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Senate

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Mr. President, today the Senate will continue another historic week confirming more of President Trump's impressive judicial nominees to the Federal bench—Steven Grasz, confirmed; Don Willett, confirmed. And soon we will add James Ho to the list by confirming him to serve on the Fifth Circuit Court of Appeals.

He is an exceptionally well-qualified nominee whose career in both public service and the private sector has garnered respect from both sides of the aisle. The former Democratic mayor of Dallas supported his nomination, calling him “among the most brilliant appellate lawyers in the United States.”

When we vote to confirm Mr. Ho, we will be adding another fair and impartial judge to the Federal bench, and by doing so, the Senate will take another important step to ensure that the Federal judiciary fulfills its proper role in our constitutional system. Each of them will be an asset to our Nation's courts.

Under Chairman GRASSLEY's leadership, the Senate Judiciary Committee has done outstanding work to move these judicial nominees to the floor. I am grateful for his efforts, and I urge all of my colleagues to join me in voting to confirm Mr. Ho soon.

FUNDING OUR MILITARY

Mr. President, on another matter, our Nation faces a myriad of threats

from around the globe, and it is the Senate's responsibility to provide the service chiefs with the resources to train and equip our warfighters and to provide them with the resources they need to keep us safe.

The diverse challenges posed by Iran, China, Russia, North Korea, ISIL, al-Qaida, and its affiliates span the spectrum of warfighting, and our force must be trained and prepared to operate on sea, air, land, and in cyber space. These challenges were only compounded by the Obama administration's focus on reducing the size of our conventional force, withdrawing our forward presence, and placing an unrealistic reliance upon allies and Special Operations forces.

In stark contrast to the previous administration, this Republican-led Congress and the Trump administration have taken the initial steps to rebuild our military. We are working to ensure that the needs of the force are met and our servicemembers have the tools and training necessary to fulfill their missions.

In our ongoing discussions surrounding government funding, we must continue to prioritize our Nation's men and women in uniform. It is illogical for this Senate to repeatedly vote to pass National Defense Authorization Acts at one level of authority and not meet that commitment with the necessary appropriations act; and this funding cannot be held hostage to the Obama-era demand that increases in defense funding be matched by equal increases in nondefense spending. Congress ignored that demand earlier this year, and we must do it again now.

The reason is simple: Under the Budget Control Act, the Department of Defense has received a disproportionate funding cut—and will again if Congress fails to come to an agreement. That type of blow would unacceptably diminish our military's readiness and damage our national security.

I hope that Members can work together to provide the necessary funds

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

PRAYER

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

Let us pray.

O Lord our God, we are grateful for Your marvelous works and power. Keep us from becoming weary in doing what is right, as You remind us that a harvest of blessings is certain. Give strength to our lawmakers and bless them with Your peace. We praise You that You are the strength of our lives and we need not fear for the future. As You guide our Senators with Your wisdom, create in them a hunger and thirst for righteousness, preparing them to be filled with Your Divine nourishment. Lord, thank You for not withholding blessings from those who walk upright.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. STRANGE). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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



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to our military—and to all parts of our government—so that the men and women of our all-volunteer force can continue to keep our country safe.

TAX CUTS AND JOBS BILL

Now, on a final matter, Mr. President, yesterday, Congress moved closer to delivering much-needed tax relief to American families and small businesses as Members of the House and the Senate held a public meeting of the Tax Cuts and Jobs Act conference committee. The conferees discussed the best way to provide tax reform to families and small businesses across our country. Throughout this process, we have focused on the middle class and on those left behind by the Obama economy—like many of the families in Kentucky who I represent.

By overhauling our broken and outdated Tax Code, we are working to seize this once-in-a-generation opportunity to grow paychecks, create more jobs, and help our economy reach its full potential. The plan before the conference committee will also end many of the perverse incentives for corporations to ship American jobs overseas. We want to bring those jobs and investments home and keep them here.

Once the committee completes its work to reconcile the differences between each Chamber's bill, every Member of Congress will have the opportunity to cast a vote to provide meaningful tax relief to middle-class Americans. That should be something we all can support. And when Congress does, this bill will go to the President's desk to become law.

I would like to thank every Member who has contributed to making tax reform a reality, following years of hearings and proposals and a multitude of amendments as this legislation proceeded through regular order.

This is a chance to work together to get the economy going again and lift up the families that the Obama Administration's policies left behind. I hope that we can take this opportunity to move beyond partisanship to deliver real tax reform for the middle class. Many of the provisions of this bill are based on ideas that our friends across the aisle used to say they supported. I hope our friends will support them again.

I would like to once again commend the conferees for their work, and I look forward to voting on the committee report soon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MORAN. Mr. President, I come to the floor to speak about business that is important to Kansas and impor-

tant to the country but especially important to the providers of healthcare for children, the children, and their families who receive that coverage and care; that is, the Medicaid CHIP program. It was established in 1997.

I call to the attention of my colleagues the importance of us acting in the next several days in regard to the reauthorization extension of the CHIP program. It has helped provide coverage to children of low-income families in my State and those individuals who would otherwise be left without any insurance and most likely, in every case, the funds necessary to cover healthcare costs for the well-being of those young men and women.

This program is funded through a multiyear authorization that requires Congress to take action each time the program reaches the end of that authorization. The end of that authorization occurred on September 30, now several months ago. While I have been assured in my State that there are sufficient funds to get us through the end of the year, I am concerned. In fact, the belief is, we may have enough funds to pay for our insurance program through March. That certainly is probably not the case across the United States, and we need to act within a few short days. I hope this is an issue that is addressed, as the continuing resolution that funds the Federal Government expires on December 22. As we respond to that circumstance, we ought to respond to the expiration of the CHIP program that occurred on September 30.

Waiting to reauthorize that program has already created an unnecessary burden, but if we waited any longer, it would create even more unnecessary burdens for families of more than 9 million children who are currently receiving healthcare through that program.

Temporary funding measures have kept the program solvent since the program expired, but now is the time to act, to provide some certainty and make sure the funds continue to be available. In Kansas, it would leave about 79,000 children without coverage or other good options.

Many of our Nation's best children's hospitals serve a great deal of patients through that CHIP program. We are fortunate in our area to have Children's Mercy Hospital in Kansas City, and those hospitals and other providers rely upon the CHIP program to pay their bills as well. With all the costs associated with healthcare and with the inability of people to pay, the burden then falls upon hospitals and others to figure out how they survive. In Kansas, almost every hospital—127 of them in our State—continues to hang on by a thread, and some may not survive. This is another opportunity for us to strengthen and provide certainty that a mechanism will be in place so that when they provide care to children of Medicaid families, they will be reimbursed. That benefits all of us in

our healthcare delivery system and provides more stability and more certainty in these challenging times for healthcare providers across Kansas.

I am happy the House of Representatives has passed reauthorization. They did their bill. It is now time for the Senate to act. The Finance Committee has taken its action, but this bill is still pending on the floor of the U.S. Senate. During this Christmas season, this holiday time, parents should not have to wonder what they will do in the absence of this insurance program that allows their children to receive routine care and, in many instances, lifesaving care.

Continuing to delay action on this bill is not in the best interest of the American people. It would be nice, it would be appreciated by Americans to see the U.S. Senate work on a program that has broad bipartisan support but still, for some reason, can't get it across the finish line. That finish line, I suppose, was September 30, but I would say that finish line is now the end of the year, and specifically December 22, with the CR expiring at that point in time. It is time for Congress to take action in that regard.

My plea on the Senate floor this morning is for the U.S. Senate to take legislative action and reauthorize this program, provide certainty, and care for our country's children who are, without this program, in significant jeopardy of having an absence of healthcare.

I appreciate the opportunity to address the U.S. Senate.

I yield back.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, on the year-end negotiations, they are making headway—that is good—but many issues still remain to be resolved.

We need to provide funding for community health centers, CHIP, and areas that have been hit by disasters. We need to pass a bipartisan deal to pair the Dream Act with border security and pass a budget deal that fully funds both our national security and our economic security, in the common parlance known as “parity.”

If we don't lift the spending caps for defense and also urgent domestic priorities—jobs, the economy—both will come under the specter of sequestration. Lifting those spending caps in equal measure has been the basis of successful budget agreements going back several years.

There has been parity between defense and nondefense for the last three

budget negotiations. That is how it ought to stay. That is what brought us to good agreements. That is what averted shutdowns. Unfortunately, it appears that the Freedom Caucus in the House, which doesn't represent the mainstream of America or even the mainstream of Republicans, is trying to derail another successful parity agreement. Unfortunately, Speaker RYAN, as he is doing far too often, to the detriment of the country and his party, is just following its lead.

Last night, the House posted what is called a CROMnibus—a very short-term extension of funding for jobs and economic development that will lead to cuts in those areas but a long-term extension and a large increase of funding for defense. This is merely a ruse that is designed to slash funding for education, healthcare, infrastructure, and scientific research—all things the Freedom Caucus doesn't want the government to fund—against the will of the overwhelming majority of Americans.

At this late hour, it is also an unfortunate waste of precious time. Earlier this week, 44 Senate Democrats sent a letter to our Republican colleagues that explicitly warned them that Democrats could not support such an approach. Because 60 votes are needed to advance a spending bill here in the Senate, House Republicans should have known not to waste everyone's time with a partisan spending bill that could never pass in the Senate.

The CROMnibus is nothing but a spectacle—a charade, a sop—to some militant, hard-right people who don't want the government to spend money on almost anything. It is a perilous waste of time as the clock ticks closer and closer to the end of the year.

It is time for our Republican colleagues—especially in the House, where the Freedom Caucus is like the tail wagging the dog—to get serious about working with Democrats toward a real parity agreement. Every hour that the House spends on the CROMnibus is an hour that could be spent on our working on a deal to avert a shutdown and solve the many pressing issues that Congress must grapple with before the end of the year.

If Speaker RYAN decides to press forward with a CROMnibus, it will quickly fail in the Senate, and we can get back to negotiating a real bipartisan agreement that will provide certainty and full funding to both our national defense and the middle class. Speaker RYAN has gone along with this approach three times in a row—or the House Republicans have. I think RYAN was the Speaker for two of those three and was the chairman of the Ways and Means Committee for the third. Right now, Speaker RYAN is pursuing a dead-end strategy. Instead, we urge him to continue working with Democrats on a bipartisan, long-term agreement that will keep the government open and fund our major priorities—defense, with jobs and the economy on the other side.

By the way, even on the other side of the ledger, the things that affect our security, like the border and the FBI, are funded on the nondefense side, and you have to have security in every way in this terrorism-ridden world in which we live.

REPUBLICAN TAX BILL

Mr. President, a word on the Republican tax bill. On both process and substance, it appears that the Republicans' conference committee is making all the mistakes that the Republicans made when they passed their bill in the first place. Even though there is still not a final agreement on the text of the tax bill, Republican leaders promise a vote on the committee report as early as Monday of next week. I am not sure that my colleagues will have had enough time to have read and digested the bill that passed this Chamber a few weeks ago, let alone an entirely new conference report that will include many changes. It is the same rushed, awful process as before, and it can only result in mistakes and unintended consequences that could wreak havoc on the economy. Why are our Republican colleagues rushing this bill through? I think that they are ashamed of it.

Every day, the more people know about the bill, the more they don't like it. Just in the polling data today, it shows that the popularity of the bill continues to plummet, and a poll out today said it is not just that the people do not like the bill but that those who vote for it will be affected at election time. The poll today asked people if they were more or less likely to vote for a Congressman who would vote for this bill or to vote for a Senator who would vote for this bill. Many in the public said that they were less likely to vote for a Congressman who would vote for this awful bill. The public knows that it is awful. Why? They know that Republicans are doubling down in this new proposal on the core mistake of their bill by tilting it even further in favor of the wealthy.

I saw on TV this morning a guy from the Club for Growth and a guy from—I forgot the name—another group. These are narrow, narrow groups that have very little support and that are funded by the hard-right group of billionaires who want to see their taxes cut. They don't even talk about what is in the bill. They try to talk about its being a job creator, but they dare don't say, like so many of my Republican colleagues, how disproportionately it goes to those in the upper incomes and not to the middle class.

Amazingly enough, behind closed doors, they have made a bad bill even worse. One of the most significant changes that have been made by the conference committee will be to lower the top tax rate 2 percentage points more than in the original bill. Let's help those millionaires get an even lower tax rate than they have now, for they are doing so poorly. This is crazy. There are a lot of wealthy people in

America. God bless them. I don't resent their wealth, but they don't need a tax break. On the other hand, there are hundreds of millions of struggling middle-class people, and they could use that kind of money. Yet millions of people in this bill who are middle class, upper middle class, and who are struggling to be middle class get a tax increase. Instead of lowering the rate on the highest income people, why not use the money to help those in the middle?

Despite all of the concerns about raising middle-class taxes, which makes the bill as unpopular as I just mentioned, the one big thing that Republicans go back and change is the rate paid by the wealthiest of Americans. They lower it. When it comes down to a choice between the middle class and the wealthy and the middle class and big corporations, the Republicans just instinctively, atavistically—in a knee-jerk way—choose the wealthy and the powerful over the middle class. That is why they are struggling.

I believe that is why President Trump's numbers are as low as they have ever been. People are getting a feel—a smell—in that President Trump talks about the middle class, but when he acts, like in this tax bill, it is to help the wealthiest and the most powerful. That happens with issue after issue.

I see that my colleague DICK BLUMENTHAL, the Senator from Connecticut, has come to the floor. He is going to talk about net neutrality, I believe. Again, help the big cable companies and the corporations, and make it harder for the middle class when it comes to cable service and the cost of cable.

Republicans claim that lowering the top rate is an attempt to address tax hikes that would result from their plan to gut the State and local deduction, but reducing the top rate only helps the very wealthy—couples who make over \$1 million in the last draft that we heard about—but they are already the prime beneficiaries of this tax plan.

I have a feeling that President Trump was hearing from his handful of wealthy friends who pay a lot in State and local taxes, many from my home State of New York. He decided, well, I will lower their taxes even more. But 99 percent of State and local deductions are taken by Americans with incomes under \$1 million. More than half of the taxpayers who take the SALT deduction make less than \$100,000. Reducing the top rate does nothing to help the 99 percent of taxpayers who take SALT. It only helps the top 1 percent, who make over \$1 million. But this is what, it seems, the President and our Republican colleagues in the House and the Senate keep doing.

As I have said from the start, eliminating or cutting the State and local deduction would hurt the middle class across the country. It would raise taxes on millions, lower home values for millions more, and gut our State and local

programs—education, law enforcement, infrastructure. None of those programs were addressed in the conference. Instead, the richest Americans will likely get an even bigger tax break.

There is no reason to rush the bill through the Senate.

Tuesday night, as our Presiding Officer knows, we had an election in Alabama. This Chamber is waiting for the seating of a new Senator. Shouldn't the people of Alabama have their voices in the Senate present for a vote on the tax bill?

Again I would say to my friend the majority leader, slow down and wait for Senator-Elect Jones to arrive before taking any more votes on the tax bill. Democrats waited for Republican Senator Scott Brown in 2010, but now that the shoe is on the other foot, Republicans don't seem to want to do the same. It is the right thing to do, and it will give every Senator and the American people more time to consider the legislation.

NET NEUTRALITY

Finally, Mr. President, a word on the FCC's vote today on net neutrality. We depend on a free and open internet to spur innovation and job creation. Our economy works best when innovators and entrepreneurs and businesses of all sizes compete on a level playing field. Net neutrality, very simply, says that everyone deserves the same, fair access to the internet. Consumers, small businesses, students, everyone from the elderly couple using Skype to talk to their grandchildren who are half a country away, to the startup company operating out of its founder's basement—everyone deserves the same access to and quality of internet as the big corporations.

When I was growing up in Brooklyn, my father owned a small exterminating business. If his competitor down the street had received a preferred electricity rate, he would have rightly been outraged, and the law would have protected him from unfair treatment. We don't reserve certain highways for a single trucking company, and we don't limit phone service to handpicked stores. We shouldn't reserve high-speed internet for a favored few corporations either. Yet now President Trump's appointed Chairman of the FCC, Ajit Pai, is on the verge of eliminating net neutrality, which will bring to an end the free and open internet that has enabled so many successful companies and has created so many jobs.

Our internet is the envy of the world. Why are we changing it in a way that could harm it? If net neutrality is eliminated, the internet may resemble a toll road, with the highest bidders cruising along private fast lanes while the rest of us inch along on a single, traffic-choked public lane. We could be forced to purchase internet packages, much like cable packages, and pay for more popular sites. It is hard to imagine an entrepreneur building the world's next revolutionary, billion-dollar company while she sits in bumper-

to-bumper traffic online. It is hard to imagine that average consumers are going to get a good deal if internet service providers are unshackled and offer premium service to premium customers.

Again, President Trump talks one way and acts another. He talks like he is helping the middle class. He is fully supportive of the FCC and his hand-picked Chairman while he hurts the middle class and helps the big interests when it comes to the internet.

By ending net neutrality, Chairman Pai and the Trump administration are once again siding with corporate interests against consumers and small business. Once again, the Trump administration is picking CEOs over citizens—just as in the tax bill and now on net neutrality—and thwarting the comments of millions of Americans who have sent comments to the FCC asking them to save net neutrality and to keep the internet free and open to everyone.

The American people have spoken. I hope Chairman Pai and President Trump are listening.

Before I yield the floor, I want to thank my friend, the senior Senator from Connecticut, for his valiant and strong struggle to keep the internet free, open, and available to the little guy and gal equally as it is to the big shots.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to thank the senior Senator from New York, our minority leader, for his very powerful and eloquent remarks on net neutrality. He has been a leader in protecting consumers in so many areas, and this one is preeminently important.

We are here on a day when the FCC may well repeal the net neutrality order. I spoke at length about it yesterday, and I am struck by the mockery that the FCC will make of consumer protection if it proceeds with this very misguided and mistaken course. It is a course that will be reversed, I believe, in the courts if it is followed, and it should be reversed in this body as well. It is profoundly important to the future of the internet to have access and affordability to innovation, to our economy, and to job creation. The open and accessible internet is part of our lifeblood economically and culturally in this country. Part of what makes America great is the freedom of access and innovation.

FIFTH ANNIVERSARY OF THE SANDY HOOK MASS SHOOTING

Mr. President, I want to talk today on the occasion of the fifth anniversary of the Sandy Hook massacre in my State of Connecticut. It was one of the saddest days of my life and one of the worst days of my public career when I went to the elementary school in Newtown, CT, along with a number of my colleagues who will be speaking today as well, Congresswoman ESTY and Senator MURPHY.

In the Judiciary Committee, just moments ago, Senator FEINSTEIN circulated a framed copy of the front page of the Daily News of Wednesday, December 15, 2012—5 years ago, almost to the day. That front page has photographs of the 20 beautiful children who were lost in that unspeakable act of terror and horror. They are 20 wonderful human beings who would be 11 years old today. Their great teachers were killed as well.

Having valued and known their parents as friends and fellow advocates in the effort to achieve commonsense legislation against gun violence, I know how deeply that pain is still felt. The healing is far from over. The grief never ends. The prayers and thoughts of mine go every day to the loved ones who lost those children and educators.

Prayers and thoughts are not enough. It never has been after any of these massacres, and it never will be after the mass killings or for the one-by-one deaths in our communities—90 every day in this great country. Gun violence kills 90 people every day, and 150,000 have perished since Sandy Hook.

So as we commemorate this awful day, 5 years ago, let us rededicate ourselves to act to honor those victims with action, to honor all those with action. It is never too soon to honor the victims with action.

On that front page of the Daily News, there is a line that says "New York's Hometown Newspaper." New York wasn't the hometown to those Sandy Hook victims, but America felt that Sandy Hook was every town in America, and it is indeed quintessentially an American town, filled with wonderful people who hugged and grieved together that day.

That night, in the St. Rose of Lima Church, and in the days following, when there were calling hours and funerals, one after the other, it seemed like they would never end. In some ways they have never ended, because those families' losses are still real and urgent. For us the task of honoring those 20 beautiful children and the 6 educators ought to be real and urgent, even more so today than it was then.

That day we prayed in the St. Rose of Lima Church. I said to the congregation that the whole world is watching. The whole world was watching. The world is watching America to see whether we will act.

We are not the only country with mental health problems. Our rate of mental illness is no greater than any other developed industrial country, but our rate of gun violence is off the charts compared to other countries. There is no excuse for it. There is no rational explanation for it.

As we prayed and grieved then, in the wake of that senseless, horrific tragedy, Congress turned its back. It turned its back on those courageous and strong families who came here in

the weeks following, talking to our colleagues, across the aisle and on this side, asking for commonsense measures, background checks. There was a bipartisan measure then to extend background checks and achieve other gun violence prevention measures, which unfortunately failed on this floor to gain enough votes. We had 55, but we needed 60. From the Gallery on that day, someone shouted: "Shame."

December 14, 2012, will be forever a stain on our Nation's history. That day will forever be a black mark on the United States of America, but so will the day that those commonsense measures were rejected in this Chamber. That shame was richly deserved on that day.

Congress saw the photos of those innocent babies, those wonderful children. It saw their grieving parents. It saw the lines of terrified and traumatized children that day being led to safety out of their elementary school. It saw the war zone that the school became when that mass killing turned it into something that no teacher, no educator ever could have foreseen. Those educators helped save lives.

Congress saw and heard the stories of how brave educators sought to shield their children from the bullets coming from that assault weapon on that day. Unfortunately, the vice-like grip of the gun lobby and, principally, the NRA—let's be blunt about who is leading that lobby—prevailed. In the 1,825 days since the Sandy Hook tragedy, despite the 150,000 people who have perished from gun violence since then, Congress has chosen inaction. It has disregarded public safety and the clear will of the American people. It has heeded instead the campaign contributions of the gun lobby, and it has failed to act. It has been complicit in the continuing scourge of gun violence by its inaction. It has been complicit in those deaths. It has been an aider and abettor, in fact, to the 90 killings each day as a result of gun violence. Shame on Congress if it fails to act now.

Today I am not just heartbroken; I am furious. I am angry beyond words about Congress's complicity, about the inaction we have seen, about Congress's abject failure to take commonsense steps that will protect the American people, about its failure to meet this public health crisis with the kind of action that the American people deserve and need. If 90 people every day were perishing from Ebola or some contagious disease—even the flu—there would be an outcry, an outrage, and we would be clamoring to do something.

Here, the solutions are self-evident. None of them is a panacea. None is a single, magic solution to this problem. The trap raised by the gun lobby that none will necessarily deal with the mass killing that just happened is, indeed, a trap we should reject.

The ban on bump stocks might have prevented Las Vegas but not Charleston. The closing of the 72-hour loophole that permits purchasers to buy a gun if

the background check has not been completed in 72 hours might not have prevented Las Vegas, but it would have prevented Charleston. Dylann Roof purchased the gun only because he was able to circumvent the background check as a result of that 72-hour loophole.

The ban on certain kinds of high capacity magazines might not have prevented San Bernardino or Orlando, but it would have helped to prevent Sandy Hook.

We will never know whether any of these measures would prevent every one of the killings that we cite, but each of them can save lives, and if we save one life, we will have saved the world.

Shame on Congress for allowing this tragic anniversary to be followed by so many more—Sutherland Springs, Las Vegas, Orlando, Charleston, and each and every day in the news. Every day, none of our communities is immune from this scourge. It is truly a public health crisis.

I am hopeful that there may well be a crack in the united partisan front emerging. I am proud to be part of a very powerful bipartisan alliance involving our colleagues, Senators Scott and Cornyn, across the aisle, as well as Senator MURPHY and other Senators on this side of the aisle. I hope we can make modest and crucial improvements to the National Instant Criminal Background Check system.

The NICS system should be fixed. The Fix NICS Act will provide incentives and encourage States to do better reporting. Right now there are immense gaps in reporting in the States and even in the Federal Government, which is why, in fact, perhaps, Sutherland Springs occurred, because of a failure to report by the Air Force a domestic violence conviction by court-martial that would have barred the shooter from lawfully obtaining a weapon, had it been reported accurately.

The Fix NICS bill would ensure that Federal and State authorities comply with existing law and accurately report relevant criminal history records to the background check system. This step is the least we can do, not the most, but it is the bare minimum.

While there is broad support for this modest but significant measure, the Republican leadership in the House is already attempting to sabotage it by linking it and pairing it with the truly dangerous Concealed Carry Reciprocity Act. That act would sabotage the laws of States like Connecticut that seek to protect our citizens. It would, in effect, provide that permits from other States be treated like driver's licenses, no matter how lenient or even nonexistent the provisions may be for obtaining permits in those other States. It would eviscerate rights of States like Connecticut to protect our citizens with higher standards.

These basic measures to prevent gun violence have no threat whatsoever to

gun ownership. They ensure that people who are a danger to themselves or others and convicted criminals and others already barred from buying weapons will not be permitted to carry a lethal firearm.

I respect the Second Amendment. It is the law of the land. No firearm should be taken away from law-abiding citizens. But the idea that there is nothing Congress can do to make a difference and save American lives is unacceptable and false. It is a political copout resoundingly rejected by the vast majority of Americans.

Ninety-five percent of Americans want background checks applied to all purchases. They overwhelmingly favor fixes to the present background check system that make the oversight of purchases more accurate, and they favor commonsense measures that will protect innocent human beings like the 20 beautiful children and sixth grade educators lost that day in Sandy Hook.

When I feel most discouraged and disgusted, I think of those families. I think of the parents of Olivia Engel, and I think of the parents of all of those beautiful children and wonder, as I am sure they often do, what lives they would be leading today. What would Olivia Engel be doing on this day filled with Sun and beauty? In Connecticut, this morning, it snowed. At 6 or 11, snow would still be a wonderful thing, never to be taken for granted by any child. This holiday—all of the wonder and beauty of this holiday—is never taken for granted by a 6-year-old or an 11-year old. The possibilities, opportunities, dreams, and hopes were shattered on that day and lost forever.

I was at the calling hours for one of the children killed at Sandy Hook, and it was a gut-wrenching moment—every one of them. I spoke to the mother of one of those children, and I said: When you are ready, we should do something about gun violence.

She said, without hesitation, through reddened eyes and cracking voice: I am ready now. I am ready now.

America should be ready. America is ready. This body should follow America's lead—honor with action. If nothing else is remembered of that day 5 years ago, let us honor with action those strong and courageous families who have suffered this unspeakable horror, this unimaginable grief, and who have come here in years past to ask us to honor with action the victims, survivors, and loved ones of Sandy Hook and of all gun violence horrors in this country.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Connecticut for his words. The Senator from Connecticut is a former prosecutor who knows law enforcement backward and forward. I can only imagine the grief felt in his State. As a neighboring New England State, I recall the vigils, the

people coming to pray, and the sadness from what happened in our neighboring State of Connecticut. But as so many have said, we can express grief—and we should—but we have to do what the Senator from Connecticut and others have suggested, which is actually take some steps that might stop these things. So I applaud him for what he said.

Let me speak on another issue. This week, we voted on three circuit court nominees, just one step below the Supreme Court. All three of these nominees are extreme. One is objectively unqualified. The fact that we are so quickly casting floor votes on these troubling nominations, all of whom were reported out of the Judiciary Committee just last week, is a symptom of the Republicans' willingness to abandon decades of Senate tradition so that this body can serve as a rubberstamp for President Trump's nominees. The Senate will not be the conscience of the Nation or the check and balance it was always designed to be, but instead, a rubberstamp for the President.

Let me just cover a couple of things. Don Willett is a sitting justice on the Texas Supreme Court. That should mean something. Sitting judges have an obligation to exercise good judgment; to not say anything that would lead individuals to question their impartiality. A question I ask nominees all the time is: Can someone who comes into your court—whether they are Republican or Democrat, plaintiff, defendant, rich, poor, whatever—look at you and say: Well, at least this judge is going to show impartiality. Maybe I will win or maybe I will lose, but it will not be because the judge wasn't impartial. When you look at this sitting justice, Don Willett, he fails the standard of impartiality.

A few weeks ago, I questioned him about his tweet telling a young transgender woman, who was interested in playing softball to "Go away, A-Rod." Justice Willett claimed that this tweet was in jest. But, let me say it again—a sitting justice telling a transgender teen to "go away" sends an unmistakable message to marginalized, vulnerable communities: Not all are welcome in my courtroom. Well, that is not a laughing matter.

This was not the first time that Justice Willett has worn his bias on his sleeve. As an aide to George W. Bush while he was Governor of Texas, he objected to then-Governor Bush declaring a "Business Women's Week." He opposed the proclamation's mention of "glass ceilings, pay equity . . . [and] sexual discrimination/harassment." He dismissed these very real barriers to women in the workforce as "hype." For these and other reasons, I seriously question his judgment or that he would be seen by people coming into his courtroom as impartial.

Then we have James Ho, who is another troubling nominee. His views on social issues are, not surprisingly, ex-

treme. He has even offered effusive praise for Jeff Mateer, another Trump nominee who has publicly proclaimed that transgender children are part of "Satan's plan." Even as a judge, he has complained about the Supreme Court. Remember, these judges are supposed to follow the precedent of the Supreme Court. He has complained about the Supreme Court's Obergefell decision. He said that it is going to lead to "people marrying their pets." I don't think any legal scholar anywhere from the right to the left would agree with that interpretation. Mr. Ho praised Mateer for "protecting and enforcing the . . . civil liberties of every Texan." Well, it is not every Texan—just those he agrees with.

Of course, this race to confirm Mr. Ho that is zipping through here means that we will not have fully vetted him for this lifetime appointment. When he served in the Justice Department's Office of Legal Counsel, he authored a memorandum that was cited in one of the shameful "torture memos." These torture memos have turned out to be a blot on the conscience of the United States. Mr. Ho has refused to answer questions about his involvement, despite the fact that the torture memos are now very much in the public domain. Unfortunately, these kinds of non-answers are considered sufficient as of late, since Republicans are more interested in rubberstamping President Trump's judicial nominees than asking serious questions of them as a coequal branch of government. I cannot believe that any Republican leadership would allow a nominee of a Democrat who would have been involved in the drafting of a key and controversial memorandum to be confirmed unless they are willing to answer questions about it.

Then we have Steven Grasz, whom the American Bar Association unanimously rated him as unqualified for the Federal bench. In the past 40 years, I recall seeing a unanimously unqualified rating only a few times, and those people never made it through. After an exhaustive review including more than 200 interviews about Mr. Grasz, the ABA concluded he could not separate his personal beliefs from his duties as a judge—a fundamental obligation of a judge. This is almost unprecedented to have a rating like this.

To have at least a qualified rating from the ABA is a basic qualification for a nominee to the Federal bench. Certainly, Republicans would insist on it if it was a Democrat's nominee. The Republicans made it very clear that if a Democrat nominated somebody who got a "not qualified" rating—I don't recall it happening, but if they did—they made it very clear that person would never be considered. Well, here is somebody who is declared "not qualified," and yet they whipped him through. You would think "qualified" would at least be the bottom line for a nomination. You would think whoever is President, they are at least nomi-

nating somebody who could hit the threshold of being considered qualified.

Republicans are now casting aside the ABA as a biased institution; some have accused the ABA of opposing Mr. Grasz simply because of his opposition to abortion. Well, that is absurd. The ABA has rated 46 of President Trump's 50 nominees as "qualified." Let's not delude ourselves, does anyone think that any of the 46 Trump nominees that the ABA rated as qualified support abortion rights? They would never get out of the White House if they did. So that argument—like so many others used to support these extreme nominees—does not pass the laugh test.

As the longest serving member of the United States Senate and a former chairman of the Judiciary Committee, I have spoken up about the steady erosion of the Committee's norms and traditions. The Committee has processed unvetted, extreme nominees at an unprecedented rate. President Trump will have four times as many circuit court nominees confirmed in his first year than did President Obama. The reason President Trump has four times as many circuit court nominees confirmed in his first year than did President Obama is because Republicans removed any and all guardrails on our confirmation process—the guardrails they insisted on when there was a Democratic President. No matter how careful the Democratic President was in picking that person, they had to have these guardrails. I thought, actually, the guardrails made sense.

The second you have a President who nominates extreme judges, they decided we don't need those guardrails anymore because President Trump would never make a mistake. Nominees have had hearings scheduled before we even had the ABA ratings. Multiple circuit court nominees are regularly stacked on single panels. That is something Republicans insisted should not be done when there was a Democratic President. Now, unfortunately, the chairman—who is a friend of mine and a man I respect—has reversed his own blue-slip policy. He has begun to advance nominees without favorable blue strips from both home State Senators. That is the first time this has been done in the last two Presidents.

I fear we are doing lasting damage to our nomination process. I fear we are making the advice and consent process a completely laughable exercise. The three nominees who are set forth this week are evidence of that.

I am going to vote no on each of them because they are not qualified. I have voted for many Republican nominees. I might disagree with them philosophically, but they were qualified, just as I voted for many Democratic nominees. Some I disagreed with, but they were qualified. These nominees aren't qualified. They are extreme. I want the standard I always asked for; that whoever you are, when you come into a courtroom, you can look at the

judge and say: OK, whether I am a plaintiff or defendant, rich or poor, facing the State as the respondent, no matter my political background, I am going to be treated fairly. I will win or lose my case on the merits, not on the judge's bias.

We are closing our door to that. We are closing our door to it when the President of the United States turns the selection process over to an extreme political, partisan group and then asks Republicans to rubberstamp it. I respect my Republican colleagues, but I can't imagine many of them ever standing for a Democratic President doing anything like this. I wouldn't.

I wish they would bring the Senate back to where we should be, where we can be, and where the country is better off when we are.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Ms. WARREN. 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. WARREN. Mr. President, 2 days ago, the GOP-controlled Senate confirmed Leonard Steven Grasz to a Federal appeals court. This is a man who is so aggressively ideological that he earned a rating of "not qualified" from the American Bar Association.

The ABA reached that conclusion, in part, after speaking with many of Mr. Grasz's peers who expressed concerns "that Mr. Grasz" strongly held social views and/or his deeply rooted political allegiances would make it impossible for him to have an unbiased and open mind on critical issues."

Those individuals have ample reason to be concerned. Among his many appalling views, Mr. Grasz believes discrimination against LGBTQ individuals is A-OK. He supports the harmful and discredited practice of conversion therapy and he opposes reproductive rights and the Republicans just confirmed him to a lifetime appointment as a Federal judge who will make life-changing decisions for millions of Americans.

The other judicial nominee the GOP-controlled Senate confirmed this week, Donny Willett, doesn't fall very far from that tree either. Mr. Willett, a current justice on the Texas Supreme Court, isn't shy about his radical right-wing views. He has bragged about being the most conservative justice on the Texas Supreme Court, and he has a record to show for it.

Mr. Willett believes judges should be able to easily overturn State and local laws that protect workers, including minimum wage laws and laws that allow workers to unionize. This view is so out of the mainstream that other conservative judges, including Chief Justice John Roberts and Judge Robert Bork, have rejected him.

Mr. Willett's radical views don't stop there. He has ruled to limit the rights of same-sex couples. He has mocked transgender individuals. He has demonstrated hostility to issues that affect working women, including pay equity, discrimination, and sexual harassment. Mr. Willett has ruled against efforts to help remedy discrimination in Texas schools. On issue after issue, Mr. Willett's record shows a stunning disregard of the issues that impact millions of Americans.

The truth is, Mr. Grasz and Mr. Willett are not unique. They are just a few of the many nominees whose records show they cannot fairly and impartially dispense equal justice under the law.

Right now, the GOP-controlled Senate is executing a breathtaking plan to fill our courts with rightwing, radical nominees like Mr. Grasz and Mr. Willett. It is a plan that has been long in the making. For years, Republicans have worked hand in hand with billionaire-funded, rightwing groups to ensure that our courts advance the interests of the wealthy and the powerful over everyone else.

First, after President Obama was elected, Republicans abused the filibuster to stop reasonable mainstream judges from filling vacancies on Federal courts. They didn't stop those nominees because of their qualifications. They didn't stop them because of their records. The Republicans stopped those nominees because they didn't want judges who cared more about justice than about protecting the powerful.

Then, once the filibuster was gone and Republicans had gained the majority in the Senate, they slowed the judicial nominations process to a crawl. Vacancies stacked up, and the courts became overloaded with cases.

Finally, last year, Republicans took their assault on our judicial system to new heights, refusing to consider any nominee put forward by the President to fill a Supreme Court vacancy. They threw the Constitution and Senate precedent right out the window to advance their radical agenda. It was shocking, and it was shameful.

Now that there is a Republican President who is committed to tilting our courts further in favor of the rich and the powerful, Republicans are looking to fill our courts with judges who share that commitment, no matter how unqualified they may be.

This week, the Senate will vote on one more of those judicial nominees, James Ho, a man who, like Mr. Grasz and Mr. Willett, will work to hand our courts over to powerful, pro-corporate interests. When it comes to money and politics, Mr. Ho's view is the more the better. He has argued that there should be no limits on campaign contributions, none—democracy for sale. According to Mr. Ho, the reason government is so corrupt isn't because there is too much secret money slithering through our political system but be-

cause government makes it too hard for those big donors to succeed in the private sector.

Tell that to the working families, the students, the teachers, and the small businesses that will be paying higher taxes to give those fat cat donors giant tax cuts.

Mr. Ho has also defended discrimination against LGBTQ individuals. While he was solicitor general of Texas, Mr. Ho defended Texas's ban on same-sex marriage. More recently, he has heaped praise on a Federal district court nominee who, among other disgusting statements, said that transgender children are part of "Satan's plan."

Here is another troubling aspect of Mr. Ho's record: his view on whether torture is illegal. While Mr. Ho worked in the Justice Department, he authored a memo relating to the treatment of prisoners of war. That memo is cited in one of the torture memos that became the basis for the Bush administration's illegal and immoral practice of torturing terrorism suspects. That memo was not provided to the Judiciary Committee, and Mr. Ho has refused to fully answer questions regarding his involvement in what ultimately became the Bush administration's policy on torture—information that every Senator should demand to see before we vote on his nomination.

Grasz, Willett, and Ho—just about all of Trump's judicial nominees—have a lot in common. They will put powerful interests before the rights of workers, before the rights of women, before the rights of LGBTQ individuals, people of color, religious minorities, and pretty much everyone else. Their radical, rightwing views mean that in their courts, it will be easier for giant corporations and wealthy individuals to get relief and harder for everyone else to find justice. That is the perverted, upside-down justice system that every Member of this Congress should be working to fix.

Now more than ever, we need judges who will stand up for equal justice for all, not just for the rich and the powerful. The records of the nominees before us this week show that they cannot meet that standard. That is why I voted no on the nominations of Mr. Grasz and Mr. Willett, and that is why I will be voting no on Mr. Ho. I urge my colleagues to do the same.

Mr. President, I yield.

Mrs. FEINSTEIN. Mr. President, I come to the floor today to discuss the three judicial nominations we are considering this week: Steven Grasz, for the Eighth Circuit Court of Appeals, and James Ho and Don Willett, both for the Fifth Circuit Court of Appeals.

Before I talk about those nominees, I would like to offer some background on the importance of circuit courts and remind my colleagues why we have so many judicial vacancies.

The Supreme Court hears between 100 and 150 cases each year out of the more than 7,000 it is asked to review. But in 2015 alone, more than 55,000 cases were filed in Federal appeals courts.

These cases range from crime and terrorism to bankruptcy and civil matters, and the judges who hear these cases will affect millions of Americans.

So it is extremely important who is confirmed to these lifetime positions. Federal judges have a tremendous impact on individuals, businesses, and the law. In a way, circuit courts serve as the de facto Supreme Court to the vast majority of individuals who bring cases. They are the last word.

These nominations are very important. That is why it is so concerning that Republicans for years refused to allow judgeships to be filled.

The simple fact is the rush to fill judicial vacancies is the direct result of Senate Republicans' historic obstruction of judicial nominees during President Obama's administration.

During President Obama's last 2 years in office, just 22 judicial nominees were confirmed. That is the fewest in a Congress since Harry Truman was President. In contrast, during the last 2 years of the George W. Bush administration, Senate Democrats confirmed 68 judicial nominees.

At the end of last year, three circuit court nominees and 20 district court nominees had been approved by the Judiciary Committee and were waiting for votes on the Senate floor. Republicans refused to schedule votes for those nominees, many of whom Republicans themselves voted for, so they could hold those seats open. Four more circuit court nominees and 52 district court nominees were pending in committee and never even received a hearing.

Now, 1 year later, the Senate is voting this week to confirm the 10th, 11th, and 12th circuit court nominees this year. Republicans went from delaying all nominees to cramming them through at a breakneck pace.

The 11 circuit court nominees who have already been confirmed are more than any President in the first year of office since Richard Nixon.

Two nominees we are considering this week, James Ho and Don Willett, lay out the Republican playbook.

These seats on the Fifth Circuit have been vacant since 2012 and 2013, even though the Obama White House tried to work with my colleagues from Texas to fill these seats with consensus nominees.

But once President Trump entered the White House, they wasted no time in rushing to put conservative judges in those seats.

Don Willett was nominated on October 3, James Ho on October 16.

Just a month later, on November 15, the Judiciary Committee held a hearing for both circuit court nominees on the same day, and cloture was filed immediately on both nominations after the committee advanced them.

The speed at which these judges are being rammed through the process is stunning.

In fact, on four occasions in the last 6 months our committee has held hear-

ings for two circuit court nominees at the same time. This happened only three times in all 8 years of the Obama administration.

This is a problem because it gives Senators less time to review each nominee's record and less time to ask each nominee questions. Candidly, it makes it very difficult for us to exercise our constitutional duty to "advise and consent."

We are already seeing the ramifications. Just yesterday, the White House announced that two of its nominees would not be moving forward. One nominee, Brett Talley, had already been voted out of the Judiciary Committee, but we learned of troubling undisclosed information while he was pending on the floor. This may not have happened if we had sufficient time and cooperation to fully review these nominees.

In the month of November, the Judiciary Committee had hearings for five circuit court nominees. I have served on this committee since 1993, and we have never held hearings for five circuit court nominees in a single month before. That is during a month when we spent a week at home for Thanksgiving.

Republicans refused to advance seven circuit court nominees last year, but now we are speeding through the process to fill those seats with conservative judges. Fairness aside, we should all be concerned that we are giving lifetime appointments to potentially unqualified nominees.

Now, I would like to talk about the three nominees we're considering this week. This week, Steven Grasz was confirmed to the Eighth Circuit.

The American Bar Association has rated 1,755 judicial nominees since 1989, and only two of those have been unanimously rated "not qualified" based on concerns over their impartiality.

One was a nominee for the Fifth Circuit in 2006 who was never confirmed. The other is Steven Grasz.

Let me repeat that. This week, for the first time since at least 1989, the Senate voted to confirm a nominee who was unanimously rated as "not qualified" by the American Bar Association.

The ABA doesn't rate nominees based on what the evaluators think. Rather, they review a nominee's written record, talk to the nominee, and interview many people who have direct personal and professional knowledge about the nominee.

Here are just two direct quotes from the ABA's review:

"Mr. Grasz's professional peers expressed concerns about his views of stare decisis, and questioned his commitment to it."

"[A] number of Mr. Grasz's professional colleagues expressed the view that, in terms of judicial temperament . . . Mr. Grasz is not 'free from bias.' Specifically, they expressed the view that he would be unable to separate his role as an advocate from that of a judge."

These are stunning indictments of a man who was confirmed to a lifetime seat on a circuit court.

Some of my Republican colleagues argue that the ABA is biased. The numbers just don't bear that out.

Over the last 30 years, during both Republican and Democratic Administrations, the ABA has rated nearly 1,800 nominees and rated only two "not qualified" based on their temperament.

I voted against Mr. Grasz's nomination and am very concerned that he was confirmed on Tuesday. He did not have the support of a single Democratic Senator.

Next I would like to talk about James Ho, nominated to the Fifth Circuit.

During his time at the Office of Legal Counsel, Mr. Ho wrote a legal analysis of the scope of the term "cruel, inhuman, and degrading treatment," which is prohibited under Common Article 3 of the Geneva Conventions.

Unfortunately, this memo remains classified, and we haven't seen it.

The reason we know this memo exists is because Jay Bybee cited it in one of the so-called torture memos, which were used to justify torture and have since been widely discredited.

The Bybee memo also appears to have relied on Mr. Ho's analysis to argue that because the term "cruel, inhuman, and degrading treatment" "appears to . . . have a rather limitless reach," conduct that qualifies as torture should be defined more narrowly than what is prohibited under international law.

It is this kind of flawed legal reasoning that allowed the U.S. Government to torture people, and I have argued that no vote should have taken place on Mr. Ho's nomination until we had access to that memo.

The Justice Department has provided us access to similar memos written by nominees for judgeships, so there is no reason to deny us access to the memo James Ho authored.

I can't possibly vote in favor of a nominee to a lifetime appointment who may have helped provide the legal basis for torture, and it is a shame we are voting on this nominee this week.

Finally, I would like to speak about Don Willett's nomination to the Fifth Circuit.

At his hearing, my first question was about his 1998 comments on a draft proclamation for then-Governor George W. Bush to honor the Texas Federation of Business and Professional Women in 1998.

Let me quote from them: "I resist the proclamation's talk of 'glass ceilings,' pay equity (an allegation that some studies debunk), the need to place kids in the care of rented strangers, sexual discrimination/harassment, and the need generally for better "working conditions" for women (read: more government)."

I asked Justice Willett if these were still his beliefs, and he refused to answer. I asked again, and again, he refused to answer. Senator DURBIN asked

the same question, and Justice Willett refused to disavow these beliefs.

As the National Women's Law Center wrote, "Mr. Willett's skepticism of the existence of sex discrimination should disqualify him from the bench. Litigants coming before Mr. Willett . . . would have reason to question whether their claims of discrimination, including sexual harassment and pay discrimination, would be fairly and impartially heard or, instead, treated as 'hype' to 'debunk.'"

I could not support Justice Willett's nomination.

Ms. WARREN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. CORNYN pertaining to the submission of S. Res. 361 are printed in today's RECORD under "Submitted Resolutions.")

Mr. CORNYN. Mr. President, on a separate and happier note, today is a great day for our Nation's Federal judiciary. Yesterday afternoon, we confirmed Justice Don Willett, who currently serves on the Texas Supreme Court, who has been nominated by President Trump to the United States Court of Appeals for the Fifth Circuit. Soon we will be voting on Jim Ho, the former solicitor general of the State of Texas, who has also been nominated to the Fifth Circuit Court of Appeals.

These are two outstanding nominees, and they reflect the best of Texas. They are each fathers, lawyers, scholars, public servants, and active participants in their communities. I wish to take just a few minutes to discuss each of their unique stories, as well as their sterling records of professional accomplishment.

Don Willett was raised in Talty, a small town outside of Dallas, TX. He was adopted at a young age and raised by a single mom for most of his life. She must have been one heck of a lady because her son went on to achieve great things from those humble beginnings.

He attended Baylor for undergraduate and Duke Law School. He clerked on the same court to which he has been nominated and now confirmed, the Fifth Circuit Court of Appeals. He worked in private practice and served Governor, and then President, George W. Bush.

That is not all, though. He went on to work at the Department of Justice's Office of Legal Policy and later served as deputy attorney general of Texas before his appointment to the Texas Supreme Court. He was elected to his first full term in 2006 and reelected in 2012.

While serving on my State's highest court, Justice Willett was recognized for his excellence by the Texas Review

of Law and Politics, which named him as its "Distinguished Jurist of the Year" in 2014.

Justice Willett's confirmation now is good news, and, perhaps, the best news for him personally is that he will no longer have to run for election, as he has had to do as a member of the Texas Supreme Court, because, of course, his appointment now is for life tenure.

Jim Ho's story is no less remarkable. Jim was born in Taiwan, and his parents immigrated to New York when he was a toddler. Jim learned English by watching Sesame Street.

When he was young, his parents moved to California, where Jim later attended Stanford before moving on to law school at the University of Chicago. As an adult, in his professional life, Jim clerked for Judge Jerry Smith on the Fifth Circuit, the court to which he has now been nominated and will be confirmed, and he later clerked for Justice Clarence Thomas on the U.S. Supreme Court.

Jim has worked in a variety of legal capacities in the private sector. He has also served at the Civil Rights Division and the Office of Legal Counsel at the Department of Justice.

It is when he was at the Civil Rights Division that I first met Jim and I offered him a job on my Judiciary Committee staff, where he served as my chief counsel. Later, serving as solicitor general, he had the highest win rate before the U.S. Supreme Court of any person who has served in that role. When I was attorney general of Texas, we created this position of solicitor general because we had line lawyers who would, literally, handle cases for State agencies and who would handle those cases all the way to the Supreme Court, but really they didn't have the experience or training as an appellate advocate that we needed to speak with a single voice for the entire State before the Federal courts. Jim held that role and performed with distinction. As I said, he was enormously successful in his appellate advocacy.

Jim also bears the distinction as the first Asian-American solicitor general of Texas, and he has taught as an adjunct professor at the University of Texas and is published in numerous scholarly journals.

Simply put, Jim Ho and Don Willett are two stars in the Texas legal firmament. They were extensively vetted by the bipartisan Texas Federal Judicial Evaluation Committee, appointed by Senator CRUZ and myself, as well as the Office of White House Counsel and the Department of Justice. I am glad we are now elevating them to the Federal bench.

I wish to commend the President on these excellent nominations, and I thank my colleagues for their votes to support these two exceptionally qualified men.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

REPUBLICAN TAX BILL

Mr. REED. Madam President, as Republicans in both Chambers rush to conclude their secret negotiations on the final details of their tax bill, I want to make clear to my colleagues what should be obvious about this legislation. We may not yet know the results of all of their horse-trading leading up to the final legislation, but the American people are watching this process. It is plain to see that, should this Republican bill become law, Republicans will have knowingly and deliberately made worse the most dangerous threats that we face to our economic and national security. Worse yet, they will have drained the public coffers that our children and our children's children will need to take up these challenges.

We all know what these challenges are. We face unprecedented income and wealth inequality that threatens to stifle the social mobility that is the hallmark of the American Dream. There is also declining productivity, which has kept middle-class wages stagnant, and bred economic anxiety for too many parents wondering if their children will attain a higher standard of living—much higher, they hope—than they have achieved. We have a surging deficit from decades of trickle-down economics and unpaid-for wars that, if left unaddressed, could apply huge pressure to our ability to keep our most basic promises to the American people, not to mention meeting our obligations as a world power.

To the families watching what is going on in Washington right now, the Republican end game appears to be to invite fiscal crisis due to irresponsible tax cuts for the wealthy and corporations, and then, because we have already given trillions of dollars away in tax cuts, to demand that Congress shred Social Security, Medicare, Medicaid, and other vital programs in order to pay our bills. We know this is the road that this bill sets us upon, and the American people certainly see this coming. So let no one who votes for this bill say that they did not know the consequences of their actions. This will not be remembered as tax reform, but rather as a serious mistake to be corrected in the future.

How do middle-class Americans know that Republicans did not write this bill for them? Because they have watched Republican economics rig the tax system in favor of the wealthy and corporations for years, even as wealth and income inequality have reached historic levels. They took the Republicans at their word when Republicans promised that the Bush tax cuts of 2001 and 2003, which skewed tax relief to the top

1 percent over the bottom 20 percent of Americans by more than 6 to 1, would eventually trickle down. That is what they thought, but on the eve of the great recession, aftertax income for the richest 1 percent had soared while middle-class wages continued to stagnate. We are still waiting for the Bush tax cuts to trickle down and to pay for themselves. They likely never will.

These Republican proposals make matters even worse by financing tax giveaways for big business and the rich on the backs of those just trying to get by. Economists, relying on the Federal Survey of Consumer Finances, recently determined that the top 1 percent of American households now hold about 40 percent of the Nation's wealth, which is a 50-year high. This legislation overwhelmingly benefits them while raising taxes on 48 percent of American taxpayers by 2027.

Many of the families whose taxes will go up have already been through tough economic times during the Great Recession. Productivity in the American workforce has been declining, and wages have grown at an even slower pace than that. These families don't need numbers from the Bureau of Labor Statistics to know our Nation's recovery was historically slow. But our middle-class weathered the Great Recession as Americans have always done. Now, because of the lopsidedness and deficit-busting features of the Republican tax bill, Moody's Analytics has warned that this "fiscal policy mistake" could very well take us prematurely into an economic bust. Middle-class families have just emerged from the last crisis of Republican economics, still battered and bruised, and they know that, if Republicans force a plan like this on the Nation again, it will be their children who are on the hook to pay for it.

Make no mistake, there are times when running a deficit is advisable or even economically necessary—particularly when times are tough and families need help to stay in the working class and get back on their feet. But regressive tax cuts just sit on our credit card with little to show for all that red ink, and the tab we are leaving the next generation is still running from 16 years ago.

Like many of my colleagues, I was here to take the tough votes and make the hard choices that led to the Clinton-era surplus. The failed experiments of supply-side economics turned that surplus into a CBO-projected deficit of over \$10 trillion over the next decade. And even if we accept all of the rosy assumptions of dynamic scoring and take it on faith, yet again, that wealth will trickle down and that no recession will come in the next decade—all of which are assumptions on which I wouldn't wager anything—the Joint Committee on Taxation calculates that this bill would still increase the deficit by over \$1 trillion. Facts do not go away simply because we ignore them, and if Republicans continue to ignore

the budget hole their policies create, then this massive deficit and the budget pressures that follow it will be their legacy for future generations.

More importantly, however, I must ask: What national priorities will our colleagues on the other side deem too expensive after we have given 1 trillion more borrowed dollars to the wealthy? What choices will Republicans try to force on the American people when they decide there simply isn't enough for the Armed Forces, the jobless, the sick, and the elderly? Republican leadership is already vowing to take up "entitlement reform" next year, which is Washington-speak for giving the top 1 percent everything they want and then forcing practically everyone else to choose who loses their Social Security, Medicare, or Medicaid to plug the budget hole. Therefore, before Republicans blow apart the Federal budget yet again, it is worth reviewing the massive costs the American people are already committed to pay.

First, as I have discussed before, this bill essentially guarantees that we will struggle to meet the needs of our national defense. Our war deficits from the past 16 years alone are projected to add over \$1 trillion to the national debt by 2023 and over \$8 trillion by 2056. We all know we must modernize the nuclear triad, which will cost \$1.2 trillion in 2017 dollars over the next 30 years. A 355-ship Navy would cost, on average, \$102 billion per year through 2047. Necessary additions to the end strengths of the Army, Air Force, and Marine Corps will cost an additional \$18 billion, \$6 billion, and \$3.6 billion, respectively. Where will this money come from, since we have already given it away to the wealthiest Americans?

This chart shows what happens to the defense budget when large-scale tax reductions are put into effect, starting in the Reagan era of the 1980s. One of President Reagan's first initiatives was to build up defense. This chart shows the percentage of GDP devoted to defense spending. President Reagan promised to make America strong. To actualize his feeling and view of peace through strength, he built up the defense budget significantly—going from a little over 5 percent of GDP when he took office up to almost 7 percent. But in the mid-1980s, he also engineered tax cuts that lowered taxes on the wealthy in proportion to lower income Americans, and eventually, those tax cuts and the deficit caught up with defense spending. As we notice, through the later 1980s and all the way into the 1990s, except for one respite, we had a declining defense budget. In the first year of the George Herbert Walker Bush administration, there was another attempt to decrease defense spending. So the line went up a bit, but after that, of course, with deficits increasing, with other pressures mounting on the budget, defense spending plummeted.

Then, within the Clinton administration, there was a conscious effort to re-

duce defense spending. The so-called Cold War peace dividend took place. At the same time, though, because of the tough votes on tax reform that we took, we were building up a significant surplus.

We saw again here, with the beginning of the George W. Bush administration, an increase in defense spending. Once again, that was a product of the desire of the President to lower taxes, which he did, but more importantly, was the unexpected and catastrophic attack on the United States on September 11, 2001. That, together with the later decisions to go into Iraq and maintain our presence in Afghanistan, led us to increase defense spending, but, once again—once again—a growing deficit with tax cuts, with no increases to pay for wartime operations, saw the defense budget peak and then begin to decline, and we are in that decline right now.

If history is any judge, when we pass these tax cuts, I think we will see a further decline as defense spending is squeezed by an already-acknowledged increased deficit and by the difficulty of cutting other programs to relieve budget pressures. We are not positioning ourselves well. As I previously mentioned, we are already looking ahead at necessary expenditures totaling trillions of dollars over the future, and if we don't make them, it will leave our Armed Forces, and indeed our position in the world, in a very precarious position.

The irony will be that many of my colleagues will come down here and vote one day soon on a huge tax reduction for the wealthiest, including a \$1.5 trillion deficit increase, and on the next day say: "We need more money for our military, that is the most important thing." If our military were the most important thing, we would be voting on a bill to provide that type of financial support and relief to the military today, and letting the tax cuts for the wealthy wait.

This is one of the remarkable periods in our history; probably the first time in our history, that we have conducted a war for 16 years, and have yet to ask the American people, in any significant way, to participate by paying their fair share for the national defense. In fact, throughout this period, with rare exceptions, we have cut taxes, and the cuts have basically benefited the wealthiest Americans. That is why all of this together has caused former Secretaries of Defense Leon Panetta, Ash Carter, and Chuck Hagel to indicate that this tax bill is ill-advised. Following 16 years of debt-financed war, providing even bigger deficit-busting tax cuts doesn't make any sense for our national security.

My previous comments, along with the comments of former Secretaries of Defense and others seem to have touched a nerve with Speaker RYAN because, when asked specifically, he took some umbrage at these comments. In an interview with NPR, he said he simply could not understand where our

concerns were coming from. To put it bluntly, I am comfortable siding with three former Secretaries of Defense over the Speaker when it comes to budgeting for the men and women of our Armed Forces, for the reasons I outlined in my discussion of the history of defense spending and tax cuts over the last 30-plus years. Inevitably, the tax cuts to the wealthy and corporations, because of the way this bill is structured, will put pressure on defense spending. What I don't want to happen is to have people down here 2 months from now pounding the desks about how we are not responding to the needs of our troops, saying that we haven't made them the most important thing in our lives, or that we are neglecting our national defense. Frankly, they have ignored this whole topic by committing to give tax cuts and increase the deficit. That is the wrong priority, in my view.

As the chart clearly demonstrates, these tax cuts eventually catch up with us. They produced defense cuts—maybe not immediately, but we are not working on a situation like we had in 2001. When President George W. Bush instituted his tax cuts, we had a \$5 trillion surplus on the books. That was because we took those tough votes in the 1990s to increase taxes and to build up a surplus.

We don't have that pad any longer. We are already \$10 trillion in the hole, so the effect of these cuts will be much quicker and much more dramatic when it comes to the situation we will face not only in terms of supporting our military, but actually taking major steps to upgrade the platforms, the technology, the training, the readiness, and the quality of life of the Armed Forces. We don't have a \$5 trillion surplus to dip into to pay off the wealthiest while we try to fix defense. We are in a situation where advocacy for this tax cut, in my view, totally and deliberately ignores the costs we are going to have to pay to protect ourselves. For the first time in our history, we have conducted almost 20 years of war, and we have asked our troops and their families to serve, but we haven't asked any other American to stand up, at least with their financial support, and help us deal with the crises we face across the globe.

It is not just our Armed Forces that will be squeezed and crowded out of the Federal budget because of these Republican proposals; the middle class and the working poor will also have to do a lot more with a lot less.

Many of my colleagues have already pointed out that the CBO has estimated that 13 million Americans will lose their health insurance because Republicans will repeal the individual mandate to pay for tax cuts. They can try to spin this as an expansion of choices, but the bottom line is that more people will be sick, and fewer of them will get the care they need.

Other middle-class American families can expect to lose access to critical tax

advantages that allow them to remain self-sufficient during hard times. This approach promises to crush families on two fronts. It will force more families who are down on their luck to slip out of the working class, and then, because of massive deficits, the social safety net will be weakened when these families need it the most. This legislation will likely trigger a \$25 billion cut to Medicare in 2018 alone, and with the Republicans' entitlement reform on the docket for next year—publically announced by Speaker RYAN—this may just be the tip of the iceberg. If we pass this tax bill, under our pay-go rules, we are in a position where we will be facing a \$25 billion cut to Medicare just next year, in 2018. Indeed, for many Americans, this vote is not about taxes, it is about Medicare—what they thought they had earned and are entitled to, what their children believe they need in order to withstand the obvious health problems as one ages.

This does not even begin to cover the struggles facing working-class Americans every day. We are in the midst of a historic decline in labor force participation that economists are struggling to explain, and many States that are experiencing deep declines in labor force participation are among those hardest hit by the opioid epidemic. A few weeks ago, President Trump declared a public health emergency on opioids. Where are the resources coming from to face that national emergency? There will not be that much left after this tax cut.

What we are beginning to see—this is not cause and effect, but it is a correlation—is that a lot of individuals are leaving the workforce because they feel displaced by new technology or because they are noncompetitive or for a number of reasons, and this seems to correlate very highly in those States with large losses with this opioid epidemic. In my home State of Rhode Island, this epidemic is real. It is taking the lives of individuals. On a national scale, it is something that has already been proclaimed a public health emergency by the President. Again, where will the money come from after these tax cuts? Will the problem just go away? I doubt it. The money is going away, but not the problem.

We have to ask ourselves: If we are in a national public health emergency, why aren't we standing up and providing the resources to help Americans face this problem? It goes back to the same logic: If we are in our 16th or 17th year of war, why aren't we standing up and saying that we better put up some money for the troops, their equipment, and their families?

No—what my colleagues are saying is: We had better cut taxes for the wealthiest Americans, for corporations. We have to create loopholes for passthrough entities that give advantages to private equity concerns, legal firms, accountants, and others.

As we look at these problems, millions of Americans are sitting around

their dinner tables, and they don't believe we need to give trillion-dollar tax cuts to corporations that have international operations. They are more likely thinking about more mundane things closer to their lives, such as, what about the roads and bridges in my community? Why does this country have an investment backlog in transportation of \$836 billion for highways and bridges and \$122 billion for transit? Why aren't we doing the big infrastructure bill that the President indicated during the campaign—which is going to cost real money? Instead, we are giving real money away.

This makes a huge difference—because pursuing tax cuts first doesn't just neglect infrastructure, it neglects jobs. The jobs infrastructure projects create are middle-class jobs. These are not the private equity analysts. These are not the sophisticated financial engineers. These are the laborers, the structural engineers, and the men and women who pour the concrete. They are not going to get much out of this tax bill. At the family dinner table, they are probably wondering how they can afford to send their children to college.

How can they even continue to send their children to elementary and secondary schools that are in a horrendous state of repair? The Department of Education has estimated it would cost \$197 billion to bring all public schools in the United States to good condition, and there is a \$30 billion funding gap in annual capital construction and new facility funding. This is not just a Rhode Island problem; this is a problem in every State of the Union. Public school buildings are decrepit, and we are sending children to those schools. If this legislation passes, where will we find the money to help State and local communities deal with these issues so that children can go to schools that are modern, up-to-date places where they can learn?

Once you get past the elementary and secondary education levels, today everyone insists the jobs of the future all require more than a high school education. We have a generation that has racked up about \$1.3 trillion in student loans and is facing a job market that provides few opportunities and not enough opportunities to pay them off. They are worried. People are worried that their children—many of whom are still living with them after college—will never be able to pay off these loans. Where is the multibillion-dollar package of assistance, aid, and loan forgiveness that will allow this generation of Americans to have the same benefits that my generation had? That is not the situation today. Everyone in this Chamber knows this because, when they go home, they hear from parents who are wondering when their child will ever get out from underneath the significant debt they have.

These are all real problems that working families face. There is another

problem that is looming and will exacerbate these problems even more dramatically. According to the McKinsey Global Institute, up to 30 percent of the work done by 60 percent of occupations today is vulnerable to automation. By 2030, 75 million to 375 million—up to 14 percent—of the global workforce will need to change jobs. These advances in artificial intelligence could cause a huge erosion in human jobs.

What are families doing? What should we be doing? Frankly, we should be thinking of ways we can help people make the transition, and prepare them for what we know is coming. We know there is going to be a huge loss of jobs. We know that, when people drop out of the workforce, when companies get smaller, their pension obligations don't get that much smaller. We are also facing huge shortages in terms of pensions.

One of the ironies I suggest will happen—"irony" is too gentle of a word—is that these corporations that are getting huge tax benefits are not going to raise wages. They are not going to turn it over to the people who work for them. They will buy back their stock, and some of these companies will buy back their stock even though their pension plans are not fully funded. That is not only an irony but an additional problem with the approach we are taking to this legislation.

The jobs in danger are not all entry-level positions. This is not about somebody who has a pick and a shovel and is displaced by a machine. We are talking about jobs, for example, in radiology. With computers and artificial intelligence today, doctors will admit they can read x-rays better than many technicians. They can do it in such a way that you don't need as many radiologists to review the records. They can be much more efficient. We are talking about jobs that are not core, entry-level jobs done by people who can easily do something else. We are talking about people who have master's degrees, who have years of training. This is going to come very quickly. What do they do? How do they compensate? Where do they get a job?

We know that this is going to happen, and we are weakening ourselves financially from being able to respond. Yet the legislation that is being proposed is oblivious to what we know is going to happen.

People will come here and say: "We need more money for national defense." Why don't we do that now, instead of giving a big tax cut and raising the deficit?

In a few years or few months, people will say: "This opioid crisis is out of control; it is even worse than it was when the President declared it an emergency." Let's do something.

We don't have the money. In a very few years, when people say, "We are losing hundreds of thousands of good jobs; let's do something," the answer will be "Sorry, we can't."

By the way, we don't have much of a safety net for those people who are

being displaced by these machines because we have eroded that too. We have huge challenges before us. The American people are watching us. They know these things. They are seeing in their workplace machines gradually replacing human beings. If you are a driver for UPS and you haven't figured out yet that these big companies are buying autonomous vehicles, they are using drones to deliver packages, et cetera—they understand what is coming. They see their children with huge debt living at home because they can't afford to buy a home, given their school loans. They sense the fragility of not only their own job but also the support for their parents on Medicare and Medicaid.

One of the things I thought was interesting when I heard we were going on to entitlement reform is the fact that the biggest amount of money spent in Medicaid go to nursing homes, and it goes to individuals who are not the poorest of poor. They are middle-class people, seniors, or people with long-term disabilities who have exhausted most of their funds. They have sold their house or mortgaged their house, et cetera, and they are the ones who are taking the bulk of the Medicaid money and funding. If we cut Medicaid, what we are going to do is tell a lot of middle-class people: You are out; you are out of this nursing home. Or we are going to tell their sons and daughters: You thought you had a problem paying off your children's tuition; you thought you had a problem at work because you haven't had a raise in several years. Guess what. Unless you come up with \$1,000 extra a month, your mother is out of that nursing home.

That is the reality. That is what Americans around their kitchen tables and coffee shops are talking about. They are not talking about big tax cuts for the wealthiest corporations and individuals. It is no surprise that, if you look at any of the polling with respect to this tax bill, the American people are against it. My colleagues, particularly on the other side, are committed to getting something through that the American people don't want. They have said it. The polling has been extensive: We don't want this; we have real problems at home.

I am here to say that I believe this is a great mistake. I don't think any of us going forward should be in a position to say: Someone should have told me; someone should have told me that we need trillions of dollars to improve our defense above and beyond the current money we are spending. Somebody should have told me that hundreds of thousands—if not millions—of good jobs are going away because of artificial intelligence. Someone should have told me that young people are drowning under college debt, and we should fix that. Someone should have told me that we are in a situation where working conditions and the prospect of work is so fragile for so many people.

I think this is a great mistake. I hope my colleagues will reflect on what we are about to do and reject it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, I ask unanimous consent that notwithstanding rule XXII, at 1:45 p.m. today, all postcloture time be yielded back and the Senate vote on the confirmation of the Ho nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

NAFTA

Mr. FLAKE. Madam President, I rise today because I believe that some here in Washington are under the illusion about what would happen if we were to withdraw from the North American Free Trade Agreement, or NAFTA.

Some people still, inexplicably, believe that this would be a good thing. They believe the relationship between the United States and Mexico and Canada is somehow a raw deal for Americans. Let's talk about Mexico for a while.

In reality, Mexico spends 26 percent of its GDP in its purchasing of goods from the United States, while we spend less than 1 percent of our GDP—I think it is 0.2 percent—in our purchasing of goods from them. Again, for those who obsess over trade deficits with Mexico, Mexico spends 26 percent of its GDP in its purchasing of goods from the United States while we spend less than 1 percent of our GDP in our purchasing of goods from them. Prior to NAFTA, our total trade with Mexico was under \$80 billion. Now that trade approaches \$600 billion. That is a good thing. That is good for us, and it is good for Mexico. Trade is not a zero-sum game.

These folks also seem to think that terminating NAFTA will have no lasting impact on this Nation or its economy. In reality, pulling out of NAFTA would have sweeping negative consequences for Americans all over the country. Let me briefly describe what America would look like without NAFTA.

It would be an America with fewer jobs and higher unemployment. Some of these jobs that would be lost would not return for decades, maybe even for a generation. Other jobs would never return. It would be a poorer America without NAFTA. The gross domestic product would drop. Much of the positive growth that we have seen recently may be erased. In the last year, we have seen impressive GDP numbers. We have achieved great growth through strong, conservative policies—in our having a better regulatory environment, in particular. I hope the days of 1-percent growth are behind us, but if we scrap NAFTA, that may not be the case. An America without NAFTA would be one crippled by subsidies.

I agree with my colleague from Kansas and the Senate Agriculture, Nutrition, and Forestry Committee chairman, Senator ROBERTS. He recently explained that the withdrawal from NAFTA would add to farmers' demands for increased farm subsidies at a time when Congress simply cannot afford that. These farmers would prefer to sell their crops at reasonable prices, but in our exiting NAFTA, they will certainly ask for economic protection through increased farm subsidies. I believe that many of these subsidies are automatically added and that these subsidies would substantially grow the national debt and dramatically curtail any ability to rein in government spending.

Without NAFTA, we will likely find ourselves in a less secure America. The withdrawal from NAFTA will destabilize the Mexican economy and create a crisis on our southern border. Terminating this agreement will seriously undercut the important progress that has been made over the past several decades—that of improving drug enforcement and stabilizing the Mexican economy. Efforts toward privatization, criminal justice reform, and modernization have been good for the Mexican economy. In turn, it has been good for our economy as well.

According to the Department of Homeland Security, the number of people trying to cross illegally into the United States from Mexico has fallen to the lowest level in 46 years. That is largely due to there being a better economy in Mexico. If we pull out of NAFTA and allow Mexico to plunge into economic chaos and uncertainty, it will, certainly, drive up the number of those who want to come to the United States.

These are the real ramifications of terminating NAFTA—an America with higher unemployment, a lower GDP, more Federal subsidies, particularly for agriculture, and increased illegal immigration.

All of this—exiting NAFTA—would come before we would face the ultimate challenge of negotiating a new trade agreement to replace NAFTA. Anyone who suggests that this process is quick or easy is sadly mistaken. In today's global economy, people and nations have more choices than ever.

For evidence of this, look no further than to the disastrous decision to withdraw from the Trans-Pacific Partnership. Canada and Mexico, like other TPP nations, could decide to move ahead without the United States. These countries have more choices than ever. It used to be that we were the only game in town. That is not the case anymore. These countries have and will move on without us. They could simply refocus their efforts on alternative markets and explore new trade partners. It is a dangerous game when we in America are no longer seen as a reliable trade partner. We will have countries that will be reluctant to enter into agreements with us and that will simply not want to renegotiate.

Let's not be swayed by those who would have us believe that the impact of exiting this trade agreement would somehow be minor or short-lived. There are some who say that we have to exit the agreement in order to negotiate a better agreement. As I have explained, just exiting the agreement will have real ramifications—canceled contracts, particularly for those in agriculture when you are dealing with commodities. Let's not be misled by those who are under the illusion that negotiating an entirely new trade agreement, as I have said, will be simple or painless. It will not be.

In closing, we have seen the limits to the philosophy of ethno-nationalism and economic nationalism. We have seen those limits politically, gratefully, this week in Alabama. Let's not follow those who believe in that philosophy or who are advocating an ethnocentric, or an extreme, nationalistic trade policy. That would be disastrous for the economy of the United States in its moving forward.

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.

Mrs. CAPITO. Madam 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 BILL

Mrs. CAPITO. Madam President, I come here today to again speak in support of comprehensive tax reform. For weeks, I have worked to highlight the enormous benefits that our tax reform efforts will have for the economy. I am very excited about the point where I think we are now because I know this will help our middle-income families, workers, and businesses of all sizes.

I think it should not be lost that the tax reform bill doubles the standard deduction. In my small State of West Virginia, 83 percent of the people living there don't itemize. They are going to use the standard deduction, and that is going to be doubled. It also significantly increases the child tax credit, which is great for families and great for young families with children trying to make ends meet.

It will make America's businesses more competitive around the world, which I think will lead to higher wages and more opportunities for our workers.

I encouraged my colleagues to join these efforts as the Senate proposal worked its way through the Senate Finance Committee and again as it came to the Senate floor for debate. Next week, we hope to see the conference committee report on the Senate floor.

Last week, I explained why I was proud to cast my vote for this critical legislation. I expressed my optimism that the Senate and the House would come together, reconcile the differences between the two bills, and set-

tle on an agreement that would provide real relief and real opportunity for the American people.

Today, we are closer than ever to getting comprehensive, pro-growth tax reform across the finish line, and that is why I am standing here to explain why it is so important that we move it all the way through this process and pass these reforms.

I asked you to take my word, and I have for the last several weeks and months, but now, today, I ask you to not simply take my word on this. Throughout the process, when I have been back at home in West Virginia, I have heard from constituents, friends, and even strangers who are really rooting for this effort. They are rooting for it because they understand what a difference it will make in their lives. Whether I am at a roundtable discussion or at the grocery store, so many West Virginians have shared with me what tax reform would mean for them and their families. They have encouraged me and they have encouraged us to get this done because they know what tax reform would do for our State in terms of jump-starting the economy.

One West Virginian I recently heard from, Donald from Beckley, recently wrote to me on behalf of his sons and grandchildren, who he said will "reap the rewards" of the tax reform bill. He wrote:

There are too many minimum wage jobs in West Virginia and not enough higher-paying jobs for advancement. There is no ladder for the young people to climb anymore.

Donald added that he would be very surprised if the tax bill doesn't help solve this problem. If we don't see higher wages, which we believe we will, Donald said that he would be surprised. I know we are going to see higher wages. He said: "I really hope that the Senate and House get this bill to the President's desk before Christmas so he can sign it."

This week, similar support was echoed by a number of groups and organizations in West Virginia. The National Federation of Independent Business said that both the House- and Senate-passed tax reform proposals "recognize the need for small business tax relief, which means businesses could reinvest in their businesses and employees, create local jobs in rural and urban areas of West Virginia."

I had to kind of laugh when they said "urban" areas in West Virginia. I am not sure we truly have urban areas. We have many rural areas. But we have great towns in West Virginia.

The NFIB went on to say: "We can't afford to miss this once-in-a-generation opportunity to help Main Street businesses grow and create jobs."

The West Virginia Chamber of Commerce, which represents businesses small and large in the State, also expressed support for the tax reform effort this week by calling it a "real win-win" and noting that "by making tax rates more competitive, small businesses will be able to reinvest in growing their operations and creating more

jobs, and individuals will be able to determine how best to spend their hard-earned money, further stimulating economic growth.” The chamber also pointed out that this effort is expected to grow jobs in our State by roughly 5,000 new jobs. To some States, 5,000 might not sound like a lot, but in a State such as ours, 5,000 jobs would be welcomed and welcomed heartily. They also highlighted that West Virginians are expected to see an average reduction of nearly \$2,000 in their Federal taxes that they pay. That is a significant amount of money for hard-working families across our State, to be able to determine how they want to spend their money.

Additionally, the State director of the West Virginia chapter of Americans for Prosperity recently said:

This is a huge step for taxpayers. This is going to make American businesses competitive again. It's going to put more money in the pockets of West Virginians.

Finally, our West Virginia manufacturers—we have a great manufacturing sector—weighed in by saying:

Manufacturers large and small know this reform will mean more jobs in America, more investment in America, and more men and women making things in America. . . . Our elected leaders now need to seize this opportunity, get tax reform across the finish line, and send it to President Donald Trump's desk.

I couldn't agree more.

Many of the folks I have quoted represent numerous businesses and numerous people who work in and for those businesses.

To get this economy growing is incredibly important, and that is what we are going to do. It is time to seize this once-in-a-generation opportunity. It is time to get tax reform across the finish line. It is time to send this pro-growth legislation to President Trump's desk. Families, workers, and small businesses in West Virginia and across this country are counting on us. They are counting on us to do the right thing, to be big and bold, to get this economy moving. That will result in more jobs, higher wages, more investment, and more opportunity and optimism about the future of our country.

I thank the Presiding Officer, and I look forward to voting for this bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

DACA

Mr. CASEY. Madam President, I want to cover two topics. There is so much to cover between now and the end of the year, but I want to focus today on two issues. One is the Children's Health Insurance Program, and the second is the so-called Deferred Action for Childhood Arrivals, the so-called DACA Program, and in particular the individuals affected by this policy, the Dreamers. I will start with that issue.

The Dreamers, of course, are something on the order of 800,000 young people who were promised that if they came forward and made disclosures, their government would protect them. That is the basic promise that our government made. This is a significant moment in their lives and in the life of the Nation as to whether we are going to keep what I would argue is a sacred promise to 800,000 young people and in my home State of Pennsylvania, at last count, thousands, as many as 5,900, approximately.

In this case, we are talking about this issue because a promise was made, and then in the transition from one administration to the other, a different approach was taken. In September, President Trump decided to end the Deferred Action for Childhood Arrivals Program. This announcement required those whose DACA waivers would expire within 6 months to submit a renewal application in just 1 month—not a lot of time to get that done.

Unfortunately, many DACA recipients were unable to meet this short deadline, and others who managed to get their applications in time were still rejected due to postal delays—not because of something that young person did but due to postal delays. While the administration has said these individuals may be able to resubmit, many are immediately at risk of deportation.

Just imagine that. In fact, it is impossible for me to imagine it, and maybe it is impossible for anyone in this building to imagine that you are an individual who came forward because of this program, because of a promise your government made to you that you would be protected if you came forward. You came forward after years of living in this country—many years wouldn't add up to a long life because these individuals are obviously very young. Some of them came when they were just a couple years old or a couple of months old, and they know no other country. In fact, one individual whom I met with around a big conference table of about 15 to 20 DACA recipients said to me in this meeting a couple of months ago, she said: The only country that I know, doesn't want us. That was her assessment of what the ending of this program should mean to her.

So that is what they are at risk of. They are not just at risk of some theoretical consequence. They are literally at risk of deportation after living here all these years and not knowing any other country because of their circumstances.

It is estimated that 12,000 DACA recipients have already lost their protection—12,000 young people—and that number will grow to some 20,000 by March. Why would our country break a promise to 12,000 individuals and then 20,000 and then potentially much, much higher numbers? So we can't wait one more day, in my judgment, to help these Dreamers.

Dreamers across Pennsylvania and the Nation already are living in fear

and feeling the consequences of this horrific decision.

ICE, Immigration and Customs Enforcement, has already picked up a young Dreamer during a routine traffic stop whose DACA waiver had expired. This Dreamer had been waiting to reapply for protection after his initial application was rejected due to—I will say it again—postal delays. While the administration has said they would allow these applications that were rejected due to postal delays the chance to reapply, the administration has been silent on what these individuals should do in the interim. For many Dreamers, this means they must choose between risking deportation and continuing to work and provide for their children and their families, depending on the circumstance.

These Dreamers have done everything right, and their applications were rejected, not due to any action they did not take, but they were rejected for other reasons—due to a failure of our government. Yet, now, they are paying the price.

Risking ICE detention and deportation to countries within which they have never lived as adults is totally contrary to our values. Dreamers are young people who have lived in this country since they were children. They are law-abiding residents who have learned English, paid taxes, gone to school, secured jobs that support themselves and their families.

This program has enabled almost 800,000 young people to grow and thrive in America. These impressive young people provide enormous contributions to our society, including paying an estimated \$2 billion every year in State and local taxes. The economic loss to Pennsylvania is estimated to be in the hundreds of millions. To be exact, by one estimate, it is a \$357.1 million loss to the State's GDP. How about the Nation overall? By one estimate, if this were to go forward and these young people were to be deported in the numbers some are talking about, it is a national number that is in the hundreds of billions of dollars—by one estimate, north of \$400 billion. That is the impact.

So we have to get this done one way or the other. It would be a terrible failure of our government; worse than that, it would be an insult to our country, and it would be breaking a sacred promise.

CHILDREN'S HEALTH INSURANCE PROGRAM

Madam President, just a few remarks rather quickly about a major program we are also debating; that is, the Children's Health Insurance Program. We know CHIP expired on September 30. It is a total failure of the government to allow that to happen. It is hard to comprehend that even as some are debating about the size of a corporate tax break, which will be permanent, there is uncertainty, and any uncertainty about the Children's Health Insurance Program is also an insult to the country. Nine million children and their

healthcare and the security of their families is on the line. So we need to get the Children's Health Insurance Program passed.

The tragic irony is, the Finance Committee, of which I am a member, passed a bipartisan bill: The Keep Kids' Insurance Dependable and Secure Act, the so-called KIDS Act of 2017, reauthorizes the CHIP program for 5 years. There is no reason why—no reason whatsoever—that KIDS Act could not be voted on and passed on the floor of the Senate this afternoon or tomorrow or Monday without any impediment to getting that done, but it is being held up, I guess, as a negotiation tactic or as a way to get a deal on something else.

Children's healthcare should not be subject to any deal or any leverage or any engagement on other issues. We should get it done. If people can spend hours and hours and days and now weeks giving big corporations a permanent tax cut that exceeds \$1 trillion, we ought to make sure an existing, effective, bipartisan program for children gets reauthorized.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I want to speak for a few minutes on two subjects. I don't have prepared remarks so I am going to speak from the heart.

Let me talk first about the CHIP program. One of my favorite people in the U.S. Senate is my colleague from Pennsylvania, Senator CASEY, and he just spoke very eloquently about a program called the Children's Health Insurance Program, which is part of our Medicaid Program. It provides health insurance for the children of America who are too poor to be sick.

That bill will pass. The Children's Health Insurance Program will be renewed. I want to look the American people in the eye right now and tell them: Do not worry. Do not worry.

This is an extraordinarily able program that has served the people of this country and our country well, and I don't want anybody to be unnecessarily frightened at Christmas. If you are a mom or a dad or a child or concerned citizen out there today and you hear that CHIP is in danger, with all the respect I can muster, I want to say it is not. Don't believe it. The CHIP program will be renewed.

TAX REFORM BILL

Mr. President, now, let me just talk a second about taxes. In a few days, we are going to vote on a tax system, and that vote will be a vote, as much as anything, on people's opinion about the current tax system. No reasonable person can look at America's current tax system and be impressed. For one thing, it is enormously complicated. It is 10 million words. You can stand on it and paint this ceiling.

I don't want to just talk about technicalities here because most Americans don't have time to worry about section 106(a) or section 807(b). They are too busy getting up every day and going to

work and obeying the law and paying their taxes. They just want to know what the bottom line is.

So let me tell them what the bottom line is. We are going to pass a tax bill that is going to cut about \$1.4 billion in taxes for the American people and the American businesswomen and the American businessmen over 10 years.

Let me talk, first, about the impact on people—ordinary people, Mr. President, like you and I. We are going to double the standard deduction. Why is that important? Right now, about 70 percent of Americans take the standard deduction. After we double it, probably about 90 percent will. The President is right. You will be able to file your taxes on a postcard if you want to. For Americans who have children, we are going to double the children's tax credit. We are going to lower every marginal tax rate. I know you have been told we are only going to help the wealthy. That is just not true. We are lowering every single tax rate. I am very proud of the fact that this bill starts—it doesn't end, but it starts with helping our middle class.

In my State, a mom and dad working hard, making \$75,000 a year—mom makes 30-plus thousand and dad makes 30-plus thousand, and they have two children—right now, they pay about \$3,500, \$3,700 in Federal income taxes. Now, of course, that is not all they pay. They pay payroll taxes, they pay State taxes, and they pay local taxes. In fact, government taxes everything now at all levels. Government now taxes the food we eat, the clothes we wear, the cars we drive, the homes we live in. Government started thinking it owns all our money. Government taxes us when we work. Government taxes us when we play. Government taxes us when we die. So when I tell you that a couple making \$73,000, \$75,000 in my State is paying \$3,750, roughly, in Federal income tax, I don't want you to think that is all.

The point I am trying to make is, after we pass this bill, that couple is going to pay about \$1,500, \$1,700, \$1,400 in Federal income taxes. That mom and dad who, as I said before, get up every day and go to work and obey the law and try to do the right thing by their kids and try to save a little money for retirement and try to teach their children values is going to have an extra couple thousand dollars in their paycheck, and that is a lot of money. It is to me, and I know it is to you, and it is going to be a lot of money for that mom and dad.

This bill is also going to help every businesswoman and businessman in America. Yes, it is going to help our large corporations. Right now, we tax them at a rate of 35 percent. This bill is going to reduce that to 21 percent, but it is not just going to help large businesses, it is going to help small businesses as well. I am talking about the subchapter S corporations and the LLCs and the LLPs and the sole proprietorships. I am talking about the fam-

ily farms. I am talking about the American who decided to take a risk to create some jobs, start a small business, went and took a second mortgage on her home, maybe employs four or five people. If she fails in her business, government is not going to be there to bail her out. She is going to lose her home, but she wants to take a risk, to be her own boss, to create jobs in America. We are going to cut her taxes too.

The passthrough rate, the top marginal tax rate, by my calculations after this bill is passed, is going to be about 29.6 percent. Right now, the top marginal tax rate for that businesswoman would be about 43 percent. And you say: Well, the small businesses get a 26-percent rate. Why do the big corporations get 21 percent?

Because the big corporations pay taxes twice. Saying they are going to pay 21 percent in our bill isn't the only part of it. When they declare dividends, they have to pay taxes again. So that is the reason for the disparity.

Let me tell you why this is important. So many of my colleagues—in fact, every one of my colleagues in the Senate says that they are for jobs. We are all for jobs, but you can't be for jobs if you are against business. You can't.

Businessmen and businesswomen need four things from government. They need reasonable regulation—not no regulation, reasonable regulation; they need a decent infrastructure; they need a skilled workforce; and they need low taxes. That is what government is supposed to provide. And then, in a free enterprise system like ours, government needs to get out of its way and let the free enterprise system work, which has lifted more people out of poverty than all the social programs put together.

Our bill is going to provide lower taxes. We have a lot of differences of opinion in this body. Some of my colleagues—most of whom happen to be Democrats—believe that it is possible to tax this country into prosperity. Once again, I say this with all the respect I can muster: They are in good faith in believing that. This is America. You can believe what you want. But if they believe that, then they were in the quad throwing a frisbee during economics 101. And that is just a fact.

Some of the opponents of this bill have suggested that tax policy has absolutely nothing to do with our economy, with economic growth. Once again, with all the respect I can muster, I would ask them very respectfully: What planet did you just parachute in from? Average Americans understand, ordinary Americans understand, people who work for a living understand that when you tax something, you get less of it, and when you tax it less, you get more of it.

This is a solid bill. It is not perfect. If I were king for a day—I am not, and I don't want to be—I would make some

changes. But reasonable people disagree sometimes, and I believe this body will come together.

I hope we get some Democratic votes because I think that in their hearts, some of our Democratic friends want to vote for this bill. They do. We will see whether or not they do, but I believe they do. But we are going to pass this legislation, and the American people are going to be better off. It is not going to add to the deficit. I would not vote for this legislation if I thought it would hurt us long term in terms of our deficit.

Thank you, Mr. President.

I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

FIFTH ANNIVERSARY OF THE SANDY HOOK MASS SHOOTING

Mr. MURPHY. Mr. President, I am on the floor this afternoon to mark 5 years since the unthinkable—since 20 6-year-olds and 7-year-olds and 6 of their educators were killed in an elementary school in Connecticut. It changed the town of Newtown. It changed this country in the way that we think about gun violence. And it certainly changed me. I want to offer a few thoughts today as we once again memorialize those beautiful children whose lives were cut far, far too short.

It is easy to spend today—especially those of us who come from Connecticut, who are very intimately connected to the tragedy and to those families—drowning in sadness. There is really no way to conceive of what it is like as a parent to lose a child that young, in that manner, in 5 short minutes in a hail of bullets emanating from a tactical assault weapon. Twenty kids who had just walked into their classroom, bright and cheery, were gone.

It is easy to hang your head, thinking of all of the things that haven't happened. I have been down to this floor over 50 times, often at my wit's end, raising my voice at my colleagues in frustration at our quiet and unintentional endorsement of the slaughter that happens in this country because we haven't passed a single piece of legislation trying to make sense of our Nation's gun laws. In fact, to the extent we have made changes in gun laws, it has compounded the problem, not remedied it.

But I want to spend my brief time here today not focusing on the sadness of today—it is there; it is inescapable—and not focusing on what we haven't done but focusing on so many miracles, big ones and small ones, that have occurred in and around the lives of those who have been affected in Newtown, CT, over the last 5 years.

First, there are these individual miracles that have happened within these families. Again, very few people understand the kind of crippling pain that comes with this loss. While these families will never be the same, they have found ways to rebound. They have

found ways to still capture joy in their lives. Some have added to their numbers by welcoming new children into their family since then. They have rediscovered passions. They have made sure that the surviving children—the siblings—have been able to live lives of optimism rather than live lives of perpetual fear.

I have gotten to know so many of these families. The parents and the kids are now close, personal friends of mine. Watching the rebirth of these families instills a sense of faith in the human spirit that is hard to explain. Those are small miracles, but they are important ones to remember on this 5-year anniversary.

The miracles also come in ways that lives have been changed and saved through the efforts that have sprung forth out of this tragedy. So many of the families joined together with their friends and started up small charitable organizations in the wake of the Sandy Hook shooting, trying to find a way to take the beauty of these kids and transfer it to others. They are almost too numerable to mention.

The Ana Grace Project gives out a scholarship every year at Western Connecticut State University for incoming freshmen who are interested in studying music because for her whole life, Ana Grace was surrounded by music.

The Vicki Soto Memorial Fund donates five books every year to every K-6 classroom in her hometown of Stratford. She was one of the teachers—heroes of that day. Kids have the opportunity to read and to learn to love reading—which is what she taught to these kindergarten kids—because of her foundation.

The Charlotte Helen Bacon Foundation pays for therapy dogs for kids and families in need, reflecting Charlotte's love of dogs.

The Catherine Violet Hubbard Foundation opened an animal sanctuary on 32 acres in Newtown to help animals that had been rescued from abusive or neglectful environments because of Catherine's love of animals.

The list goes on and on. These are small, beautiful miracles that are happening all across Connecticut and all across the country in trying to honor the memory of these kids and their educators.

Then there are miracles that have happened in the context of public policy. A year ago this week, I sat at the White House with a few of the Sandy Hook parents, quietly in the back of an auditorium, as President Obama signed into law the 2016 Mental Health Reform Act, which would not have become law without the input and activism of the Sandy Hook parents and many other survivors of gun violence.

Our gun violence problem is not a mental health problem, *per se*. There is no inherent connection between mental illness and gun violence. But there is no mistaking that the shooter in Newtown—as has been the case in so many other of these mass slaughters—had

deep mental health problems that went untreated. There have been public policy victories.

So today, on the 5-year anniversary, I hope that my friends here will celebrate these small but meaningful miracles that have happened over the last 5 years, and I hope that you will be reminded that we cannot take one day or one moment for granted. Those moms and dads who sent their kids to school that morning never imagined that would be the last time they would be able to interact with their children. So none of us should think that we will have another chance to say what we want to say to somebody we care about. None of us should think we can put off saying “I love you” for another moment. Those small things that we do for each other matter desperately.

I think about one story that I will leave you with from that morning. Daniel Barden is one of the young boys killed in that elementary school. His older brother went to school at a different time than he did. He would get up earlier and go down to the bus stop earlier than Daniel would, so they normally wouldn't really see each other in the morning. For some reason, the morning of the shooting at Sandy Hook, Daniel got up earlier than he normally did. He saw that his brother was at the end of the driveway waiting for the bus. He ran out of the house and down the driveway to say goodbye to his brother—goodbye for the day. It was just a small, tiny act of kindness that Daniel thought probably would be forgotten by his brother by the end of that day, but it has meant the world to that family, the idea that Daniel got the chance to walk down the driveway and say goodbye to his brother before he went to school that day and never came back.

Don't ever think you will have another chance to say what you want to say to a loved one, to someone who means something in your life.

A few months ago, one of the Sandy Hook parents arrived unexpectedly in my office. I got word from the front desk that she was there. She just wanted to stop in for a few minutes. I said: Of course, send her back. This mom had lost her child. I have come to know her very well. She burst into my office and she flung her arms around me and she whispered into my ear: Keep going. She unclasped her arms and looked at me and said: That is all I wanted to come and tell you. After a few pleasantries, she walked out the door.

Keep going. That is what Newtown has done over the last 5 years. That is what those families have found the courage to do over the last half a decade.

For those of us who believe the laws of this country must change in order to protect kids like those who lost their lives in Sandy Hook, it is what we do. As we mark 5 years since the violence at Sandy Hook Elementary School, we keep going.

I yield the floor.

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

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

Under the previous order, all postcloture time is yielded back.

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

Mr. BENNET. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 317 Ex.]

YEAS—53

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

NAYS—43

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

NOT VOTING—4

Cochran	McCain
Manchin	Murray

The nomination was confirmed.

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

The Senator from Utah.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

NET NEUTRALITY

Mr. LEE. Mr. President, earlier today, the FCC voted to reverse a major impediment to a free and open internet—the title II internet regulations that were imposed under President Obama in 2015. These regulations are commonly referred to as net neutrality. For the sake of convenience, that is what I will call it.

I want to congratulate FCC Chairman Ajit Pai for his brave accomplishment today. He has fought for what he knows is right, and he has done so in the face of tremendous pressure and, at times, overwhelming opposition. I also want to use this opportunity to correct the record about what it is that the FCC has actually accomplished.

There is an astonishing amount of misinformation about this issue, and there is a lot of hyperbole surrounding it. If you believe the passionate voices defending these regulations, then you may believe that the FCC just jeopardized the entire internet as we know and love it and sometimes loathe it. These activists tend to paint a scary vision of America without net neutrality—a vision in which large internet service providers prey on ordinary consumers and startup businesses, a vision in which internet access would be rationed or bundled up in very expensive, unaffordable packages. One viral tweet even suggested that Google would start charging two bucks apiece for internet searches.

These are falsehoods, every one of them, and they will be exposed as such in the coming days, weeks, and months, when the internet hums right along just like usual and skyscrapers in all of our major cities remain standing. In the wake of that, we are going to look back at these dire predictions, these mere hysterics, like the Y2K bug or the Mayan apocalypse of 2012. In the present, these exaggerations have real-world consequences that go far above and beyond scaring the public.

In the last 6 months, Chairman Pai and his family have been attacked in the grossest and most unacceptable terms. Even his children have been singled out for intimidation. These kinds of attacks have absolutely no place in our public discourse. Why don't we tone down the rhetoric and see if we can get to the truth about net neutrality. We can start with a little background.

In 2015, the Democratic-controlled FCC issued the so-called open internet

order. This order made dramatic changes to how the internet is classified for purposes of Federal regulation.

Until 2015, broadband internet was classified as an information service. As such, it was subject to light-touch regulations that allowed innovators to build without seeking permission from the Federal Government. This classification reflected common sense, and it reflected the intent of Congress.

The internet is a fast-moving information superhighway. If slow-moving government regulators had gotten involved decades ago, it could have inhibited innovation—the same kind of innovation that keeps service fast and keeps prices low for all Americans.

Not only was this a commonsense arrangement, it facilitated a virtual renaissance of innovation and discovery in this increasingly important part of our economy. This renaissance gave us things like smartphones, ridesharing, and super-fast fiberoptic internet services. It gave us 3G, 4G, and then, soon, 5G wireless service. This period also gave us Twitter. One could argue that maybe this wasn't all good but mostly good.

Overall, the light-touch regulatory arrangement works pretty well for ordinary users, big companies, and entrepreneurs who are just starting out in their garages. Contrary to net neutrality's most aggressive defenders, the internet of 2014 was not some sort of hopeless hellscape; it was actually pretty awesome.

The FCC threatened all of that in the early weeks of 2015 when it reclassified broadband internet as a "telecommunications service." This innocuous-sounding change subjected the internet to a whole host of regulations that were originally meant for New Deal-era telephone monopolies like Ma Bell. In essence, the government imposed 1930s-style regulations on 21st-century technology. This outdated arrangement has worked about as well as one might expect. Broadband internet investment has fallen significantly since the net neutrality regulations were proposed in 2011. Dr. George Ford of the Phoenix Center estimates that between 2011 and 2015, just the threat of internet regulation scared off \$200 billion in investment.

Since the regulations were imposed in 2015, broadband internet investment has declined by 5.6 percent. That is billions of lost dollars over just 2 years. As Chairman Pai has noted, this is the first ever decline in broadband investment outside of a recession, and this recession just happens to be self-imposed. It may not seem like a big deal to you that government is squeezing out billions in internet investment, but it hurts you and it hurts your fellow citizens in material ways, in ways that might not always be obvious. Less investment means less fiber optic cable, fewer towers, and fewer wi-fi hotspots. This translates into spottier coverage and slower speeds for Americans, especially those living on the periphery of

society, in poverty, or in rural areas. FCC regulations make it harder for these Americans to have equal access to the internet.

These regulations have also entrenched the market power of large internet service providers while hurting their smaller competitors. By their very nature, regulations impose conformity on a market. They limit companies' ability to distinguish themselves from their rivals by offering innovative services. This works out fine for the companies at the top. They have already made it. In fact, it can work out really well for some of them. They can kick back without worrying about some young punk coming along and changing the game. It works out less well for the young punks, the startups who want to win customers away from old-school companies.

That is how it works in theory, at least, and there is good evidence that this is exactly what is happening in practice. Small ISPs have been far more critical of net neutrality regulations than large ISPs. A group of two dozen small internet providers recently wrote that the regulations hang like a black cloud over their business, slowing or even halting their deployment of new technology. Likewise, 19 municipal internet providers told the FCC that they "often delay or hold off" on introducing new services because they cannot afford a potential complaint. Internet providers that serve predominantly rural areas have voiced similar concerns, reporting that they have reduced network expansion in parts of the country that are already underserved.

These examples show that net neutrality regulations are harming competition and increasing the consolidation of power in the internet industry, not decreasing it. Internet regulations have, in effect, sheltered large ISPs from competition and from the need to change. Be sure to think about that the next time you are on hold with customer support.

As Americans chart a path forward in the coming years, we will face an important choice: Do we want an internet that is run by regulators or do we want an internet that is run by innovators? The innovators have had a really strong track record over the last 30 years with regard to the internet. So they are the ones I am siding with, not with the regulators.

How can we empower the innovators? More importantly, how can we empower the millions of families who rely on fast and reliable internet service each and every day?

The FCC did its part by repealing net neutrality regulations and returning to the regulatory framework that governed the internet—successfully, I would add—until 2015. This move reclassifies the internet as an information service, but it goes well beyond that. The FCC will require every ISP to disclose information about its network management practices. If these companies block or throttle web traffic, rest

assured that the public will know about it.

Importantly, this order restores enforcement power to the Federal Trade Commission to protect consumers from unfair or deceptive practices. The FTC had policed the internet successfully for years prior to 2015. Now the cop is back on the beat. The FCC's action today is a return to normalcy for the internet, but we should not rest easy. A future administration could undo all of Chairman Pai's hard work at a moment's notice if Congress doesn't act to solidify his accomplishment.

Over the summer, I introduced legislation entitled the Restoring Internet Freedom Act, which would prohibit the FCC from imposing utility-style regulations on the internet ever again. Passing this act would give companies the regulatory certainty they need to invest in improvements for their customers. We should not discount how important Congress can be in determining the success or in directing the failure of things like the internet.

In 1996 President Clinton and Congress inaugurated the light-touch regulations of the internet. They wanted the information superhighway to be unfettered by Federal or State regulations. They were rewarded—and we were rewarded—with a tremendous outpouring of innovation that has improved the lives of, basically, all Americans and people throughout the world. I say that we emulate their wise example and see what free men and free women can invent in the next 20 years.

Thank you.

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

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

REPUBLICAN TAX Bill

Mr. VAN HOLLEN. Mr. President, I come to the floor this afternoon because of the reports that the House and Senate conference committees on the tax plan are nearing an agreement or may have reached an agreement. By all accounts, this would be shaping up to be one of the greatest legislative heists in American history.

It is hard to imagine that you could take a tax code that is already stacked in favor of the very wealthy and very powerful special interests and actually make it worse, but that is exactly what we are hearing coming out of the conference committee. This is being worked on, essentially, by our Republican House colleagues and our Republican Senate colleagues.

The actual conference committee is a bit of a charade because all the real discussions going on with respect to the tax bill are done behind closed

doors, with lobbyists who are putting on the finishing touches.

Here is what we are hearing from the reports that are coming out. We have already gotten details; some of the details had been released.

From the Associate Press: "Ample tax cuts for business, wealthy in new GOP tax accord." That is the headline about the tax plan that will be coming to this Senate soon.

The reality is that any tax cuts for middle-class families are going to be a lot smaller than the tax cuts for the very wealthy, and they are only temporary.

Also, make no mistake, you are going to see millions of middle-class families actually see a tax increase, but those who will get some small tax relief will see it only on a temporary basis, and then it will disappear. The corporate tax cuts—they are forever under this Republican plan.

Here is the headline of the Washington Post about what is coming out of the House-Senate Republican conference committee: "Republicans reach compromise tax plan, expanding tax cuts for the wealthy."

Let's get this straight. We had a Senate bill and a House bill. The Senate bill actually reduced the top rate—that is the rate that applies to the wealthiest in this country—to 38.5 percent. It is currently 39 percent; they reduced it to 38.5 percent. In the House, they kept the top rate where it was. So the Senate bill is 38.5 percent; the House bill is around 39 percent. Republicans from the House and the Senate go behind closed doors, and where does it end up? They actually cut that top rate for the wealthiest folks in this country to a place that is lower than either of the tax bills that went into conference.

So you take these bills and go behind closed doors, and all of a sudden, the wealthy—who are already doing really well under the House tax plan and the Senate Republican tax plan—do even better because they are dropping that top tax rate to 37 percent.

For those who think that a drop from 39 to 37 percent doesn't sound like a lot, I will tell you, if you are making \$1 million, that is an average tax cut of \$20,000 a year when millions of American middle-class families are seeing their taxes go up and so many others are getting crumbs and, again, just temporary crumbs.

We were promised this would be very different. This is what President Trump's Secretary of the Treasury, Steve Mnuchin, told us: "There will be no absolute tax cut for the upper class." That is clearly false because the upper class is getting a big tax windfall. Not only that, but as I just said, those tax windfalls are getting larger in the bill coming out of the conference than they were going in.

What we are seeing is a lot of promises that sounded really nice to the American people, but it turns out it has been a scam. What people were told was that this was going to be out there

to help working folks, and that is not what they are getting. That is why all the public surveys show that the American public doesn't like what they see, and that is why there is this effort to rush this through so quickly.

My plea today is that there is still time. There is still time to turn back from this tax plan that is going to do so much harm to our country in the coming years.

There certainly is an opportunity here for our Members on the Republican side to take a final look at what is coming out of this conference and decide to turn back and work on a bipartisan basis for real tax reform, not just something masquerading as tax reform, which is really a tax break for the big corporations.

Exhibit A as to why this is not tax reform is the broken promise with respect to closing the carried interest loophole. People will remember President Trump talking about that. I don't know what is going to come out of conference in the end, but what I do know is that neither the House bill nor the Senate bill closed the carried interest tax break. For hedge fund managers who are making big bucks, that is the loophole that allows them to pay a lower tax rate than the folks working for them in their office—for the secretaries who work in their office, for the folks who come in and clean the offices. The hedge fund managers, through the carried interest loophole, actually pay a lower tax rate in many cases than those folks who are working for them.

In fact, it is such an outrageous loophole that Donald Trump got big headlines during the 2016 campaign. He promised during the campaign that he was going to close that loophole. In fact, when he was asked on the campaign trail for an example of what was wrong with the current Tax Code, for an example of how powerful special interests got their day using their lobbyists in Washington, he said: Take a look at that carried interest loophole. In fact, Candidate Trump specifically said: "The hedge fund guys are getting away with murder." That is what he said on the campaign trail.

We are about to vote on a bill that claims it is tax reform; yet neither the House bill nor the Senate bill that went into conference touched this loophole. By all accounts, the bill coming back to the Senate doesn't close it either.

It is not as if we didn't have a chance to fix it. In fact, right here on the Senate floor, Senator TAMMY BALDWIN offered a motion to close the loophole, to do exactly what Candidate Trump said that he wanted to do. But every single one of our Republican colleagues voted against closing the carried interest loophole. I guess that means, in now-President Trump's words from the campaign, that this tax bill will let those hedge fund managers "get away with murder."

Don't tell us that this is about getting rid of special interest loopholes

when it doesn't eliminate exhibit A of a special interest tax break that Candidate Trump talked about. It is exhibit A of broken promises. He said: Let's not let those hedge fund managers get away with murder when it comes to the Tax Code. Yet nothing was done about it in this piece of legislation.

It gives you a clear understanding that this is not about tax reform, not about getting rid of those loopholes. What it is about is stacking the deck even further in favor of very powerful corporate special interests and the very wealthy against middle-class, working Americans.

After all, President Trump said: This tax bill is going to put the middle class first. In fact, here is what he said, again, when he was running for President: "Everybody is getting a tax cut, especially the middle class."

More recently, this is what the Republican Leader Senator MCCONNELL said: "Nobody in the middle class"—nobody in the middle class—"is going to get a tax increase." That is untrue, and the Republican leader has acknowledged that. But that is not what was promised to the American people, not by Senate Republicans and not by the President of the United States.

In fact, under the House and Senate bills, more than 10 million families—10 million families—who make less than \$200,000 a year are going to see immediate tax increases. What happened to that promise of no tax increases for anyone in the middle class? It is already broken.

Instead of putting middle-class families first, the biggest tax cuts, by far, go to people making more than \$1 million a year. In fact, those families making more than \$1 million a year get an average tax cut of \$35,000 a year right away. Just to give people some perspective, this is a tiny sliver of American households, fortunate households. We want more millionaires, but how do you explain in a bill masquerading as a middle-class tax cut that it is the millionaires who are doing so much better than everybody else?

Just to give you some perspective, for every 1,000 American families, there are four who make more than \$1 million a year. That is great for them, and we want them to do well, but why we would give them the biggest tax cuts, rather than folks in the middle who are working hard every day, is something our Republican colleagues will have to explain.

We are now talking about 710,000 wealthy families getting that tax cut of an average \$35,000 a year, compared to 10 million middle-class families who are going to see tax increases—tax increases. It gets worse because the tax cuts for families are only temporary. At first, many people will pay more right away. Other families may see a little tax break right away, but it goes away, except for the corporate tax cuts, which are permanent. In fact,

some families are going to see permanent tax increases to pay for the permanent tax cuts for corporations.

This chart is from the nonpartisan professionals. This is the Joint Committee on Taxation. As we can see, when this bill fully kicks in, here is what the situation looks like. If you make \$75,000 a year or less, your taxes are going to go up when it is fully kicked in. I am going to say that again. If you make \$75,000 or less, your taxes are going up when this plan fully kicks in.

As you can see, in addition to that, that means, of course, that your after-tax income is going to go down. This chart takes into account the idea that because we are going to give tax cuts to corporations, some people are going to see some lift in their income. So what this chart tells us, which is very important, is that even if you take that into account, people's after-tax income, if they are at \$75,000 or below—what they have for their family, what they have to pay the mortgage or pay the rent—is going down.

Then there are some folks between \$75,000 and \$100,000 who pretty much, when this is phased in, will see no real change.

But let's look out here. Let's look at the folks who make over \$1 million. When this kicks in, they are going to be doing even better—much better—when it comes to their after-tax income. How much income do they have after paying taxes for their families? Even after many of the tax cuts phase out, the after-tax income for folks at the top will go up. Why? Because folks at the very top are the ones who have most of the stock holdings in our major corporations. So they are the ones who will continue to benefit over time from those permanent tax cuts to corporations.

So this is a really important chart done by the professionals here in Congress that lets people know the answer to the very important question, which is this: How much will I actually have in my pocket after taxes for my family when this thing fully kicks in? That is what that tells us.

In fact, this chart really undermines entirely the Republican claim that there is going to be some kind of big trickle-down benefit from this tax plan to most families. We have tried trickle-down before. We tried it in 2001 and 2003 with the Bush tax cuts. Trickle-down ran into the wall of reality around the country. After-tax incomes for the folks at the top went way up. The debt went way up. Everybody else was standing still or falling behind. That is what happened, and that is what will happen again.

Now, we were promised by the Secretary of the Treasury that they were going to do this analysis that showed that if you cut taxes for all of these folks at the top—the wealthiest Americans—and you cut taxes for corporations, it was somehow going to create

so much economic growth that the additional tax revenue from that additional growth would actually pay for the tax cuts. They promised we were going to get this big analysis. At the end of the day, they couldn't produce it; could they? They couldn't produce it.

Instead, just a little while ago, we got one page. We got one page from the Department of the Treasury. Nobody put their name on it because the Secretary of the Treasury couldn't find any professional person to put their name on this one page. When you actually read it, you know why. It is because it just assumes the answer to the question. It assumes there is going to be all of this additional economic growth. Although, if you actually read it, they even acknowledge that the tax plan itself will not generate enough economic growth. They talk about other policies that are going to generate all of that other economic growth to allow the tax cuts for corporations and others to pay for themselves. They don't tell you what it is. The Presiding Officer could make up a number or I could make up a number. That is all they did. They made up a number and put it on a page.

I really hope our Republican colleagues, who were serious when they asked the Treasury Department for that analysis, will recognize that they got taken for a total ride by the Treasury Department, because this doesn't pass the laugh test. This is intellectually dishonest, and I am sure that the folks who put it out know that.

So if it is not going to happen by magic—and economic growth is not going to happen by magic—how are we going to see the benefits that were promised by our Republican colleagues, that when you give those big tax cuts to corporations, it is going to result in higher wages and all of this economic growth? We know it is not going to be true because they couldn't come up with any serious analysis. We also know that it is not true because the CEOs of these corporations are themselves telling us it is not true.

Here is what happened just a little while ago. The Wall Street Journal had a forum. They invited CEOs. At this forum, they asked the CEOs in the room to raise their hands if they planned to use the tax cuts their corporations were getting to invest in their own businesses, to invest in their workers. Guess what. Hardly any of those CEOs raised their hands. In fact, Gary Cohn, one of President Trump's top economic advisers, looked around the room and saw just a few hands raised, and he asked: "Why aren't the other hands up?"

The reason the other hands weren't up is because the CEOs of those corporations do not plan to use their big tax breaks to give their workers wages or to invest in their businesses. These corporations are making record profits now, and they are not using those profits for those purposes. In fact, as has

been widely reported, those corporations plan to use their tax windfall for stock buybacks and to provide higher dividends to their stockholders. So stockholders are going to do great. CEOs are going to do great. Everyone else is going to be left holding the \$1.5 trillion debt that they are putting on the national credit card.

Here is what MarketWatch reported. This is the MarketWatch, December 8, headline: "Share buybacks spike—dropping a strong hint at what CEOs plan to do with tax savings."

This is before the tax plan was even passed. People were just salivating at the idea that they are going to get this windfall that is going to go to CEOs and other executives and big shareholders.

Here is the subheadline in MarketWatch: "Forget trickle-down economics: Shareholders, not workers, will be big beneficiaries of tax reform. . . ."

Next sentence: "Long-term investors and workers hoping that the tax overhaul and repatriation holiday will encourage investment in growth and a rise in wages should brace for a disappointment."

No Senator should tell us a few months from now that they were not warned that this is exactly what is going to happen.

Do my colleagues want to know who a good chunk of those shareholders who are salivating about this windfall are? Well, 35 percent of the shareholders in American corporations are foreign stockholders. Thirty-five percent of those folks who are waiting for that big corporate tax windfall are foreign stockholders. In fact, the Senate tax bill gives these wealthy foreign shareholders a \$31 billion tax cut in 2019 alone. In the House bill, it is even bigger: \$50 billion in tax breaks to foreign shareholders in 2019 alone, paid for by increasing taxes on millions of middle-class Americans.

For those Americans who are getting a small tax cut, let's take a look at how their tax cut compares to the windfall for big corporations. Here is how skewed it is. In the year 2019, the House bill gives \$11 billion more in tax breaks to foreign shareholders than it does to every single working-class and middle-class family in all of the States that voted for Donald Trump in 2016 combined—combined. Think about that. For every single middle-class family in every one of those States who voted for Donald Trump—those who are actually getting some tax cuts—you add it all up and foreign shareholders get \$11 billion more than they do. Again, millions of middle-class taxpayers in these States are actually going to see their taxes go up so that the money goes into the pockets of foreign shareholders—so much for putting America first, so much for putting middle-class taxpayers first.

So just to be clear, it means that all of these families in all of the States that voted for Donald Trump with in-

comes of \$100,000 or less, if you add up their small tax cuts, it is still \$11 billion less than the tax cuts for foreign shareholders. That is for the folks who are actually getting tax cuts in those Trump States. As I say, millions are actually going to see their taxes go up.

Now, I want to focus on one other promise that was made by President Trump and Republicans about their tax plan. They said it is going to bring jobs back to America from overseas. As we look at this plan coming out of conference committee, this may be the worst and meanest of all the broken promises, because when you look at this plan and you talk to economists who don't care about political party, they will tell you that this plan is actually going to increase the incentive of American businesses to move their jobs and operations and factories overseas.

Let's just take a quick look at this because I am appealing to my Republican colleagues to fix this before it is too late.

First, it is important to understand that the Republican tax plan now will allow U.S. corporations to pay zero taxes on their foreign profits. If you have a company overseas, currently you have to pay U.S. taxes on the proceeds on that after you have paid the foreign government, but under the Republican plan, you pay zero taxes on those overseas profits. So under the new plan that reportedly is emerging, corporations will have a 21-percent U.S. tax rate, but if you move your business or company overseas, it is zero, not 21 percent.

Now, just like today, those corporations that move their businesses overseas will have to pay taxes to those foreign governments on the profits they make overseas. Lots of those corporations can shift those profits to parts of the world where there is zero income tax liability, and Republicans in the House and Senate claim that they solve this problem by going to a minimum tax on certain foreign profits.

Here is how our Republican colleagues claim they fix this problem. Let's say a company either has its headquarters or puts its profits in the Cayman Islands. I hope my colleagues will follow this and fix this while there is still time. You have \$2 million in profits in the Cayman Islands, so you pay zero foreign taxes because the Cayman Islands doesn't have any tax. Of course, under this plan, you pay zero U.S. tax—except our Republican colleagues said they have a plan to address this problem; that is, in this situation, there will be a 10-percent minimum tax. So on the \$2 million in profits in the Cayman Islands, you would actually pay a tax of \$200,000. That sounds good. At least that is a small fix, supposedly. But then in the same bill there is a huge loophole to this fix, and that is that corporations get an exemption from this minimum 10 percent tax if they move their factories overseas. If you move jobs overseas, you

can escape that 10 percent minimum tax because in the Senate bill corporations get an exemption that equals 10 percent of the value of all their offshore factories and equipment. The House bill is similar. What does that mean? That means that if you are a corporation, you get an exemption from the foreign minimum tax by shipping factories and jobs overseas.

Here is the math. A corporation made \$2 million in the Cayman Islands. Remember, they were going to pay \$200,000 in taxes on that. But now they move the factory overseas. That is worth \$100 million, and it makes a \$5 million profit. Now they add up their overseas profits, and they are now below that—they are 7 percent—and they pay no foreign minimum tax on that.

Since then, Gene Sperling and many economists have raised alarm bells about this. Yet our Republican colleagues seem to have blinders on about the commitment they made to make sure that we don't offshore more American jobs. This will offshore American jobs.

This bill is full of broken promises. I ask my colleagues to go back and look at what was promised by Candidate Trump, President Trump, and our Republican colleagues, because the tax bill doesn't do that. I also urge my colleagues to allow the newly-elected Senator from Alabama, Doug Jones, to have a vote on this incredibly consequential piece of legislation. He was just elected by the will of the people of Alabama, and we should not rush headlong into passing this bill, which will impact the people of Alabama like everybody else, without his having a chance to vote on it.

This is something Senator McCONNELL mentioned in a similar situation many years ago when Scott Brown from Massachusetts was elected to fill the seat of Senator Kennedy. He asked people to wait and allow Senator Brown to weigh in on the healthcare bill. They did. Doug Jones and the people of Alabama deserve the same respect, and the people of this country deserve a Senate that is duly elected to make this very important decision.

There is still time. There is still time to turn back in the conference committee. There is still time for Senators to say that the bill that is emerging doesn't match the promises that were made. We can go back to the drawing board and come up with real, bipartisan tax reform. Let's do that.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNIZING THE 4TH BRIGADE COMBAT TEAM, 25TH INFANTRY DIVISION

Mr. SULLIVAN. Mr. President, once a week when we are in session, I come to the floor to recognize a person or group of people in my great State of Alaska who make it very special. We call them our Alaskan of the Week.

Alaska is beautiful, it is big, and it is special. Right now, much of the State is gearing up for the skiing season. Snow is out, and there is nothing more beautiful and invigorating than taking to the slopes of Alaska. It is also a great time to see the Northern Lights dancing in the sky. So I urge everybody to come out to Alaska. Winter or summer, it will be the trip of a lifetime.

Of course, it is much more than snow and beautiful dancing lights; our people are what make us so special—rugged, independent, generous, and giving to their families, their communities, our State, and our country.

Alaska is a patriotic State—I would argue, the most patriotic State in our great Nation. For one, we have the most veterans per capita of any State in America. We have the very best military forces, and we have a lot of them. Let me name just a few.

We have the Army's 1st Stryker Brigade, based at Fort Wainwright. Chike Springer, one of my staffers helping me out here, served there in the 1st Stryker Brigade's Aviation Task Force. We have the Northern Warfare Training Center; the 59th Signal Battalion; the 17th Combat Sustainment Support Battalion; the Air Force's Third Wing, 11th Air Force; the 176th Wing; the 673rd Air Base Wing; the Air Force reservists of the 477th Fighter Group; the 354th at Eielson; and the 213th Space Warning Squadron at Clear Air Force Station. You get the picture—some of the best military forces. The 49th Missile Defense Battalion, the cornerstone of America's missile defense, protecting the entire Nation, is right there at Fort Greely. These are the thousands of men and women in the Reserves and on Active Duty who are stationed in our great State. We are proud of them, and we owe them and their families a huge debt of gratitude for their service, especially now that we are approaching the holiday season.

Today, I want to particularly recognize the men and women who make up the 4th Brigade Combat Team, 25th Infantry Division—the only airborne brigade combat team in the Pacific theater and in the Arctic. As my colleagues on the Armed Services Committee know, they are referred to in Alaska and throughout the Army as the 4-25. This unit, over 3,000 men and women strong, is our Alaskans of the Week.

I want to talk a little bit about the 4-25. It has a very strong lineage and heritage. Although it was created relatively recently—in 2004—and was the first new U.S. airborne unit created since the end of World War II, its heritage springs from the 25th Infantry Division, which was first activated in 1941 and played a seminal role in World War II and all of our country's conflicts since.

Just like the 25th Infantry Division, the 4-25 has played a major role in our country's conflicts since its inception.

Members of the 4-25 have deployed to Iraq in support of Operation Iraqi Freedom, to Afghanistan in support of Operation Enduring Freedom, and just last September, a couple months ago, they were again deployed to Afghanistan to train and advise Afghan security forces.

As part of a larger drawdown of our military and the Army—a misguided drawdown by the previous administration, announced in 2015—the 4-25 was part of 40,000 Active-Duty Army soldiers to be cut, just gotten rid of. This would have been an enormous strategic mistake for the Army and for America's national security, especially as it related to the 4-25, the only mountain, cold weather, airborne BCT in the entire Arctic and Asia Pacific. They are also a critical reserve force for any contingency on the Korean Peninsula given how close we in Alaska are to Korea.

So what happened? Alaskans circled the wagons. Rallies with hundreds, if not thousands, of my fellow Alaskans came out in our great State, urging the Department of Defense and the U.S. Army: Don't make this mistake. Don't cut this unit. Keep it intact.

Here in Washington, we did our work. I had a heart-to-heart with a number of senior Army and DOD officials with one simple goal in mind: to get them to personally visit this unit, to come see them train, to see how capable they were, and to understand their strategic value to America's national security. And that happened. Many senior Army officials—the Army Chief of Staff and the Secretary of the Army—went to Alaska, went to JRTC, and watched the 4-25 in action.

I remember standing on the second floor of a building in a mock Middle Eastern town watching members of the 4-25 jump into an LZ at JRTC in the middle of the night for a nighttime airfield seizure operation. There is something awe-inspiring about watching 1,000 airborne paratroopers silently fall out of the night sky to seize terrain—something that probably sends chills up the spine of our Nation's enemies.

Fast-forward to today. Of the 40,000 soldiers slated to be cut from the U.S. Army, only one unit was spared—one—and it was the 4-25. Why did this happen? It happened because they made it happen. This great unit saved themselves. When the Army's top brass went to Alaska, went to Fort Polk and watched them train at JRTC, they saw what a great unit this was and realized they were making a big mistake. When General Milley, Chief of Staff of the Army, made the final decision to reverse the previous decision of the Army and retain the 4-25, he said it was “one of the most trained and ready units in the entire United States Army.” That was the Chief of Staff of the Army.

The 4-25 didn't rest. They are deployed, back in Afghanistan. Unfortunately, while deployed, just a few days ago, on December 11, Alaska lost a son and the 4-25 lost one of its own as part

of this mission. It is heartbreaking for the families and for the unit. These brave young men and women are willing to sacrifice and have already sacrificed, and our prayers are with them during these holidays.

They are our Alaskans of the Week.

I plan on visiting them overseas during the holidays. My wife Julie will also be attending an event this weekend in Anchorage for the families of those who are deployed, showing our support and our respect for the men and women in this unit and their families, because, as many know, when a family is deployed, it is not just the young man and woman in the unit who sacrifice, it is the entire family.

To the families, we say thank you, from the bottom of our hearts, for your service and sacrifice. To the men and women who make up the 4-25, we also say thank you for all you are doing for us—for serving us, for keeping us safe, for protecting this country, when Americans are enjoying the holidays.

I look forward to seeing you in theater. Please be assured that all Members of this body—Senators, Democrats, Republicans—know your record of service and wish all of you Godspeed this holiday season. Thank you for being our Alaskans of the Week.

Army Strong. Arctic Tough. Sparta Lives.

COAST GUARD AUTHORIZATION ACT

Mr. SULLIVAN. Mr. President, I rise today to commend this body. My colleagues, every single Senator, voted in unanimous consent to move forward on the National Defense Authorization Act, which was signed into law just this week by President Trump. In particular, I want to thank the chairman of the Armed Services Committee, JOHN MCCAIN, who did so much to shepherd this important piece of legislation through this body and to the President's desk. I thank Senator MCCAIN for all his service and sacrifice to America for decades.

The NDAA, as we all know, is an important, critical piece of legislation, boosting our national security, rebuilding our military readiness, and protecting the men and women in uniform who serve our Nation. It has been a piece of legislation that for 56 consecutive years on a bipartisan basis has moved through the Senate and the House to be signed by the President. Many times you hear there is not a lot of bipartisanship that is going on in Washington. On issues like this, there is. This bill, which authorizes almost \$700 billion for our troops who need it, passed the Senate unanimously.

Not all the members of the military had their bill, which authorized spending and funding for what they are doing, moved through the Congress. Unfortunately, our men and women in the U.S. Coast Guard—our Nation's fifth branch of service—have been, once again, left behind. The NDAA covers

the Army, Air Force, Navy, and Marines.

The Coast Guard Authorization Act focuses on the heroic men and women in the Coast Guard. This year, we worked hard on that bill, S. 1129, the Coast Guard Authorization Act of 2017. I sponsored this bill with Chairman JOHN THUNE, the chairman of the Commerce Committee; Ranking Member BILL NELSON; and Senator LISA MURKOWSKI. This bipartisan bill—and it is very bipartisan—will give the Coast Guard the resources it needs to protect our waterways and coastlines, block illegal traffickers and smugglers of drugs, and more efficiently procure future Coast Guard cutters, which our country, and my State, desperately need. It is a very, very important bill.

In constructing this legislation, we worked in a bipartisan manner for months. However, despite broad support from both Republicans and Democrats, it appears the Coast Guard Authorization Act—a critical bill for homeland security, for the safety of our mariners and fishermen, and for showing support to the thousands of men and women who serve in the Coast Guard—has become stuck.

As chairman of the committee responsible for the U.S. Coast Guard, I must speak up for the men and women of this important service and the critical services they provide. This bill should have been moving months ago. Not only does this bill contain critical needs and authorizations and funding authorizations for the Coast Guard, it also contains provisions of vital importance to our maritime and fishing communities. Included in this legislation is important language to permanently fix an issue that has been around for years—one that pertains to incidental discharges for those in our fishing fleets. It is also known as the Vessel Incidental Discharge Act, or VIDA, as part of the Coast Guard bill.

Currently, vessel owners and operators are forced to comply with a patchwork of burdensome Federal and State regulations for vessel ballast water and incidental discharges. This creates inefficiency, adds costs, and inhibits economic prosperity for my State and for the country, while not providing a uniform standard to protect the environment, which is also critical. This fix that is in the Coast Guard bill would provide the maritime industry, the fishing industry, with a consistent, uniform regulatory structure, restoring cost-effective commerce while also ensuring environmental protection of our Nation's ports, waterways, and fisheries. Notably, for a large number of my constituents, this provision—the VIDA provision in the Coast Guard bill—provides a permanent exemption on incidental vessel discharge for all fishing vessels and small commercial boats.

It is very important because previous legislation required even small fishing vessels to get a discharge permit from the EPA to simply hose down their

decks. These fishing vessels and small vessels are facing potential noncompliance if we fail to pass the Coast Guard bill soon. They should not be penalized for the refusal of some of my colleagues—very few of my colleagues—who are opponents of this important fix to allow for what we think is a bipartisan, negotiated solution to move forward.

The fix in this bill on VIDA is supported by all segments of the maritime industry, with U.S. and international vessel owners and operators, fishing vessels—both large and small—passenger vessels, charter boat operators, labor unions, the Navy League of the United States, marine terminals, and port authorities throughout the country, just to name a few, all in support.

There is broad bipartisan support and agreement by Democrats and Republicans that this bill—with the VIDA provision in the Coast Guard Authorization Act—should move forward. I was going to come here this evening and ask unanimous consent that we pass the bill now. Out of respect for some of my colleagues who are still working in good faith on this issue, I have decided to refrain from that, but we are losing patience.

There have been numerous suggested compromises to help get a few Senators to yes on this. We have accepted almost every single one of them. We are negotiating in good faith. We even held a big meeting this afternoon with many staff on another suggestion, which the EPA said was an unworkable idea.

I believe we are now down to one single issue on this important piece of legislation. Out of respect for my colleagues—one of whom I just got off the phone with, the Senator from Michigan, whom I have a very close working relationship on the committee that oversees the Coast Guard because he is my ranking member—we are going to try to work through the weekend and resolve this. I hope that the remaining Senators act in good faith. What we don't want to see, as we accept every single compromise put forward, is the goalpost continuously being moved.

The deadline is fast approaching for our fishermen and maritime fleet. We must get this done. The deadline has long past to show that we respect, care for, and want to do all we can to support the men and women in the Coast Guard the way we support the other military services, as we saw this week when President Trump passed a very bipartisan NDAA.

I call on all of my colleagues to work through the weekend so that we can get to yes on this very important bill—the Coast Guard bill—and so that we can support them the way we are supporting the other men and women in our military.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I first thank my friend from Alaska for

his enthusiasm for getting the Coast Guard legislation completed. As a fellow ocean State, albeit a somewhat smaller ocean State, we are strong supporters of our Coast Guard and appreciate very much their service on our waters.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here for my 189th "Time to Wake Up" speech to discuss the Republican tax bill. Who knew? Folks watching today's debate from home are probably wondering what the tax bill has to do with climate change. That is a good question. They might also ask, as I do, why the tax bill includes massive giveaways to fossil fuel producers or what opening up precious wilderness to oil drilling has to do with tax reform.

The chairman of the Senate Finance Committee said: "We need a simpler tax code that puts more money back into the pockets of workers and families." Republicans, he said, want to create "a fairer, more predictable system for taxpayers across the country."

Their tax plan is none of those things. Its benefits are weighted heavily to big corporations, not workers and families. The corporate tax cuts are permanent, while the modest breaks for some workers disappear after a few years. What is fair or predictable about that?

The chairman also said:

I want a bipartisan process that renders a bipartisan result. . . . I think we need a vigorous and open debate in the Senate, which, in my view, should include a full process in committee and regular order on the Senate floor.

We got none of that. Republicans have rammed this bill through, using every procedural and parliamentary trick at their disposal, as a purely partisan measure, in the dead of night, producing amendments in handwritten chicken scratch in the margins of the bill at the last minute.

If we were to ask middle-class families their top priorities for fixing our tax system, I don't think very many would say: You know, we really need to let oil companies pump crude in an Alaskan wildlife refuge. But that is what they do.

The Arctic National Wildlife Refuge was established in 1960 to preserve "unique wildlife, wilderness, and recreational values." It now encompasses almost 20 million acres, with around 8-million acres designated as wilderness. The U.S. Fish and Wildlife Service manages the refuge, which is roadless, trailless, and represents the best of wild Alaska in a world where wilderness is increasingly scarce and vanishing far too fast.

The Republican tax bill opens the refuge's 1.5 million-acre coastal plain to the oil drillers. Opening the Arctic National Wildlife Refuge to oil and gas development does little to provide energy security. The oil-producing potential of the area is estimated by the U.S.

Geological Survey to be, at a maximum, around 12 billion barrels total of recoverable oil. In 2016, the United States consumed 7.2 billion barrels of petroleum products just in that year. So all of the oil we get from the Arctic National Wildlife Refuge, which will take decades, represents fewer than 2 years of current consumption, and that is according to the most optimistic estimate.

The budget resolution required that this venture raise \$1 billion over 10 years. Republicans need that \$1 billion to fund the big tax cuts they are giving out to the wealthy and to big corporations. When the numbers were finally crunched, though, drilling in that Arctic coastal plain couldn't produce those numbers. Did this reality dissuade my Republican colleagues? No. Instead, they have proposed to make up the difference by selling off 7 million barrels from the Strategic Petroleum Reserve—the United States' emergency supply of crude oil, which actually does help guarantee our energy security. They want to sell reserve oil to fund those cuts for the wealthy and the big corporations.

An auction last week of oil and gas leases in another part of Northern Alaska bodes ill for Republican hopes about drilling in the wilderness preserve. On 900 tracts of land offered up to oil and gas companies, the Bureau of Land Management fielded just seven bids—900 tracts of land, 7 bids.

Why is that?

For one thing, low prices for crude oil make the prospect of exploring undeveloped Alaskan wilderness less appealing. In general, current industry appetite for high-risk "frontier" exploration is very low, observed an energy analysis at Raymond James & Associates. The Arctic National Wildlife Refuge "would suffer from much the same thing."

A second problem is that oil companies are likely overstating their achievable existing reserves already. They will have to leave a lot in the ground of what they are now claiming as reserves. Buying more when you cannot sell what you already have is not a great strategy. Low-cost renewables and excess supply will further drive oil prices down and down if the laws of supply and demand hold true.

This may be one reason the World Bank just announced in this new story, dated 2 days ago, that it will end its financial support for oil and gas exploration within the next 2 years. It is in response to the growing threat that is posed by climate change. That is where they are going. We are going the wrong way.

The sad irony of Arctic drilling is that the American Arctic will feel the effects of burning fossil fuels most severely. The U.S. Global Change Research Program's "Climate Science Special Report," authored by scientists and experts from top universities and across the Federal Government, found that while all regions of the United

States will see significant warming by the end of the century, Alaska is expected to take the hardest hit—potentially over 12 degrees Fahrenheit warmer by 2100, which is under the high-emission scenario shown down here at the bottom right.

The northern edge of Alaska, including the historic whale-hunting village of Utqiagvik—and please forgive me, the people of Utqiagvik, for mangling the village's pronunciation—could see temperature increases of 18 degrees Fahrenheit. This village, which is only about 300 miles west of the area in the Arctic National Wildlife Refuge targeted for oil and gas development, is already seeing its coastlines overrun by rising seas, its permafrost melting beneath its buildings, and its beaches washing out to sea in strong winter storms as the protective shoreline sea ice forms later and later each year.

Here is another news flash from Utqiagvik: 320 miles north of the Arctic Circle, a weather station in America's northernmost city of Utqiagvik has been collecting temperature data since the 1920s. Just recently, the average temperature went so off the chart at the weather station there that the instrumentation shut down the recording because the algorithm that monitored this figured that something must have gone wrong with the instrumentation because the numbers were so out of whack.

The numbers were not out of whack. It was actually very real climate change that changed the environment and sent that signal that blew through the algorithm that the scientists had set up.

But, in this building, in this room, the warnings from our best scientists about the consequences of our carbon emissions just don't count. The hyped economics about oil drilling don't count here. The weird budgetary jujitsu required to shoehorn this environmental hit into a tax bill doesn't matter here. What matters here is that the oil companies want to drill in the Arctic National Wildlife Refuge, and so Republicans are making it happen.

Republicans claim to be cleaning up the Tax Code, but their so-called tax reform leaves in place most of the oil and tax giveaways that have benefited that industry for decades. The Big Oil giants, like BP, Shell, ExxonMobil, Chevron, and ConocoPhillips, have enjoyed nearly \$1 trillion in profits over the past 10 years. Yes, let's rush to their assistance. Never mind the beleaguered American families, many of whom will see taxes go up from this bill. Let's rush to the defense of those companies with \$1 trillion in profits over the past 10 years. They continue to benefit from multibillion-dollar tax subsidies.

I am proud to have repeatedly co-sponsored Senator MENENDEZ's bill that would close the loopholes for the Big Oil giants, saving \$22 billion for taxpayers and debt holders over the next decade. The Republican bill not

only leaves most of the old loopholes in place, but it offers new giveaways to the oil and gas industries. A last-minute change scribbled in during the Senate vote-arama will allow traded oil and gas partnerships to use the so-called passthrough loophole that the Republicans claim is designed to help small businesses.

While the Republican tax plan boosts the fossil fuel polluters with this new tax gift, it singles out renewable energy to undermine those jobs. The way this works is that, under the historic bipartisan agreement that many of us worked on in 2015, developers of new wind energy were given a period in which tax credits for projects for which construction begins by the end of 2019 would be protected. There was a bargain struck in this body. We came together, and we agreed on a bipartisan result. This tax bill breaks that deal and breaks that result for wind and for solar. For wind, it was until the end of 2019. For solar, it was through 2021.

These tax credits have been vital to the growth of the renewable industry across the country. It has grown in red States and in blue States. In fact, the five States that get the largest percentage of their electricity from wind and that have all of those wind energy jobs are Iowa, Kansas, South Dakota, Oklahoma, and North Dakota. Texas produces the most wind power of any State. The Republican tax bill is likely to upend the progress that we have made on renewables, disrupt ongoing projects, and ruin those jobs—all with clever provisions, the trick being to render those renewable tax credits that we bargained for practically valueless.

Renewable developers don't usually turn a profit in the early years. So they don't have taxes against which to apply the tax credits. They sell the tax credits to others, and they use the revenue from selling the tax credits to support those wind and solar investments. The clever fossil fuel trick in the Senate bill—specifically, the corporate AMT and base erosion so-called provisions—would make these credits worthless to the businesses that have been buying them. With no buyers for the tax credits, funds for new wind and solar projects will dry up.

There is even more nonsense in the House bill that takes direct aim at the wind and solar credits, including changing the rules on how projects would qualify for the credits, not just in the future but also retroactively. They go back to undo deals that have already been done. So \$20 billion in projects have frozen up, developers say, just from the threat of these changes.

Renewable energy industry organizations, including the American Wind Energy Association, the American Council on Renewable Energy, the American Conservation Coalition, Citizens for Responsible Energy Solutions, the Conservative Energy Network, and Conservatives for Clean Energy, all warn that the tax bill will jeopardize growth and jobs in wind and solar projects.

"If these provisions are retained," the groups wrote to Senators, "they will result in broad instability and uncertainty for businesses and investors across many sectors, including the clean energy sector."

Gosh, I hope my Republican friends will listen to our wind and solar producers, particularly the ones in their home States. I hope they will listen to the people who are counting on the jobs of those \$20 billion in projects that have now been put on the shelf. I hope they will listen to American taxpayers, who are sick of midnight-deal corporate welfare like this.

If they do listen, they can scrap this terrible bill. They can sit down and work with Democrats. It would be a novelty, but we would welcome it. We could have a bipartisan tax bill that works for the middle class, for the economy, and for the environment, but with the oil and gas industry calling the shots around here, fat chance of that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank my friend, the Senator from Rhode Island, for two things—one, for being a constant voice on the need for us to diversify our energy sources and supplies and for recognizing the enormous challenge around climate change.

I come from a State that is not too dissimilar from his in terms of its having a great deal of shoreline. We see the effects of the changing climate each and every day. At high tide, we have parts of the city of Norfolk that have never before flooded that flood on a regular basis.

Mr. WHITEHOUSE. On a sunny day.

Mr. WARNER. On a sunny day.

We have a church that has to regularly change its schedule of worship, not because the Lord has asked them to change the schedule of worship but because it floods on a regular basis.

Let me also thank him for his comments about the tax legislation. I share his concern as somebody who feels very strongly that there is a right way and a wrong way to do tax reform. Unfortunately, the product I believe we will be voting on next week, not only the provisions the Senator from Rhode Island talked about, will also add close to \$2 trillion to our debt.

In many ways, it does not even take care of the problems we are supposed to solve, in terms of the ability of companies to bring back profits from overseas in a way to reinvest in this country. Frankly, it exacerbates the problem where companies can further hide their profits abroad.

I share his doubt about whether our colleagues will join us in starting anew, but if they would, I would join with them and others in trying to make sure we do tax reform in a fair, balanced way that is fiscally responsible. I thank Senator WHITEHOUSE for his comments.

DACA

Mr. WARNER. Mr. President, I stand today to talk about a different subject; that is, to stand in solidarity with over 12,000 of my Virginia constituents who are students, entrepreneurs, members of our military, and individuals who have the distinction of being Dreamers, like the nearly 800,000 Dreamers across our country.

These people, many of them young folks, are worried about facing deportation—not for anything they have done wrong but because the vast majority of these young people were brought to this country as children many years ago. Today, unfortunately, due to no actions of their own, they are caught up in some of the worst of our Nation's politics.

Up until this past September, these young people were living in the United States legally under the Deferred Action for Childhood Arrivals Program or what has been called DACA. As part of this program, these young people came out of the shadows, paid a fee, went through an extensive background check, and complied with all the other requirements of the DACA Program. Unfortunately, Dreamers and their families are now in a perilous situation because, unfortunately, President Trump ended the DACA Program, literally putting hundreds of thousands of these young people in a state of legal limbo.

Unfortunately, while a number of my colleagues on the other side of the aisle want to work through this problem, we hear the Republican leadership has done nothing to provide that permanent solution for these hard-working young Americans. That is who they are, folks who have lived here oftentimes for decades. This is not how the greatest country on Earth should treat anyone, especially these young people who, in most cases, have only one nation they have called home, and that is our country, the United States.

I am not the only one who thinks this. As I mentioned, there are colleagues on both sides of the aisle who have been coming to the floor for weeks making this point. The fact is, more than three-quarters of Americans of all political stripes support a pathway to permanent legal status for Dreamers. Here in the Senate, my friends, Senator LINDSEY GRAHAM and Senator DICK DURBIN, have introduced the bipartisan Dream Act and have been actively working toward its passage.

In the Senate and the House, there are enough votes to pass this bipartisan legislation if leadership would only bring it to the floor, and that is just not the case in the Senate. Last week, my friend Congressman SCOTT TAYLOR, a fellow Virginian and a Republican, led a bipartisan group of 30 Members in the House again asking the House leadership to find a legislative solution—not next year, not next month but now.

Unfortunately, it seems like folks on the other side of the aisle would rather

treat this as a political issue and a political pawn to be negotiated, probably not even this year but at some future date. By doing so, they leave these young people in a state of limbo and really subject to a great deal of legal uncertainty. For many of these young people, as they cycle out of the program—close to 1,000 a week—even if we come up with a legal solution, their ability to rejoin the program and reclaim their legal status may be extinguished. The truth is, this is not just another political leverage point.

Let me take a moment or two and talk about some of the folks who are affected in my State—folks in my State, folks whom I call real Virginians.

I think about one young student from Northern Virginia, whom I chose as my guest to the President's State of the Union Address a few years ago. I was so impressed with her work ethic and her passion for improving the lives of others that I asked her to serve after that as an intern in my office, where she did great work serving fellow Virginians.

I think about a law student I met recently in Williamsburg who was born in England and brought here when she was just 1 year old. Right now, it is getting close to the holidays. She is probably tucked away in some corner of the library studying for her law school exams. She told me she wanted to get that law degree to help fellow Virginians when she graduates. I say we shouldn't stand in her way.

I think again about a young man I met from Newport News whose mother brought him to the United States when he was just 6 years old. Sadly, his mother passed away before he graduated from high school, but I know when he walked across the stage of that graduation as valedictorian of his class, his mom would have been proud. Hopefully, if this program is renewed when he graduates from Virginia Tech next year with a degree in engineering, he will put those skills to work.

These are just a few examples about the smart, successful, young Virginians who also carry the categorization of being called Dreamers. The truth is, in Virginia, we have a vibrant and growing immigrant community that contributes to all facets of life in the Commonwealth.

While I talk today about Dreamers, I also want to make mention of another program that is caught up in some of these last-minute negotiations, the so-called TPS individuals—oftentimes individuals from El Salvador, Honduras, Nicaragua, and certain folks who have lived in this country for decades whose legal status is also in jeopardy.

The truth is, whether they are a Dreamer or someone who has been a beneficiary of the TPS Program, the truth is, immigrants in Virginia are all across our community. They are doctors, caretakers, small business owners, high-tech entrepreneurs. Quite honestly, they are also our next-door neighbors. They are motivated, tal-

ented individuals who want to help and continue contributing to the Commonwealth of Virginia and to our country.

What we tell them every day that we fail to act, every day that more and more of these young people fall out of eligibility, we tell them, in pretty direct ways, that actually even though they have served, studied, and worked here, that at least some in this Chamber don't really want them here. They would rather urge them to take their talents elsewhere.

As somebody who has been in business longer than I have been in politics, I can state that these young people are an enormous asset, and urging them to leave the Commonwealth or our country is a bad business decision.

As I said, unfortunately, with every day that passes, more and more Dreamers face the very real and terrifying prospect of being oftentimes sent to a country they barely know or may not know at all for an offense they were too young to even know they committed. That is just not right.

It is not right that their lives should hang in the balance as they wait and wait and wait for Congress to solve this problem—a problem that I know, if it were brought to the floor, would receive overwhelming bipartisan support. These young people can't wait any longer and shouldn't wait any longer. It is time to pass the Dream Act right now.

Thank you.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 430. I ask consent that there be 10 minutes of debate, equally divided in the usual form; that following the use or yielding back of time, the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 405 and 406.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Matthew Z. Leopold, of Florida, to be an Assistant Administrator of the Environmental Protection Agency; and David Ross, of Wisconsin, to be an Assistant Administrator of the Environmental Protection Agency.

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

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

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

The question is, Will the Senate advise and consent to the Leopold and Ross nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 499 and 500.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Scott W. Brady, of Pennsylvania, to be United States Attorney for the Western District of Pennsylvania for the term of four years; and Andrew E. Lelling, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

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

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

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

The question is, Will the Senate advise and consent to the Brady and Lelling nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 548 through 551 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(d):

To be rear admiral

Rear Adm. (lh) Pat DeQuattro
Rear Adm. (lh) William G. Kelly
Rear Adm. (lh) John P. Nadeau
Rear Adm. (lh) Joanna M. Nunan
Rear Adm. (lh) David G. Throop

The following named officer for appointment to serve as the Director of the Coast Guard Reserve in the grade indicated under title 14, U.S.C., section 53(b):

To be rear admiral (lower half)

Rear Adm. Andrew S. McKinley

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203(a):

To be rear admiral (lower half)

Capt. James M. Kelly

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271(e):

To be rear admiral (lower half)

Capt. Thomas Allan
Capt. Laura M. Dickey
Capt. Douglas M. Fears
Capt. John W. Mauger
Capt. Nathan A. Moore
Capt. Brian K. Penoyer
Capt. Matthew W. Sibley

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1259 COAST GUARD nominations (10) beginning GEORGE BAMFORD, and ending TABITHA A. SCHIRO, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1260 COAST GUARD nominations (71) beginning STEPHEN J. ADLER, and ending TORRENCE B. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1261 COAST GUARD nominations (171) beginning LAWRENCE F. AHLIN, and ending RUSSELL R. ZUCKERMAN, which nominations were received by the Senate and appeared in the Congressional Record of November 16, 2017.

PN1277 COAST GUARD nomination of Meghan K. Steinhaus, which was received by the Senate and appeared in the Congressional Record of November 27, 2017.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

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.

NOMINATIONS OF STEVEN GRASZ, JAMES HO, AND DON WILLETT

Mr. DURBIN. Mr. President, this week, Senate Republicans sought to confirm the 10th, 11th, and 12th circuit court nominees of the year. The Republican-controlled Senate has been moving at warp speed to try to confirm President Trump's circuit court nominees as quickly as possible. Twelve circuit court nominees is the same number of nominees confirmed in the first years of Presidents Obama, Bush, and Clinton combined.

In quickly rushing through President Trump's picks for these critical lifetime appointments, my Republican colleagues have been abandoning long-standing norms of due diligence and careful scrutiny. They want to rubberstamp these nominees despite a lack of complete information about the nominees' records and despite clear warning signs about the nominees' ideologies, temperaments and judgment.

Consider the nominees that came before us this week.

Eighth Circuit nominee Steven Grasz received a rare unanimous "not qualified" rating from the American Bar Association. Only 4 out of 1,755 nominees reviewed by the ABA since 1989 have received this rating. For those who are not aware, the ABA has worked since the Eisenhower administration to conduct a confidential peer review process for vetting judicial candidates. For their review of Mr. Grasz, the ABA conducted 207 interviews with his peers. These interviews revealed some very troubling things. People familiar with Mr. Grasz raised serious concerns about his objectivity, his gratuitously rude conduct, and his deeply held partisan loyalty. Those are major red flags for a lifetime appointment to the Federal bench.

After the ABA's review committee voted Mr. Grasz unanimously "not qualified" for the bench, rather than

reconsidering their support for the nominee, a number of my Republican colleagues decided to aggressively attack the ABA. One Senator described the ABA as "blatant partisans with a sad track record of hackery."

These criticisms are over the top. The ABA peer review and vetting process provides the Senate with valuable information to consider when we decide how to vote on nominees. President Obama took ABA ratings seriously enough that he did not nominate anyone who received a "not qualified" rating.

Of course, Senators do not have to vote on nominees solely based upon ABA ratings. For example, I voted in committee for Kansas District Court nominee Holly Teeter despite the "not qualified" rating that she was given by the ABA. I have voted against nominees who received "well qualified" ratings, such as Neil Gorsuch, because I had serious questions about their judgment and their objectivity.

It would be foolish for Senators to ignore the ABA's peer review process altogether. In Mr. Grasz's case, his ABA rating is just one of many troubling signs. Just look at some of the controversial things Mr. Grasz has said and written. He wrote in a law review article that courts can ignore jurisprudence that they consider to be "questionable." He wrote that the legacy of *Roe v. Wade* was "moral bankruptcy." He described the possibility of Nebraska recognizing same-sex marriages as a "grave danger." He falsely claimed that the term "sexual orientation" could include bigamy and pedophilia. He tried to amend the Omaha city charter because he was upset about a 2012 city ordinance protecting LGBT employees from workplace discrimination.

In Mr. Grasz's case, I share the ABA's unanimous view that he lacks the proper temperament and judgment to sit on the circuit court, and I am deeply concerned about his extreme views. That is why I opposed his nomination.

I also could not support the nomination of James Ho for the Fifth Circuit, for several reasons. First, I am very troubled by Mr. Ho's responses when I asked him whether waterboarding is torture and illegal under U.S. law. He said, "It has always been my understanding that Congress enacted legislation for the purpose of expressing its serious opposition to waterboarding as illegal under U.S. law." That is not an answer about what the law says; that is an evasion. Mr. Ho should have said, with no equivocation and no uncertainty, that waterboarding is illegal, that it is cruel, inhuman, and degrading and that it is torture. That is the law under the 2006 McCain Torture Amendment.

This is a critical issue for me. I am deeply troubled that we are, once again, seeing nominees come before the Senate, like Mr. Ho and Greg Katsas, who are tap dancing around this issue. We need to take a clear stand when it comes to waterboarding.

This is not some abstract hypothetical for Mr. Ho. He wrote a 2002 Office of Legal Counsel memo for John Yoo that was cited in the infamous Bybee torture memo. It is critical that the Senate get access to Mr. Ho's memo. The Bybee torture memo was a dark chapter in our Nation's history, and Mr. Ho's work was cited in it more than once. I cannot in good conscience vote for Mr. Ho's nomination without seeing what he wrote.

In 2014, when former OLC attorney David Barron was nominated by President Obama to the First Circuit, Chairman GRASSLEY insisted on seeing his OLC memos. Chairman GRASSLEY wrote of Mr. Barron: "The Senate simply cannot evaluate whether this nominee is fit for lifetime appointment to one of the nation's most important courts without complete access to his writings." The chairman's standard should apply to Mr. Ho's nomination as well.

I also have serious concerns with personal views that Mr. Ho has publicly expressed—in particular, his writings in opposition to campaign finance laws and the op-ed Mr. Ho wrote in praise of Jeff Mateer, who has described transgender children as part of "Satan's plan." I could not support Mr. Ho's nomination.

I also was compelled to oppose the nomination of Don Willett to the Fifth Circuit. Justice Willett provided us with one of the more troubling nomination hearings we have had in recent years. The key moment was when Senator FEINSTEIN asked him if he stood by beliefs he expressed in a 1998 memo. In this memo, Willett explained his opposition to the issuance of a gubernatorial proclamation declaring "Business Women's Week" in Texas.

Willett's memo said:

I resist the proclamation's talk of 'glass ceilings,' pay equity (an allegation that some studies debunk), the need to place kids in the care of rented strangers, sexual discrimination/harassment, and the need generally for better 'working conditions' for women (read: more government.) . . . I strongly resist anything that shows we believe the hype.

When Senator FEINSTEIN asked Justice Willett if he still held these beliefs, he was silent for 10 and a half painful seconds before he asked Senator FEINSTEIN to repeat the question. She did, and I repeated the question too; yet Justice Willett never gave the committee a straight answer. He should have, if he wanted to earn my vote.

Justice Willett is a prolific tweeter, and he has sent tweets that appear to mock same-sex marriage and transgender students. This raises questions about his judicial temperament. Justice Willett also has expressed troubling views about what he calls "judicial passivism." He said it is "corrosive" when judges "are not active in preserving the limits our Framers actually enshrined." Justice Willett seems to think that courts should be activist in limiting laws that he sees as

burdening economic freedoms, such as regulations that protect the health and safety of working people.

In short, Justice Willett has not convinced me that he is in the mainstream when it comes to temperament and judgment, and I could not support his nomination.

Before I was a Senator, I was a lawyer in downstate Illinois, and I looked up to Federal judges. I thought that, to get that job, you had to be a cut above. Otherwise, you wouldn't make it through the Senate's rigorous advice and consent process, but sadly, this Republican Senate is turning advice and consent into a rubberstamp assembly line when it comes to Trump nominees.

Republicans want to pack the courts with judges who will support President Trump's agenda, and so they are hurrying to confirm as many of his picks as possible, even if they are not qualified or if we don't have all the information we need to evaluate them or if the nominees won't give us straight answers at their hearings. Our Federal judiciary is being diminished as a result.

I wish my Republican colleagues would stand up for an independent judiciary and a meaningful advice and consent process. We should not be rushing to hand lifetime appointments to problematic nominees. Instead, we should take our due diligence and vetting obligations seriously and only put people on the bench whose qualifications, integrity, independence, and judgment are indisputable.

Because that was not the case with this week's nominees, I could not support them.

THE EL MOZOTE MASSACRE

Mr. LEAHY. Mr. President, those of us who remember the massacre at El Mozote, El Salvador, are reminded that last week was the 36th anniversary of that horrific tragedy.

For those who are not aware, on December 11, 1981, Salvadoran soldiers, including an elite battalion trained and equipped by the United States, systematically murdered more than 900 innocent men, women, and children. The Salvadoran military high command falsely denied the crimes had occurred, and their denials were echoed by the U.S. Embassy and the State Department. For more than 35 years, the perpetrators of the massacre avoided justice, due to the cover-up and an amnesty law passed in 1993, but in 2016, the Salvadoran Supreme Court overturned that law and the case was reopened. Let us hope that those who ordered, participated in, and covered up those crimes against humanity will finally receive the punishment they deserve.

On December 2, good friend Congressman JIM MCGOVERN traveled to El Salvador. More than any other Member of Congress, JIM has been a tireless advocate for human rights and justice in that country. After returning to Wash-

ington, on December 11, JIM spoke about the El Mozote massacre in the House of Representatives. I ask unanimous consent that his remarks be printed in the RECORD.

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

[Five-Minute Special Order, Monday,
December 11, 2017]

36TH ANNIVERSARY OF THE EL MOZOTE
MASSACRE

(By James P. McGovern (MA))

Mr. Speaker, thirty-six years ago, nearly one thousand men, women and children were murdered by Salvadoran soldiers in El Mozote, El Salvador. It's considered one of the worst massacres in modern Latin American history.

On December 2nd, I traveled to El Mozote with a delegation led by the Washington Office on Latin America. Four hours after leaving San Salvador, we arrived at El Mozote in the northern region of Morazán, near the border of Honduras.

Three decades ago, El Mozote included about 20 houses on open ground around a square. Facing the square was a church and, behind it, a small building known as "the convent," used by the priest to change into his vestments when celebrating Mass. Nearby was a small school house.

Our delegation sat in the town square with survivors and victims of the massacre. We listened to their stories, shared prayers for their loss and suffering, toured the grounds where this atrocity took place, and visited memorials the community built to commemorate and preserve this tragic history. We also heard from lawyers with Cristosal, a U.S.-based NGO providing legal aid to the association of victims and survivors.

On December 10, 1981, the Salvadoran army brigade based in San Miguel and the Atlacatl Battalion, an elite infantry unit based in San Salvador, arrived in El Mozote. Over the next two days, these troops methodically and viciously murdered the town's residents and those of nearby villages.

On the morning of December 11th, troops assembled the people in the town square. They separated the men from the women and children and locked them in separate groups in the church, the convent, and various houses. According to eye-witness accounts, they then interrogated, tortured, and executed the men at several different sites.

Around noon, they began taking the women and girls in groups, separating them from their children and machine-gunning them after raping them. Many families were ordered to remain in their homes while soldiers set fire to the houses.

Over 140 of the children, some mere infants, were jammed into "the convent" next to the church. There, soldiers blocked the doors, aimed guns through the windows, and fired into the mass of children, murdering them all in cold blood. They then threw an incendiary bomb into the building, collapsing the roof and adobe walls.

I walked with members of the community to the site where the children were murdered. A garden cultivated in their memory blooms on the site where they perished. A mural on the side of the church facing the garden depicts tiny angels ascending to heaven.

Beneath the mural are plaques with the names and ages of the children killed so brutally. They range from zero to sixteen years. Walking on such hallowed ground, I was deeply moved and outraged by the atrocity that took place there.

In October 1990, the Salvadoran courts opened an investigation into the El Mozote

case, and in January 1992, the civil war ended with peace accords signed between the Salvadoran government and FMLN guerrillas. In November 1992, the U.N. Truth Commission on El Salvador supervised exhumations of El Mozote remains by Argentine forensics experts, confirming that the stories told by survivors were indeed true. Then, everything was cut short when the Salvadoran congress passed a sweeping amnesty law in 1993.

However, last year, in July 2016, the Salvadoran Supreme Court overturned the amnesty law as unconstitutional. And in October 2016, a judge reopened the El Mozote case and began taking testimony, which continues today.

There are many reasons why we in Congress should be engaged in the search for justice in the El Mozote case.

First, in the post-war period, the U.S. has supported a strong and independent judiciary in El Salvador, capable of prosecuting corruption and human rights abuses. El Mozote is viewed as an exemplar case on whether this is possible to achieve.

Second, in the 1980s, the United States armed, trained and equipped the Salvadoran armed forces, in particular, the Army. At El Mozote, U.S. guns and bullets were used to massacre infants, children, women and men.

Third, the U.S. established and trained the Atlacatl Battalion. Ostensibly an elite rapid reaction counter-insurgency force, it was a major actor in the mass murder at El Mozote; nine years later, the unit also murdered six Jesuit priests and two women at the University of Central America in San Salvador.

Finally, at the time of the massacre, the Salvadoran High Command denied that it had happened. The U.S. embassy and State Department echoed those denials and denigrated the Washington Post and New York Times reporters who traveled to El Mozote and published detailed stories about the massacre.

Mr. Speaker, the U.S. should support the Salvadoran judge presiding over the El Mozote case and the Attorney General's Office, including releasing all information in our military and intelligence files relevant to that period of the civil war. It would be a significant contribution to ending the culture of impunity in El Salvador.

REMEMBERING EDWIN M. LEE

Ms. HARRIS. Mr. President, I ask unanimous consent to enter into a colloquy with my colleague, the senior Senator from California.

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

Ms. HARRIS. Mr. President, Californians and San Franciscans have lost a tireless champion for diversity, equity, and inclusion. Mayor Edwin M. Lee was the son of Chinese immigrants and the city's first Asian-American mayor. Mayor Lee grew up in public housing and moved from Seattle to the Bay Area to attend law school at UC Berkeley in the mid-1970s. As a former civil rights attorney, Mayor Lee began his career in public service fighting for fair housing and went on to serve in five different city departments under four mayors before becoming mayor himself. As mayor of one of America's largest cities, Mayor Lee worked hard to transform San Francisco into a hub for innovation and technology while still upholding the city's longstanding values of equity and justice.

Mrs. FEINSTEIN. Throughout his career, Mayor Lee broke down barriers while approaching public service with tremendous skill, efficiency, and purpose. On behalf of the city of San Francisco, Mayor Lee led the fight to protect our immigrant communities, build and rehabilitate affordable housing, and expand investment in public transportation and critical infrastructure projects, among countless other fights on behalf of his city.

Ms. HARRIS. For 65 remarkable years, Mayor Lee demonstrated to all those he worked with, knew, and came to serve that through humble and steadfast leadership each one of us can create a more inclusive and just community for future generations.

Mrs. FEINSTEIN. He was our friend, and we will miss his wise counsel and fearless leadership. The thoughts of San Franciscans and Californians are with Mayor Lee's wife, Anita, his daughters, Brianna and Tania, his family, city leaders, and the people of San Francisco at this difficult time.

ADDITIONAL STATEMENTS

TRIBUTE TO THE ALSTON FAMILY

• Mr. BOOZMAN. Mr. President, today I wish to recognize and congratulate Luke and Deedee Alston of Polk County. The Alstons were recently named the 2017 Arkansas Farm Family of the Year.

The owners of Holly Springs Homestead—a cattle, poultry and agritourism farm near Mena, AR—Luke and Deedee, along with their sons Ryan and Drey, are fifth-generation farmers who are working the land as their parents and grandparents did before them. Holly Springs Homestead is an Arkansas Century Farm that was established in 1897 and has been in operation for 120 years.

The Alstons took a leap of faith a few years ago, leaving corporate jobs to return to the family farm full-time. Luke proudly says that he was born to farm, and it is a lifelong dream to look over the hood of a tractor every day. Through hard work and determination, the Alstons are enjoying tremendous success not only commercially but also in their efforts to educate visitors to the homestead about agriculture and the many reasons it is so important to our State's past and future.

As 2017 Arkansas Farm Family of the Year, Luke and Deedee will represent Arkansas well and use this award as a platform to promote farming and agriculture and foster respect for all the farmers, ranchers, and producers who contribute so much to our economy and food supply. They will also compete for the honor of being named the 2018 Swisher Sweets/Sunbelt Expo Southeastern Farmer of the Year in Moultrie, GA.

I wish the Alstons good luck in that competition and once again congratulate them on all their hard work that

has culminated in this well-deserved honor.●

TRIBUTE TO BOB BURNISON

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Bob Burnison of Richland County for many years of volunteer service and leadership in his local community. Bob has a long history of supporting charitable activities in northeastern Montana. His efforts have inspired others to volunteer their time and strengthened the spirit of giving. When folks like Bob come together to help others, it brightens the holiday season for everyone.

This Christmas is the 39th year that Bob has been involved with collecting donations for the Salvation Army. Over the years, Bob has organized scores of volunteers to help make each giving season a success. This commitment to helping others is commendable considering Bob's professional obligations as the undersheriff of Richland County. He has given over four decades of service in law enforcement. The vast majority of the donations Bob has helped generate have remained in the local community to help offset essential living costs for those in need. Neighbors helping neighbors is a cornerstone for sustaining healthy communities, and local leaders like Bob are often a catalyst for this type of activity.

With nearly four decades of volunteer service and over four decades of public service, Bob has done a good job leading by example. Organizations across Richland County have pitched in to make sure the spirit of giving remains strong, and the next generation of volunteers are finding the joy that comes with helping others. Merry Christmas, Bob, and thank you for preserving the charitable traditions in your community.●

"MEMOIRS OF A STATE INTERN"

• Mr. ISAKSON. Mr. President, today I submit for the RECORD a poem written by one of my Georgia interns, Mr. Dalton Kane of Suwanee, GA, a student at the University of Georgia.

"Memoirs of a Senate Intern" by Dalton Kane, a.k.a. "Dolvin":

The sound of footsteps echoes throughout the halls of the Russell Building as senators hurry to and fro before a salient vote. Chiefs of staff fervently address the concerns of elite constituents while legislative staff assistants frantically seek out last-minute details of the bill. Meanwhile, back home in the district, case workers tirelessly assist constituents with their government agency-based woes and field reps travel all across the state to ensure every voice is heard. Behind the scenes, an IT guy (who's probably a die-hard liberal) labors ceaselessly to make it all happen. This is democracy in action—the realization of a three-hundred-year-old experiment that connects the government to its people. Yet, there is one important link to this Constitutional dream that has been forgotten. That link is the Senate intern.

Located at the lowest echelon of power, the senate intern watches his phone light up like a Christmas tree as the constituency descends upon the office. He answers call after call with the simple reassurance that it will be passed on. Yet, as the mountain of the constituency begins to overwhelm him, he may slowly start to lose hope. However, as he glances at the Reagan portrait hanging before him, he knows that he is the gate between the senator and his constituency, and he must carry on. And I Dalton, aka Dolvin, have come to find myself in this valued position fall semester of 2017.●

REMEMBERING JAMES DOUGLAS MACY

● Mr. WYDEN. Mr. President, last month, Oregon lost one of our most esteemed landscape architects, James Douglas Macy. Doug dedicated his life to protecting places that brought Oregon's unmatched natural beauty to millions of visitors. He will be sorely missed.

Doug grew up on a cattle ranch in Madras, OR, where he soaked up the natural beauty of his dramatic surroundings. It was there that his passion for landscape architecture first took hold. That passion grew as Doug studied landscape architecture at the University of Oregon and moved to Portland where he founded the urban design firm Walker Macy.

Doug blended his passionate advocacy for the protection of Oregon's natural treasures with his dedication to civic causes, the arts, and beautifying outdoor spaces. Through his design firm, he has influenced and mentored generations of landscape architects who have shaped cities and public spaces across the Pacific Northwest and beyond.

Anyone who has visited my hometown of Portland has felt Doug's influence in his designs of some of the city's most beloved spaces, including Pioneer Courthouse Square, Waterfront Park, and the Vietnam Veterans of Oregon Memorial. He was behind much of the revitalization that turned downtown Portland into a thriving, diverse, and green city where so many people enjoy living.

Visitors can also get a sense of Doug's love of nature in his designs for projects at national parks, including Crater Lake, private natural preserves like Opal Creek Ancient Forest Center, the scenic wonders of the Columbia River Gorge, State parks such as Oregon's Cottonwood Canyon, and hundreds of municipal parks and open spaces. Doug's work didn't stop there; his work can also be seen on college campuses, museums, vineyards, hospitals, and scenic highways.

In addition, Doug was a selfless citizen who donated his time and professional expertise to a countless number of causes, such as the Pacific Northwest College of Art, the Portland Parks Foundation, and the Portland Japanese Garden, which recently opened an expansion designed with Doug's guidance.

Doug will be remembered by those whose lives he touched and for creating

beautiful and inspiring places for people across the West. He will especially be remembered as a dedicated father to his son Aaron, who died tragically in 1999, and as a caring sibling to his sisters Marilyn Macy Brown and Rebecca Macy and his brother Gregg Macy.

Today I honor the esteemed life and career of James Douglas Macy and recognize his enduring legacy as a landscape architect who fiercely protected and improved Oregonians' quality of life and many unique public and cultural resources throughout the Northwest.●

MESSAGE FROM THE HOUSE

At 10:58 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, in which it requests the concurrence of the Senate:

H.R. 1638. An act to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes.

MEASURES REFERRED

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

H.R. 1638. An act to require the Secretary of the Treasury to submit a report to the appropriate congressional committees on the estimated total assets under direct or indirect control by certain senior Iranian leaders and other figures, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 584. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes (Rept. No. 115-194).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1769. A bill to require a new or updated Federal website that is intended for use by the public to be mobile friendly, and for other purposes (Rept. No. 115-195).

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1869. A bill to reauthorize and rename the position of Whistleblower Ombudsman to be the Whistleblower Protection Coordinator (Rept. No. 115-196).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for Mr. MCCAIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Anthony J. Cotton, to be Lieutenant General.

Air Force nomination of Col. Sharon A. Shaffer, to be Brigadier General.

Air Force nomination of Col. Robert J. Marks, to be Brigadier General.

Air Force nominations beginning with Col. Ronald G. Allen, Jr. and ending with Col. Alice W. Trevino, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2017. (minus 1 nominee: Col. Jeffrey H. Hurlbert)

Army nomination of Maj. Gen. Christopher G. Cavoli, to be Lieutenant General.

Army nomination of Lt. Gen. Stephen J. Townsend, to be General.

Navy nomination of Rear Adm. Nancy A. Norton, to be Vice Admiral.

Navy nomination of Rear Adm. Richard A. Brown, to be Vice Admiral.

Air Force nomination of Col. Mitchel Neurock, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. Hubert C. Hegtvold and ending with Brig. Gen. John B. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 1, 2017.

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

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

Air Force nomination of Arianne R. Morrison, to be Major.

Air Force nomination of Richard A. Hanrahan, to be Major.

Air Force nominations beginning with Aleck A. Brown and ending with John D. Ritter, which nominations were received by the Senate and appeared in the Congressional Record on December 1, 2017.

Army nomination of Jennifer A. Mahoney, to be Major.

Army nominations beginning with Yon T. Chung and ending with Michael B. Payne, which nominations were received by the Senate and appeared in the Congressional Record on October 16, 2017.

Army nominations beginning with Nathele J. Anderson and ending with Brian R. Horton, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2017.

Army nominations beginning with Thomas W. Green and ending with Kenneth M. Koop, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2017.

Army nomination of Adam R. Liberman, to be Colonel.

Army nomination of Michael E. Steelman, to be Colonel.

Army nomination of Gerald D. Gangaram, to be Major.

Army nomination of Brian R. Johnson, to be Major.

Army nominations beginning with Scott T. Ayers and ending with Tyesha L. Smith, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2017. (minus 1 nominee: Shawn D. Smith)

Army nomination of Peter J. Armstrong, to be Colonel.

Army nomination of Ali S. Zaza, to be Colonel.

Army nomination of Phillip T. Buckler, to be Major.

Army nomination of Vernice K. Favor-Williams, to be Lieutenant Colonel.

Army nomination of Heather M. Lee, to be Major.

Navy nominations beginning with William L. Arnest and ending with Karen J. Wood, which nominations were received by the Senate and appeared in the Congressional Record on November 14, 2017.

Navy nomination of Sharif H. Calfee, to be Captain.

By Mr. GRASSLEY for the Committee on the Judiciary.

Andrei Iancu, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Duane A. Kees, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Stephen R. McAllister, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

Ronald A. Parsons, Jr., of South Dakota, to be United States Attorney for the District of South Dakota for the term of four years.

Ryan K. Patrick, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Michael B. Stuart, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. MURKOWSKI (for herself, Ms. COLLINS, Mr. PETERS, Mr. WHITEHOUSE, and Ms. CANTWELL):

S. 2229. A bill to direct the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, to conduct coastal community vulnerability assessments related to ocean acidification, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself and Ms. HEITKAMP):

S. 2230. A bill to require the Secretary of Housing and Urban Development to improve services for survivors of domestic violence, dating violence, sexual assault, or stalking; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself and Mr. HATCH):

S. 2231. A bill to amend the Higher Education Act of 1965 to provide for institutional ineligibility based on low cohort repayment rates and to require risk sharing payments of institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KING:

S. 2232. A bill to amend the Public Utility Regulatory Policies Act of 1978 to provide for the integration of distributed energy resources, to modernize electricity grid infrastructure, to provide for the consideration of non-wires alternatives, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL (for himself, Ms. MURKOWSKI, and Ms. CORTEZ MASTO):

S. 2233. A bill to protect Native children and promote public safety in Indian country; to the Committee on Indian Affairs.

By Mr. WICKER (for himself and Ms. HASSAN):

S. 2234. A bill to require the Federal Trade Commission to develop cybersecurity resources for consumer education and awareness regarding the purchase and use of devices that are part of the Internet of Things, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DONNELLY (for himself and Mr. CRUZ):

S. 2235. A bill to establish a tiered hiring preference for members of the reserve components of the Armed Forces; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. GILLIBRAND (for herself, Mr. CRUZ, Mr. BOOKER, Mrs. ERNST, Ms. MURKOWSKI, Ms. BALDWIN, Mrs. SHAHEEN, Mrs. FEINSTEIN, Mr. GARDNER, Mr. PORTMAN, Mr. GRAHAM, Mr. SULLIVAN, Mr. CORNYN, Ms. HARRIS, Ms. HASSAN, Ms. CORTEZ MASTO, Mr. BLUMENTHAL, Ms. HIRONO, Ms. WARREN, and Mrs. McCASKILL):

S. 2236. A bill to require covered discrimination and covered harassment awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered discrimination and covered harassment complaints, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN (for himself and Mr. MANCHIN):

S. 2237. A bill to amend the Federal Financial Institutions Examination Council Act of 1978 to improve the examination of depository institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 2238. A bill to amend the Ohio & Erie Canal National Heritage Canalway Act of 1996 to repeal the funding limitation; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 2239. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to improve the scheduling of appointments, the accountability of third party administrators, and payment to providers under such Act, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. KLOBUCHAR (for herself, Mr. MARKEY, Mr. BLUMENTHAL, and Ms. HIRONO):

S. 2240. A bill to direct the Election Assistance Commission to carry out a pilot program under which the Commission shall provide funds to local educational agencies for initiatives to provide voter registration information to secondary school students in the 12th grade; to the Committee on Rules and Administration.

By Mr. KING:

S. 2241. A bill to amend the Patient Protection and Affordable Care Act by clarifying that State Exchanges are prohibited from imposing fees or assessments on issuers of excepted benefits and standalone dental plans not sold through an Exchange; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CORNYN (for himself, Mr. MCCAIN, Mr. SULLIVAN, Mr. RUBIO, Mr. RISCH, Mr. TILLIS, Mr. STRANGE, and Mr. INHOFE):

S. Res. 361. A resolution expressing the sense of the Senate that the United States Government shall, both unilaterally and alongside the international community, consider all options for exerting maximum pressure on the Democratic People's Republic of Korea (DPRK), in order to denuclearize the DPRK, protect the lives of United States citizens and allies, and prevent further proliferation of nuclear weapons; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. CRUZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 45, a bill to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes.

S. 223

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 818

At the request of Mr. BURR, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 818, a bill to amend the Internal Revenue Code of 1986 to allow individuals with disabilities to save additional amounts in their ABLE accounts above the current annual maximum contribution if they work and earn income.

S. 946

At the request of Mr. FLAKE, the names of the Senator from New Hampshire (Ms. HASSAN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 946, a bill to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1774

At the request of Mr. HATCH, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Arizona (Mr. FLAKE) were added as cosponsors of S. 1774, a bill to provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization.

S. 2152

At the request of Mr. HATCH, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 2152, a bill to amend title 18, United States Code, to provide for assistance for victims of child pornography, and for other purposes.

S. 2157

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2157, a bill to require drug manufacturers to disclose the prices of prescription drugs in any direct-to-consumer advertising and marketing to practitioners of a drug.

S. 2219

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2219, a bill to reduce the number of preventable deaths and injuries caused by underage crashes, to improve motor carrier and passenger motor vehicle safety, and for other purposes.

S. 2226

At the request of Mr. RUBIO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mr. CRUZ) were added as cosponsors of S. 2226, a bill to prohibit recipients of disaster recovery relief assistance from the Department of Housing and Urban Development from penalizing applicants that declined assistance from the Small Business Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself and Ms. HEITKAMP):

S. 2230. A bill to require the Secretary of Housing and Urban Development to improve services for survivors of domestic violence, dating violence, sexual assault, or stalking; to the Committee on Banking, Housing, and Urban Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Help End Abusive Living Situations Act” or the “HEALS Act”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “domestic violence project” means a project administered by a victim service provider designed to meet the needs of survivors of domestic violence, dating violence, sexual assault, or stalking;

(2) the term “homeless” has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302);

(3) the terms “homeless individual with a disability”, “permanent housing”, “tenant-

based”, “transitional housing”, and “victim service provider” have the meanings given those terms in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360);

(4) the term “rapid re-housing project” means supportive services and short- or medium-term tenant-based rental assistance, as necessary, to help a homeless individual or family, with or without a disability, move as soon as possible into permanent housing and achieve stability in that housing; and

(5) the term “Secretary” means the Secretary of Housing and Urban Development.

SEC. 3. STRENGTHENING HOUSING RESOURCES PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Not later than 180 days after the date of enactment of this Act, the Secretary shall take the following measures to improve services provided to survivors of domestic violence, dating violence, sexual assault, and stalking:

(1) **EQUAL CONSIDERATION.**—For purposes of scoring applicants in the notice of funding availability for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) in any fiscal year, the Secretary shall give equal consideration to—

(A) rapid re-housing projects;

(B) projects that provide permanent supportive housing; and

(C) domestic violence projects that maximize client choice, including transitional housing that provide services and help participants to secure permanent housing.

(2) **TRANSITIONAL HOUSING PROJECTS.**—

(A) **IN GENERAL.**—The Secretary shall authorize any defunded transitional housing project to reapply for funding.

(B) **TREATMENT AS RAPID RE-HOUSING PROJECT.**—The Secretary shall consider a program receiving funds under section 40299 of the Violence Against Women Act of 1994 (34 U.S.C. 12351) to be a rapid re-housing project if the program—

(i) provides not less than 6 months of housing assistance to survivors; and

(ii) meets other criteria established by the Secretary.

(3) **EVALUATION.**—The Secretary shall develop—

(A) measurable criteria upon which applicants are evaluated to demonstrate their collaboration with victim service providers to develop local policy priorities focused on survivors of domestic violence, dating violence, sexual assault, or stalking, including survivor-centered coordinated entry processes that appropriately assess and prioritize those survivors and take into account the safety and confidentiality needs of those survivors; and

(B) mechanisms that promote the provision of technical assistance and support for programs to improve outcomes instead of reallocating or not awarding funds.

(4) **RESEARCH AGENDA.**—The Secretary shall develop a research agenda that focuses on survivors of domestic violence, dating violence, sexual assault, and stalking and the housing modalities that best support them, especially the critical safety concerns and the link between trauma and residential stability.

SEC. 4. INCREASING ACCESS TO SAFE HOUSING FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.

Section 427(b)(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386a(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(B) by inserting after clause (vi) the following:

“(vii) success in addressing the safety needs of homeless survivors of domestic violence, dating violence, sexual assault, and stalking;”;

(2) in subparagraph (B)—

(A) in clause (iv)(VI), by striking “and” at the end;

(B) by redesignating clause (v) as clause (vi); and

(C) by inserting after clause (iv)(VI) the following:

“(v) how the recipient will measure the success of the victim service providers in meeting the housing, safety, and trauma needs of victims of domestic violence, dating violence, sexual assault, or stalking, with an explanation of how the recipient will allow flexibility on other metrics that may be impacted by the needs of survivors; and”;

(3) in subparagraph (F)(ii), by striking “, and” at the end;

(4) by redesignating subparagraph (G) as subparagraph (H); and

(5) by inserting after subparagraph (F) the following:

“(G) success of the recipient in meeting the housing, safety, and trauma needs of survivors of domestic violence, dating violence, sexual assault, or stalking, including access to safe housing; and”.

SEC. 5. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(1) the trends in allocating resources to address the housing needs of survivors of domestic violence, dating violence, sexual assault, and stalking; and

(2) the increase in the allocation of resources for domestic violence projects beginning after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 361—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES GOVERNMENT SHALL, BOTH UNILATERALLY AND ALONGSIDE THE INTERNATIONAL COMMUNITY, CONSIDER ALL OPTIONS FOR EXERTING MAXIMUM PRESSURE ON THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK), IN ORDER TO DENUCLEARIZE THE DPRK, PROTECT THE LIVES OF UNITED STATES CITIZENS AND ALLIES, AND PREVENT FURTHER PROLIFERATION OF NUCLEAR WEAPONS

Mr. CORNYN (for himself, Mr. MCCAIN, Mr. SULLIVAN, Mr. RUBIO, Mr. RISCH, Mr. TILLIS, Mr. STRANGE, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 361

Whereas the Democratic People's Republic of Korea (DPRK) is a brutal Communist regime that has consistently pursued a nuclear weapons program since the early 1960s;

Whereas the DPRK has a long history of humanitarian abuses against its own people;

Whereas in the 1970s and 1980s, the DPRK kidnapped foreign nationals from countries including Japan, South Korea, China, France, and Italy to train DPRK spies;

Whereas the DPRK has unjustly detained visiting United States citizens, including

Otto Warmbier, who died after being detained for more than a year;

Whereas the DPRK and Republic of Korea (ROK) in 1992 signed a Joint Declaration on the Denuclearization of the Korean Peninsula, promising to cease testing and production of nuclear weapons;

Whereas the United States agreed to provide energy assistance to the DPRK in exchange for a nuclear-free Korean peninsula in 1994;

Whereas the United States Government revealed in October 2002 that the DPRK admitted operating a secret nuclear weapons program in violation of agreements and international commitments;

Whereas, following six-party talks in 2005, the DPRK agreed to abandon its nuclear weapons program in exchange for energy assistance, economic cooperation, and steps toward normalization with the United States and Japan;

Whereas the DPRK proceeded to conduct multiple missile tests and its first nuclear weapons test in 2006;

Whereas the DPRK agreed to disable its nuclear facilities in exchange for energy assistance in February 2007 and “to provide a complete and correct declaration of its nuclear programs” in October 2007, but ultimately did not fulfill its commitment;

Whereas the DPRK tested a long-range missile directed at the United States in 2009;

Whereas the DPRK attacked and sunk the South Korean ship Cheonan, murdering 46 sailors in 2010;

Whereas DPRK forces fired approximately 170 artillery shells and rockets at Yeonpyeong Island, hitting ROK military and civilian targets and killing two ROK marines and two civilians in November 2010;

Whereas the DPRK agreed to cease long-range missile and nuclear tests in exchange for United States food aid in February 2012;

Whereas the DPRK proceeded to test yet another long-range missile in April 2012;

Whereas the DPRK has conducted almost three times the number of ballistic missile and nuclear weapons tests during Kim Jong-un’s six years in power than in the nearly 60 years before him under Kim Il-sung and Kim Jong-il;

Whereas Kim Jong-un’s regime has accelerated the pace of its nuclear weapons and ballistic missiles program, by—

(1) conducting 86 ballistic missile tests, successfully testing both ground-launched and submarine-launched solid fuel missiles;

(2) conducting 20 ballistic missile flight tests in 2017, including a recent test that is reported to be capable of carrying a nuclear warhead and reaching anywhere in the continental United States;

(3) improving upon missile ranges and testing re-entry capability; and

(4) conducting a total of four nuclear weapon tests, including three that have occurred since January 2016 and a claimed hydrogen bomb test with a yield estimated to be 150 kilotons;

Whereas a high ranking DPRK defector has publicly testified that as long as Kim Jong-un remains in power there is no chance to improve the human rights conditions in the DPRK and that Kim Jong-un will never relinquish the country’s nuclear capabilities;

Whereas the collective development and testing of DPRK’s nuclear weapons program pose a real and critical threat to the United States and global stability;

Whereas the United Nations Security Council has passed nine sanctions resolutions regarding North Korea’s nuclear missile and space development programs since North Korea’s first nuclear test in 2006;

Whereas the United States Congress passed the North Korea Sanctions and Policy Enhancement Act of 2016 (Public Law 114-122)

in February 2016 and the Countering America’s Adversaries Through Sanctions Act (Public Law 115-44) in July 2017 to provide sanction authorities to deter the DPRK’s provocative behavior;

Whereas the United Nations Security Council unanimously adopted a resolution to sanction the DPRK economy in September 2017;

Whereas the Director of National Intelligence (DNI), in its 2017 Worldwide Threat Assessment, assessed that North Korea’s “weapons of mass destruction program, public threats, defiance of the international community, confrontational military posturing, cyber activities, and potential for internal instability pose a complex and increasingly grave national security threat to the United States and its interests”;

Whereas the DNI further assessed that Kim is intent on proving the DPRK’s capability to strike the contiguous United States with nuclear weapons;

Whereas the People’s Republic of China accounts for 80 to 90 percent of trade with DPRK;

Whereas the People’s Republic of China acts as the DPRK’s primary advocate and must join the United States in a committed effort to dismantling the DPRK nuclear and missile programs; and

Whereas the President has authority to impose secondary sanctions on any financial institution or other entity that conducts business with DPRK entities in order to apply maximum pressure on the regime to abandon their nuclear weapons and ballistic missile programs: Now, therefore, be it

Resolved, That the Senate—

(1) expresses that the United States of America should not tolerate the DPRK’s possession of nuclear weapons or continued development of nuclear weapon and ballistic missile capabilities;

(2) believes the United States and the international community, including the United Nations Security Council and United States regional allies, should develop and immediately implement the strictest sanctions regime and continue to exhaust every reasonable diplomatic option necessary to achieve the complete, verifiable, and irreversible dismantlement of the DPRK’s nuclear weapons and ballistic missile programs;

(3) expresses that the United States Government should plan for every military contingency necessary to defend the American people and ensure regional and global security;

(4) acknowledges that the ROK and Japan, both treaty allies of the United States, would likely face immediate retaliation by the DPRK in response to any potential military action by the United States and therefore that any military action by the United States should be coordinated with the Governments of the ROK and Japan;

(5) asserts that Congress is unified in its condemnation of the DPRK’s dangerous pursuit of nuclear weapons and ballistic missile capability and should be appropriately consulted prior to any use of military force; and

(6) recognizes that Congress possesses the authority under Article I of the Constitution of the United States to declare war, and affirms that the authorization of Congress is needed prior to any pre-emptive or preventative ground war on the Korean Peninsula initiated by United States forces.

Mr. CORNYN. Mr. President, as the Presiding Officer knows, today I am submitting a resolution, joined by the junior Senator from Alaska, the Presiding Officer, and the senior Senator from Arizona, Mr. MCCAIN, as well as Senators RISCH, INHOFE, RUBIO, TILLIS,

and STRANGE. The purpose of this resolution is to expressly declare that Congress is unified in its condemnation of the increasingly hostile and perpetually intransigent behavior of the Democratic People’s Republic of Korea.

North Korea, as the world knows, has been dangerously pursuing its nuclear weapons capabilities for a long time. Since dictator Kim Jong Un took power 6 years ago, he has ordered at least four nuclear tests, including the September detonation of what his regime and outside experts generally agree was a hydrogen bomb.

Despite great efforts made by the United States, including a recent Executive order by our President, North Korea’s history as a bad-faith negotiator continues unabated on the world’s stage. It obstinately violates diplomatic norms and human rights at will and was recently redesignated as a state sponsor of terrorism.

We simply can’t afford to wander naively down a path of appeasement when lessons learned over more than half a century have laid bare North Korea’s behavioral patterns. They have exposed the regime’s militant refusal to cooperate with the world community and simply denuclearize.

Our resolution asserts that the United States, as well as the United Nations Security Council and our regional allies, should continue to implement the strictest of sanctions regime possible required to change the bad behavior of North Korea.

Further, we have to continue to exhaust every reasonable diplomatic option to achieve the complete, verifiable, and irreversible dismantlement of North Korea’s nuclear weapons and ballistic programs. Our resolution recognizes that the President has constitutional responsibilities to protect the United States, but it emphasizes that a congressional authorization is necessary prior to committing U.S. forces to sustain military operations on the Korean Peninsula.

Of course, we hope that the worst outcome—open military conflict—will never come to pass, but, as it continues to increase its nuclear yield and ballistic missile capabilities, North Korea has become one of, if not the single, greatest threat to peace in the world.

As the resolution makes clear, the United States must continue to take all necessary precautions through a mix of diplomacy, economic sanctions, and contingency planning. Our focus should be on exerting as much pressure as we can on North Korea to end its nuclear weapons and ballistic missiles programs.

I hope our colleagues will join us in adopting this resolution in short order to send a very important and clear message about the gravity of the threat and the severity with which we are confronting it.

AUTHORITY FOR COMMITTEES TO MEET

Mr. FLAKE. Mr. President, I have 5 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m. to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m. to hold a hearing entitled "New Counterterrorism Guidance".

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m., in room to conduct a hearing on the nomination of Margaret Weichert, of Georgia, to be Deputy Director for Management, Office of Management and Budget.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 10 a.m., in room SD-226 to conduct a hearing on S. 2152, "Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2017" and on the following nominations: Stuart Kyle Duncan, of Louisiana, to be United States Circuit Judge for the Fifth Circuit, David Ryan Stras, of Minnesota, to be United States Circuit Judge for the Eighth Circuit, Fernando Rodriguez, Jr., to be United States District Judge for the Southern District of Texas, Andrei Iancu, of California, to be Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, and Duane A. Kees, to be United States Attorney for the Western District of Arkansas, Stephen R. McAllister, to be United States Attorney for the District of Kansas, Ronald A. Parsons, Jr., to be United States Attorney for the District of South Dakota, Ryan K. Patrick, to be United States Attorney for the Southern District of Texas, and Michael B. Stuart, to be United States Attorney for the Southern District of West Virginia, all of the Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Thursday, December 14, 2017, at 2 p.m. to conduct a closed hearing.

PRIVILEGES OF THE FLOOR

Mr. FLAKE. Mr. President, I ask unanimous consent that JASON SMITH, a Coast Guard fellow from the Commerce, Science, and Transportation Committee, be granted floor privileges for the duration of the 115th Congress.

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

PREVENTING ANIMAL CRUELTY AND TORTURE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 654 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 (S. 654) to revise section 48 of title 18, United States Code, and for other purposes.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 654) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preventing Animal Cruelty and Torture Act" or the "PACT Act".

SEC. 2. REVISION OF SECTION 48.

(a) IN GENERAL.—Section 48 of title 18, United States Code, is amended to read as follows:

"§ 48. Animal crushing

"(a) OFFENSES.—

"(1) CRUSHING.—It shall be unlawful for any person to purposely engage in animal crushing in or affecting interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States.

"(2) CREATION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly create an animal crush video, if—

"(A) the person intends or has reason to know that the animal crush video will be distributed in, or using a means or facility of, interstate or foreign commerce; or

"(B) the animal crush video is distributed in, or using a means or facility of, interstate or foreign commerce.

"(3) DISTRIBUTION OF ANIMAL CRUSH VIDEOS.—It shall be unlawful for any person to knowingly sell, market, advertise, exchange, or distribute an animal crush video in, or using a means or facility of, interstate or foreign commerce.

"(b) EXTRATERRITORIAL APPLICATION.—This section applies to the knowing sale, marketing, advertising, exchange, distribution, or creation of an animal crush video outside of the United States, if—

"(1) the person engaging in such conduct intends or has reason to know that the ani-

mal crush video will be transported into the United States or its territories or possessions; or

"(2) the animal crush video is transported into the United States or its territories or possessions.

"(c) PENALTIES.—Whoever violates this section shall be fined under this title, imprisoned for not more than 7 years, or both.

"(d) EXCEPTIONS.—

"(1) IN GENERAL.—This section does not apply with regard to any conduct, or a visual depiction of that conduct, that is—

"(A) a customary and normal veterinary, agricultural husbandry, or other animal management practice;

"(B) the slaughter of animals for food;

"(C) hunting, trapping, fishing, a sporting activity not otherwise prohibited by Federal law, predator control, or pest control;

"(D) medical or scientific research;

"(E) necessary to protect the life or property of a person; or

"(F) performed as part of euthanizing an animal.

"(2) GOOD-FAITH DISTRIBUTION.—This section does not apply to the good-faith distribution of an animal crush video to—

"(A) a law enforcement agency; or

"(B) a third party for the sole purpose of analysis to determine if referral to a law enforcement agency is appropriate.

"(3) UNINTENTIONAL CONDUCT.—This section does not apply to unintentional conduct that injures or kills an animal.

"(4) CONSISTENCY WITH RFRA.—This section shall be enforced in a manner that is consistent with section 3 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-1).

"(e) NO PREEMPTION.—Nothing in this section shall be construed to preempt the law of any State or local subdivision thereof to protect animals.

"(f) DEFINITIONS.—In this section—

"(1) the term 'animal crushing' means actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury (as defined in section 1365 and including conduct that, if committed against a person and in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242);

"(2) the term 'animal crush video' means any photograph, motion-picture film, video or digital recording, or electronic image that—

"(A) depicts animal crushing; and

"(B) is obscene; and

"(3) the term 'euthanizing an animal' means the humane destruction of an animal accomplished by a method that—

"(A) produces rapid unconsciousness and subsequent death without evidence of pain or distress; or

"(B) uses anesthesia produced by an agent that causes painless loss of consciousness and subsequent death."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by striking the item relating to section 48 and inserting the following:

"48. Animal crushing."

ORDERS FOR MONDAY, DECEMBER 18, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, December 18; 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 proceed to the consideration of Calendar Nos. 241 and 193 under the previous order, en bloc, with the debate time on the nominations to run concurrently; finally, that at 5:30 p.m., the Senate vote on confirmation of the nominations in the order listed with no intervening action or debate.

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

ADJOURNMENT UNTIL MONDAY,
DECEMBER 18, 2017, AT 3 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:19 p.m., adjourned until Monday, December 18, 2017, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 14, 2017:

ENVIRONMENTAL PROTECTION AGENCY

MATTHEW Z. LEOPOLD, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DAVID ROSS, OF WISCONSIN, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF JUSTICE

SCOTT W. BRADY, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

ANDREW E. LELLING, OF MASSACHUSETTS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS.

THE JUDICIARY

JAMES C. HO, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(D):

To be rear admiral

REAR ADM. (LH) PAT DEQUATTRO
REAR ADM. (LH) WILLIAM G. KELLY
REAR ADM. (LH) JOHN P. NADEAU
REAR ADM. (LH) JOANNA M. NUNAN
REAR ADM. (LH) DAVID G. THROOP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 53(B):

To be rear admiral (lower half)

REAR ADM. ANDREW S. MCKINLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be rear admiral (lower half)

CAPT. JAMES M. KELLY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271(E):

To be rear admiral (lower half)

CAPT. THOMAS ALLAN
CAPT. LAURA M. DICKEY
CAPT. DOUGLAS M. FEARS
CAPT. JOHN W. MAUGER
CAPT. NATHAN A. MOORE
CAPT. BRIAN K. PENoyer
CAPT. MATTHEW W. SIBLEY

COAST GUARD NOMINATIONS BEGINNING WITH GEORGE BAMFORD AND ENDING WITH TABITHA A. SCHIRO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2017.

COAST GUARD NOMINATIONS BEGINNING WITH STEPHEN J. ADLER AND ENDING WITH TORRENCE B. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2017.

COAST GUARD NOMINATIONS BEGINNING WITH LAWRENCE F. AHLIN AND ENDING WITH RUSSELL R. ZUCKERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 16, 2017.

COAST GUARD NOMINATION OF MEGHAN K. STEINHAUS, TO BE COMMANDER.