“Most rules or other agency actions that grant an approval, license, registration, or similar authority to a particular person or particular entities, or grant or recognize an exemption or relieve a restriction for a particular person or particular entities, or permit new or improved applications of technology for a particular person or particular entities, or allow the manufacture, distribution, sale, or use of a substance or product are exempted under subsection 804(3)(A) from the definition of a rule.”

The legislative history also provides examples of rules of particular applicability such as import and export licenses, individual rate and tariff approvals, wetlands permits, grazing permits, plant licenses or permits, drug and medical device approvals, new source review permits, hunting and fishing take limits, incidental take permits, broadcast licenses, and product approvals. The legislative history of CRA also offers IRS private letter rulings as an example of a rule of particular applicability. In addition to being addressed to a specific person or entity, private letter rulings differ from other IRS guidance and Treasury rules in that the agency is not bound to follow them in its dealings with others even on facts that are analogous. Other IRS guidance and Treasury regulations have legal force in all instances and are binding on the agency in all cases; private letter rules have legal force only with regard to a particular person or entity.

The 2016 Tongass Amendment is not an approval, license, or registration to a particular person or entity. Nor does it grant or recognize an exemption or relieve a restriction for a particular person or entity. While the plan does only apply to the Tongass National Forest and not to other national forests, it applies to “all natural resource management activities;” to all projects approved to take place in the forest; and to all persons or entities that engage in uses permitted by those projects. For instance, every person or entity bidding on or engaged in permitted timber harvesting will be doing so in accordance with the plan. The Amendment applies to all persons or entities using the forest—not just a particular person or entity. It is binding on agency action in all cases, not with respect to one person or entity.

While there is no case law on the question of general versus particular applicability for purposes of CRA, there is analogous case law interpreting these terms under APA in which courts have held rate setting “addressed to and served upon named persons in accordance with law” to be a type of rule of particular applicability. However, the 2016 Tongass Amendment does not solely set rates and it does not apply to a single entity. It states: “All future plans and activities will be based on this Forest Plan.” Additionally, in our prior decision on the Tongass National Forest Land and Resource Management Plan issued in 1997, we concluded that the Plan was of general applicability since it affected many parties. We therefore conclude that this rule does not fall within the exception for rules of particular applicability.

Rules of Organization, Practice, or Procedure That Do Not Substantially Affect the Rights or Obligations of Non-Agency Parties

USDA maintains that the 2016 Tongass Amendment is exempt from the requirements of CRA as a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. The Amendment governs where old-growth and young-growth timber harvests are allowed in Tongass. USDA states that the Amendment is narrowly focused on accelerating the transition from a primarily old-growth timber program to a primarily young-growth program and, in doing so, “provides limited modifications to the Tongass LRMP to guide the Tongass National Forest’s procedures and practices going forward.” These changes, it asserts, involve agency procedure and practice relating to the Forest Service’s management of the Tongass National Forest.

The CRA legislative history discussion of this exception is limited, but states that it was modeled on APA, which excludes “rules of agency organization, procedure, or practice” from the requirement that a notice of proposed rulemaking be published in the Federal Register. Courts have applied the APA exception by distinguishing between procedural and substantive rules. A rule is substantive when it “encodes a substantive value judgment or puts a stamp of approval or disapproval on a given type of behavior.” In these cases, courts have focused on whether the agency action has substantive impacts on the regulated community.

For example, the Fifth Circuit in *Phillips Petroleum Co. v. Johnson*, held that the proper test of whether a rule is procedural or substantive is whether a “regulation of general applicability has a substantial impact on the regulated industry, or an important class of the members or the products of that industry.” *Phillips Petroleum* concerned oil and gas royalties owed under leases for federal lands administered by the Minerals Management Service (MMS). The court held that an agency Procedure Paper changing the criteria for valuing natural gas liquid products, used to calculate royalties, was a substantive rule subject to APA notice-and-comment rule-making requirements. The agency argued that the Procedure Paper was a rule of agency organization, procedure, or practice. However, the court rejected this argument, stating: “Although the Procedure Paper would appear to fall squarely within this exemption, for the change effected by the Procedure Paper plainly relates to the internal practices of MMS procedure, the mere fact that it may guide MMS procedures does not mean that the Procedure Paper is a ‘procedural’ rule for purpose of APA.”

The 2016 Tongass Amendment implements an agency policy to transition from old-growth to new-growth timber harvesting. In doing so, it encodes the agency’s substantive value judgement in favor of this transition and has a substantial impact on the local timber industry. Even accepting USDA’s characterization of the Amendment as involving agency procedure and practice relating to the Forest Service, under the reasoning of *Phillips Petroleum*, the Amendment is not a procedural rule since it has a substantial effect on the regulated industry. Therefore, we conclude that it is not a rule of agency procedure. This is consistent with our prior decision on the Tongass National Forest Land and Resource Management Plan issued in 1997, in which we concluded that the Plan was not a rule of agency procedure due to its substantial effects on non-agency parties.

Relying primarily on the Supreme Court’s decision in *Ohio Forestry Ass’n v. Sierra Club*,

USDA specifically argues that the procedural rule exception applies because the 2016 Tongass Amendment does not substantially affect the rights or obligations of non-agency parties. At issue in *Ohio Forestry Ass'n* was a Sierra Club challenge to a Land Resource Management Plan for Ohio's Wayne National Forest on the ground that the plan permitted too much logging and clearcutting. The question decided was whether the rights asserted by the Sierra Club in challenging the plan were ripe for judicial review. The Court explained that the purpose of the ripeness doctrine is:

"to prevent the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties."

The court held that the rights asserted by the Sierra Club were not yet ripe for review, and that there would be later stages in the forest management process when plaintiffs could assert those rights to challenge the Forest Service's decisions.

The issue we decide here, however, is not whether rights asserted by a party to challenge the Amendment are ripe for judicial review. The question here is whether the 2016 Tongass Amendment has a substantial impact on the regulated community such that it is a substantive rather than a procedural rule for purposes of CRA. We have concluded that it has such an impact and thus is a substantive rule. The Supreme Court's decision is inapposite for CRA purposes, since it is Congress' exercise of the review procedures in CRA that is in issue, not the ripeness of a party's right to bring suit challenging administrative action.

#### CONCLUSION

The 2016 Tongass Amendment is a rule for CRA purposes as it meets the definition of the term "rule" under APA, and none of the CRA exceptions apply.

If you have any questions about this opinion, please contact Robert Cramer, Associate General Counsel, at (202) 512-7227.

Sincerely yours,

SUSAN A. POLING,  
General Counsel.

#### HONORING OUR ARMED FORCES

GUNNERS MATE THIRD CLASS JOSEPH GUIO, JR.

Mr. MANCHIN. Mr. President, today I wish to honor Joseph Guio, Jr., a hero who made the ultimate sacrifice saving the lives of his fellow crewmembers aboard the USS *Monaghan* during World War II.

Gunnery Mate Third Class Guio was one of the hundreds of men who were lost at sea during Typhoon Cobra, which struck Task Force-38 in December of 1944. Task Force-38 consisted of 7 fleet carriers, 6 escort carriers, 8 battleships, 15 cruisers, and 50 destroyers that had been operating in the Philippine Sea conducting air raids against Japanese airfields.

Survivors of the event reported that Joe freed a raft from the sinking ship and was injured in the process. Regardless, he continued to pull his fellow men to the safety of the raft and saved many lives. Aboard the raft, his grateful comrades tried to comfort Joe in his last moments, and he thanked them for doing so before he passed on.

When the *Monaghan* sank, 256 crewmembers were lost. Twenty held on to the raft for some time, but after days at sea, exhausted, injured, and struggling against 50-foot waves, that number dwindled to six. The USS *Brown* rescued the six survivors 3 days later.

Joe's body was never recovered, but his name is inscribed on the Tablets of the Missing at the American Cemetery and Memorial in Manila, Philippines. He was 25 years old.

Born in Hollidays Cove in beautiful Hancock County, WV, no one would have expected less from Joe. He died as he lived, helping others with the utmost respect for our home State and our Nation.

West Virginia is great because our people are great—Mountaineers who will always be free. In fact, when visitors come to West Virginia, I jump at the chance to tell them about our wonderful State. We have more veterans per capita than most any State in the Nation. We have fought in more wars, shed more blood, and lost more lives for the cause of freedom than most any State. We have always done the heavy lifting and never complained. We have mined the coal and forged the steel that built the guns, ships, and factories that have protected and continue to protect our country. I am so deeply proud of what our citizens have accomplished and what they will continue to accomplish in the days and years ahead. It is with utmost gratitude that I recognize Joseph Guio, Jr., and all the servicemembers of today and yesterday.

Additionally, I am honored to recognize Joe's family who have kept his legacy alive—his nephew, Gary Guio, his great-nephews, Mark and David, and the entire family, the Northern Panhandle community, and the surviving crewmembers who have never forgotten Joe's legacy of service and heroism.

#### NATIONAL FOREST PRODUCTS WEEK

Ms. STABENOW. Mr. President, in recognition of National Forest Products Week, I would like to commend the more than 27,000 men and women who work in the forest products sector in my home State of Michigan.

Taken together, Michigan is home to nearly 200 forest products facilities that run the gamut, from furniture manufacturing to paper mills. With yearly salaries of over \$1.4 billion, these facilities represent one of our State's most significant manufacturing sectors.

Paper and forest products play a vital role in our domestic economy and benefit every American as they go about their daily lives. Additionally, wood construction is an innovative form of climate protection because wood oftentimes replaces competing building materials that require sizeable amounts of fossil fuels to produce. Moreover, wood lowers a building's carbon footprint because it continues to hold carbon absorbed during the growth of the tree, keeping that pollution out of the atmosphere for the life expectancy of the building. As we look to reduce carbon emissions and green our building stock, we ought to look at greater use of innovative wood products in commercial structures.

Similarly, paper and packaging products help all Americans to communicate with each other, teach our kids, and learn new things ourselves. These products preserve and deliver our food, medicine, and other manufactured goods. Whether it is a marriage certificate or a young child's finger painting, these paper products capture some of the most important moments in a person's life. For these reasons and others, I am proud to be a cochair of the Senate's Paper and Packaging Caucus.

I urge all of my Senate colleagues to join me in celebrating National Forest Products Week and to consider the variety of ways this sustainable resource benefits us in our lives. Thank you for the opportunity to recognize the forest products industry's dedicated professionals who work and reside in the great State of Michigan.

#### REMEMBERING FLOYD MCKINLEY SAYRE, JR.

Mrs. CAPITO. Mr. President, I wish to recognize a friend and colleague, Floyd McKinley Sayre, Jr., who recently departed this life. I came to know Floyd many years ago and interacted with him while serving in the West Virginia House of Delegates, U.S. House of Representatives, and the U.S. Senate. Recent testimonies to his life state that he was "a good man by all accounts and lived his life in a pursuit of endeavors he felt were right, good and virtuous." Throughout my friendship with Floyd, I found this to be true.

Floyd was born in Beckley, WV, on July 17, 1930. He graduated from Woodrow Wilson High School before going on to West Virginia University, where he was an active member in the Sigma Nu fraternity. After college, he had a successful military career where he served in the Berlin Brigade in Germany, guarding West Berlin during the Cold War. Upon his return, Floyd started a professional career with the U.S. Chamber of Commerce that eventually brought him home to West Virginia.

Floyd owned and managed Floyd Sayre's Management Consultants and was the first certified professional executive in West Virginia. He worked hard to bring a certification program to the State and mentored many future executives. As a student of West Virginia politics, he understood how to navigate the halls of the State legislature, where he is remembered as a gentleman and forceful advocate for a better West Virginia.

In 1960, Floyd married his wife, Ruth Ellen Thomas, who was his staunch supporter and companion for his entire

career, and together they had three sons, Floyd, Richard, and David. Floyd loved spending time with his family and friends, gardening, bird watching, and rooting for his beloved West Virginia Mountaineers. Floyd was a Rotarian, as well as a Paul Harris Fellow and past president of the Southern Pines, NC, Rotary Club. Floyd was also a member of the church I attend, another community in which he will be sorely missed.

I am honored to have known Floyd and his wife, Ruth, and my thoughts and prayers are with his family. West Virginia owes him a debt of gratitude for his service to the State. I am proud to have called him a friend and fellow Mountaineer.

#### REMEMBERING JEREMY SHULL

Mr. INHOFE. Mr. President, today I would like to honor and pay tribute to my former staffer Jeremy Shull. Jeremy came to my office in 2004 as a fellow. He quickly advanced and became the deputy military legislative assistant in a short period of time. Jeremy was full of life, always had a big smile on his face, and brought a lot of joy into my office. I would like to share a bit about Jeremy's life and family and then about his time in my office.

At the age of only 35, Jeremy fell into the arms of Jesus, doing what he loved: climbing Capitol Peak in Aspen, CO, on August 6. He was the loving husband of 7 years to Jamie and the proud father of 2-month-old, Jack. Jeremy was born in Cincinnati, OH, on March 9, 1982, to his parents, Bob and Linda Shull, and was raised alongside his two brothers, Ben and Josh. From an early age, Jeremy's love of the outdoors and his leadership skills were apparent to all. He went on to graduate from Perrysburg High School, in Ohio, and Grove City College, in Pennsylvania, where he discovered his love of rugby and international travel.

After college, he made his way to Washington, DC, where he was involved in the Falls Church Fellows Program and worked on Capitol Hill in my office. During this time he met the love of his life, Jamie, at Summer's Best Two Weeks, a Christian sports camp in Boswell, PA, and the two were married in 2010. As a couple, Jeremy and Jamie lived and worked in Washington, DC, Uganda, and went to graduate school at Geneva College in Pennsylvania. In 2014, Jeremy earned his master's degree in counseling and eventually went on to earn his LAC and LPC licenses with concentrations in trauma and addictions.

Shortly after earning their degrees, Jeremy and Jamie moved out west to Parker, CO, to pursue their adventurous dreams. Jeremy worked at a crisis stabilization unit and in other settings where he counseled clients in their worst moments, helping them to create vision and hope for their futures. To quote Jeremy, he served others, "to sustain the weary and help cli-

ents overcome internal walls between them and a thriving life." This past May, they welcomed their beautiful son, Jack Ellis, into their family.

Jeremy is remembered by his wife, Jamie, and their 2-month-old son, Jack. He is survived by Bob and Linda Shull of Fairlawn, OH, brother Ben and his wife Emily Shull, and nieces Piper and Scout Shull of Cincinnati, OH, brother Josh Shull of Washington, DC, grandparents Norma Hissong of Bath, OH, Ken and Meg Shull of Seneca, South Carolina, numerous aunts, uncles, and cousins in Ohio and South Carolina, mother and father-in-law Mike and Teri Maurer and brother-in-law Justin Maurer of Washington, DC.

In 2007, Jeremy traveled with me on a CODEL to Ireland, Ethiopia, Djibouti, Kenya, Tanzania, Uganda, France, and Italy. The CODEL was en route to Africa when we had a required crew stop. The stop happened to be only about 45 miles away from where my daughter Molly was teaching and staying with her family. We only had about 24 hours on the ground, and it was meant for a time for us to adjust from jet lag, but Jeremy and I, along with my son-in-law and grandson, drove to the base of Mt. Grappa, which is close to sea level. Four hours later, we reached the top, which was 5,800 feet in elevation. We walked to the World War I monuments at the top of Mt. Grappa and hiked back down.

Later in the trip, when we had a break from our meetings, the delegation divided up and some of my staff decided to do a little sightseeing in Venice but Jeremy chose to stay back and play soccer with my daughter's kids. In doing so, he gave the rest of the delegation a real gift. Jeremy had been to Venice a few years before and had hidden a €100 note behind a brick in a wall hanging over one of the many canals. He gave us a list of clues as we went to Venice. Instead of sightseeing, we spent the time following the clues Jeremy gave to us and finally discovered the location. When our military escort pulled the brick out of the canal wall, he found the €100 note laying behind it. We took a photo of the note and then placed it back in the wall. We were careful to make sure that nobody saw us replace it. It was a very clever set of clues, and it became the most memorable times to visit Venice. Afterwards, we asked Jeremy why he hid this money in Venice and also in a couple other European cities. He said that one day he wanted to bring his future wife to Europe and take her on a treasure hunt. That was Jeremy. He was overflowing with adventure and very intentional in how he lived out his life of adventure.

Jeremy had a strong faith in Jesus Christ and lived his life to the full. Jeremy was best known for his adventurous spirit, curious nature, intentional relationships, and servant-heart. He was a volunteer firefighter and was devoted to his growing family. He put others first, and in a culture and gen-

eration that is more me focused, Jeremy was the opposite, always putting others before himself. I loved Jeremy—his steadfastness, his love for Jesus, and his desire to enjoy the outdoors that God created. He will be missed by everyone who was close to him and who he touched. He will also be missed by me and my office.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO GLORIA TANNER

• Mr. BENNET. Mr. President, I wish to honor the remarkable life of Senator Gloria Tanner.

Throughout her career, Senator Tanner has excelled in the face of adversity and carried out her work with integrity, strength, grace, and humility. All of these qualities are rooted in a unique authenticity that she possesses, something that is seemingly lacking in today's politics.

Born in Atlanta, GA, in 1934, Senator Tanner witnessed the growth of the civil rights movement firsthand. She rose to become the first African-American woman to serve as a Colorado State senator and the second African American to be elected to a leadership position in the Colorado House of Representatives, where she served for five terms and as the chair of the minority caucus.

In 1974, Senator Tanner received a B.A. in political science and graduated magna cum laude from Metro State University of Denver. She subsequently received a master of arts in urban affairs at the University of Colorado in 1976 and graduated from the American Management Association Program for Women in Top Managerial Positions. She also graduated from the Women in Leadership Program at the John F. Kennedy School of Government at Harvard University and the Leadership College, Executive Education, Keenan-Flagler Business School at University of North Carolina, Chapel Hill.

Senator Tanner became active in politics when she moved to Colorado in 1960 in unison with John F. Kennedy's election. She has served many roles in government, ranging from an administrative assistant to the Office of Hearings and Appeals at the U.S. Department of Interior, the executive assistant to Colorado Lieutenant Governor George L. Brown, to an elected member of the Colorado House of Representatives. In the Colorado House, she has served as chair of the minority caucus. She was also elected president of the National Organization of Black Elected Legislative-Women and served as an executive board member and chairperson of the finance committee of the National Black Caucus of State Legislators. She has also served on the Colorado Black Round Table, as a member of the Women's Forum of Colorado, and finally, as a Colorado State senator.

Senator Tanner succeeded Regis Groff in 1994 and held a seat until 2000.

Within her 6 years of service as a Colorado State senator, Senator Tanner sponsored legislation on key issues such as marital discrimination in the workplace and worked tirelessly for civil rights for women and minorities and parental rights for adoptive parents. She was one of six legislators selected to serve on the powerful joint budget committee. In serving on the JBC, Senator Tanner secured a quarter of a million dollars to help restore the town of Dearfield, CO, which was originally created to assist former slaves and their families. She was a strong legislative advocate for women and children throughout her service as a senator.

In retirement, Senator Tanner continues to serve the public. In 2001, she established the Senator Gloria Tanner Leadership and Training Institute for Future Black Women Leaders of Colorado, FBWLOC. Senator Tanner believes the institute is “essential to the well-being and growth of our community” to identify, prepare, educate, and encourage Black women to take on leadership roles in the public and private sectors.

Senator Tanner’s contributions to our community and State are abundant and unprecedented. Through all of her life experiences, she has continued to serve the American people with unwavering integrity and grace. A recipient of the Martin Luther King Humanitarian Award, her success is immeasurable.

We all owe a debt of gratitude and deep respect to Senator Gloria Travis Tanner for her life achievements and service to the people of Colorado. I thank her for her service to Colorado, our Nation, and I wish her the best in her future endeavors.●

#### 2017 IDAHO HOMETOWN HERO MEDALISTS

● Mr. CRAPO. Mr. President, today I wish to honor the 2017 Idaho Hometown Hero Medalists.

Members of Idaho communities nominate their fellow community members for the Idaho Hometown Hero Medal. The medal honors individuals who are extraordinarily dedicated to hard work, self-improvement, and community service. Drs. Fahim and Naeem Rahim established the Idaho Hometown Hero Medal in 2011 to recognize outstanding Idahoans working for the betterment of our communities.

Ten Idahoans working in various fields are 2017 Hometown Hero Medal recipients, and I understand that this year special emphasis is being placed on those who “Overcome Adversity” as the 2017 theme of the awards. Century High School principal Sheryl Brockett, of Pocatello, is being honored for her two decades of dedicated service to educating youth in which she also led her school to excel in providing educational opportunities. Dr. Jacob DeLaRosa, a cardiothoracic surgeon from Pocatello, overcame significant

injuries from a car accident to walk again, continue providing surgical care, and significantly contribute to the community by expanding area surgical operations. Lee Hammett, president of the board of directors for the Community Dinner Table, is being recognized for his extensive work to reduce hunger and loneliness and helping to bridge cultural and religious differences in Bingham County. Owner of Barrie’s Ski and Sports Store Barrie Bennett Hunt, of Pocatello, received the medal for helping to provide others with quality access to the outdoors, inspiring active lifestyles, and giving considerably to his community, while also overcoming serious health challenges.

Executive director of the Idaho Coalition Against Sexual and Domestic Violence Kelly Miller, of Boise, is a statewide leader in ending violence and has made a considerable difference in assisting Idaho families. Manager of Morgan Construction Matt Morgan, of Idaho Falls, is honored for his courageous voice in helping advance awareness of the sexual abuse of children and his support of others who have faced child abuse, such as he did. His efforts include founding “Building Hope Today.” World War II veteran Anton Newman served in the U.S. Army, assisting with recovery after the Hiroshima bombing, has farmed in Cambridge, and continues to be actively involved in the community encouraging and inspiring others while overcoming considerable health challenges. Retired U.S. Army COL Craig W. Nickisch, of Chubbuck, served our Nation with distinction in Central America, Europe, and Southeast Asia and continues to serve others in various roles locally and internationally. Shoshone-Bannock Tribe member and the Tribe’s public affairs manager Randy L Teton overcame adversity to reach educational goals and has encouraged Native American education, helping educate others about the Shoshone-Bannock Tribe’s history, culture, government, and economic projects. Eric Thomas, of Fremont County, has not let his disability and multiple health concerns stand in the way of him assisting others as an active member of Fremont County Search and Rescue for the past nearly 30 years.

These 10 remarkable Idahoans are now counted among the 66 Idahoans recognized through the Hometown Hero Award since its inception and the countless service-focused Idahoans who have not yet been honored but give immeasurably every day. I thank the Rahims, the award’s committee members, the cosponsors, volunteers, and other organizations supporting this honor for their work to shine a spotlight on exceptionalism in our communities.

Joining in recognizing the good works of Idaho’s Hometown Heroes is an honor. I also thank the award recipients for leading by example in our communities. You may never know

how many others you inspire to go above and beyond in assisting others and improving our communities, but there is no doubt you are leaving a lasting, positive mark in many lives. Congratulations to the 2017 Hometown Hero Award recipients on your achievements, and thank you for your efforts to better our communities.●

#### TRIBUTE TO RUSTY TALBOT

● Ms. HASSAN. Mr. President, this month, I am proud to recognize Rusty Talbot, of Sugar Hill, NH, as our Granite Stater of the Month for his dedication to supporting our vibrant North Country communities.

As the founder and owner of the North Country Climbing Center, Rusty and his wife have built a small business that has been described as an “inclusive community,” where he strives to create a welcoming environment for both experienced climbers and beginners. He has worked diligently to engage with various organizations throughout the community, like the Adaptive Sports Partners of the North Country, which empowers individuals who experience disabilities to experience rock climbing.

Rusty is also involved with local business and entrepreneurship groups, including the Franconia Notch Regional Chamber of Commerce, the North of the Notch Young Professionals Network, the Littleton Rotary Club, and the Bethlehem Colonial Theatre. His commitment to supporting the local economy and other small businesses, in addition to his own successful climbing center, earned him Stay Work Play’s Young Professional of the Year award. As New Hampshire continues to work to attract young people, his nominator noted that Rusty has “reminded us why we chose to live and play in northern New Hampshire.”

In addition to running his business, Rusty also dedicates his time to the Sugar Hill Fire Department, where he is a volunteer firefighter, and the Pemigewasset Valley Search and Rescue Team, for which he is a lieutenant. Earlier this year, Rusty participated in the successful search and rescue effort for a hiker who had been missing in the White Mountain National Forest for days before he was found. In describing his motivation for volunteering for these critical public safety entities, Rusty says, “In this community, people help each other. Not because it’s required or because it’s our job to do so, but because we are all in this together.” That pervasive sense of selflessness and community solidarity is what makes the Granite State unique.

Throughout New Hampshire, citizens just like Rusty give back to their community, look out for their neighbors, and do what they can to help make our beautiful State a stronger place so we can all grow and thrive together. Rusty embodies the all-hands-on-deck spirit that we all strive to fulfill, and I am honored to recognize him as our Granite Stater of the Month for October.●

# REMEMBERING FREDERICK AND AMY CAMPBELL

• Mr. TESTER. Mr. President, I rise today to honor two titans of military and community service, who will be laid to rest forever in Arlington National Cemetery.

Frederick Hollister Campbell and Amy Strohm Campbell were, together, a force to be reckoned with.

Fred served the United States in the Marine Corps during World War II, the Korean war and the Vietnam war—one of only 46,000 Americans to fight in three wars. Fred was a member of the American Legion Post 27 in Missoula, MT.

Amy earned a master's degree and began a teaching career during a time when few women did either. She became active in the Navy-Marine Corps Wives, Daughters of the American Revolution, and the Philanthropic Educational Organization and was a life member of both the Veterans of Foreign Wars and American Legion Auxiliaries.

At the Battle of Iwo Jima, Fred dug trenches while taking heavy Japanese fire from the mountains above. His bravery saved the lives of 250 of his fellow marines and earned him the Navy Commendation Medal. He fought in the Battle of Okinawa and was a part of the reconstruction effort in Japan after the war ended. Fred picked up the language and enjoyed friendships with the locals, spurred on by a shared love of stamp collecting.

During law school, Fred was selected for officer's candidate school. His transition from private to officer earned him the informal title of a mustang in military circles. Fred reenlisted for Active Duty to serve in the Korean war.

It was during this period of service that he met Amy on a blind date at a square dance.

They danced through life together for 61 years. The life they built brought them a treasured daughter, Susan, and many trips to Europe and one voyage through the Panama Canal.

Fred continued his career as an attorney for the Marine Corps, and his service culminated with a third enlistment during which he served in Vietnam. He retired from the U.S. Marines as a lieutenant colonel after 25 years, 2 months, and 17 days. Amy and Susan were able to fill a large shadowbox of Fred's medals as a gift for his 85th birthday.

Fred and Amy didn't slow down once they hit retirement. Fred earned a Ph.D. in American history at the age of 73. He taught at Colorado College and the University of Colorado for 13 years. Amy continued her involvement in service and military organizations in Colorado, Montana, and California.

Fred and Amy enriched the lives of friends, family, and strangers alike. Now, they will rest forever in Arlington near the statue commemorating the battle of Iwo Jima, where Fred proved his mettle by saving 250 fellow marines' lives 72 years ago.

It is my honor to present their story today.

On behalf of a grateful nation, I commend Lt. Col. Frederick Hollister Campbell and Amy Strohm Campbell for their lives of service to our Nation.●

## TRIBUTE TO REVEREND DR. JONATHAN L. WEAVER

• Mr. VAN HOLLEN. Mr. President, today I wish to recognize and congratulate Rev. Dr. Jonathan L. Weaver, pastor of the Greater Mt. Nebo African Methodist Episcopal Church, on his 30th pastoral anniversary. Since 1988, Reverend Weaver has served with vision and distinction and has dedicated himself to empowering his parishioners and people throughout our community.

Reverend Weaver is an outstanding example of what it means to be engaged in a community. Under his leadership, the Greater Mt. Nebo African Methodist Episcopal Church has initiated numerous innovative programs on critical issues, including domestic violence prevention, economic empowerment, and anti-hunger. In addition, Reverend Weaver's sense of community transcends the borders of the United States. He has led mission trips to Africa, engaging in medical mission projects in Rwanda and the Democratic Republic of the Congo.

Reverend Weaver currently serves as national president of the Collective Empowerment Group, Inc., CEG, an ecumenical association comprised of nearly 500 churches across the country. CEG engages in economic empowerment initiatives focused on financial literacy, education, healthcare, homeownership preservation, and public safety through partnerships with banks and other businesses in their communities.

In 2015, Reverend Weaver became board chairman of Industrial Bank, an organization that has been recognized for its contributions to the growth and development of the greater Washington, DC, metropolitan area since 1934. He holds a bachelor's degree in business administration from Washington University in St. Louis, MO, and an MBA from Harvard University. Reverend Weaver has been married to Pamela Weaver for 30 years and has two children, Jamie Davis and Megan Holland, and four grandchildren.

Over the last 30 years, Reverend Weaver has personified the Greater Mt. Nebo African Methodist Episcopal Church's traditions of service and leadership. I ask my colleagues to join me in expressing our deepest gratitude and appreciation to Reverend Weaver for his 30 years of service to the Greater Mt. Nebo African Methodist Episcopal Church and to our community.●

## MESSAGES FROM THE PRESIDENT

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

## EXECUTIVE MESSAGES REFERRED

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

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

## MESSAGES FROM THE HOUSE

At 10:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 504. An act to permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3328. An act to require a study regarding security measures and equipment at Cuba's airports, require the standardization of Federal Air Marshal Service agreements, require efforts to raise international aviation security standards, and for other purposes.

H.R. 3551. An act to amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes.

H.R. 4010. An act to amend the Revised Statutes of the United States and title 28, United States Code, to enhance compliance with requests for information pursuant to legislative power under Article I of the Constitution, and for other purposes.

H.R. 4038. An act to amend the Homeland Security Act of 2002 to reassert article I authorities over the Department of Homeland Security, and for other purposes.

## ENROLLED BILLS SIGNED

At 12:13 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 190. An act to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes.

S. 585. An act to provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistleblowers, and for other purposes.

S. 920. An act to establish a National Clinical Care Commission.

S. 1617. An act to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the "Javier Vega, Jr. Border Patrol Checkpoint".

H.R. 1616. An act to amend the Homeland Security Act of 2002 to authorize the National Computer Forensics Institute, and for other purposes.

H.R. 2989. An act to establish the Frederick Douglass Bicentennial Commission.

The enrolled bills were 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. 3328. An act to require a study regarding security measures and equipment at Cuba's airports, require the standardization of Federal Air Marshal Service agreements, require efforts to raise international aviation security standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3551. An act to amend the Security and Accountability for Every Port Act of 2006 to reauthorize the Customs-Trade Partnership Against Terrorism Program, and for other purposes; to the Committee on Finance.

H.R. 4010. An act to amend the Revised Statutes of the United States and title 28, United States Code, to enhance compliance with requests for information pursuant to legislative power under Article I of the Constitution, and for other purposes; to the Committee on the Judiciary.

H.R. 4038. An act to amend the Homeland Security Act of 2002 to reassert article I authorities over the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 24, 2017, she had presented to the President of the United States the following enrolled bills:

S. 190. An act to provide for consideration of the extension under the Energy Policy and Conservation Act of nonapplication of No-Load Mode energy efficiency standards to certain security or life safety alarms or surveillance systems, and for other purposes.

S. 585. An act to provide greater whistleblower protections for Federal employees, increased awareness of Federal whistleblower protections, and increased accountability and required discipline for Federal supervisors who retaliate against whistleblowers, and for other purposes.

S. 920. An act to establish a National Clinical Care Commission.

S. 1617. An act to designate the checkpoint of the United States Border Patrol located on United States Highway 77 North in Sarita, Texas, as the "Javier Vega, Jr. Border Patrol Checkpoint".

## 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-3233. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Cheyenne, WY" ((RIN2120-AA66) (Docket No. FAA-2016-9473)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3234. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace, Soldotna, AK"

((RIN2120-AA66) (Docket No. FAA-2016-9588)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3235. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Mineral Point, WI" ((RIN2120-AA66) (Docket No. FAA-2017-0181)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3236. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; New Bern, NC" ((RIN2120-AA66) (Docket No. FAA-2017-0230)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3237. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Hot Springs, VA" ((RIN2120-AA66) (Docket No. FAA-2016-9453)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3238. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Wellsboro, PA" ((RIN2120-AA66) (Docket No. FAA-2017-0289)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3239. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Windsor Locks, CT" ((RIN2120-AA66) (Docket No. FAA-2016-0398)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3240. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Ellendale, ND" ((RIN2120-AA66) (Docket No. FAA-2017-0646)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3241. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Wellington, KS" ((RIN2120-AA66) (Docket No. FAA-2017-0177)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3242. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lemoore NAS, CA" ((RIN2120-AA66) (Docket No. FAA-2017-0219)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3243. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Columbia, MS" ((RIN2120-AA66) (Docket No. FAA-2017-0277)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3244. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Brainerd, MN" ((RIN2120-AA66) (Docket No. FAA-2017-0188)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3245. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Wayne, NE" ((RIN2120-AA66) (Docket No. FAA-2017-0287)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3246. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Midland, TX and Establishment of Class E Airspace, Odessa, TX and Midland, TX" ((RIN2120-AA66) (Docket No. FAA-2016-9481)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3247. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace for the following Louisiana Towns; Leesville, LA; and Patterson, LA" ((RIN2120-AA66) (Docket No. FAA-2017-0183)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3248. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Temporary Restricted Area R-5602; Fort Sill, OK" ((RIN2120-AA66) (Docket No. FAA-2016-9591)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3249. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Restricted Area R-2306F; Yuma Proving Ground, AZ" ((RIN2120-AA66) (Docket No. FAA-2016-7055)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3250. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Areas R-3004A and R-3004B and Establishment of R-3004C; Fort Gordon, GA" ((RIN2120-AA66) (Docket No. FAA-2017-0886)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3251. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments" (RIN2120-AA63) (Docket No. 31156)) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3252. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles" (RIN2127-AK93) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3253. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Subsistence Taking of Northern Fur Seals on the Pribilof Islands; Final Annual Subsistence Harvest Levels for 2017-2019" (RIN0648-BG71) received in the Office of the President of the Senate on October 18, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3254. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Annual Report of the Consumer Financial Protection Bureau Student Loan Ombudsman; to the Committees on Banking, Housing, and Urban Affairs; and Health, Education, Labor, and Pensions.

EC-3255. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Wool Products Labeling; Fur Products Labeling; Textile Fiber Products Identification" (RIN3084-AB29) (RIN3084-AB27)) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2017; to the Committee on Commerce, Science, and Transportation.

EC-3256. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Transactions in which Federal Financial Assistance is Provided" (RIN1545-BJ08) received in the Office of the President of the Senate on October 19, 2017; to the Committee on Finance.

EC-3257. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2017 National Pool" (Rev. Proc. 2017-54) received in the Office of the President of the Senate on October 19, 2017; to the Committee on Finance.

EC-3258. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College And Higher Education Grant Program" (RIN1840-AD19) received in the Office of the President pro tempore of the Senate; to the Committee on Health, Education, Labor, and Pensions.

EC-3259. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Regulation

Crowdfunding and Regulation A Relief and Assistance for Victims of Hurricane Harvey, Hurricane Irma, and Hurricane Maria" ((17 CFR Part 227) (17 CFR Part 230)) received in the Office of the President of the Senate on October 19, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3260. A communication from the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for Fiscal Year 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3261. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Career, Technical, and Adult Education, Department of Education, received in the Office of the President of the Senate on October 19, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3262. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Career, Technical, and Adult Education, Department of Education, received in the Office of the President of the Senate on October 19, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3263. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary, Department of Education, received in the Office of the President of the Senate on October 19, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3264. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Planning, Evaluation, and Policy Development, Department of Education, received in the Office of the President of the Senate on October 19, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC-3265. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of AB-CHMINACA, AB-PINACA and THJ-221 Into Schedule I" (Docket No. DEA-402) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2017; to the Committee on the Judiciary.

EC-3266. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Removal of Naldemedine From Control" (Docket No. DEA-402) received during adjournment of the Senate in the Office of the President of the Senate on October 20, 2017; to the Committee on the Judiciary.

#### 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-122. A resolution adopted by the Board of Commissioners of Marquette County, Michigan opposing slashing federal fund-

ing for the Great Lakes Restoration Initiative; to the Committee on Environment and Public Works.

POM-123. A petition from a citizen of the State of Texas relative to a federal holiday; to the Committee on the Judiciary.

#### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. HATCH for the Committee on Finance.

\*Jeffrey Gerrish, of Maryland, to be a Deputy United States Trade Representative (Asia, Europe, the Middle East, and Industrial Competitiveness), with the rank of Ambassador.

\*Gregory Doud, of Kansas, to be Chief Agricultural Negotiator, Office of the United States Trade Representative, with the rank of Ambassador.

\*Jason Kearns, of Colorado, to be a Member of the United States International Trade Commission for the term expiring December 16, 2024.

\*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. RUBIO:

S. 1995. A bill to amend the Small Business Investment Act of 1958 to improve the number of small business investment companies in underlicensed States, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BOOKER (for himself, Mr. DURBIN, Mr. CARPER, Mr. SCHATZ, Mr. UDALL, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. MARKEY, Mr. MERKLEY, Ms. WARREN, Ms. HARRIS, and Mr. SANDERS):

S. 1996. A bill to require Federal agencies to address environmental justice, to require consideration of cumulative impacts in certain permitting decisions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mr. PAUL, Mr. UDALL, Ms. BALDWIN, Mr. HEINRICH, Ms. HIRONO, Mr. MERKLEY, Mr. MARKEY, Mr. SANDERS, Ms. WARREN, Mr. TESTER, Mr. HELLER, Mr. LEE, and Mr. DAINES):

S. 1997. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to protect privacy rights, and for other purposes; to the Committee on the Judiciary.

By Ms. HEITKAMP (for herself and Mrs. ERNST):

S. 1998. A bill to amend the Agricultural Act of 2014 to reduce county yield disparities for agriculture risk coverage; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BLUMENTHAL:

S. 1999. A bill to provide for further comprehensive research at the National Institute of Neurological Disorders and Stroke on unruptured intracranial aneurysms; to the Committee on Health, Education, Labor, and Pensions.

By Ms. DUCKWORTH:

S. 2000. A bill to amend the Safe Drinking Water Act to improve transparency under the national primary drinking water regulations for lead and copper, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SCHATZ (for himself, Mr. BOOKER, Ms. HARRIS, Mr. HEINRICH, Mr. SANDERS, Ms. CORTEZ MASTO, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. MARKEY, Ms. WARREN, Mr. LEAHY, Mr. MERKLEY, Mr. REED, Ms. BALDWIN, Ms. HIRONO, Mr. MURPHY, and Mr. UDALL):

S. 2001. A bill to establish a State public option through Medicaid to provide Americans with the choice of a high-quality, low-cost health insurance plan; to the Committee on Finance.

By Mrs. MCCASKILL:

S. 2002. A bill to amend the National Security Act of 1947 to provide whistleblower protections for employees of contractors of elements of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. COONS (for himself and Mr. TOOMEY):

S. Res. 301. A resolution designating the week beginning on October 22, 2017, as "National Chemistry Week"; considered and agreed to.

By Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. SHELBY, and Ms. KLOBUCHAR):

S. Res. 302. A resolution authorizing limited still photography of the Senate Wing of the United States Capitol and authorizing the release of preexisting photographs of the Senate Chamber and Senate Wing of the United States Capitol for a book on the history of the Senate; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 221

At the request of Mr. DAINES, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 221, a bill to allow a State to submit a declaration of intent to the Secretary of Education to combine certain funds to improve the academic achievement of students.

S. 298

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 298, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 322

At the request of Mr. PETERS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 424

At the request of Mr. BOOKER, the name of the Senator from New Hamp-

shire (Ms. HASSAN) was added as a cosponsor of S. 424, a bill to amend title 5, United States Code, to include certain Federal positions within the definition of law enforcement officer for retirement purposes, and for other purposes.

S. 479

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 591

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

S. 654

At the request of Mr. TOOMEY, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 654, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 928

At the request of Mrs. MURRAY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cosponsor of S. 928, a bill to prohibit, as an unfair or deceptive act or practice, commercial sexual orientation conversion therapy, and for other purposes.

S. 998

At the request of Mr. DAINES, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 998, a bill to amend the Tariff Act of 1930 to protect personally identifiable information, and for other purposes.

S. 1042

At the request of Mr. BENNET, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1042, a bill to amend the Internal Revenue Code to exclude Segal Americorps Education Awards and related awards from income.

S. 1110

At the request of Ms. DUCKWORTH, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1110, a bill to amend title 49, United States Code, to provide for private lactation areas in the terminals of large and medium hub airports, and for other purposes.

S. 1113

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 1113, a bill to amend the

Federal Food, Drug, and Cosmetic Act to ensure the safety of cosmetics.

S. 1152

At the request of Mr. MERKLEY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1152, a bill to create protections for depository institutions that provide financial services to cannabis-related businesses, and for other purposes.

S. 1361

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 1361, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 1400

At the request of Mr. HEINRICH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1400, a bill to amend title 18, United States Code, to enhance protections of Native American tangible cultural heritage, and for other purposes.

S. 1558

At the request of Mr. RISCH, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1558, a bill to amend section 203 of Public Law 94-305 to ensure proper authority for the Office of Advocacy of the Small Business Administration, and for other purposes.

S. 1559

At the request of Mr. RISCH, the name of the Senator from Iowa (Mrs. ERNST) was added as a cosponsor of S. 1559, a bill to ensure a complete analysis of the potential impacts of rules on small entities.

S. 1706

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1718

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1718, a bill to authorize the minting of a coin in honor of the 75th anniversary of the end of World War II, and for other purposes.

S. 1756

At the request of Mr. SULLIVAN, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. 1756, a bill to improve the processes by which environmental documents are prepared and permits and applications are processed and regulated by Federal departments and agencies, and for other purposes.

S. 1764

At the request of Mr. BOOKER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1764, a bill to extend the principle of federalism to State drug policy, provide access to medical marijuana, and

enable research into the medicinal properties of marijuana.

S. 1808

At the request of Ms. BALDWIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1808, a bill to extend temporarily the Federal Perkins Loan program, and for other purposes.

S. 1850

At the request of Mr. MANCHIN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1850, a bill to amend the Public Health Service Act to protect the confidentiality of substance use disorder patient records.

S. 1893

At the request of Mr. PERDUE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1893, a bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes.

S. 1927

At the request of Mr. DURBIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1927, a bill to amend section 455(m) of the Higher Education Act of 1958 in order to allow adjunct faculty members to qualify for public service loan forgiveness.

S. 1960

At the request of Mrs. MCCASKILL, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1960, a bill to repeal the amendments made to the Controlled Substances Act by the Ensuring Patient Access and Effective Drug Enforcement Act of 2016.

S. 1979

At the request of Mr. MURPHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1979, a bill to block the implementation of certain presidential actions that restrict individuals from certain countries from entering the United States.

S. RES. 136

At the request of Ms. DUCKWORTH, her name was added as a cosponsor of S. Res. 136, a resolution expressing the sense of the Senate regarding the 102nd anniversary of the Armenian Genocide.

S. RES. 211

At the request of Mr. TOOMEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. Res. 211, a resolution condemning the violence and persecution in Chechnya.

S. RES. 245

At the request of Mr. CRUZ, the names of the Senator from Georgia (Mr. PERDUE) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Res. 245, a resolution calling on the Government of Iran to release unjustly detained United States citizens and legal permanent resident aliens, and for other purposes.

S. RES. 291

At the request of Mr. CRUZ, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. Res. 291, a resolution affirming the historical connection of the Jewish people to the ancient and sacred city of Jerusalem and condemning efforts at the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to deny Judaism's millennia-old historical, religious, and cultural ties to Jerusalem.

AMENDMENT NO. 1576

At the request of Mr. SHELBY, the names of the Senator from Arkansas (Mr. COTTON) and the Senator from Alabama (Mr. STRANGE) were added as cosponsors of amendment No. 1576 intended to be proposed to H.R. 2266, a bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; and for other purposes.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 301—DESIGNATING THE WEEK BEGINNING ON OCTOBER 22, 2017, AS “NATIONAL CHEMISTRY WEEK”

Mr. COONS (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 301

Whereas chemistry is the science of basic units of matter and, consequently, plays a role in every aspect of human life;

Whereas chemistry has broad applications, including food science, soil science, water quality, energy, sustainability, medicine, and electronics;

Whereas the science of chemistry is vital to improving the quality of human life and plays an important role in addressing critical global challenges;

Whereas innovations in chemistry continue to spur economic growth and job creation and have applications for a wide range of industries;

Whereas National Chemistry Week is part of a broader vision to improve human life through chemistry and to advance the chemistry enterprise and the practitioners of that enterprise for the benefit of communities and the environment;

Whereas the purpose of National Chemistry Week is to reach the public with educational messages about chemistry in order to foster greater understanding of and appreciation for the applications and benefits of chemistry;

Whereas National Chemistry Week strives to stimulate the interest of young people, including women and underrepresented groups, in enthusiastically studying science, technology, engineering, and mathematics and in pursuing science-related careers that lead to innovations and major scientific breakthroughs;

Whereas National Chemistry Week highlights many of the everyday uses of chemistry, including in food, dyes and pigments, plastics, soaps and detergents, health products, and energy technologies;

Whereas the theme of the 30th annual National Chemistry Week is “Chemistry Rocks!”; and

Whereas students who participate in National Chemistry Week deserve recognition and support for their efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 22, 2017, as “National Chemistry Week”;

(2) supports the goals of and welcomes the participants in the 30th annual National Chemistry Week;

(3) recognizes the need to promote the fields of science, including chemistry, technology, engineering, and mathematics and to encourage youth to pursue careers in these fields; and

(4) commends the American Chemical Society and the partners of that society for organizing and convening events and activities surrounding National Chemistry Week each year.

SENATE RESOLUTION 302—AUTHORIZING LIMITED STILL PHOTOGRAPHY OF THE SENATE WING OF THE UNITED STATES CAPITOL AND AUTHORIZING THE RELEASE OF PREEXISTING PHOTOGRAPHS OF THE SENATE CHAMBER AND SENATE WING OF THE UNITED STATES CAPITOL FOR A BOOK ON THE HISTORY OF THE SENATE

Mr. MCCONNELL (for himself, Mr. SCHUMER, Mr. SHELBY, and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

S. RES. 302

SECTION 1. AUTHORIZATION OF TAKING OF STILL PHOTOGRAPHY OF THE SENATE WING AND AUTHORIZING THE RELEASE OF PREEXISTING PHOTOGRAPHS.

(a) AUTHORIZATION.—During the period beginning on the date of adoption of this resolution and ending on January 31, 2018, with respect to an individual or entity entering into a memorandum of understanding described in subsection (d), and subject to such memorandum—

(1) paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the release of a limited number of preexisting photographs of the Senate Chamber; and

(2) taking a limited number of pictures shall be permitted in the Senate Wing of the United States Capitol and in Senate Office Buildings.

(b) LIMITATION ON USE OF IMAGES.—The pictures taken under subsection (a) may only be used for production of a book on the history of the Senate.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate, the Secretary of the Senate, and the Architect of the Capitol shall, as appropriate, make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of pictures under this resolution does not disrupt any proceeding of the Senate.

(d) PRODUCTION AGREEMENT.—The Majority Leader of the Senate, the Minority Leader of

the Senate, and the Chairman and Ranking Member of the Committee on Rules and Administration of the Senate may jointly enter into a memorandum of understanding with an individual or entity seeking to take photographs and make use of preexisting photographs for a book on the history of the Senate to formalize an agreement on conditions, locations, and times for taking such photographs and the use of the photographs taken under this resolution.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1577. Mr. MCCONNELL (for Mr. CASSIDY (for himself, Mr. BENNET, Mr. BLUNT, and Mr. FRANKEN)) proposed an amendment to the bill H.R. 304, to amend the Controlled Substances Act with regard to the provision of emergency medical services.

SA 1578. Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the resolution S. Res. 234, recognizing the Sailors and Marines who sacrificed their lives for ship and shipmates while fighting the devastating 1967 fire onboard USS Forrestal and, during the week of the 50th anniversary of the tragic event, commemorating the efforts of those who survived.

#### TEXT OF AMENDMENTS

SA 1577. Mr. MCCONNELL (for Mr. CASSIDY (for himself, Mr. BENNET, Mr. BLUNT, and Mr. FRANKEN)) proposed an amendment to the bill H.R. 304, to amend the Controlled Substances Act with regard to the provision of emergency medical services; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Patient Access to Emergency Medications Act of 2017”.

##### SEC. 2. EMERGENCY MEDICAL SERVICES.

Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

“(j) EMERGENCY MEDICAL SERVICES THAT ADMINISTER CONTROLLED SUBSTANCES.—

“(1) REGISTRATION.—For the purpose of enabling emergency medical services professionals to administer controlled substances in schedule II, III, IV, or V to ultimate users receiving emergency medical services in accordance with the requirements of this subsection, the Attorney General—

“(A) shall register an emergency medical services agency if the agency submits an application demonstrating it is authorized to conduct such activity under the laws of each State in which the agency practices; and

“(B) may deny an application for such registration if the Attorney General determines that the issuance of such registration would be inconsistent with the requirements of this subsection or the public interest based on the factors listed in subsection (f).

“(2) OPTION FOR SINGLE REGISTRATION.—In registering an emergency medical services agency pursuant to paragraph (1), the Attorney General shall allow such agency the option of a single registration in each State where the agency administers controlled substances in lieu of requiring a separate registration for each location of the emergency medical services agency.

“(3) HOSPITAL-BASED AGENCY.—If a hospital-based emergency medical services agency is registered under subsection (f), the

agency may use the registration of the hospital to administer controlled substances in accordance with this subsection without being registered under this subsection.

“(4) ADMINISTRATION OUTSIDE PHYSICAL PRESENCE OF MEDICAL DIRECTOR OR AUTHORIZING MEDICAL PROFESSIONAL.—Emergency medical services professionals of a registered emergency medical services agency may administer controlled substances in schedule II, III, IV, or V outside the physical presence of a medical director or authorizing medical professional in the course of providing emergency medical services if the administration is—

“(A) authorized by the law of the State in which it occurs; and

“(B) pursuant to—

“(i) a standing order that is issued and adopted by one or more medical directors of the agency, including any such order that may be developed by a specific State authority; or

“(ii) a verbal order that is—

“(I) issued in accordance with a policy of the agency; and

“(II) provided by a medical director or authorizing medical professional in response to a request by the emergency medical services professional with respect to a specific patient—

“(aa) in the case of a mass casualty incident; or

“(bb) to ensure the proper care and treatment of a specific patient.

“(5) DELIVERY.—A registered emergency medical services agency may deliver controlled substances from a registered location of the agency to an unregistered location of the agency only if the agency—

“(A) designates the unregistered location for such delivery; and

“(B) notifies the Attorney General at least 30 days prior to first delivering controlled substances to the unregistered location.

“(6) STORAGE.—A registered emergency medical services agency may store controlled substances—

“(A) at a registered location of the agency;

“(B) at any designated location of the agency or in an emergency services vehicle situated at a registered or designated location of the agency; or

“(C) in an emergency medical services vehicle used by the agency that is—

“(i) traveling from, or returning to, a registered or designated location of the agency in the course of responding to an emergency; or

“(ii) otherwise actively in use by the agency under circumstances that provide for security of the controlled substances consistent with the requirements established by regulations of the Attorney General.

“(7) NO TREATMENT AS DISTRIBUTION.—The delivery of controlled substances by a registered emergency medical services agency pursuant to this subsection shall not be treated as distribution for purposes of section 308.

“(8) RESTOCKING OF EMERGENCY MEDICAL SERVICES VEHICLES AT A HOSPITAL.—Notwithstanding paragraph (13)(J), a registered emergency medical services agency may receive controlled substances from a hospital for purposes of restocking an emergency medical services vehicle following an emergency response, and without being subject to the requirements of section 308, provided all of the following conditions are satisfied:

“(A) The registered or designated location of the agency where the vehicle is primarily situated maintains a record of such receipt in accordance with paragraph (9).

“(B) The hospital maintains a record of such delivery to the agency in accordance with section 307.

“(C) If the vehicle is primarily situated at a designated location, such location notifies the registered location of the agency within 72 hours of the vehicle receiving the controlled substances.

“(9) MAINTENANCE OF RECORDS.—

“(A) IN GENERAL.—A registered emergency medical services agency shall maintain records in accordance with subsections (a) and (b) of section 307 of all controlled substances that are received, administered, or otherwise disposed of pursuant to the agency’s registration, without regard to subsection 307(c)(1)(B).

“(B) REQUIREMENTS.—Such records—

“(i) shall include records of deliveries of controlled substances between all locations of the agency; and

“(ii) shall be maintained, whether electronically or otherwise, at each registered and designated location of the agency where the controlled substances involved are received, administered, or otherwise disposed of.

“(10) OTHER REQUIREMENTS.—A registered emergency medical services agency, under the supervision of a medical director, shall be responsible for ensuring that—

“(A) all emergency medical services professionals who administer controlled substances using the agency’s registration act in accordance with the requirements of this subsection;

“(B) the recordkeeping requirements of paragraph (9) are met with respect to a registered location and each designated location of the agency;

“(C) the applicable physical security requirements established by regulation of the Attorney General are complied with wherever controlled substances are stored by the agency in accordance with paragraph (6); and

“(D) the agency maintains, at a registered location of the agency, a record of the standing orders issued or adopted in accordance with paragraph (9).

“(11) REGULATIONS.—The Attorney General may issue regulations—

“(A) specifying, with regard to delivery of controlled substances under paragraph (5)—

“(i) the types of locations that may be designated under such paragraph; and

“(ii) the manner in which a notification under paragraph (5)(B) must be made;

“(B) specifying, with regard to the storage of controlled substances under paragraph (6), the manner in which such substances must be stored at registered and designated locations, including in emergency medical service vehicles; and

“(C) addressing the ability of hospitals, emergency medical services agencies, registered locations, and designated locations to deliver controlled substances to each other in the event of—

“(i) shortages of such substances;

“(ii) a public health emergency; or

“(iii) a mass casualty event.

“(12) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

“(A) to limit the authority vested in the Attorney General by other provisions of this title to take measures to prevent diversion of controlled substances; or

“(B) to override the authority of any State to regulate the provision of emergency medical services consistent with this subsection.

“(13) DEFINITIONS.—In this section:

“(A) The term ‘authorizing medical professional’ means an emergency or other physician, or another medical professional (including an advanced practice registered nurse or physician assistant)—

“(i) who is registered under this Act;

“(ii) who is acting within the scope of the registration; and



“(iii) whose scope of practice under a State license or certification includes the ability to provide verbal orders.

“(B) The term ‘designated location’ means a location designated by an emergency medical services agency under paragraph (5).

“(C) The term ‘emergency medical services’ means emergency medical response and emergency mobile medical services provided outside of a fixed medical facility.

“(D) The term ‘emergency medical services agency’ means an organization providing emergency medical services, including such an organization that—

“(i) is governmental (including fire-based and hospital-based agencies), nongovernmental (including hospital-based agencies), private, or volunteer-based;

“(ii) provides emergency medical services by ground, air, or otherwise; and

“(iii) is authorized by the State in which the organization is providing such services to provide emergency medical care, including the administering of controlled substances, to members of the general public on an emergency basis.

“(E) The term ‘emergency medical services professional’ means a health care professional (including a nurse, paramedic, or emergency medical technician) licensed or certified by the State in which the professional practices and credentialed by a medical director of the respective emergency medical services agency to provide emergency medical services within the scope of the professional’s State license or certification.

“(F) The term ‘emergency medical services vehicle’ means an ambulance, fire apparatus, supervisor truck, or other vehicle used by an emergency medical services agency for the purpose of providing or facilitating emergency medical care and transport or transporting controlled substances to and from the registered and designated locations.

“(G) The term ‘hospital-based’ means, with respect to an agency, owned or operated by a hospital.

“(H) The term ‘medical director’ means a physician who is registered under subsection (f) and provides medical oversight for an emergency medical services agency.

“(I) The term ‘medical oversight’ means supervision of the provision of medical care by an emergency medical services agency.

“(J) The term ‘registered emergency medical services agency’ means—

“(i) an emergency medical services agency that is registered pursuant to this subsection; or

“(ii) a hospital-based emergency medical services agency that is covered by the registration of the hospital under subsection (f).

“(K) The term ‘registered location’ means a location that appears on the certificate of registration issued to an emergency medical services agency under this subsection or subsection (f), which shall be where the agency receives controlled substances from distributors.

“(L) The term ‘specific State authority’ means a governmental agency or other such authority, including a regional oversight and coordinating body, that, pursuant to State law or regulation, develops clinical protocols regarding the delivery of emergency medical services in the geographic jurisdiction of such agency or authority within the State that may be adopted by medical directors.

“(M) The term ‘standing order’ means a written medical protocol in which a medical director determines in advance the medical criteria that must be met before administering controlled substances to individuals in need of emergency medical services.

“(N) The term ‘verbal order’ means an oral directive that is given through any method of communication including by radio or tele-

phone, directly to an emergency medical services professional, to contemporaneously administer a controlled substance to individuals in need of emergency medical services outside the physical presence of the medical director or authorizing medical professional.”.

**SA 1578.** Mr. MCCONNELL (for Mrs. ERNST) proposed an amendment to the resolution S. Res. 234, recognizing the Sailors and Marines who sacrificed their lives for ship and shipmates while fighting the devastating 1967 fire on-board USS *Forrestal* and, during the week of the 50th anniversary of the tragic event, commemorating the efforts of those who survived; as follows:

In paragraph (2) of the seventh whereas clause, strike “more than”.

Strike the third whereas clause and insert the following:

Whereas, on July 28, 1967, during an underway replenishment, the crew of USS *Forrestal* unloaded deteriorated bombs, which were more vulnerable to explosion at high temperatures;

Whereas, on July 29, 1967, the ordnance load for the strike was changed at the request of the crew of USS *Forrestal* to expend the inventory of the newly unloaded older bombs as soon as possible;

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. CORNYN. 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 BANKING, HOUSING AND URBAN AFFAIRS

The Committee on Banking, Housing and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, October 24, 2017, at 10 a.m., to conduct a hearing on the following nominations: David J. Ryder, of New Jersey, to be Director of the United States Mint, Department of the Treasury, and Hester Maria Peirce, of Ohio, and Robert J. Jackson, Jr., of New York, both to be a Member of the Securities and Exchange Commission.

#### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, October 24, 2017, at 10 a.m., in room SD-215 to consider nominations.

#### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Tuesday, October 24, 2017, at 10 a.m., in room SD-215 to consider nominations of: Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

#### COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, October

24, 2017, at 10 a.m., to hold a hearing entitled “Assessing U.S. Policy towards Burma: Geopolitical, Economic, and Humanitarian Considerations.”

#### SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 24, 2017, at 2:30 p.m., in room SH-219 to conduct a closed hearing.

#### SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, October 24, 2017, at 2:30 p.m., in room SR-253 to conduct a hearing entitled “Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: Fisheries Science”.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to the provisions of Public Law 114-323, appoints the following individuals to serve as members of the Western Hemisphere Drug Policy Commission: Juan S. Gonzalez of the District of Columbia and Douglas M. Fraser of Florida.

#### EXCLUDING POWER SUPPLY CIRCUITS, DRIVERS, AND DEVICES FROM ENERGY CONSERVATION STANDARDS FOR EXTERNAL POWER SUPPLIES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 97, S. 226.

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

The senior assistant legislative clerk read as follows:

A bill (S. 226) to exclude power supply circuits, drivers, and devices designed to be connected to, and power, light-emitting diodes or organic light-emitting diodes providing illumination or ceiling fans using direct current motors from energy conservation standards for external power supplies.

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.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MCCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 226) was passed, as follows:

S. 226

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*



# SECTION 1. APPLICATION OF ENERGY CONSERVATION STANDARDS TO CERTAIN EXTERNAL POWER SUPPLIES.

(a) DEFINITION OF EXTERNAL POWER SUPPLY.—Section 321(36)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(36)(A)) is amended—

(1) by striking the subparagraph designation and all that follows through “The term” and inserting the following:

“(A) EXTERNAL POWER SUPPLY.—

“(i) IN GENERAL.—The term”;

(2) by adding at the end the following:

“(ii) EXCLUSION.—The term ‘external power supply’ does not include a power supply circuit, driver, or device that is designed exclusively to be connected to, and power—

“(I) light-emitting diodes providing illumination;

“(II) organic light-emitting diodes providing illumination; or

“(III) ceiling fans using direct current motors.”.

(b) STANDARDS FOR LIGHTING POWER SUPPLY CIRCUITS.—

(1) DEFINITION.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended by striking clause (v) and inserting the following:

“(v) electric lights and lighting power supply circuits;”.

(2) ENERGY CONSERVATION STANDARD FOR CERTAIN EQUIPMENT.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

“(g) LIGHTING POWER SUPPLY CIRCUITS.—If the Secretary, acting pursuant to section 341(b), includes as a covered equipment solid state lighting power supply circuits, drivers, or devices described in section 321(36)(A)(ii), the Secretary may prescribe under this part, not earlier than 1 year after the date on which a test procedure has been prescribed, an energy conservation standard for such equipment.”.

(c) TECHNICAL CORRECTIONS.—

(1) Section 321(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(B)) is amended by striking “(19)” and inserting “(20)”.

(2) Section 324 of the Energy Policy and Conservation Act (42 U.S.C. 6294) is amended by striking “(19)” each place it appears in each of subsections (a)(3), (b)(1)(B), (b)(3), and (b)(5) and inserting “(20)”.

(3) Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears and inserting “paragraph (20)”.

Mr. MCCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## PROTECTING PATIENT ACCESS TO EMERGENCY MEDICATIONS ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 304 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 304) to amend the Controlled Substances Act with regard to the provision of emergency medical services.

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

Mr. MCCONNELL. I ask unanimous consent that the Cassidy substitute amendment which is at the desk be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 1577) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 304), as amended, was passed.

## RECOGNIZING THE SAILORS AND MARINES WHO SACRIFICED THEIR LIVES WHILE FIGHTING THE DEVASTATING 1967 FIRE ONBOARD USS FORRESTAL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 234.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 234) recognizing the Sailors and Marines who sacrificed their lives for ship and shipmates while fighting the devastating 1967 fire onboard USS Forrestal and, during the week of the 50th anniversary of the tragic event, commemorating the efforts of those who survived.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the Ernst amendment to the preamble be considered and agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 234) was agreed to.

The amendment (No. 1578) was agreed to, as follows:

(Purpose: To amend the preamble)

In paragraph (2) of the seventh whereas clause, strike “more than”.

Strike the third whereas clause and insert the following:

Whereas, on July 28, 1967, during an underway replenishment, the crew of USS Forrestal unloaded deteriorated bombs, which were more vulnerable to explosion at high temperatures;

Whereas, on July 29, 1967, the ordnance load for the strike was changed at the request of the crew of USS Forrestal to expend the inventory of the newly unloaded older bombs as soon as possible;

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 234

Whereas in 1967, the ongoing naval bombing campaign against North Vietnam from Yankee Station in the Gulf of Tonkin was the most intense and sustained air attack operation in the history of the United States Navy;

Whereas in June 1967, USS Forrestal and Carrier Air Wing Seventeen departed Norfolk, Virginia, for duty in the Gulf of Tonkin;

Whereas, on July 28, 1967, during an underway replenishment, the crew of USS Forrestal unloaded deteriorated bombs, which were more vulnerable to explosion at high temperatures;

Whereas, on July 29, 1967, the ordnance load for the strike was changed at the request of the crew of USS Forrestal to expend the inventory of the newly unloaded older bombs as soon as possible;

Whereas despite safety precautions taken by the crew, a devastating fire erupted on USS Forrestal after—

(1) an electrical surge in a parked aircraft caused the aircraft to fire a Zuni rocket that ruptured a fuel tank on another aircraft; and

(2) the burning fuel ignited a chain reaction of 9 bomb explosions on the flight deck;

Whereas the explosions destroyed multiple aircraft and tore massive holes in the armored flight deck of USS Forrestal, and burning fuel dripped into the living quarters of the crew and the below-decks aircraft hangar;

Whereas for 18 hours, Sailors and Marines on USS Forrestal, assisted by others from accompanying destroyers, fought to bring the fire under control while hospital corpsmen navigated the mangled flight deck and tended to the wounded; and

Whereas the fire onboard USS Forrestal ultimately—

(1) left 134 men dead and 161 men severely injured;

(2) destroyed 21 aircraft; and

(3) caused USS Forrestal to terminate its support to the fight in Vietnam and return to Norfolk, Virginia, for repairs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that—

(A) if not for the heroic actions of the crew of USS Forrestal, the consequences of the fire would have been far more devastating to the Sailors and Marines onboard and the aircraft carrier itself; and

(B) the selfless sacrifices of those who came to the rescue of fellow shipmates and USS Forrestal represent, and are consistent with, the highest traditions of the United States Navy;

(2) commemorates the 50th anniversary of the USS Forrestal fire; and

(3) expresses gratitude to the Sailors and Marines who served aboard USS Forrestal for their faithful service.

## NATIONAL CHEMISTRY WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 301, 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. 301) designating the week beginning October 22, 2017, as “National Chemistry Week.”

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

Mr. MCCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 301) was agreed to.

The preamble was agreed to.

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

#### AUTHORIZING LIMITED STILL PHOTOGRAPHY OF THE SENATE WING OF THE UNITED STATES CAPITOL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 302, 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. 302) authorizing limited still photography of the Senate Wing of the United States Capitol and authorizing the release of preexisting photographs of the Senate Chamber and Senate wing of the United States Capitol for a book on the history of the Senate.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 302) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR WEDNESDAY, OCTOBER 25, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, October 25; 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 Palk nomination, with the time until the cloture vote equally divided between the two leaders or their designees.

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

#### ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come be-

fore the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator FRANKEN.

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

The Senator from Minnesota.

#### REMEMBERING PAUL WELLSTONE

Mr. FRANKEN. Mr. President, I rise today to remember and celebrate the life of my friend, Senator Paul Wellstone.

Paul led a lot of fights in the Senate on behalf of working families and those without a voice. He didn't back down even when a fight seemed unwinnable. He told voters exactly what he believed even when it wasn't popular. It was by taking such positions that Minnesotans, whether they agreed with him or not, always knew where he stood.

In the final days of the 2002 campaign, he told Minnesotans:

I don't represent the big oil companies, I don't represent the big pharmaceutical companies . . . they already have great representation in Washington. It's the rest of the people that need it. I represent the people of Minnesota.

But Paul also knew full well that standing up to powerful interests could have steep political costs. His career in the Senate was bookended by votes on going to war in Iraq. Both of his votes were unpopular, but Paul stood on principle, not on politics. His maiden speech, the first speech he gave as a Senator, was in opposition to the first Gulf war, and one of the last Senate votes he cast was against the second war in Iraq.

He was facing a tough reelection challenge at the time of his vote, and he knew it might cost him his seat, and he told friends so. But to have voted otherwise, he said, would have violated the principles that guided his career. So he voted his conscience and put political considerations aside, just as he did throughout his time in public office.

Then, just 11 days before election day, his plane went down, taking not only Paul and Sheila, his wife, but their daughter Marcia, campaign staffers Tom Lopic, Mary McEvoy, and Will McLaughlin, as well as pilots Richard Conry and Michael Guess.

Since coming to the Senate, I have learned how well regarded Paul was around the Capitol, not only by Senators from both sides of the aisle but also by Capitol police officers, whom he knew by name, and the elevator operators, for whom he always made time.

Paul's legislative work continues to make a profound difference in the lives of millions of Americans. Among his accomplishments are his pioneering efforts, along with Republican Senator Pete Domenici of New Mexico, on mental health parity, which ensures that copays and deductibles for addiction and mental health services are on par with payments for other medical serv-

ices. The law was jointly named for Paul and Senator Domenici, and it passed in late 2008, 6 years after Paul's death.

After I was seated in 2009, one of the first things I did was to work with Paul's son David on getting the final rules written to implement Wellstone-Domenici. That work inspired me to later push for investments in school mental health services, to help students and their families who need those services.

Paul also led the David-and-Goliath effort to stop bankruptcy legislation that favored big banks and credit card companies over working families. Despite going up against a wide range of special interests with huge lobbying power and lots of money, he successfully held off passage of the bill during his lifetime.

He also took on special interests when he stood against oil drilling in the Arctic National Wildlife Refuge. He believed, like I do, that the long-term consequences of endangering the home of indigenous people and a pristine habitat for wildlife far outweighed "a short-term speculative supply of oil that will not . . . help consumers." Because of Paul and others in the Senate, the Wildlife Refuge, at least for now, remains pristine.

Paul also had an amazing and special relationship with Sheila, who became an important partner in his Senate work. She became a leading advocate for survivors of domestic violence, spending years raising awareness about the issue and the need to address its causes. Former Senator and Vice President Joe Biden said Sheila deserves as much credit as any lawmaker for passage of the landmark Violence Against Women Act. Since the law's enactment, incidents of domestic violence have been reduced significantly. It was a landmark achievement.

My constituents remember Paul fondly. They leave notes and mementos for him at the quiet memorial site honoring him just off of Highway 53, near Eveleth, MN. They leave them for his wife Sheila, too, and for the others who died with them exactly 15 years ago tomorrow, when their plane tragically crashed just miles from the Eveleth-Virginia Municipal Airport.

I have been to the memorial site, and I have seen how deeply and personally Paul touched people in Minnesota and across the country. He inspired them not only as a U.S. Senator for 12 years but also as a Carleton College professor who encouraged a generation of students to take action in their communities. He did so as a fiery organizer who stood up for Minnesota farmers and for working families and insisted on giving them a voice and a seat at the table. He never lost the tenacious spirit that led him to be a collegiate wrestling champion—he is in the college wrestling hall of fame—and he brought that same approach to standing up for Minnesotans. He stood strong against injustice, even when it

twice meant being arrested. It wasn't because he wanted to break the law, but because he thought it was necessary to bring about change for the better.

He also had a special way of connecting with people. Former Senator Tom Harkin said at a memorial service for Paul that he "made a miner up in the Iron Range know he was as important . . . as the president of the United States." That is how Paul voted in the Senate, too, putting ordinary Minnesotans ahead of politics, money, and influence.

The last time I saw Paul was at a 2002 campaign event in St. Paul, just weeks before he died. He was locked in a bitter struggle for reelection. Despite being in a grueling fight for his political life, the first thing he said to me was, "How's your mom?" That was Paul.

I had just come from my mom's nursing home in Minneapolis, where she had a picture of Paul on her wall that said: "Phoebe, keep fighting." She wasn't doing very well. I told Paul that she had dementia—some sporadic dementia—and that day I couldn't have a conversation with her. He put his hand on my shoulder and said: "Touch means so much. Touch means so much."

The next day, I went to the nursing home, and I took my mom out into the garden, in a wheelchair. She was having a bad day again, but I put my arm around her as we sat. It was a beautiful day. I don't know if it meant anything to her, but it sure meant everything to me.

Paul's life and his work meant a lot to me too. His examples as a tireless, passionate champion for working families, for veterans, for farmers, and for those who simply needed a voice have inspired my own time in the Senate. I keep Paul's picture and his Senate name plate in my office behind me as a reminder at my desk every day. Every day I serve, I think back to Paul's words. This is what Paul said:

Politics is not about power. Politics is not about money. Politics is not about winning for the sake of winning. Politics is about the improvement of people's lives.

While Paul isn't here with us today, his legacy lives on in so many ways. It lives on in the generations of students and activists he trained and inspired in Minnesota. It lives on in the policies he fought for here in the Senate, for access to mental health care, for a clean environment, and for making sure that working families get a fair shot. It lives on in the countless lives that he touched, like mine and my mom's.

Paul made us all better, and I hope his legacy will continue to inspire us well into the future.

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#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 10:28 p.m., adjourned until Wednesday, October 25, 2017, at 9:30 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

LEONARD WOLFSON, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ERIKA LIZABETH MORITSUGU.

##### DEPARTMENT OF LABOR

WILLIAM BEACH, OF KANSAS, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS, VICE ERICA LYNN GROSHEN, TERM EXPIRED.

##### DEPARTMENT OF THE INTERIOR

TARA SWEENEY, OF ALASKA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE KEVIN K. WASHBURN, RESIGNED.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT M. WEAVER, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS, VICE YVETTE ROUBIDEAUX, TERM EXPIRED.