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Senate

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

PRAYER

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

Let us pray.

Eternal Father, our souls long for You, for we find strength and joy in Your presence.

Guide our lawmakers to put their trust in You, seeking in every undertaking to live with honor. When they go through difficulties, may they remember that with Your help, they can accomplish the seemingly impossible. Give them the wisdom to take time to get to know one another, to be quick to listen, slow to speak, and slow to anger. Lord, provide them with a faith that will trust You even when the darkness is blacker than a thousand midnights. May they always find strength in Your providential leading.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 67.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 67, a joint resolution disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

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

The motion was agreed to.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF LABOR

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

The senior assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

The PRESIDING OFFICER. The majority leader.

CONGRESSIONAL REVIEW ACT RESOLUTIONS

Mr. MCCONNELL. Mr. President, over the last 8 years, American workers grappled with a sluggish economy and policies that often made it harder for families to get ahead. Even on its way out the door, the Obama administration pushed forward with more unfair regulations that hurt the middle class. It tried to advance regulations that threatened jobs and hindered economic growth. It tried to shift power away from people and toward government on everything from education to land management issues.

Under the guise of helping more people save for the future, it undercut a system of private retirement savings that has served millions of Americans very well for decades. It introduced regulations that would push more and more Americans into government-run retirement plans. These retirement savings regulations are a classic case of the whole being worse that the sum of its parts.

The Obama administration encouraged States and municipalities to set up government-run retirement plans for private sector workers. Sounds great, some might say, but that is until you see the fine print.

States always had the power to set up these plans, but they chafed at Federal laws protecting the workers who would be automatically enrolled in them. They didn't like that the basic retirement protections that apply to those who manage private sector retirement plans would apply to the government too. So they sought a waiver from long-accepted Federal protections like the requirement to invest prudently and the rule against self-dealing.

That is what these regulations are actually about. They allow States and cities to create an employer mandate that forces private sector workers into these government-run plans. They liberate the States and big-city mayors from Federal consumer protections for these hard-earned dollars, and they create a competitive advantage for these new government-run plans. The end result would be more government at the expense of the private sector.

Fortunately, we can begin to roll back these regulations. We will take a vote today to protect workers should big-city governments try to force their private sector employees to auto-enroll in government-run savings plans. Later, we will advance another CRA to protect workers from similar efforts at the State level.

Congress is able to push back against troubling regulations like these because of the tools provided by the Congressional Review Act, or CRA. Just last week, we sent the 11th CRA resolution to the President's desk, and we hope to add to those regulatory relief efforts again.

I thank Senator HATCH, the Finance Committee chairman, for his leadership on this issue. He understands that

we need to do more to encourage private retirement savings, and he has advocated numerous policies that would do just that. He also understands that more government involvement in the retirement of private sector workers is not the answer. He introduced companion legislation to the House bills we will vote on soon. We should pass that legislation without delay so that we can, as the chairman said, ''give employees and small-business owners more flexibility and freedom to choose how to financially invest and build a nest egg for retirement.''

NOMINATION OF NEIL GORSUCH

Mr. President, on another matter, since Judge Neil Gorsuch was nominated to the Supreme Court, Senate Democrats have searched high and they have searched low for a reason to oppose him. They looked at his background, and they found a Columbia alum, a Harvard Law graduate, and an Oxford scholar. They looked at his reputation and found an impartial and fair judge, an incisive and eloquent writer, and a humble and even-tempered man. They looked at his record as a judge and found someone who follows the facts where they lead without favoring one party over another; someone respected by Democrats, Independents, and Republicans alike; and someone who understands that his role is to interpret the law, not legislate from the bench.

Our colleagues across the aisle also had the opportunity to spend hours with Judge Gorsuch at his confirmation hearing. Once again, they found little to hang their hat on when it comes to a reason to oppose him. Instead, the hearings made clear a point recently stated by a board member of the liberal American Constitution Society: ''The Senate should confirm him because there is no principled reason to vote no'' on Judge Gorsuch. That was David Frederick, a self-proclaimed ''long-time supporter of Democratic candidates and progressive causes'' in a recent Washington Post op-ed. This prominent Democrat said he supports Judge Gorsuch because he ''embodies a reverence for our country's values and legal system. . . . We should applaud such independence of mind and spirit in Supreme Court nominees.''

Unfortunately, instead of coming together behind this nominee, some of our colleagues continue to press forward with convoluted excuses as to why they won't support him.

Just yesterday, my friend the Democratic leader came to the floor to share his reasoning. He talked about the need for the nominee to be independent and impartial. Well, Judge Gorsuch passes that test, and the American Bar Association, the organization revered as the ''gold standard'' for evaluating judges by the Democratic leader himself and the former Judiciary chairman, certainly agrees. It said: ''Based on the writings, interviews, and analyses we scrutinized to reach our rating, we discerned that Judge Gorsuch believes strongly in the independence of the judicial branch of government, and we predict that he will be a strong and respectful voice in protecting it.''

In addition to independence, the Democratic leader talked about his concern that Judge Gorsuch has earned the support of conservatives. Well, that is true. Judge Gorsuch has earned the support of Republicans, just as he has received praise from many on the left as well, like President Obama's former Solicitor General, Neal Katyal; President Obama's legal mentor, Professor Laurence Tribe; and left-leaning law professor E. Donald Elliot, among so many others.

The Democratic leader talked about the need for the nominee to offer assurances about how he would rule on a certain case and assurances that he would stand up for certain groups, but, as Judge Gorsuch pointed out, nominees are, to quote Justice Ruth Bader Ginsburg, to offer ''no hints, no forecasts, no previews'' on how they would rule in certain cases. Similarly, judges are to decide cases based on the facts, not personal views or political preferences.

Finally, the Democratic leader talked about the importance of a nominee's record. Well, I would like to take a moment to remind my colleagues of Judge Gorsuch's record. He said at his hearing:

> I have decided . . . over 2,700 cases, and my law clerks tell me that 97 percent of them have been unanimous, 99 percent I've been in the majority. They tell me as well that, according to the Congressional Research Service, my opinions have attracted the fewest number of dissents from my colleagues of anyone I've served with that they studied over the last 10 years.

To sum it up, more than 2,700 cases, in the majority on 99 percent of them, and part of a unanimous ruling on 97 percent of them—it simply doesn't get much better than that. No wonder the ABA gave him its highest rating: unanimously ''well qualified.''

So when we hear our Democratic colleagues talking about breaking longstanding precedent to oppose this noncontroversial, outstanding judge by mounting the first-ever purely partisan filibuster to try to defeat his nomination, we can only assume one thing: This isn't about the nominee at all; it is about a few on the left whose priority is to obstruct this Senate and this President whenever and wherever they can. Months after the election, they are still in campaign mode, calling for Senate Democrats to obstruct and to resist.

Let's be clear. These leftwing groups aren't concerned by the qualifications of this judge. They aren't looking out for what is best for the Court, for the Senate, or for the country. They simply refuse to accept the outcome of last year's election.

We realize the enormous pressure our Democratic colleagues are under. It is why we are hearing talks of some mythical 60-vote standard that doesn't exist. Just ask fact-checkers who have repeatedly debunked that idea. A 60-vote threshold has never been the standard for a Supreme Court confirmation—not for President Clinton's Supreme Court nominees in his first term and not for the Supreme Court nominees of a newly elected President Obama, either.

As the Washington Post Fact Checker reminded us again just this very morning, ''Once again: There is no 'traditional' 60-vote 'standard' or 'rule' for Supreme Court nominations, no matter how much or how often Democrats claim otherwise.''

So I would ask our Democratic friends, do they really want to launch the first wholly partisan filibuster of a Supreme Court nominee in American history? Do they really think history books or the American people will look kindly on them for filibustering this amazingly well-qualified and widely respected nominee?

Judge Gorsuch has earned an enormous amount of praise from across the political spectrum and from a wide array of publications all across our country, like The Chicago Tribune, which recently called for his confirmation, saying that Judge Gorsuch ''has shown himself to be committed to the principle that judges should rule on the law as written, and apply it equally to all.''

The newspaper The Detroit News said Judge Gorsuch ''is proving himself an even-tempered, deeply knowledgeable nominee who should be confirmed by the Senate. The hearings confirm,'' it said, ''that Gorsuch is [eminently] qualified, and there is nothing radical in his judicial history.''

In the Denver Post: ''As we've noted several times in the run-up to Gorsuch's confirmation hearings, the 10th Circuit judge possesses the fairness, independence and open-mindedness necessary to make him a marvelous addition to the Supreme Court.''

The Post went on to say that Senators should not ''[miss] the chance to rally behind Gorsuch—who has been roundly praised here by Democrats and Republicans alike.'' In other words, Judge Neil Gorsuch should be treated fairly, receive an up-or-down vote, and be confirmed to the Supreme Court, just like all four first-time Supreme Court nominees of Presidents Clinton and Obama.

Again, as even those on the left can't help but admit, ''there is no principled reason to vote no'' on Judge Gorsuch. It is a sentiment we have heard from many of our colleagues here on the floor as we have been debating Judge Gorsuch's nomination over the past few weeks.

As we wait for the Judiciary Committee to report out his nomination, I would encourage Members of both sides to continue to take advantage of available floor time to discuss this important issue. I would also remind Senators that we will have all of next week—all of next week—to continue debating Judge Gorsuch's nomination

as well. I look forward to hearing from our colleagues as we work to advance this extremely well-qualified nominee.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

BIPARTISANSHIP

Mr. SCHUMER. Mr. President, I rise this morning on a few topics, but I first want to mention that last night many of us spent some time at the White House where we were regaled by the wonderful Marine and Army chorus, where there was talk about renewing a spirit of bipartisanship in Washington.

I am all for it. Of course, we Democrats hope that the President and Republicans in Congress will sit down with us in a true spirit of bipartisanship because so far in this Congress—the Republicans in this Congress so far—the Republican idea of bipartisanship has meant to both the President and the Republicans in Congress: We come up with our plan, and you Democrats should support it. That is not bipartisanship.

The Republican leader, the House Speaker, have come up with issue after issue, including a Supreme Court nominee, with no Democratic consultation, and then said: The only way you can achieve bipartisanship is just to vote with us.

You can't improve the healthcare system with only Republican votes on reconciliation, without consulting any Democrats, without a single sentence of Democratic input, and call that an attempt at bipartisanship.

You can't do an infrastructure package of tax credits and no real spending, and then ask for bipartisan support. And you certainly can't out-source your entire selection of Supreme Court Justices to be handpicked by the hard-right, special interest-dominated Heritage Foundation and Federalist Society, and then ask for us to vote for that nominee as a show of bipartisan support.

Bipartisanship means sitting down with the other side, getting our ideas, and hashing out a compromise. It does not mean proposing your policy—particularly when these policies and nominees are so far to the right—and then making an exhortation for bipartisanship and bemoaning the absence of it when Democrats don't go along with your way. I truly hope that the President and Republicans want to renew a spirit of bipartisanship, but it has to be real, it has to be meant, and their actions have to follow suit.

NOMINATION OF NEIL GORSUCH

Well, Mr. President, let's talk about the Supreme Court because that exemplifies exactly what I am talking about. Over the last several weeks, my Republican friends have tried to paint Judge Neil Gorsuch as the beau ideal of a neutral and impartial judge. They insist that Judge Gorsuch is a straight down-the-middle guy, someone who will call the balls and strikes. The majority leader likes to cite a letter of a friend of the judge who says ''there is no principled reason'' to oppose his nomination. Of course, there are several principled reasons to object to Judge Gorsuch. Today I would like to focus on one in particular: Judge Gorsuch's long career ties to conservative interests and conservative ideological groups.

The idea that Judge Gorsuch would simply be a neutral, mainstream Justice is belied by his career, his judicial record, and, perhaps most of all, the manner by which he was selected to serve on the Supreme Court. He was culled from a list handpicked by the Federalist Society and the Heritage Foundation, conservative organizations that have spent the last few decades simply trying to shift the balance of the courts way to the right. Most of my colleagues on the other side know how far to the right the Heritage Foundation is, and they often grumble at how they are pulling the party too far over, but Judge Gorsuch was handpicked by that group, along with the Federalist Society.

Instead of consulting the Senate, President Trump outsourced his Supreme Court pick to the Federalist Society and the Heritage Foundation long before an election even took place. The Constitution does not say the President shall appoint the Supreme Court Justices with the advice and consent of rightwing special interest groups. It says he should appoint them with the advice and consent of the Senate. President Trump didn't consult the Senate; he never even considered it. He just consulted this list.

Surely my dear friend from Utah, Senator HATCH, must remember when President Clinton consulted him about his Supreme Court picks. Senator HATCH told the President not to select Bruce Babbitt and offered instead the names of Ginsburg and Breyer. President Clinton listened to Senator HATCH and nominated them instead. Surely my good friend from Utah also remembers when he suggested to President Obama that Merrick Garland be nominated to the Supreme Court, calling him a fine man. President Obama listened and made him his pick.

President Trump is different from all of the past Presidents in so many ways, so many of them unfortunate, and here is one: Even before being elected to office, President Trump swore off the entire process and outsourced the advice and consent process to a list selected by two ultraconservative organizations.

Take the Heritage Foundation, for example. Are they down the middle? Are they unbiased? Well, let's listen to some of the things they believe in, which are way different from most Americans. It is a group that believes ''freedom'' means businesses have the right to discriminate against LGBT people. This is a group that believes ''limited government'' means eliminating resources for the Violence Against Women Act. This is a group that believes a strong national defense means discriminatory Executive orders that bar immigrants and refugees from Muslim-majority countries. This is a group that holds extreme-right positions, a group that is far, far out of the American mainstream—and is even out of the Republican mainstream so many times—and they have handpicked Neil Gorsuch to have a seat on the highest Court in the land.

Does anyone think the Heritage Foundation or the Federalist Society would put on their list a judicial moderate who would only call balls and strikes? Does anyone think there would be all this outside, dark, undisclosed money being spent to support Judge Gorsuch's nomination if he were just someone who called balls and strikes? No. There is a reason all of this dark money is being spent to support him. There is a reason the Federalist Society and the Heritage Foundation liked Judge Gorsuch enough to put him on the President's short list. There is a reason the President pledged to select only from this list. He wanted to curry favor with skeptical hard-right, special interest-dominated conservatives during his campaign. So the idea that Judge Gorsuch would simply be some neutral Justice does not hold water.

When Republicans say that if Democrats will not support Judge Gorsuch, we will not support any Republican-nominated judge, that is simply not true. We have several reasons to be concerned with Judge Gorsuch specifically, and specifically one of those things we are concerned about is that he was pushed forward from the Heritage Foundation and Federalist Society, groomed by billionaire conservatives like Mr. Anschutz, another hard-right, special interest person.

Judge Gorsuch had a chance. Most of us waited till after the hearings because at the hearings he had a chance to distance himself from these views, but he refused to substantively answer question after question.

So if Judge Neil Gorsuch fails to reach 60 votes, which, by the way, the American people believe is the appropriate standard for a Supreme Court nominee, it is not because Democrats are being obstructionists; it is because he failed to convince 60 Senators that he belongs on the Supreme Court. In that event, the answer is not to permanently change the rules and traditions of the Senate; the answer is to change the nominee and do what President Clinton and President Obama did before they nominated people: Consult the other party for some semblance of bipartisanship.

The majority is trying to make this a binary choice: Confirm Gorsuch or change the rules. It is not so; it is just not so. The idea that if Judge Gorsuch can't get 60, we must immediately move to change the rules is a false narrative. If the majority chooses to go that route, they do so at their own volition. No one is forcing them to do so,

except maybe the Heritage Foundation and groups like the Federalist Society.

BORDER WALL

Mr. President, there is one thing I want to say about the wall. I talked about the wall yesterday, and I am not going to elaborate, but I would like to add to the RECORD a quote about the wall from none other than the Secretary of Interior, former Republican Congressman, Mr. Zinke, from Montana. Here is what he said. This is his quote about the wall, and I hope my colleagues will listen:

> The border is complicated, as far as building a physical wall. . . . The Rio Grande, what side of the river are you going to put the wall? We're not going to put it on our side and cede the river to Mexico. And we're probably not going to put it in the middle of the river.

AFFORDABLE CARE ACT

Mr. President, finally, on the Affordable Care Act, today, 44 Senate Democrats are sending a letter to the President who puts onto paper our official offer to work with him to improve the existing law.

Last Friday, in the wake of TrumpCare's defeat in the House, I was deeply concerned to hear the President say that he wants the Affordable Care Act to ''explode.'' The President and his HHS Secretary, Tom Price, have significant latitude to either improve the law or undermine it. So far, the President has undermined the law. These were all before the vote: He discontinued the advertising campaigns to get people to sign up for coverage and worked behind the scenes to give insurers flexibility to offer less generous care, and, still, the President's Executive order directing agencies to help him repeal and replace the ACA is hanging out there after the defeat or lack of a vote in the House, causing instability in the market and giving Federal agencies permission to undermine the law. That should be rescinded.

What our letter says today is simple: If the President drops these efforts to undermine the law, we Democrats stand ready to sit down with him and with our Republican friends across the aisle in good faith to discuss a bipartisan approach to improving our healthcare system.

It is time to work together to make healthcare even more affordable but not to encourage or root for the failure of the law that would have devastating consequences for millions of Americans.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

The Senator from Utah.

NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, I have been very interested in the minority leader's comments here this morning. I have high regard for him. We have worked together on a wide variety of issues, but I have to say that he is leading a party right now that is doing completely the opposite of what Democrats have done in the past when Republicans have had the Presidency and have had the privilege of appointing people to the Court. Frankly, it has become kind of a war that we really don't need and something that literally, I think, is demeaning to the Senate and to this country.

I venture to say that it would be very difficult for anybody to find a better nominee for the Supreme Court than Neil Gorsuch. I can't say that the Heritage Foundation was the one that carried the weight with regard to the choice of Neil Gorsuch. Now, the Federalist Society did weigh in rather heavily, and there were around 21 absolutely top judges and lawyers who were on that list. I venture to say that anybody would have a very difficult time finding anything to criticize about that list other than on a partisan basis. Unfortunately for the Democrats, they lost the election.

Now keep in mind, all the current majority leader was saying was that we just weren't going to go with a Supreme Court Justice during an intensely hard-fought Presidential election year. In this century, that has been the rule.

The majority leader, Senator MCCONNELL, knew that it was very likely, in the eyes of almost every pollster, that Hillary Clinton would win, and although he and I believed that nominee was a good, reasonable, moderate Democrat, we were quite sure that if Hillary got elected, she would not pick him. We were even working on trying to find a way so that she would have to pick him rather than pick another totally leftwing person for the Court.

Unfortunately for the Democrats, Donald Trump proved to be a formidable candidate for President and won the election and, interestingly enough, as is his right as President, nominated Neil Gorsuch for the U.S. Supreme Court.

Whether you are a Democrat or a Republican, I would venture to say that it would be very difficult to find any candidate for the Supreme Court in this century who is any better than Neil Gorsuch. Gorsuch is going to apply the law as written, not as he conjures up his ideas of what it should be. He is not going to do that. He is going to apply the law as written. He did that as a circuit court of appeals judge on the Tenth Circuit, my circuit. You would be hard-pressed to find a better qualified person. In fact, I do not think you could find a better qualified person for the Supreme Court than Neil Gorsuch.

So what is all the whining about? They lost the election. They knew that this was going to be a big deal if they won and that the Republicans would pretty well have to go along with whomever they chose, but President Trump won the election, and he has a right to pick who should go on the Supreme Court. In this case, I think he picked the most qualified person in the country for the Court. Yes, he is conservative. Yes, he came up the hard way. Yes, he is not likely to be a liberal on the Court, but I would have to say that anybody this President would choose would not likely be a liberal on the Court. In this case, the President chose one of the leading people in this country, one of the greatest lawyers in this country, one of the finest judges in this country, who has a record of working with Democrats on the bench, to become his choice for the U.S. Supreme Court.

I know what is wrong with the Democrats on this. They lost, and it is a hard thing for them, and I do not blame them. It is a hard thing because they were so sure they would control this nominee to the Supreme Court and probably two to five more had Hillary Clinton been elected for two terms. But that is not the way the American people chose to vote.

I commend the American people for realizing that these things are very important. I have to say, in that last election, probably the single most important issue that drove it toward Donald Trump was, who is going to pick the Justices to the U.S. Supreme Court?

Republicans know and President Trump knows that he is not going to be able to put ideologues on the Court, and Neil Gorsuch is anything but an ideologue. He is as fine a judge as we have in this country, albeit conservative in nature. He has as fine an academic background as anybody on the Court—ever. On top of all of that, he is a terrific human being, a good husband, father, and a terrific judge on the Tenth Circuit Court of Appeals.

To be honest with you, I thought it was really nice to have somebody picked from the West who might bring a western perspective of freedom into the judicial system, and I have no doubt that Neil Gorsuch will do that. To make this a big political issue, it seems to me, is beyond the pale, and it does bother me a great deal.

On another matter, Mr. President, by any measure, our efforts in this Congress to repeal harmful regulations through the Congressional Review Act have been historic. Prior to this year, only one CRA resolution—Congressional Review Act resolution—had ever been passed by Congress and signed by the President. We are an overregulated country like never before. This year, we have already successfully rolled back 11 regulations that were proposed and finalized under the previous administration. That is truly remarkable. I think our success in this endeavor can be attributed to a few factors.

First, in its last year, the Obama administration was particularly aggressive in its regulatory efforts. A number of regulations were finalized after the election, right up until the day President Trump was inaugurated. In fact, the regulation at issue today was finalized on January 19, the day before the inauguration. In other words, the Obama administration left Congress

and the new administration with a target-rich environment for CRA resolutions. There is no doubt what they were doing: They were scrambling to get as many changes as they could instead of allowing the new administration to take over.

Another important factor has been the realization by the American people that our economy—our workers, our businesses—is grossly overregulated. The regulatory state extracts hundreds of billions of dollars from our economy, much of it needlessly so. These CRA resolutions are part of a much broader effort to undo some of that damage.

Today I am pleased to be able to express my support for H.J. Res. 67, which will likely be the 12th CRA resolution we will pass this year. This resolution, once passed and signed, will roll back a last-second Department of Labor regulation that eliminated longstanding Federal protections for the retirement savings of private sector workers.

Specifically, the regulation builds off of a prior regulation that gave States a ''safe harbor'' from the protections workers have under ERISA if the government mandates that employers who do not offer retirement plans either set one up or join the government plan. These government-run plans do not have to be portable, nor do they have to permit workers to withdraw their savings at any time.

The resolution we are debating now would roll back the regulation that provided this authority to municipalities, such as New York City. Hopefully, sometime soon, the Senate will also debate and pass the CRA resolution relating to the original regulation, the one that focused on States, like California and Illinois.

Combined, these regulations encourage State and municipal governments to impose conflicting and burdensome mandates on private sector businesses and to bar private workers' access to their retirement accounts, and they would let States invest private workers' retirement assets, ignoring provisions in Federal pension law that require prudent pension investment practices and that ban kickbacks and selfdealing. Think about that.

To be blunt, places like New York City should not just get a pass on investing potentially billions of dollars in private worker retirement assets without regard to Federal rules that require prudent investment practices—rules designed to protect the retirement nest eggs of hard-working Americans.

Now, do not get me wrong—I am all for increasing coverage for employees in workplace retirement programs. In fact, it is something I have been working on for some time with my colleagues on both sides of the aisle.

Last Congress, the Senate Finance Committee, which I chair, unanimously approved the Retirement Enhancement and Savings Act of 2016, which is a bipartisan bill that will increase voluntary retirement savings. It includes a number of provisions from a bill I introduced a few years before that, one that received high marks from analysts and stakeholders in the retirement-security community. My bill and others like it provide workable, voluntary solutions to give more workers access to retirement plans. This approach is far better than the one taken by the Obama administration and former Labor Secretary Tom Perez, which would purposefully take us down the path toward government-mandated and government-run retirement plans.

The retirement savings system that has been in place for decades now is one of the clearest examples we have to demonstrate the superiority of the free market over government mandates. Private retirement savings vehicles, including 401(k)s and individual retirement accounts, which have been encouraged but not mandated by Federal tax laws, have produced nearly $14 trillion—that is trillion dollars—in wealth and savings for the middle class.

I know some have concerns about the federalism implications in rolling back these Department of Labor regulations. However, let's be clear: Prior to the implementation of these regulations, States were free to pass laws to encourage retirement savings opportunities for private sector workers, and they will be free to do so after this CRA resolution is signed by President Trump. They will simply have to observe the longstanding rules and protections that have been in place under Federal pension laws, including the ban on selfdealing and the duty to invest prudently, and they will not be able to offer plans on an uneven playing field that favors government retirement plans over those produced in a free, private sector market.

Unfortunately, I have to wonder why States and municipalities want to do away with these protections in the first place. I also have to wonder why they think they will be able to produce better results than the private retirement savings system, which thus far has been an unqualified success, benefiting workers and employers alike. I also have to wonder how some of my colleagues who value consumer financial protection, as I do, would want to see the continuation of rules that erode protections for workers and future retirees.

The first step in undoing these harmful regulations is with the passage of H.J. Res. 67. Toward that end, I urge all of my colleagues to vote in favor of this resolution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, let me just say while the Senator is on the floor that I express my admiration once again for the distinguished Senator from Utah, who is my good friend and in many ways is a mentor as the chairman of the Senate Finance Committee. I am privileged to be a member of that committee and to work with him and, of course, on the Judiciary Committee as well. I thank the Senator in particular for his leadership on this resolution of disapproval, and I support his position 100 percent.

NOMINATION OF NEIL GORSUCH

As we all know now, Mr. President, this Chamber will consider the nomination of Neil Gorsuch to serve as the next Justice on the U.S. Supreme Court.

Yesterday I spoke a little bit about his qualifications, his background, and his temperament. During the 20 hours of hearings we held before the Judiciary Committee, I think people saw the real Neil Gorsuch—somebody who, again, by virtue of his qualifications, his education, his training, and his experience is supremely qualified to serve on the Supreme Court. He did pass every single test with flying colors, even as my colleagues and some activist groups have done their best to find ways to object to what may be one of the most qualified candidates for the Court in our Nation's history.

One argument we have heard from the opponents of the nominee in 3 days of grueling hearings was that he failed to convey his approach to judging—how he would approach the job. I would like to point out that that is simply not the case. Judge Gorsuch made clear that the text of the statute, the text of the Constitution, and the text of a precedent would guide his judging and would be the place where he starts in deciding any case. As he has repeatedly written and stated publicly, the job of a good judge is to understand what the law means and to interpret what lawmakers have done.

I know some of our colleagues and some of the activist groups who are critical of Judge Gorsuch are upset that he doesn't believe in a living Constitution—in other words, that the Constitution, as written and ratified by the States, does not mean what it says, and that judges have a license to interpret the words in a way to pursue some other purpose, some other agenda, political or personal or the like.

Judge Gorsuch rejects that approach, and rightly so. Indeed, how can a judge claim to bear allegiance to the Constitution if he doesn't actually start in interpreting the Constitution by reading the text of the words? What would a judge decide on if not the text and the original meaning?

To that effect, I received a letter from a friend of mine and an expert in this area, Bryan Garner, last week. Bryan is a well-known lawyer and writer and, among many impressive accomplishments, he is a distinguished research professor of law at Southern

Methodist University in Dallas, TX. Bryan has written extensively on judging, appellate advocacy, and the law generally. He was in attendance at the hearings last week. As I said, he has written a number of books, including with Judge Gorsuch, on judicial precedent, and with Justice Scalia, on reading laws.

In a recent letter, Bryan echoed the same point made by both of these men at different times—that adherence to the text is essential to our system of government. He said: ''The very fact of having a written constitution meant that we had fixed its meaning in permanent form.''

Now, that seems so obvious, but, apparently, it is not obvious to some of the critics. He said: ''The very fact of having a written constitution meant that we had fixed its meaning in permanent form.'' In other words, our Constitution is not meant to float on the whims of judges over time, bound only by precedent. It is actually written down, so that even judges have to start with the very text.

If we think about it, there is the independence that we have given to the judiciary—lifetime tenure. They don't have to stand for election, and they are not accountable to the voters or the people. The reason why the Founders created such an important role for the judiciary is because they believed there ought to be an umpire who calls balls and strikes when Congress passes laws or when lawsuits are filed and who could determine the fidelity of those laws to the text of the Constitution, which had a fixed meaning.

Well, sometimes this is called originalism, but it is not a political doctrine or an excuse to get certain outcomes. Mr. Garner makes the point that although his personal politics are different, dramatically, from those of Justice Scalia, those personal politics are irrelevant because the job of a judge is to apply a fair reading of the law. If you can't do that, then, maybe you ought to run for the Senate or Congress and get involved in politics rather than judging, because a failure to apply the law as fairly read is essential in any good judge.

Judges aren't given lifetime tenure—the sort of independence that nobody else in our government is given—just to enact their own visions of policy. Judge Gorsuch confirmed time and again that he will not do that—that he will only interpret the law as he has throughout his career as an independent judge, with faithfulness and fidelity to the text and the original understanding of the Constitution.

The letter I have been quoting in part is here in my hand, and I ask unanimous consent that it be printed in the RECORD following my remarks.

Now, I know there are some on the other side of the aisle who have indicated that adherence to originalism is a liability or who claim that it is somehow a radical doctrine out of the mainstream, but that is just a scare tactic. It is completely wrong. Let me remind my colleagues that during her confirmation hearings, now-Justice Elena Kagan told the same committee that ''we are all Originalists''—hardly a radical position, if Justice Kagan and Judge Gorsuch agree with originalism. It is certainly not a methodology of interpreting law that should stir any concern.

Yesterday, some of our Democratic colleagues continued to reinforce my view that they don't really have any legitimate objection and reason to filibuster Judge Neil Gorsuch. This is about Judge Gorsuch. This is not about President Trump. This is not about Merrick Garland. This is not about anything else.

We will have a chance to vote on the nomination of Judge Neil Gorsuch for the U.S Supreme Court. That is the question that will be presented to the Senate for an up-or-down vote. Any fairminded person would have to conclude that he is an independent legal mind and that he will not legislate from the bench. He has the intelligence, experience, and character to be a good judge, as he has been for 10 years on the Tenth Circuit Court of Appeals out of Denver. He has an unflinching commitment to upholding a faithful interpretation of the Constitution and our laws. I look forward to confirming him next week.

The question for our Democratic friends is whether they are going to launch the very first partisan filibuster of a Supreme Court nominee in the history of the United States. It really is unprecedented, what the Democratic leader, Senator SCHUMER, has suggested—that for the first time in the history of the Senate, a partisan filibuster will be used to attempt to defeat the nomination of a Supreme Court Justice and to deny the Senate the opportunity to have an up-or-down vote.

Now, just to be clear, there are two votes we are talking about. One is the so-called cloture vote, where we close off debate. That takes 60 votes. Then, once that passes, it is clearly a majority vote, and 51 votes will carry the day.

But the Democratic leader has suggested that he would deny the Senate the opportunity to get to that second up-or-down vote, and that is simply unprecedented. It is unprecedented for a very good reason. To believe that 60 votes would be required to confirm a nominee to the U.S. Supreme Court would be to suggest that the Founding Fathers, when the Constitution was written and when it was ratified, somehow believed that the Senate rules were incorporated in the Constitution, when that is clearly not the case—clearly not the case. The Constitution is a separate document. The Senate rules are a different thing. But, again, never have they been conflated to suggest that somehow, in order to confirm a nominee to the Supreme Court, we need 60 votes.

I understand the pressure that our friend the Democratic leader is under, because after this last election, he has now had to straddle two competing camps within the Democratic Party—traditional Democrats versus the Democrats lead by the wing of BERNIE SANDERS and ELIZABETH WARREN. I understand the pressures that he must feel and the reason why he would do something that is unprecedented and suggest that we filibuster this nomination.

We already know that some Members of his conference have said they will agree to an up-or-down vote. Our friend from West Virginia, Senator MANCHIN, has said he opposes the filibuster. Senator LEAHY, the former chairman of the Senate Judiciary Committee, has said he is not inclined to go along with it, either. Senator CARDIN, our colleague and friend from Maryland, has stopped short of agreeing with the minority leader's strategy. Senator HEITKAMP from North Dakota has said that she believes the nominee deserves an up-or-down vote.

If the Democratic leader follows through, as I said, it would be unprecedented. Never before has there been a successful partisan filibuster of a Supreme Court nominee. I would just say to our friends across the aisle that time and again Democrats have accelerated the arms race on judges, and every single time, it has come back to bite them.

We remember in 2013, when Senator Harry Reid, then the majority leader, broke the Senate rules in order to change the rules, in order to lower the threshold for circuit court and district court nominations. He did that because of the desire to pack the District of Columbia Court of Appeals, because that was the court that had primary jurisdiction over cases coming out of the Obama White House—its regulations and the like. In order to get a court that would be more likely to rubberstamp and approve of Obama policies, Senator Reid felt it was imperative to pack the DC Circuit Court of Appeals. Unfortunately, he was able to do so with the votes of the Democrats across the aisle—to break the Senate rules to change the rules for the sole purpose of rubberstamping Obama administration policies.

The question before the Senate this time is very different. Those who would break precedent are those who would filibuster a Supreme Court nominee like Judge Gorsuch because it has never been done before. But I would ask our Democratic colleagues this: If Judge Gorsuch is not acceptable to them, is there ever going to be a nominee from a Trump administration whom they would find acceptable?

They have tried to find fault with Judge Gorsuch, and they have simply been unable to do so. So they keep moving the goalpost and raising different issues because they, frankly, are desperate to find some reason to justify this unprecedented filibuster.

But if they do—if Democrats block Judge Gorsuch from receiving an up-or-

down vote—then, there is simply no Republican nominee to the U.S. Supreme Court they won't filibuster. If Judge Gorsuch isn't good enough, I dare say there will never be another nominee who is good enough to allow an up-or-down vote if this unprecedented filibuster is allowed to stand.

So I hope our colleagues will reconsider, and that, on cooler reflection, the will not be driven by the radical elements in their own party but rather by their good judgment and their sense of responsibility to not only their constituents but to the Constitution itself and to the important role that the Senate plays in the advice and consent function to the nominee of the U.S. Supreme Court. I hope they reconsider, and I hope that when the rollcall vote is held, our colleagues will provide the 60 votes we need to get cloture, so we can have that up-or-down vote on Judge Gorsuch's nomination.

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

LAW PROSE,
Dallas, TX, March 25, 2017.

Senator JOHN CORNYN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CORNYN: It was an eerie feeling for me this week, sitting behind my friend and coauthor Judge Neil M. Gorsuch as he was being vetted to replace my late friend and coauthor, Justice Antonin Scalia. As you know, I've written lengthy books with both men, and I know their legal philosophies pretty darned well.

One aspect of their approach to judging—''originalism,'' as it's called—has attracted polemicists to use the label as a scare tactic. So much demagoguery surrounds the word that some clarification is in order.

People might wonder why Justice Scalia would write a prescriptive book on judging (Reading Law) with someone who had declared himself to favor same-sex marriage, to be ardently pro-choice, to disfavor prayer in public schools, and to be hostile to the Second Amendment—so hostile, in fact, that he would like to see it repealed altogether. Yes, I'd favor serious gun-control measures in this country.

My private beliefs on these points, however, would be irrelevant if I were up for a judgeship because methodologically I'm an originalist: I wouldn't be enacting my own visions of wise policy—that's not what a good judge does—but instead I'd be applying a ''fair reading'' to the the statutory or constitutional words before me. Although I deplore the Second Amendment's right to bear arms, I think the Supreme Court's Heller decision was correct: the constitutional Framers meant there to be a personal (though not unlimited) right to own guns. I wish it weren't so.

Only if I were a ''pragmatist'' judge or a ''changing constitutionalist'' would these private views become important. Then I wouldn't be ''interpreting'' a document. Instead, I'd be declaring new policies that have no discernible foundation in the Constitution itself. I'd be looking within my heart and soul to consider what I believed to be fundamentally important. There I might discover new rights that people hadn't seen before. I might take on the mantle of philosopher-king: whenever reformers couldn't get a constitutional amendment through, they could come to my court. Perhaps four of my colleagues and I could amend the Constitution for them: we'd declare a new meaning and find a new fight as part of our never-ending Constitutional Convention.

That's what would happen if I were a ''pragmatist'' (it's a euphemism) or a ''changing constitutionalist'' (the euphemism is ''living constitutionalist'').

So you can see why methods of judging have caused the confirmation process to become so heavily politicized. In Reading Law, Justice Scalia and I remarked: ''The descent into social rancor over judicial decisions is largely traceable to nontextual means of interpretation, which erode society's confidence in a rule of law that evidently has no agreed-on meaning. Nontextual interpretation, which makes 'statesmen' of judges, promotes the shifting of political blame from political organs of government (the executive and the legislature) to the judiciary.''

We went on to observe that ''the consequence is the politicizing of judges (and hence of the process of selecting them) and a decline of faith in democratic institutions.''

In a New York Times op-ed two days ago, a law professor from Louisiana had the temerity to say that ''Justice Scalia failed to realize that textualism is self-undermining.'' His support for that slander? ''Nowhere does the Constitution explicitly state that textualism, no less than originalism or any other method, is the correct theory of constitutional interpretation.''

This is just silly. Nowhere in Shakespeare is it said that future generations may well need a glossary to understand some of the words—or that the best understanding of the words will be their Elizabethan understanding. For example, few people who read the word leasing in Shakespeare would understand it, as his contemporaries did, to mean ''a lie or falsehood.''

Although there was no name for originalism in the 18th century, the idea was well-enough understood. The political philosopher Emmerich de Vattel—whose influence on Benjamin Franklin, George Washington, and other Founders was well known and ''timely,'' according to Franklin, since it reached them about 1775—wrote in his Law of Nations: ''The interpretation of every act, and of every treaty, ought . . . to be made according to certain rules proper to determine the sense of them, such as the parties concerned must naturally have understood, when the act was prepared and accepted.''

Vattel added: 'When an ancient act is to be interpreted, we should then know the common use of the terms, at the time when it was written.''

That was the settled view of written legal instruments, whether statutes or written constitutions. In 1796, Justice James Iredell of the Supreme Court wrote: 'We are too apt, in estimating a law passed at a remote period, to combine in our consideration, all the subsequent events which have had an influence upon it, instead of confining ourselves (which we ought to do) to the existing circumstances at the time of its passing.''

Perhaps, you might think, all these statements relate only to statutes and not to constitutions. Just seven years later, in the seminal case of Marbury v. Madison, Chief Justice John Marshall applied the same principle to the U.S. Constitution. He emphasized the notion that the Constitution, aside from what ought to be infrequent amendment, is fundamental and unchanging: ''That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis, on which the whole American fabric has been erected.'' It's an original right to fix the future government. He added that this original right is ''a very great exertion'' that should not ''be frequently repeated.'' Then, in this closely reasoned passage, he says that ''the principles . . . so established are deemed fundamental'' and ''are designed to be permanent.''

Permanent—not waxing and waning according to political expediencies of the moment.

That's the essence of originalism. Marshall and Iredell and Vattel were hardly alone. Other writers of the period agreed. In 1821, James Madison, one of the architects of the Constitution and author of the Bill of Rights, correctly stated the gist of originalism: ''Can it be of less consequence that the meaning of a constitution should be fixed and known, than that the meaning of a law should be so? Can, indeed, a law be fixed in its meaning and operation, unless the constitution be so?''

Elsewhere, Madison wrote: ''What a metamorphosis would be produced in the Code of the law if all its ancient phraseology were to be taken in its modern sense.'' He further insisted that if ''the sense in which the Constitution was accepted and ratified by the nation . . . be not the guide in expounding it, there can be no security for a faithful exercise of its powers.''

The very fact of having a written constitution meant that we had fixed its meaning in permanent form. That wasn't just the prevalent notion among the founders—it was the only notion of which any contemporaneous or nearly contemporaneous trace can be found.

Some imprecise observers confuse the concept of originalism with the word originalism—and so conclude that the concept, like the word, was born ''in 1985 [when] Ronald Reagan's attorney general at the time, Edwin Meese, elevated originalism to a legal and political movement.'' It may well be that the term originalism didn't come into common usage until the 1980s, but that is simply because before then there was no need for the term. Originalism is what philologists call a ''retronym''—a term devised to describe what used to be an entire genus but has since become merely one species of the genus. For example, the term land line didn't exist in the telecommunications field until wireless technology was invented. Until then, all voice telecommunication was through land lines, so the term was unnecessary.

Likewise, giving text its original meaning was long the standard legal practice. It wasn't until the 1960s that other ''theories'' of interpretation came into common usage. Only then did it become necessary to coin a word to denote the traditional practice.

Only by sheer, bald-faced casuistry can it be argued, as it was earlier this week in the New York Times, that ''true originalism—genuinely following the founders' intent—requires us moderns to interpret constitutional language in light of our own, not their, moral and linguistic norms.'' This assertion comes, of course, from the same writer who asserts that ''Justice Scalia also failed to realize—or at least admit—that textualism and originalism rarely determine a unique outcome.''

These calumnies don't square with the facts. In the preface to Reading Law, Justice Scalia and I plainly wrote: ''Textualism will not relieve judges of all doubts and misgivings about their interpretations. Judging is inherently difficult, and language notoriously slippery. But textualism will provide greater certainty in the law, and hence greater predictability and greater respect for the rule of law.''

Judge Gorsuch said as much during his Judiciary Committee hearings this week. He demonstrated an astonishing command of the law, a erudition worn lightly, a calm but tenacious dedication to the scruple of judicial ethics, a thoroughly likable demeanor,

and admirable endurance. I trust that all fair-minded Senators will vote for him.

Sincerely,

BRYAN A. GARNER,
Editor in Chief, Black's Law Dictionary; President of LawProse Inc.; Distinguished Research Professor of Law, Southern Methodist University.

Mr. CORNYN. Mr. President, I see our friend from West Virginia and others here, so I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

OPIOID CRISIS

Mr. MANCHIN. Mr. President, we have come to a crisis in our country. My State of West Virginia has the highest drug overdose death rate in the Nation. West Virginia reported 818 overdose deaths last year—four times the number that occurred in 2001 and a nearly 13-percent increase over 2015. We lost more than 700 West Virginians who died from an opioid overdose last year. Some 42,000 people in West Virginia, including 4,000 youth, sought treatment for illegal drug use but failed to receive it because of a lack of treatment centers, which we have been trying to correct. In West Virginia, drug overdose deaths have soared by more than 700 percent since 1999.

West Virginia had the highest rate of prescription drug overdose deaths of any State last year—31 per 100,000 people. In West Virginia, providers wrote 138 painkiller prescriptions for every 100 people. Think about this. Doctors are prescribing and manufacturers are producing. They have written 138 painkiller prescriptions for every 100 people in my State—the highest rate in the country. I hope Arkansas is not facing the same dilemma we are.

Every day in our country, 91 Americans die from an opioid overdose. Opioids now kill more people than car accidents. In 2015, the number of heroin deaths nationwide surpassed the number of deaths from gun homicides. Since 1999, we have lost almost 200,000 Americans to prescription drug opioid abuse.

Mr. President, 2.1 million Americans abuse or are dependent on opioids. According to the CDC, three out of four new heroin users abused prescription opioids before moving to heroin. Heroin use has more than doubled among young adults ages 18 to 25 in the past decade. Forty-five percent of the people who used heroin were also addicted to prescription opioid painkillers. Between 2009 and 2013, only 22 percent of Americans suffering from opioid addiction participated in any form of addiction treatment.

Misuse and abuse of opioids cost the country an estimated $78.5 billion in 2013 in lost productivity, medical costs, and criminal justice costs.

Every week, I come to the Senate floor to read letters from West Virginians and those struggling all throughout our country with opioid abuse. The reason I do this is because it is a silent killer. We don't talk about it. There is not one of us in the Senate, not one of us in Congress, not one of us in any gathering who doesn't know someone in our immediate family, extended family, or a close friend who hasn't been affected, but we would never talk about it because it was so embarrassing—how did it ever break down in our family, whether you had a model family or you thought you did. This is a killer. Whether Democrat or Republican, conservative or liberal, this is a killer. It has no discretion. It has no partisan base. It goes after one and the other. So this is what we are dealing with.

The letters I read have a common theme: They all mention how hard it is to get themselves or loved ones into treatment. Sometimes it takes months, and sometimes it never happens. This problem stems from our lack of a system to help those who are looking for help. We need permanent funding to create and expand substance abuse treatment facilities to help people get clean and stay clean.

I know the Presiding Officer has heard this before, but that is why I introduced the LifeBOAT Act. The LifeBOAT Act puts one penny per milligram of opiates—basically, one penny for every milligram of opiates produced in America, consumed in America—into a fund that pays for treatment centers. In the Presiding Officer's beautiful State of Alaska and my State of West Virginia, people need treatment. This is an illness. I used to look at it 20 years ago as basically a criminal act, and we put them in jail. Guess what. They came out of jail just as addicted as they went in. Nothing changed, so I am willing to change. I have always said that if you can't change your mind, you can't change anything. This is an illness that needs treatment, and we are responsible for that. This lifeboat would establish a steady, sustainable funding stream to provide and expand access to substance abuse treatment.

Today I am going to read a letter from parents from West Virginia who lost their son to drug abuse. This is Renee and Criss's letter, which they want me to read. This fine-looking young man was a father, and this is such a tragic ending to this story.

Dear Senator Manchin,

I am writing to you in the hope of bringing to light the devastating effects of heroin addiction, overdose death and the difficulty in finding treatment for those afflicted with the disease and their families.

On November 12th, 2016, we lost our 23-year-old son, Nick, who died from what we thought at the time was a heroin overdose. When Nick's autopsy report came back, we discovered that his body contained no trace of heroin in his system. He had died from a fatal dose of straight fentanyl.

Nick was a quiet, kind and inquisitive child. He learned to speak and read at an early age and spent most of his time absorbed in books and riding his bike and scooter. He also loved playing in the woods and dreaming up adventures with his sisters and neighborhood friends. He was a protective big brother, and he had a natural way of connecting with kids who were ''different'' and making them feel accepted.

Nick was always tall for his age. He came into this world on July 5th, 1993, weighing in at 10 pounds and topped off at 6′8″. He loved sports and excelled in basketball and soccer. He even met you when you were Governor Manchin, after his basketball team traveled to Charleston, WV, to celebrate their A State Basketball Tournament Championship in 2011.

After high school he went on to play basketball for the Glenville State College Pioneers. Nick wasn't able to keep his grades up and had to drop out of Glenville after the first semester of school. Shortly after that, he met a girl. They instantly connected, and he soon became a father to her daughter. After several years together, they had a son of their own.

After having difficulty holding down jobs and providing for his family, Nick came to me in November of 2015 and told me that he was addicted to opiate prescription drugs. We had suspected drug use for quite some time but didn't realize the extent of it. He said that he could no longer live the life he was leading and needed help. Nick and his girlfriend had started using opiate-based prescription drugs after she was prescribed them for her recovery from the birth of her daughter in 2013. At first, they would make trips to the doctor or quick care with fake ailments in order to get their prescriptions. If they couldn't get prescriptions, then they bought from drug dealers. The pills were easy to get up until the time he came to me for help.

I told my husband about Nick's drug problem, and not knowing what to do, we turned to the Internet as a source of information. We found a lot of information and many treatment centers across the country. I began calling a few of the ones that looked reputable, but in each case, they required three to five thousand dollars up front for a 28 to 30 day treatment. The question now was: Were these treatment centers as good as they appeared to be on their websites or were they simply out to make a profit and marketing their centers to bring in more patients?

While we researched and tried to make a decision, Nick, not wanting to be away from his family, went through detox at home and had convinced him and us that he could do this on his own. Nick made it through his first round of self-detox but started using again for a short while at the end of January. We confronted him, and he immediately started his second round of self-detox. He again swore that he could do this himself and was finished with the life he was leading. We were still trying to figure out what to do with him and what would happen to his family while he was gone. We didn't know that his girlfriend was also using and detoxing along with Nick.

After speaking to several people at a local treatment center and trying to arrange for him to be admitted, we were told that they wouldn't take him because [of] our insurance. My next course of action was to call local counseling centers that offered addiction counseling, hoping that they would be able to offer advice. Each one I called politely told me that they couldn't help.

Nick's addiction, and our focus on him, was taking away from our being able to celebrate and focus on our other children, Nick's two sisters. We decided to put Nick on the backburner while we prepared for our daughter's graduation party and the school events that preceded it, thinking that a few weeks wouldn't hurt. Were we ever wrong!

It is a sad scenario when a family has to hope that their child gets arrested

and gets a conviction record so they can go to a drug court to get treatment, that that is the only help they have.

One of our daughters had learned that Nick could get treatment if we pressed charges against him for theft. He would be charged, then court-ordered to be sent to an addiction treatment center. She felt that this was the best course of action to get Nick the help he needed, but Criss and I were hesitant because of the negative impact a felony charge would have on Nick's life if the charges weren't expunged after completing his treatment.

Which is our what we call fresh start or last-chance bill, which the Presiding Officer has been so graciously looking at and hopefully will be a part of this. It is a shame they fall into this.

Our decision to not go this route caused even more anger.

Since they knew that, hindsight being 20/20, this was the only way to get Nick help.

Little did we know that, by late-March or early April, Nick and his girlfriend had decided to celebrate their being clean by using heroin ''just this once'' as a reward for staying clean.

They were rewarding themselves by using heroin to celebrate being clean. Now, understand, that is not proper thinking. That is not rational common sense.

In the past, the two had snorted heroin but had never injected it. When they went to buy from their dealer, he told them that since they didn't have much money and there were two of them, they could get a better high with less heroin if they injected it. And that was the beginning of a rapid decline.

On June 2, 2016, Nick had his first overdose. Without our knowledge, his girlfriend had taken Nick, along with the children, to the emergency room, where he was treated and released within a few hours. Unbeknownst to us, this initiated a call to CPS that would result in her daughter's father taking custody of her and CPS involvement for Nick and his girlfriend and their son.

At the hospital, Nick and his girlfriend talked with a doctor out of Pittsburgh about Suboxone. They agreed to try the program. I traveled with Nick, his girlfriend and her mother for the first visit to Pittsburgh. They had a high success rate, and it was decided that once the treatment was established, the two would go to Pittsburgh once a month for drug testing, counseling and their Suboxone prescriptions. The clinic would line up additional support services in Parkersburg or close by. We were very impressed with the clinic, their staff and their program, which only took on 100 patients at a time.

Criss came to the next meeting two weeks later to speak with the counselors and was now more comfortable with the treatment plan. Unfortunately, when the counselors tried to set up local support services, they were shocked to find the small number of places that treated addiction and the fact that the ones that were here would not provide services for patients who were not in their program. The decision was made to increase their sessions to twice a month and eventually once a week when it became apparent through consistent ''dirty'' screens that the two were struggling with the program [and still using].

In August, his girlfriend suffered an overdose. The Pittsburgh Clinic called shortly after that and said that they were releasing the two from the program, letting us know that they needed a more intense treatment plan than they could provide. I called the CPS case worker and addiction counselor that were assigned to watch over the children and monitor the two after Nick's overdose in June. We all met at the house to determine the next course of action. After numerous phone calls, we were able to find an ''open'' bed in Las Vegas, Nevada, for Nick, while his girlfriend would decide the following week to go to a treatment center in Fairmont, WV.

In less than a week, Nick was on a plane to Vegas, eager to begin a new, clean life. He was upbeat and positive before he left, excited by the prospect of finally leaving behind the life of addiction that he'd been living for so long. During his phone calls home, he had positive things to say about his treatment. He was staying in nice homes that were part of the treatment center. Along with their daily treatment schedule, they were taken on hikes and went go-cart racing. He even had a manicure at the facility's salon. The purpose of these activities was to teach the patients natural ways of experiencing highs.

Nick's release date was scheduled for October 3rd. There were longer-term treatment plans offered at the facility, but Nick missed his son and worried about his girlfriend and wanted to come home. The treatment center had set up group sessions for him three times a week for a period of about six weeks.

Nick came home on a beautiful, sunny day. I waited at home for him with his son, who had been staying with me, and his other grandmother.

I wish we had this picture of his son, a beautiful little boy.

When I saw Nick for the first time, he looked beautiful. He looked and acted like the Nick that we had known before addiction. He told us about his stay in Vegas and was literally shining with hope! He told me, ''Mom, I will never go back to that life!'' And I believed it was possible.

That hope began to fade pretty quickly. Nick had started working about six weeks before he left for rehab. It had taken him a long time to get that job and he enjoyed it and felt that he could actually provide for his family if he could work his way up. However, after rehab he was unable to secure a job. Nick was going to his scheduled group sessions and going to nightly NA meetings for support. Nick finished up his six weeks of group therapy. He was so proud when he received his ''sixty day's clean'' chip at the NA meeting. Seven days later he and I spent part of the afternoon together. He wanted to look for a job and I had some errands to run. He dropped me off where I needed to be and applied for jobs. When I finished, he picked me up and I took him to Sam's Club to show him cute toys for his son for Christmas. We picked out a racetrack together and I showed him a few other things I had bought for my grandson. I had mentioned that Criss might get his son a basketball hoop for Christmas and he told me, ''No Mom, I want to buy that for him with my own money.''

We had a good afternoon together. He had made plans for the evening, to meet up with some of his high school friends who were in for the weekend. He left my house around eight o'clock and I heard him return around 12:35 am. All of his friends later said that he'd had a good night. He was happy and smiling and there was nothing to indicate that there was anything wrong. Shortly after I heard Nick come in, my grandson's crying woke me up and I woke to change him, give him a bottle. I headed back to bed and noticed the light on in the bathroom and knocked and opened the door. It was around 1:45 am and Nick was lying on the bathroom floor with no pulse and not breathing. I called 911 and began CPR. Within minutes the ambulance arrived. They worked on him for some time while I spoke to the police officer then they took him out to the ambulance. I assumed they had stabilized him enough to transport him and waited for my in-laws to arrive to watch our grandson.

When Criss and I were called back into the emergency room we did not expect to hear that Nick had passed. We didn't expect that we would have to call our daughters to tell them that their brother was dead or that we would sit in a room with him feeling him go cold while we waited for our daughter to arrive from Morgantown. We weren't able to get in touch with our other daughter and had to send my sister over the following morning to tell her the news. We didn't expect that in less than two days we'd be picking out a coffin and cemetery plot for our son.

We expected that we would be sending him back to treatment in the hope that the next round would be successful. We expected another chance. And what we have now is the knowledge that we failed our son in the worst way possible.

Sincerely,

Renee and Criss Fisher.

There is a picture that would be hard to show because it was the most moving picture I have ever seen. They sent me the picture of Nick, this wonderful young man, lying in a casket and his little boy tiptoed up holding on. That should move all of us to do the right thing here, to start finding treatment centers, to start working with this illness, to find ways to understand, and to start intervening. You have to intervene from inception, from birth and all the way through, educating children. It is destroying economies. It is destroying families. It is destroying, basically, communities all over this country.

It is something that I hope we all can fight. To lose a young man—this was a terrific young man, and to lose him to drugs is uncalled for.

I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Utah.

NOMINATION OF NEIL GORSUCH

Mr. LEE. Mr. President, I rise in support of the nomination of Judge Neil Gorsuch for the Supreme Court of the United States.

Last week the Judiciary Committee, on which I serve, held a week-long series of hearings concerning Judge Gorsuch's nomination. After listening to the judge's flawless testimony, after listening to him answer questions from my colleagues for days on end, I am even more convinced than ever that he is exactly the kind of jurist we need on the Supreme Court of the United States.

I want to briefly explain my support for the judge, and then respond to some of the criticisms that have been leveled against him.

First and foremost, Judge Gorsuch understands the proper and necessarily limited role of the judiciary in our constitutional Republic.

Last week, over and over, Judge Gorsuch affirmed—even against great criticism that at times can be difficult to understand in its entirety—but responded time and again to criticisms by pointing out that it is his job as a

judge to interpret and apply the law—not to make it, not to establish policy, but to apply that policy which has already been placed into law by the legislative branch.

When you are reading law, the text matters. Our laws consist of words and each word matters. If the law leads to an uncomfortable outcome for the parties, for politicians, or for anyone else in our society, then, it is our job as a Congress—or if it is State law at issue, it is the job of a State legislature—to get the policy right, to fix the policy problem at issue. The judge's job is to go where the law leads the judge, not to correct the law.

Over and over, Judge Gorsuch affirmed the importance of precedent in our system. It is clearly a topic that he takes very seriously, having coauthored a treatise on that very subject. While precedent is not always absolute, in so far as you have a clear conflict with the text, Judge Gorsuch testified that you start with the ''heavy presumption in favor of precedent.'' He described precedent as the ''anchor of the law.''

Over and over, Judge Gorsuch explained that judges are not partisans in robes. No, they are different. They are different from politicians. They are meaningfully different than the politicians who make the laws or the politicians in the executive branch who enforce and execute the laws. They are unfailingly independent when they are doing their jobs right. They are devoted to the rule of law. They do their best to decide cases on the basis of the law and the facts, rather than on the basis of achieving whatever outcome they or others might desire.

Some of my colleagues' views of Judge Gorsuch's record are different, and I want to address some of their concerns. First, some of my colleagues have questioned the independence of Judge Gorsuch and his ability to exercise judicial independence. This is a very serious accusation. In fact, it is probably one of the worst things you could say about a judge. So my colleagues who have raised this criticism would need to back that up against something. If you are going to raise a really serious accusation against someone, as you are whenever you are calling into question a judge's independence, you have to be able to back it up.

Let's look at that. Can they back it up? I don't think so. In fact, I am quite certain they can't because they haven't. The argument boils down to the complaint that Judge Gorsuch hasn't sufficiently criticized President Trump's comments about judges. But here is what Judge Gorsuch said about this topic last week. He said this in response to questions raised by Senator BLUMENTHAL on the Judiciary Committee. He said:

> Senator, I care deeply about the independence of the judiciary. I cannot talk about the specific cases or controversies that might come before me, and I cannot get involved in politics.

But, Senator, when you attack the integrity or honesty or independence of a judge, their motives, as we sometimes hear, Senator, I know the men and women of the Federal judiciary, a lot of them. I know how who hard their job is, how much they often give up to do it, the difficult circumstances in which they do it. It is a lonely job, too. I am not asking for crocodile tears or anything like that. I am just saying I know these people, and I know how decent they are. And when anyone criticizes the honesty or integrity, the motives of a Federal judge, well, I find that disheartening, I find that demoralizing, because I know the truth.

Senator BLUMENTHAL asked Judge Gorsuch whether, when he said ''anyone,'' that applied to the President of the United States. Judge Gorsuch responded simply: ''Anyone is anyone.'' It is true that Judge Gorsuch didn't use the magic words: I disagree with President Trump. But he can't get involved in politics. He said here what he can say. In fact, he said all he can say in this context.

Moreover, here are some additional parts of Judge Gorsuch's testimony, which shed light on this issue.

From Tuesday:

> I have no difficulty ruling against or for any party other than based on what the law and the facts in the particular case require, and I'm heartened by the support I have received from people who recognize that there's no such thing as a Republican judge or a Democratic judge. We just have judges in this country.

On Wednesday he said:

> I do not see Republican judges, and I do not see Democrat judges. I see judges.

So I think any fairminded person looking at this would have to agree that Judge Gorsuch's feelings about judicial independence in cases before the Federal judiciary are very clear. To my colleagues who might see the issue differently, I would ask simply: What should Judge Gorsuch have said without getting involved in politics, without miring himself in a debate that is within the political branches of government and, therefore, within the political rather than the judicial interpretive arena?

Second, some of my colleagues allege that Judge Gorsuch is somehow out of the mainstream. But consider these facts. Judge Gorsuch has decided roughly 2,700 cases. His decisions have been unanimous 97 percent of the time. Keep in mind that he is an appellate judge who sits on the U.S. Court of Appeals for the Tenth Circuit. Appellate judges never sit alone in that capacity. They sit in panels—normally in panels of three and sometimes in panels of a dozen or so when they sit on the bench. And 97 percent of the time, all of the judges with whom Judge Gorsuch sits in any case agree with whatever decision he reaches. He is in the majority 99 percent of the time.

He is about as likely to dissent from a Republican-appointed judge as a Democratic-appointed judge. He has been reversed twice, and in both cases he was following circuit precedent. I want to make it clear that there is nothing wrong with a judge who dissents more than this. In fact, in many instances, dissents are necessary. In many instances, a dissent can be useful, even indispensable. There are judges out there who dissent more than this, and there wouldn't be anything wrong with Judge Gorsuch if he dissented any more. My point is that of all the arguments you can make against Judge Gorsuch, this is not a fair characterization. To say that he is out of the mainstream simply runs against mathematics. It runs against the bold statistics on their very face, which contradict this characterization.

Some of my colleagues respond that only a handful of cherry-picked cases matter. If you watched the hearing last week, you might recognize the names of some of these cases. They include TransAM Trucking, Hwang, Luke P., Hobby Lobby. What I find revealing is that my colleagues never mount much of a legal argument against any of these decisions. No, you are not going to find quibbling with the statutory construction in these cases. They don't parse the statutes at issue and then explain where it is that Judge Gorsuch somehow got it wrong, somehow departed from what the law actually says. No, they are looking at outcomes. They think Judge Gorsuch should have bent the law in order to go where they think the law should go. They want judges who have the right approach in mind, the right outcome in mind, and to decide the case according to what outcome they desire.

I flatly disagree with this view of judging. It is a view, frankly, that is way out of the mainstream in American law. To say it is out of the mainstream in American law does not mean out of the Republican mainstream or the conservative mainstream or the mainstream among members of the Federalist Society. No, I am talking about rank-and-file practitioners of the law, jurists from every conceivable point along the political and ideological spectrum. This is just not something that a judge would ever want to admit to doing. Certainly, it is never anything a judge would aspire to do—to choose an outcome and say: I am going to reach that outcome, and I don't really care that the law doesn't really authorize me to do it. I am just going to do it because I think, in some abstract sense, that outcome would achieve a greater degree of fairness than what the law actually requires me to do.

Third, I am distressed by a lot of the rhetoric that we heard during the confirmation hearing last week—rhetoric that I expect to continue and even mount over the next 10 days or so. One of my colleagues last week actually went so far as to describe the Supreme Court of the United States as an ''instrument of the Republican party.''

Other colleagues have complained about the so-called dark money campaign to support Judge Gorsuch's nomination, and still other colleagues complain that President Trump or Steve

Bannon or Reince Priebus or others are enthusiastic about Judge Gorsuch's nomination, as if the fact that someone is supported by someone they don't like means that the person in question is not qualified. This is unfair to Judge Gorsuch.

Judge Gorsuch didn't decide Citizens United. He didn't decide Hobby Lobby or any other case my colleagues dislike. He made clear in no uncertain terms that no one speaks on his behalf but him.

They may dislike some of the cases in which he offered opinions, but, again, in those cases, they are not quibbling with the way that he interpreted the law. No one has attacked his interpretation of a statute, his approach to statutory construction. They are quibbling with the outcome. They are quibbling with the fact that they wish it had turned out differently on policy grounds, policy grounds that have everything to do with the policymaking arms of the government and not with the jurisprudential arm of the government.

Even worse, these types of statements are damaging to our judiciary. If you don't like a judicial decision, engage the decision on its own terms, engage in a discussion of how that decision turned out wrong or where it is that it departed from what the law requires. Make a legal argument, in other words.

The courts announce reasons for their decisions. There is plenty of material to dig into, but don't impugn the judge's motives or independence. This is especially harmful when you impugn the judge's motives without actually getting into what the judge did or what the law says and explaining how those two things diverge.

Don't accuse the Supreme Court of functioning as an instrument of the Republican Party. In fact, you might as well call someone a so-called judge in a case where you disagree with the outcome. In fact, calling someone a so-called judge is probably no worse than calling the Supreme Court of the United States an instrument of the Republican Party.

Finally, I want to talk about the filibuster. The minority leader has urged his colleagues to filibuster. The minority whip has announced he will filibuster. Only two Democrats have said they will vote yes on cloture, so here we are.

I ask my colleagues: If Neil Gorsuch can't get 60 votes for cloture, which Republican nominee can?

Some of my colleagues have argued that if a nominee can't get 60 votes, the President should find a new nominee. I ask my colleagues: Was that the standard for several of President Obama's nominees at the U.S. Court of Appeals for the DC Circuit?

Well, yes, it was. Under rule XXII, that was the standard. That was the standard until, in November of 2013, the Democrats in the Senate went nuclear, and they created a new precedent, taking that threshold down from 60—by precedent—to 51. Through going nuclear, this is the result they achieved.

Their analysis, in its entirety, went in this direction. Their analysis nuked the Executive filibuster. It nuked the filibuster on the Executive Calendar.

Interestingly, although some were insisting at the time and went to the floor to explain at the time that they didn't intend for this to extend to Supreme Court nominees, when everyone thought Hillary Clinton would be President—Harry Reid admitted that the Democrats would extend this same precedent through which the Democrats had nuked the Executive filibuster to Supreme Court nominees.

So, look, I work with my colleagues on the other side of the aisle on a great number of important issues, issues that are very important to me, issues like criminal justice reform, reform of the Foreign Intelligence Surveillance Act, reform of the Electronic Communications Privacy Act of 1986, which is badly in need of reform, and a number of other issues, many of which involve privacy protections. These are A-plus legislative priorities for me. Nothing else is more important, and I stand ready to reform the law whenever I see the need to do so and will continue to work with my Democratic colleagues.

As we approach this discussion, I want to be clear that unilateral disarmament doesn't work. I hope the Democrats reverse course and do not filibuster this nominee, but if they do, I am confident Judge Gorsuch will be confirmed.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, I ask unanimous consent that Senator WHITEHOUSE speak after me, followed by Senator COTTON, if he is on the floor.

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

Ms. HIRONO. Mr. President, I rise in opposition to both of the Congressional Review Act, or CRA, resolutions related to retirement that we will be considering this week. These CRA resolutions before us would kill Federal regulations that give cities and States the opportunity to expand retirement options for individuals.

Our Nation faces a retirement crisis. In Hawaii, about 50 percent of private sector workers have jobs that don't provide retirement benefits.

According to a recent survey by AARP Hawaii, 56 percent of working age people feel anxious about having enough money saved for retirement. For generations, Americans relied on the ''three-legged stool'' of retirement: Social Security, private savings, and a pension from their employer. Those days are gone. More and more seniors are relying on Social Security for a bigger share of their income in old age.

In Hawaii, the average monthly Social Security benefit is $1,408. Given the cost of housing, medical insurance, and other necessities in Hawaii, that is not nearly enough.

Seniors should be able to count on us to keep Social Security strong. That is a bedrock position we should honor.

Given the retirement crisis, taking away tools that States and local governments can use to help bolster retirement savings makes absolutely no sense, yet this is what we are about to do if we pass these CRA resolutions.

Last week, the Hawaii State Senate held a hearing on legislation that would establish a Hawaii retirement savings working group. The proposed legislation would bring together public and private stakeholders to look at ways to improve retirement savings for workers. A number of stakeholder groups, retirees, and other citizens testified on the bill.

Let me tell you one of their stories. His name is Donald. He is a 61-year-old gay man who has lost three husbands to HIV/AIDS. Donald has worked for 35 years and even set aside money for retirement using 401(k)s—401(k)s that he cashed out to help cover medical costs for his loved ones.

He said: ''I did what I had to do out of love and devotion, especially when each of my guys' families took a step back in the face of adversity.''

Donald now lives paycheck to paycheck in senior affordable housing. He plans to work until he is at least 65.

Personal tragedy isn't the only reason it is difficult for him to save. He wants to save, but he noted that ''I am trying to muster some form of IRA through local financial institutions to no avail. No one returns the calls.''

For too many working people, saving for retirement isn't automatic or easy. It seems out of reach, but we can't let that stand.

The Obama administration recognized the retirement crisis in our country and the need for new thinking to help people save. In fact, that is the point of the regulations the Senate is poised to kill. These regulations simply provide a framework that States and cities can use to expand access to retirement savings.

There are no Big Government mandates or industry takeovers. States and cities would simply have the opportunity to be creative and help families save for retirement. The fact Republicans want to kill these rules has a certain ''Alice in Wonderland'' quality to it, where up is down and down is up.

For the last few weeks, Republicans touted how TrumpCare was giving States more flexibility to provide healthcare, while the reality was that for a State like Hawaii and many others, TrumpCare would have saddled them not with more flexibility but more costs. At that point, States' rights was one of the selling points for that disastrous legislation.

This week Republicans have taken a U-turn. Now they are trying to kill regulations that would actually give States more flexibility to provide retirement security. Why we should take

away this tool from States is beyond me. Cynics would say Republicans are doing this to help some private entities sell more retirement plans to people. However, the reality is that millions of families are not being served.

Killing these rules is the latest Republican attack on working people. We should be fighting to give people like Donald more hope and opportunity. Voting against these resolutions is a vote to help people like Donald.

I urge my colleagues to join me in opposing what I can only characterize as lousy anti-working people resolutions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 17 minutes.

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

OUR NATION'S INFRASTRUCTURE

Mr. WHITEHOUSE. Mr. President, with the Republican plan to defeat the Affordable Care Act itself defeated, President Trump says he wants to move beyond healthcare to focus on other priorities. One area that he has often highlighted is our Nation's crumbling infrastructure, which is a priority that many of us share and is something I would like to discuss today.

All of our kids, I suspect, dread having to bring home a lousy report card. They would be facing a serious talk.

Every 4 years, the American Society of Civil Engineers issues a report card for American infrastructure. Our 2017 report card—out just this month—shows lousy marks across the board for American infrastructure. Our ports and bridges got C-pluses, flat Ds for both drinking water infrastructure and roads, and our energy grid got a D-plus. Overall, the United States took home a D-plus grade point average. It is not pretty, and not an improvement over the scores we got 4 years earlier.

A report card is a progress report, and our grades show we are not making progress. So it is time to get serious about the sorry state of America's roads, bridges, ports, and pipes, which literally keep our economy moving.

The Civil Engineers estimate that we need an additional $2 trillion in infrastructure investments over the next 10 years to get our infrastructure back to a B grade level. The study also found that there is a cost for lousy infrastructure—that we are set to lose nearly $4 trillion in GDP and $7 trillion in lost business sales by 2025, which would result in 2.5 million fewer jobs that year.

America's declining infrastructure also faces growing demand. The Bipartisan Policy Center estimates an additional 100 million more people will rely on our transportation system by midcentury. The U.S. Department of Transportation says that we can expect twice the level of freight traffic on our highways and roads by then, so our already worn-down infrastructure is going to take an even heavier beating. We have to be ready for this. We have to make smart investments in the infrastructure backbone of American commerce. We should make those investments now, and we should make them for the long term.

I am hopeful. Transportation infrastructure has been a rare bipartisan bright spot in Congress. After all, our red States and our blue States both have bridges that age and water mains that rupture.

Congress has tried many times to push large bipartisan infrastructure bills. In the 112th Congress, a bipartisan group led by Senators Kerry, GRAHAM, and Hutchinson, introduced the BUILD Act to create a national infrastructure bank that would have authorized up to $10 billion to underwrite transportation, water, and energy projects.

The Partnership to Build America Act, introduced in the 113th Congress by Senators BENNET and BLUNT, also proposed an American infrastructure fund, this time financed with a form of tax repatriation.

In the 114th Congress, we were actually able to pass the first long-term transportation law in 10 years. The FAST Act—short for Fixing America's Surface Transportation—authorized more than $300 billion in transportation infrastructure investment over a 5-year period.

We also passed the Water Infrastructure Improvements for the Nation Act to address drinking water emergencies and authorize a number of new Army Corps of Engineers projects, including the removal of pilings and debris from the Providence River in Rhode Island. These bipartisan successes, however, barely put a dent in our Nation's total infrastructure needs.

Out on the campaign trail, then-candidate Donald Trump spoke broadly of a $1 trillion infrastructure push. I agree we have to make that investment in America's infrastructure, but we also need to make sure we get real commitment from Washington, not just public-private partnerships and nebulous tax cuts. To bring our roads and bridges into the 21st century, we need a far-reaching infrastructure program like Franklin Roosevelt's Works Progress Administration.

The Joint Economic Committee's Democratic contingent put out a report analyzing the President's proposal to use investor tax credits to close our infrastructure gap. What they found was that using these tax credits alone would actually ''cost nearly 55 percent more than traditional infrastructure financing.'' We can't let infrastructure turn into a special interest boondoggle.

In the absence of any sort of Executive plan or strategy, Senate Democrats, led by Minority Leader SCHUMER, put forward our own blueprint to rebuild America's infrastructure. It would invest $1 trillion in the Nation's infrastructure, as the President wished, creating over 50 million American jobs. The blueprint encompasses not just roads and bridges but parks, schools, hospitals, and airports. It calls for investing $100 billion in smalltown communities that need revamped infrastructure, over $100 billion in aging water and sewer systems, $50 billion in our railways, over $100 billion in public transportation, and $30 billion in our essential port infrastructure. It would put billions toward modernizing our energy grid by connecting rural areas and driving investment in clean energy.

It includes strong support for American workers—something the President claims as a priority—with ''Buy American'' provisions to promote American-made products and protections like the Davis-Bacon law to make sure Americans earn fair wages.

For a coastal State like Rhode Island, which has to prepare for rising seas and increased storm surges from climate change, the blueprint includes $25 billion to improve coastal infrastructure and make coastal communities more resilient. This includes competitive critical infrastructure resiliency funding, a new Resilient Communities Revolving Loan Fund, and support for the National Oceans and Coastal Security Fund, which I authored sometime ago to research, restore, and reinforce our cause. Our plan is big, it is bold, and it should garner the support of anyone who says they want to improve America's infrastructure and create jobs at home.

This work is vitally important in my home State. The American Society of Civil Engineers' report card shines a light on Rhode Island's particular infrastructure woes. It shows we need $148 million for drinking water infrastructure needs and nearly $2 billion for wastewater infrastructure fixes over the next 20 years. We have $4.7 million of backlogged park system repairs and a $241 million gap in needed upgrades at schools.

More than half of our roads are in poor condition. A lot of our infrastructure, unlike Alaska, dates back to colonial days when the foundations of our roads were first traveled by ox carts. This state of disrepair costs my constituents a lot of money. I have been told by the transportation research group TRIP that driving on cracked and crumbling roads in Rhode Island costs our motorists $604 million per year—more than $810 per motorist, per year, in vehicle repair and operating costs from banging into potholes.

In our State, 56 percent of the bridges are deficient or obsolete. That, I am sorry to say, is the worst rate in the country. Those bridges have been around a long time in many cases, and they are literally falling down piece by piece. It can be pretty shocking to see.

This photo shows part of the 6/10 Connector in Providence. The interchange is a vital link in the State's highway network for vehicles traveling between

Interstates 95, 195, and 295. It was built in stages through the 1950s, and it can no longer accommodate the approximately 100,000 automobiles and heavy trucks that travel on it each day. Our department of transportation has spent millions of dollars on temporary maintenance to keep the interchange shored up and in operation, but you can see that this type of jury-rigging is not a lasting solution.

While Rhode Island directs millions of State funds to repair and replacement of these structures, we need some Federal financing to ensure that this work gets done before a serious failure occurs, which could disrupt commerce up and down the entire Northeast Corridor.

The evidence of dangerous disrepair is all over my State. This photo depicts a crumbling bridge on Route 37, the east-west freeway servicing the cities of Cranston and Warwick. The tumbledown cement and rusting ironwork are not reassuring. Here is another graphic showing a rusted and ramshackle bridge over Highway 95. We can save money in the long term—a stitch in time saves nine—if we can get on to these repairs and get these bridges fixed.

We also have to consider the bridges, roads, ports, rails, and other transit systems in the Ocean State that are, as you might imagine, very close to our coast. This infrastructure is at particular risk from sea level rise, from storm surge, and from the more severe storms that come at us offshore, driven by warming seas and climate change.

Recently, NOAA released updated global sea level rise estimates, and they focused those global estimates on the U.S. coastline. The estimate for their ''extreme'' scenario—that is, if we continue to emit high levels of carbon pollution—was increased by half a meter, to a total of 2.5 meters or over 8 feet of global mean sea level rise by 2100.

My State's Coastal Resources Management Council has adopted the ''high'' scenario for planning purposes and made the adjustments for the local conditions, and they now put 9 vertical feet of sea level rise as the expectation for Rhode Island's coast by 2100. Of course, as any coastal Senator knows, when you go straight up 9 feet, you can go a long way back, pushing the shoreline into what is now inland, flooding a lot of infrastructure.

We need to protect evacuation routes from flooding, we need to bolster hurricane barriers, and we need to replenish beaches and nourish wetlands. To protect infrastructure from storms, we need to raise ports and reinforce bridges that are exposed to corrosive saltwater from storms. We need to manage upstream reservoirs to control downstream flooding. We need to protect groundwater drinking water supplies from intruding saltwater. We need to retrofit lowland wastewater treatment plants that are in danger of flooding. Some of them are not just in flood zones, they are actually in velocity zones where wave action is expected against the structures. These improvements are essential to meeting our infrastructure needs over the coming decade.

Every coastal State—especially those in the Northeast and the western Gulf of Mexico, which are expected to see the most dramatic rises in sea level—should be nervous. That is why the Democratic infrastructure blueprint includes funding for resilient coastal communities, including support for the National Oceans and Coastal Security Fund. I have worked to establish this lifeline for coastal infrastructure since my early days in the Senate. Once we fund it, it can be a tremendous resource for coastal communities needing infrastructure improvement and smart coastal adaptation.

President Trump has said he wants a $1 trillion infrastructure bill. I am ready to roll up my sleeves and ''git 'er done.'' Democrats have put forward a blueprint for making the investments our Nation so badly needs. Congress can come together on a plan that can provide direct, long-term support and help communities address current needs, while also preparing for the changes we know are coming down the pipeline at us. I say to my Senate colleagues and to the administration, let's get to work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

MIDDLE EAST CODEL

Mr. COTTON. Mr. President, I returned last week from the Middle East, where several colleagues and I spent the weekend meeting with leaders and security officials in Lebanon, Jordan, and Israel. As usual, the men and women who assisted us were consummate professionals, whether it was the U.S. Marines, Embassy personnel, or our own military escorts and congressional staff. They all did a superb job, and I want to extend to them my deepest thanks. I want to say a few words about what we learned while we were there.

Contrary to conventional wisdom, our allies told us they are more optimistic about their relationship with the United States now than they were under the last administration. If you thought diplomacy consisted simply of suave sophistication, I can understand your confusion. But among our allies, there is no confusion about what their interests are, how the United States shares them, and which country in the whole region threatens them most of all—Iran. Once you realize that, it is not so hard to understand their morale boost. Do they watch what we say? Yes, of course, very carefully. But they watch even more carefully what we do, and even though our foreign policy was cloaked in ''pretty words'' over the last 8 years, they see the difference in leadership as clear as day. The last President coddled Iran, and this President is confronting Iran.

Every conversation we had drove home this point: Iran is the single most destabilizing force in the Middle East. That is because it is more than a regional power, it is a revolutionary power. The regime in Tehran is not satisfied with finding good trading partners or even bullying other countries into proper neighborly deference. Big countries throw their weight around all the time, after all. No, what is different about this regime is that it is not trying to create clients; it is trying to create clones. It wants to expand its influence by subverting legitimate governments in places such as Yemen and Lebanon and replacing them with radical regimes. Countries that it can't subvert, it tries to destroy, like our friend Israel. And its aggressive sectarian ideology drives Sunni Muslims into the arms of extremist groups like the Islamic State.

There is no getting around the fact that in the Middle East, the answer to most questions is Iran, and our allies have told me repeatedly in recent months that they need our help to confront Tehran's campaign of imperial aggression.

In Lebanon, I am happy to say there are some signs of hope. The new Prime Minister, Sa'ad Hariri, has formed a government and is purportedly on the verge of approving a budget—the first of its kind since 2005. For years, the Lebanese Government has struggled with the growing influence of Iran's proxy, Hezbollah, members of which are on trial for carrying out the assassination of the Prime Minister's father, Rafic, in 2005. But now that Hezbollah is committed to the war in Syria, the Lebanese Government has an opportunity to take control of its border, its army, and its governing institutions, free of their terrorist influence. We should take all prudent steps to support Lebanon as it strives to create security and stability for its own people and its neighbors.

Then there is Jordan, which for so long has been a relative island of calm in a tumultuous region. The Hashemite monarchy has been a faithful friend to America for years, but now, for the first time in recent history, Jordan faces a hostile, aggressive power on its borders—ISIS. It is also under an immense strain as it deals with hundreds of thousands of Syrian refugees living in its territory. Today, Jordan spends up to 25 percent of its budget on helping refugees. We need to continue helping this bulwark of stability stand against the forces of Islamic extremism by sharing intelligence, helping train police and counterterrorism forces, and partnering in the fight against ISIS.

Finally, there is Israel, which it is no secret that the regime in Tehran has vowed to destroy. While we were overseas, Israeli warplanes struck deep into the heart of Syrian territory. They were targeting a convoy of advanced missiles bound for Hezbollah. In a serious escalation, Syria fired missiles not

only at Israeli aircraft but at Israeli territory, one of which was intercepted by the Arrow 2 missile defense system. This incident goes to show just how important our aid is to protecting Israel's security and how important Israel is to confronting Iranian-sponsored aggression. We must continue to support Israel and its development of advanced missile defense systems.

I am happy to report that all three of our allies continue to seek ever-closer friendship with the United States. They are optimistic about their ability to work together under the new administration, and they sincerely appreciate everything our country has done for them.

I saw for myself a reminder of this country's sacrifice at the U.S. Embassy in Beirut. There, you will find a memorial that is dedicated to the 241 Americans who died in the terrorist bombing of our Marine barracks in 1983. That atrocity was committed by Hezbollah, if anyone needed a reminder as to why we fight alongside our allies against the Iran-Hezbollah-Syria axis in the contest of supremacy in the Middle East.

If our trip taught us anything, it was that our allies will not give up the fight but that it will take American leadership to stop Iran's campaign of imperial aggression.

I yield the floor.

The PRESIDING OFFICER (Mrs. ERNST). The Senator from Colorado.

AGRICULTURE

Mr. GARDNER. Madam President, I rise to talk about the continuing challenge that our agricultural communities face across this country.

Just a couple of weeks ago, I came to the floor and cited a Wall Street Journal article with the headline: ''The Next American Farm Bust Is Upon Us.'' Living in eastern Colorado, in a purely 100 percent agricultural community, I understand that when there is a downturn in the ag economy, it does not affect businesses on Main Street later that week or later that month; it affects them that very same day. He is not just somebody who is going in to buy a bag of seed or somebody who is going to the local implement dealer to buy a tractor. He is somebody who decides he is not going to be able to buy that pair of blue jeans that he thought he would or that piece of equipment he needed to help fix the fence. It means that the entire economy in towns like Yuma, CO, Burlington, CO, and Dove Creek, CO, are going to suffer enormously. That is why it is important that we continue the conversation in the U.S. Senate about what is happening in agriculture across this country.

I recognize that many people, when they think of Colorado, probably do not think of farms and ranches on the flatlands and prairies. They probably think more of Kansas for that than they do Colorado. If you look at Colorado, it is more than just snowcapped peaks; it is incredible agricultural diversity as well.

According to the 2016 National Agricultural Statistics Survey, Colorado ranks in the top 10 in production for the following agriculture commodities: barley, beans, sweet corn, alfalfa, potatoes, millet, sorghum, sunflowers, wheat, cabbage, cantaloupe, onions, cattle, lamb, and wool. Colorado is one of the top 10 producers in those commodities. It is a remarkable list that shows the diversity of Colorado from the plains to the mountains and the incredible production levels that we have achieved.

One of the goals I have had in the Senate, of course, is to help make sure that we have the right policies to support our farmers and ranchers throughout Colorado who are producing everything from barley to potatoes. I want to make sure that we work to add even more crops to this list of the top 10 in order to strengthen the agricultural industry in Colorado.

As I mentioned a few weeks ago when I came to the floor to talk about that crisis, the Wall Street Journal article highlighted a story from a farmer in Kansas. I recently talked to a farmer in eastern Colorado who is getting paid $3.21 for a bushel of corn, but to pay the bills, his break-even point on that bushel of corn—the amount of money that it took to make that corn bushel—was $3.92 cents. So he was getting paid $3.21, and it cost him $3.92. That is not the right side of an equation to be on if you are in business and, particularly, if you are hoping to pass that business on to future generations.

I think it is important that the Senate talk about commodity prices and that we talk about the impact that increased Federal regulations have had which make it more difficult for that farmer to survive, that have driven up the cost of doing business, that have driven up the cost that you need to be paid per bushel of corn so that you can help make ends meet.

I talk about barriers to exports and limited financing options. Those are four things that we have to lay out—commodity prices—and deal with. We have to make sure that we are decreasing the number of Federal regulations. We have to make sure that we remove barriers to export and allow agriculture to export. We have to make sure that we are removing any obstacles to the financing that a farmer or a rancher may have, particularly if the economy continues to deteriorate in our countryside, and we have to make sure that we have certainty in ag policy and certainty in regulations. The farm bill conversations continue. Let's make sure that we provide the certainty to our ag communities that they deserve and, quite frankly, demand.

According to the 2017 Colorado Business Economic Outlook—and this is an incredible statistic—net farm and ranch incomes are projected to be down almost 80 percent since the records that were set in 2011. By 80 percent, net farm and ranch incomes are projected to be down. An 80 percent drop in just a few years is devastating for rural communities. I believe the exact numbers in Colorado are something like going from $1.8 billion in farm income to a little over $300 million in farm income just over a matter of a few years.

While we have done a good job of addressing regulatory concerns, we have to make sure that we are doing a good job of addressing continued trade opportunities in this country as well. Corn and wheat prices are hitting 10-year lows. The price is so low that it costs farmers more to produce the crop, as I mentioned, than it is worth on the market. You do not have to be an economist to figure out that that is not going to let you stay in business for much longer.

Simply put, we have a lot of people who are worried in Colorado and across this country for agriculture and our rural communities, which are dependent on their farms and ranches. The Presiding Officer is from the great State of Iowa—a leader in this country when it comes to agriculture. Whether you live in the Eastern Plains of Colorado or in the great State of Iowa, the fact is we have to provide that leadership on a global stage to make sure that our ag communities survive and thrive.

Earlier this year, I sent a letter to the Colorado Farm Bureau that solicited feedback on what Congress and the Federal Government could do to support Colorado agriculture. In their response, I received a number of recommendations from the Colorado Farm Bureau and a number of organizations that they reached out to to respond to my request and my question.

On the list, of course, was regulatory reform—one of the four pillars that we have to address in order to have successful agriculture in this country. Their concern is that overregulation creates uncertainty in regulations like the waters of the United States and the BLM 2.0 rules.

The good news is that, with regard to both of these rules, we have been able to roll them back. According to the Colorado Farm Bureau, the waters of the United States regulation threatened to add additional regulatory compliance requirements to thousands of stream miles and thousands of acres of agricultural land.

To put that in layman's terms, it basically would have said: Hey, you, the Federal Government, you are in charge of every molecule of water.

That is not good for agriculture. Thankfully, the administration has said: No, we are going to stop that, and we are going to repeal it. Courts across this country had actually put in stays.

The Presiding Officer from the great State of Iowa—our colleague, JONI ERNST—was a leader when it came to stopping the waters of the United States regulation. Luckily, we have seen that regulation being stopped in its tracks.

In Colorado, two-thirds of waterways were identified as what is known as

''intermittent flow.'' That means that they do not have water in them year round, that, part of the year, they are dry. Yet they would have been subject to a regulation known as the waters of the United States, even though they did not have water in them. That is the absurdity of the Federal Government. So I am glad that we are able to start rolling back these regulations.

At the same time, the Bureau of Land Management had started a process known as its BLM 2.0 rulemaking process, which is a rule that they had issued that they thought would deal with complex permitting issues and land use decisions. Unfortunately, what this rule would have done instead is take away access to thousands of acres of Federal land that were used for grazing. Even more disturbing, it would have given somebody in downtown New York City just as much say over the land in Moffat County, CO, as a Moffat County commissioner—somebody who lives there—amongst various agencies in the Federal Government that oversee thousands of acres of public lands. That, too, was overturned by the U.S. Senate.

In fact, if you look at the total number of regulations that the administration and that the U.S. Congress has been able to overturn, we are approaching $60 billion worth of regulatory relief that we have been able to give to the American people; $60 billion worth of regulations have been taken off the backs of hard-working Americans and has allowed them to do their jobs easier, allowed them to make ends meet easier, allowed them to breathe easier when it comes to job creation and job opportunity.

I am very glad that we saw the BLM 2.0 rule repealed, which gives our people in Colorado a little bit more of a chance to have a say in what happens in their front yards and their backyards. Of course, the waters of the United States has to continue to be something that we stop as we move forward.

There are other positive steps we should take to give our producers additional regulatory certainty. I know there is more that we can do, and I hope to hear from our Nation's farmers and ranchers and our farmers and ranchers in Colorado on how Congress and the Federal Government can help.

So I use this opportunity to make an appeal to people across the country in order to hear from farmers and ranchers, whether you are in the Eastern Plains of Colorado or on the Western Slope of Colorado or in the great State of Iowa or Kansas or anywhere in between and outside the State of Colorado—inside and outside—of the things that we can be doing, such as with trade policy, regulatory policy, financial services opportunities, making sure we have farm bill programs that are working. Back in my office, we want to hear about these ideas and about thoughts moving forward on these important issues so that we can have an agricultural community that thrives and so that we can make sure that, when we talk about bringing generations of farmers and ranchers back to the farm and the ranch, we will get their ideas on how best to do that.

This week, I will be sending letters to the Colorado Agriculture Council, which is made up of organizations across the agricultural spectrum in Colorado, as well as to Don Brown, who is the commissioner of the Colorado Department of Agriculture, on what else Congress and the Federal Government can do to help support this industry. Also, there is Julie McCaleb, the Colorado Agriculture Council chair.

Basically, I will be writing: Hey, whether it is regulations or legislation, it is important that the administration and Congress understand the impact their policies will have on agriculture. I look forward to hearing from you, your member organizations, and farmers and ranchers throughout the State on how we can work together to ensure Colorado agriculture continues to be effectively represented in Washington.

We will be sending this letter, of course, to Commissioner Don Brown. Commissioner Brown is from my hometown. He is a corn farmer and a cattleman. He is somebody who understands firsthand the hard work and challenges that go into making ends meet in agriculture. He also understands the suffering that we are seeing in the farmland right now and that some people may be at their wits' end in terms of trying to deal with their financial struggles.

We will be sending these letters out. I encourage people—farmers, ranchers, and leaders in counties—to contact my office and give us their ideas on how we can turn this ''could be coming'' crisis around so that we can actually start improving and growing agriculture again and so that we can make sure that we lead Colorado's diverse agricultural economy into a better state than it is today—in a better place than it is today—in terms of the economy.

Here, in the Senate, I believe that same bipartisan support exists for all of us to be reaching out to our communities and making sure that we hear from the heartland of America what we can do to help struggling farmers and ranchers.

I thank the Senator for her leadership in agriculture.

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. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MERKLEY. Madam President, here in America we hope that families will have the opportunity to build successful lives in preparation for a beautiful retirement. That involves many different factors. It involves the solvency of Social Security. It involves the foundation of a good, living-wage job. It involves, certainly, the question of whether, through one's life, they are able to save for retirement.

This has become more and more important over time because fewer and fewer jobs have a retirement pension plan. Without that, it is really incumbent on the individual to be able to succeed to put money aside, and we know how difficult it is for an ordinary working family to have the extra funds to be able to put into a retirement account. Certainly, we want to make that as simple and as easy as possible. But what we know is that the simplest strategy—which is to be able to save through your work, to be able to have funds automatically deducted from your paycheck so you never actually get it in your hands—is often unavailable.

According to one 2013 study, 40 percent of small business owners themselves had no retirement savings, 75 percent had no plan to fund their own retirement, and of those who are working for employers who hire and have 100 or fewer employees, more than 60 percent—62 percent of the workers—do not have access to a work-based retirement plan.

We can imagine the difference between going to work at a job where the employer says: Hey, we have a retirement plan. You just need to sign this document, and you will be part of it. Please sign up. After a few months, if you feel you can't afford to keep setting those funds aside, you can change what you are doing. You have that flexibility. You can choose between options for different types of investments. But it is all right there. It is all very easily accessible. All you have to do is do it. The difference between that and a situation where there is nothing in the workplace—no benefit in the workplace, no retirement structure—is that in that situation it becomes a much more complicated undertaking.

Fifty-five million Americans—nearly half of private sector workers—work for employers that do not offer any form of workplace retirement saving or pension plan. Roughly 45 percent of working-age households, half of which are headed by someone between 45 and 65 years old, lack any type of retirement account asset.

So if there is no structure to make it simple to plan for retirement, it is more likely that one goes into those golden years without any form of gold; that is, without the resources in the bank to back up Social Security.

We know that more than half of the folks who are on Social Security depend on it for more than 90 percent of their income. Or, more simply stated, for more than half of Americans in retirement, Social Security is essentially their only source of support, and it is often not enough to maintain even the minimal essentials of life.

Why is it that so many businesses don't set up a workplace plan? What it

really boils down to is complexity for the employer. A lot of small businesses don't have a human resources person. They don't have an extra individual who can do the administrative work to set it up. Maybe the plan requires a match, and the employer isn't sure they will be able to afford a match. There are all sorts of reasons that this is complicated. It is difficult either financially or just in terms of additive overhead for a small business. So they don't set up the plan.

We know that if they had a plan, employers would participate. We know that because in States that have plans, the employers participate. In addition, the General Accounting Office did a study in 2015 which found that the overwhelming majority of workers would participate in an employer-sponsored retirement plan if they had the opportunity to do so.

So this brings us to the fact that many States are saying: Let's make it easier for employees. There are 30 States that are looking at the possibility of the State setting up a retirement plan that wouldn't be attached to a single employer, so that an individual could carry it with them. For example, imagine that your teenager has their first job serving yogurt—one of the jobs that my daughter had—or as a lifeguard at a local swimming pool or serving coffee—those first service jobs they get. What would happen if, from that first job, 3 percent of their income was placed automatically into a retirement account—a retirement account that they could control the options of, a retirement account where they could increase the amount of their income to go into it if they wanted, or a retirement account that they could always opt out of if they chose to do so. But if they were automatically enrolled, we know the vast majority of individuals stay in the plan. If you go, then, automatically from job to job to job—and in our economy that is the way it works; people don't sign up with one company and serve there for 30 or 40 years—in every job 3 percent was being automatically deducted. Then when you actually went into retirement, you would have a sizable nest egg to complement Social Security.

That is what States are looking at. That is what they are pursuing. In more than half of the country, States are considering legislation to create a retirement savings opportunity for small business employees who do not have a work-based plan. Seven States, including my home State of Oregon, are already working at implementing these plans. On July 1 of this year, Oregon is going to launch its plan with a voluntary pilot group, and then it is going to expand to employers with 10 or more workers in 2018 and finally to all employers in the State in 2019.

Under this plan, employees who do not have an employer-provided savings account will be allowed to save part of their paycheck in their own personally managed accounts, and it will be automatically deducted unless the employee decides to opt out. Once it expands to all employers, 800,000 Oregon workers are expected to have access to a State-sponsored retirement savings program. Again, this will be an automatic-in, opt-out strategy to make it really simple.

In Oregon, 95 percent of our businesses are made up of small businesses. More than half of our workers are employed by those small businesses. So this is a pretty good arrangement to facilitate this opportunity.

Now, here is something that we may not immediately think about. When an employee saves for their retirement and is, therefore, financially better off in retirement, it reduces the cost of government programs. Within the first decade after these plans are established, total State spending on Medicaid could drop by $5 billion. In Utah, a recent study found that the State would save $3.7 billion for five essential government support programs—not just Medicaid—over the course of 15 years.

When I first read about Medicaid costs dropping because of a retirement plan, I said: How does that work?

It turns out to be very simple. If you have saved money and are financially better off, you are not in a position where you would be in the Medicaid Program, thus reducing the number of people who are in it. This study found that over 10 years, for the States that are already working to implement plans, California would save more than half a billion dollars; Maryland would save more than $100 million; Connecticut and Oregon, about $60 million a piece; and Illinois, a quarter of a billion dollars. So that is just an interesting piece that we should be recognizing—that when families do better, not only do they do better, but they lower the cost of government programs, which I think many folks here, on both sides of the aisle, would say would be a terrific thing.

Then there is this principle of experimentation at the State level. Why would we in this Chamber, having failed to provide an automatic-in, opt-out opportunity as people move around the country to various jobs, having failed to do a Federal version of this, stop our municipalities and our States from experimenting to see if this is something that will increase the success of our families? Why would we stop a State from experimenting?

Now, I hear all the time here about States' rights. I hear all the time about how States are the place for experimentation, to see what works and what doesn't work, innovation. Give them the opportunity to try things. Well, this Congressional Review Act proposal says the opposite. It says: Let's stomp out experiments by our municipalities. Let's devastate and decree that you cannot experiment and innovate at the State level on a very significant challenge facing America. So whether you want families to succeed or whether you simply believe in the power of local innovation and opportunity, you should be against this proposal.

What this proposal is about is this: There is a twist in the national retirement law known as ERISA that an employer might possibly have liability related to an employee signing up for a State-sponsored or a municipality-sponsored account. Well, that pretty much puts a wet blanket over employers signing up under these State plans or under these local plans, because the thought that you might have liability for something you have no control over doesn't sound like a good place to be. So to correct or clarify this, a regulation was issued and it should be obvious why it is right, which is that the employer will not have liability over provisions of a State- or municipal-sponsored retirement account. They didn't set it up. The employer didn't advocate it. The employer is not choosing where the investments go within the account. They are not deciding which companies' retirement plans get to participate as options or whether there are even company retirement plans. The employer is not doing any of that. The employer is simply the host. The whole point of the plan is to make it very easy for the employer, because that has been the burden in the past of an employer-by-employer plan. In this case, it is just automatically set up.

In States like Oregon, they are setting up a pilot project, where employers are willing to experiment and be a part of it so they can learn from that. Then, they can design a better plan for larger small businesses, those that have more than 10 employees. Then, they can make it, after having worked the kinks out of it, work for everyone, including very small employers. If along the way they run into an obstacle, they can pause and work on that.

This is absolutely the best in policy strategy in America. Give municipalities, give States the opportunity to experiment, and on an issue that can help families thrive, help our young ones thrive.

I know that my son and my daughter are going to be better prepared for retirement and in a better financial position if, in every job they pursue in Oregon, they are automatically saving 3 percent of their income—or more if they choose to or less if they opt out. But certainly, the vast majority of workers, once in a plan, stay in the plan. It is kind of how it is with deductions on your Federal and State taxes. When it comes out of your payroll automatically, you get used to it, you adjust to it, and you say: Hey, that works.

So, to my colleagues, please oppose this Congressional Review Act proposition that will squash innovation by municipalities, and its companion will squash programs by States—programs that are very valuable, both for us to understand possible important policies to help set a platform for the success of our families, and it is very important

to the families themselves. Please vote no.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF NEIL GORSUCH

Mr. CRAPO. Madam President, I rise today to speak about the President's nomination of Judge Neil Gorsuch to serve as Associate Justice of the U.S. Supreme Court.

Whenever great issues like the future of our Nation's highest Court come before the Senate, it is easy to get lost in the noise and the hyperbole. Listening to the commentary about Judge Gorsuch, I have found it instructive to ask whether critics have actually met him and listened to his philosophy of jurisprudence.

I have met him, and it is easy to guess that those who oppose him likely have not spoken to him, watched the hearings, or read any of the glowing testimonials from across the political spectrum. The invectives thrown at Judge Gorsuch seem really to be about something else entirely—about anger at the President, disappointment with the election outcome, or concern about holding certain hotly debated topics of the day. It appears that critics could substitute almost any name for Judge Gorsuch in their statements and give them with the same passion and the same concern.

That is too bad because Judge Gorsuch has been consistently regarded by his peers as pragmatic and among the most gifted legal minds on the Federal bench. The man is intelligent, courteous, and modest. He seeks readily the views of those around him. His approach will be a constructive addition to the U.S. Supreme Court and of benefit to our Nation. His judicial record as a Federal judge flows exactly from what he says, and his message and focus is abundantly clear: judicial modesty and fidelity to the law.

When our representative government was established in the United States, a heated debate emerged about the purposes and powers of our new Federal institutions. The Founders of our country understood that a system in which lawmaking was detached from accountability was the quickest path to despotism. A coequal judiciary could help temper tyranny and balance the powers of an executive and a legislature stepping over their constitutional powers. The phrase is ''checks and balances'' not ''usurpation.''

Alexander Hamilton, who has received much recently renewed attention, wrote at length about the newly imagined judicial branch of our government. In Federalist 78, Hamilton wrote that the judicial branch ''may truly be said to have neither force nor will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgments.''

To the Founders, the division of responsibilities between the three branches of government was clear: Congress would make the laws. The executive would implement them. The judiciary would review the laws for their legality and consistency with the Constitution. Further, the independence of the judiciary would be enhanced through their distinctive selection process, so they could do their jobs without succumbing to swings in popular opinion. Put succinctly by Chief Justice Roberts during his confirmation hearings, a judge's proper role is ''to call balls and strikes.''

In his testimonial to the late Justice Antonin Scalia, Judge Gorsuch emphasized the importance of an independent judiciary. He writes:

> Judges should . . . strive to apply the law as it is, focusing backward, not forward, and looking to the text, structure, and history . . . not decide cases on their own moral convictions.

Judges ''take an oath to uphold'' the Constitution, not ''merely consider it.'' It is their duty to follow the law.

Jurisprudence is not supposed to be the popular arts. Judges are not vessels for moral causes. Judge Gorsuch repeats Justice Scalia's words:

> [I]f you're going to be a good and faithful judge, you have to resign yourself to the fact that you're not always going to like the conclusions you reach. If you like them all the time, you're probably doing something wrong.

Further, Judge Gorsuch states that rulings made in an attempt to optimize social utility introduces a question of moral relativism.

> In criminal cases, for example, we often hear arguments from the government that its view would promote public security or finality. Meanwhile, the defense often tells us that its view would promote personal liberty or procedural fairness. How is a judge supposed to weigh or rank these very different social goods?

The answer lies in the common points of reference for all judges, be they conservatives or progressives—the written law. Reading the law is difficult enough without introducing the element of uncertainty. Court-shopping for a pliant judge who will interpret the law the way a litigant believes it should read can be destructive to public confidence in the legal system.

In our democracy, the public expresses its will at the ballot box and empowers its duly-elected officials with the duty to advance that will. Changes in public attitudes can come quickly, and that can be reflected in the results of elections.

Congress is the body most closely connected to the American public because its accountability is directly to the people.

Some observers want judges to be legislators, discarding the black robes for populist impulses. But our system of checks and balances is predicated on the fact that change comes deliberately and incrementally, notwithstanding the wild swings in public mood.

The pace of change can understandably frustrate. However, congressional action is the spirit of the American electorate, exercised with its unique combination of majority rule, minority rights, and compromise. The imperfect caldron of the legislative process is how change happens carefully, purposefully, and properly.

Unfortunately, impatience can drive people to try to circumvent the constitutional power of Congress. The tendency of some to race to a courthouse, bypassing the will of the people expressed through Congress, to compel change is inherently destabilizing to representative government.

Without a direct say in how policy is decided and without the ability to hold people accountable, judges who reimagine the law undermine a fundamental cornerstone of representative democracy. Judges have a great responsibility to carefully exercise their judicial authority within the limits of the law. Judges who exercise independence from anchors of our law are dangerous to our liberties. Judge Gorsuch demonstrates that he clearly understands this concept when he writes:

> Legislators may appeal to their own moral convictions and to claims to reshape the law as they think it should be in the future. But judges should do none of these things in a democratic society.

Some jurists treat the Constitution like a speed bump as they hurdle down the road reinventing the law. Substituting ideology for the written law in jurisprudence is the equivalent of changing the law from what it says to what some wish it says.

Neil Gorsuch identified this very problem when he wrote in 2005 that ''the courtroom as the place to debate social policy is bad for the country and bad for the judiciary. In the legislative arena, especially when the country is closely divided, compromises tend to be the rule of the day. But when judges rule this or that policy unconstitutional, there's little room for compromise: One side must win, the other must lose. . . . As a society, we lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide.'' These words reflect a clear understanding of the importance of the separation of powers.

The Federal judiciary should not be a replacement for doing the hard work of persuading the public and enacting policy with accountability to the electorate.

Americans learn civics early in their upbringing. The Constitution guarantees certain civil liberties and restrains the powers of the central government. Our court system has the responsibility to preserve our constitutional rights, ensure a limited government, and provide speedy and fair justice when needed. The judiciary holds the sole constitutional power to interpret laws properly enacted by Congress. This authority is expressly distinct from the power bestowed to the legislature to write laws and the executive to enforce them. This separation of powers plays an important role in the system of checks and balances envisioned by the Founders.

Public confidence in our legal system is undermined when judges seek to reimagine Federal law beyond its clear meaning. Judges who substitute their personal views for the law can shake the public's faith in our legal system as an impartial protector of our rights and an upholder of justice. Judges must follow our Constitution in their decisionmaking and resist this temptation to make policy.

Moreover, without the public sanction of the ballot box, policy changes, particularly controversial ones, naturally divide people. If the judiciary cannot be seen as a neutral arbiter of facts and laws, even more people will see individual judges as ''one of mine'' or ''one of yours.''

The erosion of the humble judiciary began when the Senate confirmation process changed. In recent past, district and circuit court nominees used to be confirmed noncontroversially. Now, instead of looking at the qualifications of the judicial nominee, partisans hope to pre-bake court decisions through the use of litmus tests or demands on nominees to determine in advance what their rulings will be on cases before the matter is even argued to the court. Perhaps this is the logical extension of the overreliance on some to secure social gains they cannot achieve through the democratic process.

Change is hard, and patience is exceedingly rare, but the strongest building blocks to legitimacy are achieved though consensus and the give-and-take of politics.

Writing even before he was overwhelmingly approved by this body for his current seat on the Tenth Circuit, Judge Gorsuch wrote:

> [In courts,] ideas are tested only in the abstract world of legal briefs and lawyers' arguments. As a society, we lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide. At the same time, the politicalization of the judiciary undermines the only real asset it has—its independence. Judges come to be seen as politicians and their confirmations become just an avenue of political warfare. Respect for the role of judges and the legitimacy of the judiciary branch as a whole diminishes.
>
> The judiciary's diminishing claim to neutrality and independence is exemplified by a recent, historic shift in the Senate's confirmation process. Where trial-court and appeals-court nominees were once routinely confirmed on voice vote—

Based on their credentials and their ability to serve—

> they are now routinely subjected to ideological litmus tests, filibusters, and vicious interest-group attacks. It is a warning sign that our judiciary is losing its legitimacy when trial and circuit-court judges are viewed and treated as little more than politicians with robes.

This development puts a severe strain on our Republic. Particularly problematic is the increasing number of split court decisions. Rulings that are given with a one-vote margin further empower litigants to contest decisions, hoping for a more favorable outcome later or in a different court. Setting precedent, though, becomes so much more difficult for the public when a razor-thin decision is accompanied by a dramatic reinterpretation of the law.

One of the hallmarks of the Roberts Court is the drive to establish precedent not by finding the narrowest reading that can achieve a bare majority but its endeavor to ground seminal decisions in large majorities and unanimous findings. Public confidence in the legal system and the finality of the holding is ever greater when we do not see narrow decisions.

The Judiciary Committee just concluded a 4-day review of the nomination of Judge Gorsuch. In addition to hearing from Judge Gorsuch for over 20 hours, the committee received formal testimony from almost 30 outside witnesses. Thousands upon thousands of words were exchanged over the course of the hearing, all in front of the American public. What the people saw is a thoughtful, humble, and brilliant legal mind in the service of the people.

In response to a question of mine on Tuesday, Judge Gorsuch said the following:

> I come here with no agenda but one, no promises but one: to be as good and faithful a judge as I know how to be. That is it. And I cannot promise or agree or pledge anything more than that to this Congress.

That statement and the hearing as a whole confirmed Judge Gorsuch to be a man of great integrity, a mainstream, exemplary student of the law whose record shows that he is a part of unanimous decisions. On the Tenth Circuit, of all the decisions he has participated in in the last 10 years, 97 percent of the time, he was a part of a unanimous court, and 99 percent of the time, he was in the majority.

For days, my colleagues from the other side of the aisle raised the possibility that he might have secret intentions to try to subvert the law or shred the Constitution from the bench. They parsed single words for hidden meanings, imagined devious strategies emerging from concurring opinions, and searched for cloaked messages in his published writings.

Judge Gorsuch has over 10 years as a jurist, with 2,700 opinions to review; yet most of the debate was centered on just 4 or 5 cases. Some Senators were absolutely convinced they would find some problem. They did not.

Let's talk about what Judge Gorsuch testified to under oath. Despite repeated efforts to get him to make commitments about how he would rule or how he would reshape social policy, on his first day, he gave no fewer than eight assurances that he follows the law as a judge. By my count, on the second day, he gave at least 36 assurances that he looks to the law for his rulings. On the third day, it was 29 more times that he was asked and again repeated that he would look to the law for his rulings. That is right. He said at least 73 times that he is committed to the law when he hears a case as a sitting Federal judge. Still, several of my colleagues worried that he had a secret agenda to overturn longstanding legal precedence.

Just in case there are some confused, Judge Gorsuch mentioned no fewer than 97 times in these 3 days that he follows precedent as a judge, as he is bound to do. More than 160 times, Judge Gorsuch reminded the Senate and the American public what a proper jurist does: follows the law and the precedent. We even talked about the book he coauthored titled ''The Law of Judicial Precedent''—942 pages of dedication to following precedent. Maybe the title of the book was confusing to some.

During his oral testimony, he said he was dedicated to ''rul[ing] as the law requires,'' ''reading the language of the statute as a 'reasonable person' would understand it,'' and ''respect[ing] precedent.''

Just to put all such questions to rest, he assured everyone that he is ''without secret agenda. None.''

In reviewing his record, it is clear that those who come before Judge Gorsuch receive equal treatment under the law. He said:

> When I sit on the bench and someone comes to argue before me, I treat each one of them equally. They do not come as rich or poor, big guy or little guy. They come as a person. And I put my ego aside when I put on that robe, and I open my mind, and I open my heart, and I listen.

In Judge Gorsuch, we have a nominee who lives the American ideal of a modest jurist. He understands that his responsibility is not to suborn the powers of others but to help deliver the powers of justice.

Those who have encountered him as a legal advocate, an adversary in court, or a presiding judge all praise his fundamental fairness and subornation of his personal views.

His respect for the Constitution is not in question. His experience, wisdom, and judgment are not in question. His capability to serve is not in question. Commentators from both the left and the right overwhelmingly respect his legal mind and vouch for his commitment to fair jurisprudence.

Given Judge Gorsuch's judicial philosophy and his record as a judge, he

would be a welcome addition to a Supreme Court seeking cohesive decisions. His record on the Tenth Circuit is strong. Five of six of his decisions that did go to the Supreme Court for a review have been affirmed by the Supreme Court, including one which he wrote, and four out of five on which he joined the decision.

Not many judges have the experience, temperament, and stellar record to match Judge Gorsuch. Fewer still can garner overwhelming endorsement from colleagues, peers, and observers from across the political spectrum.

Some may try to distract from the central point that Judge Gorsuch is extraordinarily qualified and suited to serve as an Associate Justice. Others would like to discuss other issues or make his nomination a proxy fight about tangential matters. My colleagues and I will vote on his nomination, not on these other issues or distractions. I encourage all of us to remember that.

The Senate should be proud to add Judge Neil Gorsuch to the Supreme Court.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Madam President, I would like to thank my colleague for his good comments regarding Neil Gorsuch.

I rise today to strongly support Neil Gorsuch for the U.S. Supreme Court.

First, there is no question that Judge Gorsuch is qualified for this job. He served as a law clerk for two Supreme Court Justices, Justice Byron White and Justice Anthony Kennedy. He has also had a distinguished career in the public sector and in the private sector. Finally, of course, he worked in the Office of the Attorney General. He worked in the Justice Department, and he had a great reputation there as well.

Of course, in 2006, not that long ago, he came to the floor of the Senate to be confirmed to the Tenth Circuit. And guess what. He was unanimously confirmed by this body. In fact, at the time, Senator Hillary Clinton voted to confirm him. Senator Joe Biden voted to confirm him. Senator Barack Obama voted to confirm him, and, by the way, so did a number of Democrats who are currently serving in the Senate. Not a single Senator objected. Why? Because the guy is so well qualified.

Since then, in his 10 years on the Tenth Circuit Court, his record has shown that he is fair, he is independent, and he is a consensus builder, which only ratified what the Senate had done. It showed that, in fact, he was the kind of person who represents us well in court.

By the way, he is also a guy who knows how to find common ground. Listen to these numbers: 97 percent of the cases he has decided were unanimous decisions with the other two judges on the panel. Typically, as you know, these are judges who have been appointed by Presidents who are Republican and Democrat. Finally, he has been in dissent less than 2 percent of the time. So this is a guy who 97 percent of the time is unanimous, and 2 percent of the time he is in dissent. Out of the more than 180 opinions he has written as a judge—180 opinions—only one had ever been appealed to the U.S. Supreme Court from the circuit court, and, by the way, that one was affirmed.

So this is a guy who clearly knows how to build a consensus, bring people together, and that is needed right now. It is needed in this body. It is needed in our country as a whole, and it is certainly needed in the judiciary.

By the way, it doesn't surprise me that he is a consensus builder. If you think about it, he was a law clerk for Justice Byron White and Justice Anthony Kennedy. They are both known famously as being consensus builders and being able to bring together disparate decisions to try to find a decision at the Supreme Court level. So he has seen it up close and personal. He knows how to do it.

I would say, though, in terms of this debate we are having, it is not just about Neil Gorsuch and it is not just about another seat, as important as it is, on the U.S. Supreme Court. It is also an opportunity, by voting for Neil Gorsuch, to ensure that we have reestablished the proper role of this body, of the legislative branch and of the judicial branch in our system of government.

Judge Gorsuch understands that his job as a judge is not to impose his views on people but rather to apply the law, as written—to apply the law as written. That is kind of a basic part of our Constitution.

He put it well in his testimony before the Senate Judiciary Committee. He said: ''A judge who likes every outcome he reaches is very likely a bad judge.'' What does he mean by that? I think what he meant is that he doesn't believe in substituting his personal views for what he is supposed to do as a judge.

So you may not like the decision, but you are constrained by the Constitution, by the law, and that is what judges should do.

He went on to say that the job of a judge is ''not about politics. . . . If judges were just secret legislators, declaring not what the law is but what they would like it to be, the very idea of a government by the people and for the people would be at risk.''

I think he is right about that. It is not about what he wants. It is what the Constitution and the law say. Judges should not legislate from the bench. That is not their job.

Judge Gorsuch and I met recently, and he has met, I think, with about 80 of my 100 colleagues in the Senate, and he has talked to them about his views privately. I was very impressed with him. I was impressed with him as a person, his background, and his family. I was impressed with his approach.

I was talking about what he said that he is not going to substitute his own personal views. He basically said to me what he said in public. He is going to uphold the law, as written, even if his personal beliefs had led him to vote against the law if he had been in my position, as a legislator. I think that is what you want in a court.

But don't take my word for it. Judge Gorsuch also has earned the respect of lawyers and judges across the spectrum. Professor Laurence Tribe of Harvard Law School, who was an adviser to former President Obama and to previous Democratic Presidents, has said that Judge Gorsuch is ''a brilliant, terrific guy who would do the Court's work with distinction.'' That is Laurence Tribe.

Neal Katyal, who was President Obama's Acting Solicitor General—so a guy who knows a thing or two about arguing before the Supreme Court, because that is what the Solicitor General does with a lot of his time—has said that Judge Gorsuch's record ''should give the American people confidence that he will not compromise principle to favor the president who appointed him. . . . He's a fair and decent man.'' Again, this is the Acting Solicitor General for President Obama.

Yes, this debate is about something bigger than that, even. It is about Neil Gorsuch. It is about his character, his experience, and his judgments, but it is also about something I think even more important than this division of powers in our Constitution. It is about the rule of law itself. What does it mean?

Why does that matter? It matters because laws are an expression of the will of the people. The Constitution itself starts out with this idea, of course: ''We the people . . . establish this Constitution''—not ''we the Congress'' or ''we the government.'' It is we the people who govern ourselves. The government is the servant of the people under our Constitution, not the other way around.

When judges try to change the law rather than apply the law, they make themselves into an unelected legislative body. That is not just arrogant, by the way. I think that is unfair. Not because it steals legitimate authority from us, the elected representatives in Congress, but because it steals that authority and silences the voices of the people who elected us. Ultimately, that is what this is all about.

In this Republic, Congress writes the laws, the President ensures that the laws are faithfully executed, and the courts apply the law and our Constitution to specific cases that come before them. That is how it should work. That is how our Founders intended it.

I think it is more important now than ever to have a Supreme Court that understands this role and resists the urge to act as a superlegislature.

In recent decades, the Court has been increasingly asked to decide a lot of important matters that affect us all. Think about it. Healthcare, or the Affordable Care Act is an example, and

immigration, energy and environmental policies, social policies, First Amendment rights to free speech, freedom of religion, Second Amendment rights, and a hundred other issues. The Court affects all of our lives in ways that are fundamental, and rulings by the Court, of course, cannot be appealed to a higher court. All you can do is change the law. On constitutional provisions, you can't even do that.

At the same time as the scope of judicial power has expanded and as the significance of the Supreme Court's rulings has increased, there are some judges who have essentially rewritten statutes that did not suit them. They have taken the law and said: We are going to rewrite this in a way that we think works better. That is not their job.

One example I would give you is that a couple of years ago, the Supreme Court ruled, for example, that the words ''established by a state''—this was in the Affordable Care Act—could also mean ''not established by a state.'' I mean, literally, the Court said that, and that ''legislature'' could also mean a popular referendum. So they took the very words of a statute and said: We don't like the way that is written. We are going to change these words, and we are going to adjudicate this matter based on our understanding of these words, which is based on our personal opinion.

I don't think these rulings made sense logically but, more importantly, they changed the law, as written by the people and the people's Representatives.

So the stakes are high here. We have to get this right. There are people who make the argument that the Constitution is such a living document, whose meaning evolves as popular opinion evolves, that we should make judges into basically pollsters or superlegislators. I don't think that makes sense. But, more importantly, I don't think it is fair, and it is one reason why so many people have felt like their voices aren't being heard, I believe, when the courts do that.

Again, Neil Gorsuch gets it. As he said in his testimony recently, his philosophy ''is to strive to understand what the words on the page mean . . . [to] apply what the people's representatives, the lawmakers, have done.''

This should be what we all want in a Supreme Court justice—someone who will fairly and impartially apply the law and protect the rights we have guaranteed by our Constitution.

To my colleagues on the other side of the aisle, I would make a plea today: I would say that in this regard, I would think Judge Gorsuch is exactly the kind of Justice that you would like, someone who is actually going to apply the laws that you write—that we write—and not impose his personal views.

The American Bar Association—not known as a conservative body—has unanimously declared Judge Gorsuch ''well qualified'' for this job. That is their highest rating—''well qualified.'' That is what they have given him. The ABA has noted that ''based on the writings, interviews, and analyses we scrutinized to reach our rating, we discerned that Judge Gorsuch believes strongly in the independence of the judicial branch of government, and we predict that he will be a strong but respectful voice in protecting it,'' meaning the independence of the judicial branch. That is pretty strong from the American Bar Association.

By the way, despite these accolades he has gotten and his respect for the lawmaking that so many of us do here in this body, some of my colleagues on the other side may decide to vote against Judge Gorsuch, and they certainly have a right to do that. Of course, they do. But let's at least give him a vote. Let's give him an up-or-down vote. He deserves that. If a nominee this qualified can't get an up-or-down vote on the Senate floor, it is not clear to me who could.

Some have argued recently that the standard for a Supreme Court Justice should be 60 votes in the Senate—not an up-or-down vote, not 51 votes or a simple majority. The Washington Post has looked at that recently, and the Washington Post gave the notion that it should be 60 votes three Pinocchios—that means the guy whose nose gets longer when he is not telling the truth. Here is what the Washington Post said: ''There is no 'traditional' 60-vote 'standard' or 'rule' for Supreme Court nominations, no matter how much or how often Democrats claim otherwise.''

That is the Washington Post.

In fact, as you probably know, two sitting Justices on the Supreme Court right now were actually confirmed by this body with less than 60 votes. Justice Thomas, a very controversial nomination at the time, was confirmed 52 to 48—hardly a tradition of confirming with 60 votes. Justice Alito was confirmed 58 to 42 only 10 years ago. In fact, as we have heard on this floor, there has never been a successful filibuster of a Supreme Court Justice in the history of this body. That is hardly the standard. So I urge my colleagues to give him a vote, and I hope the result will be the confirmation of this smart, mainstream, decent man who is so well qualified for the Supreme Court and who has made it clear, again, that he is not going to impose his personal beliefs on the rest of us but will apply the law as written, and he is going to adhere to the U.S. Constitution. That is the kind of judge who deserves the support of all of us.

Thank you.

I yield back my time.

The PRESIDING OFFICER (Mr. TILLIS). The Senator from Colorado.

(The remarks of Mr. BENNET pertaining to the introduction of S. 767 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BENNET. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

YUCCA MOUNTAIN

Mr. HELLER. Mr. President, I appreciate the comments my colleague from Colorado has made on energy. I have an energy speech here, also. We have the same goals, maybe coming from different perspectives, but both the Senator from Colorado and I are trying to achieve the same thing.

I appreciate his hard work. He and I have worked well together over the years on the Finance Committee, as he mentioned, with the investment tax credits to make alternative energy viable products and industries in both of our States and across this country, so I appreciate his hard work.

Mr. President, I come to the floor of the U.S. Senate today to discuss an issue that is extremely important to the State of Nevada, and that is Yucca Mountain.

For over 30 years, those two words, ''Yucca Mountain,'' have incited frustration and anger for Nevadans across my State. It is not just a mountain 90 miles northwest of Las Vegas; it represents a decade-long fight by some in Washington to ''wrong Nevada.''

In 1982, the Congress approved the Nuclear Waste Policy Act and charged the Department of Energy with finding a long-term storage site for the disposal of spent nuclear material. At the time, Yucca Mountain was one of the many proposed geological sites to investigate.

Unfortunately, in 1987, the act was amended to concentrate only on one place, Yucca Mountain. Nevada, a State without any nuclear powerplants, was legally compelled to bear the sole burden of long-term storage of all of the Nation's nuclear waste. This decision was made on bad politics; it was not made on sound science. Ever since, the debate on solutions to this problem has been one-sided, and the study of alternative solutions has been curtailed.

Instead of honoring Nevada's persistent scientific and procedural objections to the repository, the Federal Government has spent decades of time and wasted billions of dollars to design and permit Yucca Mountain, all without any notion that Nevada would consent to the project.

I have spent the past decade in Congress successfully fighting off efforts to force this project on Nevada, and I will continue this fight for as long as I serve my State.

I want to be clear: Nuclear power is an important part of our Nation's energy portfolio. I am one of the most outspoken Republicans in Congress advocating to make our Nation's energy cleaner and more affordable. Nuclear energy, which represents about 20 percent of our Nation's power production, plays an important role in providing carbon emission-free baseload energy in many States, but Nevada—again, a State without a nuclear powerplant—should not have to shoulder the Nation's entire waste burden.

We have pursued other strategies to meet Nevada's energy needs. I can share a couple of those examples with you. More than two-thirds of Nevada's energy is produced by natural gas-fired powerplants. Just 2 weeks ago, I was at a groundbreaking at the Moapa Southern Paiute Solar Project, the first-ever utility scale powerplant to be built on Tribal land. This project will produce 250 megawatts of clean energy capable of generating enough clean energy to power an estimated 111,000 homes.

Last March, I joined with the Italian Prime Minister in celebrating the world's first combined solar-geothermal plant near Fallon, NV. This facility provides 26 megawatts of solar photovoltaic, 2 megawatts of solar thermal, and 33 megawatts of geothermal energy to Nevada customers.

Nearly half of the geothermal plants producing baseload clean energy in this country are located in Nevada alone. So overall, more than 2,000 megawatts of utility-scale renewable energy in Nevada, enough to power nearly 1 million homes, has been built to meet Nevada's needs. That includes 19 geothermal energy plants, 12 solar projects, 6 hydro facilities, 4 biomass or methane projects, 1 large wind farm, and 1 energy recovery station. These are just some of the examples we are doing in Nevada. Yet they continue to try to ram Yucca Mountain down our throats as if we are not doing enough.

As we examine viable solutions to the waste problem, it is important to note that there are some promising technological developments that could fundamentally change the Nation's waste storage needs. There are new reactor technologies that could repurpose previously generated spent fuel and produce carbon-free electricity with little or no waste. International research and development on innovative storage solutions and recycling processes could also be part of that solution.

Given the Yucca-centric strategy's previous failures, it would be logical for the government to try something new—some of these strategies that show promise—but, no, not here in Washington. Washington is at it again. Apparently, nearly 30 years of wasted time and billions of squandered taxpayer dollars is, simply, not enough.

The Department of Energy recently submitted what they call a skinny budget, including $120 million, in part, to restart licensing activities for the Yucca Mountain nuclear waste repository. That $120 million is a lot of money in itself, but let's be clear that it is just a fraction of the true costs.

Nevada has made it clear that it will contest each and every one of the 200-plus elements of any license application. State and Federal officials have estimated that the licensing process for Yucca Mountain will take 4 to 5 years and cost in excess of $1.6 billion.

In these difficult times, I ask my colleagues: Is it financially prudent to invest over $1.6 billion in any program that has not yielded results in over 30 years?

In case there is any confusion, I want to make sure everybody understands that Nevada's position has not changed and that it is not going to change on this issue. Our Governor, Brian Sandoval, continues to strongly oppose the project. In fact, he shares my same sentiment, and he shared it with me a few weeks ago when he stated:

> I will vigorously fight the storage of high-level nuclear waste in Nevada. Any attempt to resurrect this ill-conceived project will be met with relentless opposition and maximum resources.

Every serious presumed candidate for Governor in 2018—both Republicans and Democrats—strongly opposes Yucca Mountain. Nevada's attorney general, Adam Laxalt, recently requested $7.2 million of State resources over the next 2 years to represent the State's interests in the licensing process over Yucca Mountain, which he called ''a poster child of federal overreach.'' Soon, our legislature will reaffirm the State's opposition to the project with the passage of Assembly Joint Resolution No. 10.

To sum it up, it will cost at least $1.6 billion just to get through the application process. Think about that. It will take $1.6 billion just to get through the process, to get the applications ready, let alone to get the storage facility actually operational.

Make no mistake about it. I will continue to lead the Nevada congressional delegation's effort to stymie any misguided effort to spend one more Federal dollar on the Yucca Mountain repository. It is fiscally irresponsible and, simply, will not solve this important public policy issue that faces our Nation.

I implore my colleagues to work with me in a pragmatic way to solve our Nation's spent nuclear fuel and defense high-level waste storage problem that we have.

There is an old adage, and we have all heard it: The definition of doing the same thing over and over again and expecting different results is called insanity. Efforts by the executive branch and some Members of Congress to direct billions more toward a repository that will never be built is just that—insanity.

Our Nation cannot fully move forward with viable solutions until Congress moves past Yucca Mountain. Last year, the Department of Energy began a consent-based siting initiative to find alternative storage and disposal facilities. Identifying communities that are willing to be hosts for long-term repositories, rather than forcing them upon States that have outright opposed such sites for decades, is the only sustainable path forward.

I wholeheartedly support these efforts. In fact, I introduced bipartisan legislation earlier this year, the Nuclear Waste Informed Consent Act, to codify it into law. This strategy was wisely recommended by the Blue Ribbon Commission on America's Nuclear Future—a 15-member, bipartisan group that is tasked by the Federal Government to develop feasible solutions to nuclear waste disposal. This type of open process ensures all Americans have a meaningful voice in the process if their communities are being considered for a future nuclear waste repository.

I am confident that the government can find safe sites through the careful consideration of all alternatives that are based on credible scientific information and not by politicians here in Washington, DC. Let's stop the insanity. The administration and congressional Yucca advocates should focus their efforts on practical solutions and not on more of the same.

First, let's advance innovative energy technologies that repurpose and reduce spent fuel.

Second, let's invest in the research and development of recycling and alternative storage methods.

Third and most importantly, let's identify safe and viable alternatives for the storage of nuclear waste that remains in areas that are willing to house it.

These are worthwhile initiatives that actually, to use a football analogy, ''move the ball down the field.'' For far too long, our Nation has been going ''three and out'' because Washington keeps trying to run the same, stale game plan.

I am working diligently on feasible solutions to this important problem, and I urge my colleagues here today, on the floor of the U.S. Senate, to join me in that fight. I stand here, ready to work for what is best for my State and what is best for our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am deeply frustrated that Republicans, in one of their first actions following their and President Trump's disastrous attempts to repeal the Affordable Care Act, have decided to bring to the floor yet another CRA that would hurt workers, hurt the middle class, and hurt our economy.

Last week, millions of families sent a very clear message to President Trump and Republicans: Enough with the attempts to turn back the clock on progress for working families.

Clearly, President Trump and Republicans are not getting the message because, today, in what can only be described as a truly shameless giveaway to Wall Street, Republicans are poised to roll back a rule that would, simply, allow cities to help small businesses provide their workers access to easy, affordable, and high-quality retirement savings programs.

Before I continue, I want to reiterate what is at stake if Republicans roll back this rule. If Republicans pass this anti-worker resolution that is on the floor today, over 2 million workers in Philadelphia, in New York City, and in

Seattle—in my home State of Washington—will lose the opportunity to access a retirement savings program.

I expect my Republican colleagues to make several claims as to why they are pushing to repeal this rule, but I want to be very clear that this is a deliberate attempt by Republicans to deny millions of workers the opportunity to save for retirement just to ensure that Wall Street remains in charge of our retirement system and can continue to write its own rules.

The 2 million workers who are at risk today in these three cities are part of the nearly 55 million workers across the country, which include 2 million workers in my home State of Washington, who do not have access to a workplace retirement plan through their employers. That is about one-third of all of the workers in our country. These are workers—particularly low-income and young workers—who are putting in long hours, meeting all of their responsibilities, but who lack access to an employer-sponsored retirement plan.

Because Congress has been unable to come together to address our retirement savings crisis, cities and States have now stepped up to help more workers save for their own retirements. These programs vary, but they all generally include several things.

First of all, they allow employers to automatically enroll workers while giving workers the opportunity to opt out. Several studies have made clear that, when workers are automatically enrolled, they are more likely to save simply because it is easier to save. We all want that, and that is a fact.

Secondly, these programs apply only to businesses that do not currently offer retirement plans, and they, in no way, limit an employer's ability to seek out and offer its own employer-sponsored plan.

Lastly, these programs are worker and business friendly. There is little paperwork required for workers to participate in the programs, and there are no added burdens to the small businesses. In fact, in these programs, employers are strictly required to serve only in an administrative capacity.

Last year, Democrats, in their working with the previous administration, pushed for guidance to provide certainty to cities and States that have launched their own retirement programs.

This guidance clarifies an existing safe harbor that allows employers to establish payroll deduction IRAs, which gives States the clarity that these programs will not be preempted by Federal retirement law while still retaining the protections under the Internal Revenue Code. These retirement programs are safe; they are secure. This guidance merely provides flexibility to cities and States to move forward with these programs. Again, this guidance provides clarity for small businesses, which facilitate these programs for their employees, in that they may only act in an administrative capacity in operating these plans.

I think we all know what this repeal is truly about. President Trump is committed to doing everything he can to put the interests of Wall Street first. Unfortunately, with this action, Republicans in Congress are helping him do that.

It does not seem to matter if Republicans need to vote against policies they are on the record as having previously supported, like these retirement programs. Apparently, it does not matter if they need to vote to undermine our States' rights, as this resolution will do. It is becoming increasingly clear, without having a legislative agenda of their own, that Republicans are working to undo any and all rules and protections that had been put forth by the Obama administration.

It is not working. It is not leadership. It is not the kind of leadership our families deserve. After last week, I had hoped that President Trump and the Republicans would have dropped their extreme anti-worker agenda. Families nationwide are sending a clear message in marches and phone calls and letters and online and in their communities. They expect their representatives to be committed to working for them, and they are paying close attention—more than ever before—and are prepared to hold Members accountable.

This CRA is a critical vote. Families are watching. If you stand with working families, vote against this resolution. If you say you believe in States' rights, vote against this resolution. If you want to meaningfully address our retirement crisis, vote against this resolution.

I am here to urge all of our colleagues to reject this harmful repeal and to stand with our working families. That is what is at stake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

FILLING THE SUPREME COURT VACANCY

Mr. MERKLEY. Mr. President, the most important words in our Constitution are the first three words. Our Founders made sure that, when the Constitution was written, those were displayed—''We the People''—in supersized font so that, generations later, we would not forget what our Constitution is all about.

Our Constitution was not crafted to create a government that would make decisions by and for the powerful. It was not crafted to create a government that would make decisions by and for the privileged. That was the power of the ''we the people'' vision, as President Lincoln so eloquently stated, ''a government of, by, and for the people.'' Well, that is the vision we have the responsibility of maintaining, and it is a vision that is facing a dramatic test in this coming week—a test that affects the integrity of this body, a test that affects the integrity of the Supreme Court.

Back in January of last year, a Supreme Court seat came open. A Supreme Court seat for which the President had a responsibility to nominate a replacement, a new Justice to serve on the Court. We here in the Senate had a responsibility—a responsibility to exercise advice and consent. That meant that we would vet the nominee, that we would research, have a committee hearing, have a committee vote, and then forward it to the floor, where we would have a floor debate. But for the very first time in the history of the United States of America, the majority party decided that they would not exercise their constitutional responsibility, that they would instead steal this seat from the Obama administration, wrap it up, pack it into a time capsule, and send it into the future, in hopes that they would be able to succeed in packing the Court by having a different President, a more conservative President, proceed to fill the vacancy.

I am going to go through the 16 cases in our history where there has been a vacancy during an election year, and in 15 cases, the Senate acted. But last year, this Chamber refused to act, for the first time, in trying to exercise a seat-stealing, Court-packing scheme, and that diabolical act against our Constitution will have its final chapter of discussion next week. I think it is important that the Members of the Senate understand the history of the United States of America and the setting in which this debate is going to occur.

If you read the Constitution from start to finish, nowhere does it say that the Senate has the option of refusing to consider a Supreme Court nominee in the final year of a Presidency. This strategy was announced within hours of Judge Scalia dying. And why would the majority choose to reject their responsibility under their oath of office? Why would they choose to do that? Certainly it wasn't because Merrick Garland wasn't qualified. He hadn't been nominated yet. Certainly it wasn't because there was a precedent because there was no precedent in U.S. history for stealing a Supreme Court seat.

Here is what transpired. The majority said: This might be a nominee who will fight for the ''we the people'' vision of our Constitution, and we don't want that because we are committed to a different vision—a vision of government by and for the most powerful people in the United States of America—and we want to make sure that the Court has a 5-to-4 majority to keep turning the Constitution on its head, destroying the vision that this Constitution, our Constitution, was designed for.

Well, the President proceeded to carry out his responsibility despite the fact that the majority said: We are not going to consider your nomination because we are not going to honor our responsibilities under the Constitution.

Despite that, the President said he would honor his responsibility, and he nominated Merrick Garland on March 16.

The story here in the Chamber was that if he was on this floor, he would have plenty of votes, far more than 60 votes to be confirmed. So that kind of hardened the opposition, because there were more than 60 Senators who were going to say: Yes, let's embrace this mainstream judge who wants to fight for our ''we the people'' Constitution. But the leadership said no.

What have we seen unfold over the last few years of dark money ruling American campaigns? In 2014, we saw the Koch brothers decide that they wanted to control this Chamber, so they said: We are going to spend vast sums to elect a majority that will respond to our perspective as billionaires, coal and oil billionaires, kind of like a government by and for the powerful.

So they spent huge sums of money in Arkansas and in Louisiana and in North Carolina and in Iowa and in Colorado and in Alaska and in my home State of Oregon, and they won most of those States. Suddenly, there was the majority they had hoped for.

Then they sent a warning message to the Republican leadership in the form of this: In January 2015, the Koch brothers said: Pay attention because we plan to spend nearly $1 billion in the next election, 2 years from now, and if you cross us, you might know the consequences because we can spend money in primaries as well as in general elections.

That is the background on how the Senate majority decided to steal this seat for the first time in U.S. history.

Just to make sure we are checking all of our facts on this, let's take a look at those various vacancies. As I mentioned, there have been 16 in our history. In one group of nominations, those vacancies occurred after the election, so there was very little time for the Senate to act.

Nominee John Jay—President John Adams—was nominated on December 18. At that point in time, the new President took office in March, so there wasn't very much time, but nonetheless the Senate acted and confirmed the nominee, and, in kind of an interesting twist of fate, the nominee turned down the post.

When Ward Hunt was nominated by Ulysses Grant in December of 1872—again, just a couple of months before the next President would come in—the Senate acted.

Let's take a look at William Woods. The nominee from President Rutherford Hayes was also nominated in December of that year, just months before the new President would come in, but nevertheless the Senate acted.

In all three cases, they confirmed the nominee within that short period of time. They debated. They vetted. They acted. They fulfilled their responsibility under the Constitution.

Now there is another group of nominees in an election year where the vacancy occurred before the election, but the nominee was nominated after the election, and there are four in that group. We have President John Quincy Adams, who nominated John Crittenden. The day he nominated him was in December of 1828—again, just a few months before the new President would take office—and in that case, it was proceeded to be acted on by the Senate. The Senate chose to postpone the action, but they acted. They took a vote. They decided.

There was Jeremiah Black, the nominee, in February 1861. There was a motion to proceed. The Senate voted, and they rejected it.

Then we have a nominee from Abraham Lincoln in 1864, and that nomination was confirmed.

Finally, under President Dwight Eisenhower, there was William Brennan, and that nomination was confirmed as well.

In all of these cases, even though the nomination occurred after the election and there was little time, the Senate acted.

There is a set of nine more nominations that occurred in an election year, and these are cases where both the vacancy occurred before the election and the nomination occurred before the election.

Nominee William Johnson under Thomas Jefferson. Final result: The Senate acted. They confirmed.

Edward King under President John Tyler. The Senate acted. They rejected that nomination, but they acted. They tabled it.

Edward Bradford under Millard Fillmore. They proceeded to again reject the nomination, but the Senate acted.

Melville Fuller—nominee under Grover Cleveland—was confirmed. And realize this was in May of that year.

George Shiras under Benjamin Harrison. He was confirmed. That happened in July that the nomination occurred.

Brandeis under Woodrow Wilson. He was nominated in January. Confirmed.

John Clarke, also Under Woodrow Wilson. Nominated in July. Confirmed.

All of these were before the election in a parallel case to the situation with Justice Scalia passing away and a nomination in the election year.

Benjamin Cardozo was nominated by Herbert Hoover. He was confirmed.

So there we have 16 cases—actually, I have only mentioned 15 so far—15 cases in our history in an election year, and in each and every case, the Senate acted—in each and every case except for the tragedy, the desecration of the Senate process that occurred last year.

Merrick Garland was nominated by Barack Obama in February. No action. The first no action in U.S. history. The first stolen seat in U.S. history.

Let's understand that this is politics out of control when Senators would ignore their oath of office, would proceed to engage in a Court-packing scheme and steal a Supreme Court seat. This is politics completely unhinged. This is driven by the dark money of the Koch brothers. This is the powerful, behind-the-scenes puppet master telling the Senate what to do because they cannot afford to have a Justice who hadn't been appropriately vetted by conservative think tanks to make sure how they will vote on Citizens United possibly get on the Supreme Court. Nobody knew how Merrick Garland would vote on Citizens United. On the Democratic side, we worried that he might sustain it. On the Republican side, they worried that he might strike it down and be a ''we the people'' Justice. But instead of engaging in responsible Senate action required by our oath of office, for the first time in U.S. history, the majority, driven by a powerful special interest, the Koch brothers, decided to steal the seat.

So that is the setting in which next week's debate will occur. We have heard some very self-righteous words coming from the majority side saying: Look how qualified he is. How could you possibly say there is anything wrong with this nomination?

Well, I asked my fellow colleagues to realize the reality of what they are engaged in, that they had a responsibility and that every Senate majority in U.S. history exercised that responsibility until last year. And it corresponds to this enormous growth of dark, secret money under Citizens United entering our campaigns. It corresponds to the threat that the Koch brothers made in January of 2015 that they were going to spend nearly $1 billion in the 2016 election.

One of our Republican colleagues said he thought the Senate should do their job. He thought we should hold a debate, we should hold a vote. And there was a tremendous pressure brought to bear on that colleague from the suppliers of this dark money, and then 3 days later he changed his position.

This is a corruption of the very foundation of our democracy, and that is why there is only one legitimate nominee who President Trump should put forward to end this act of theft, to honor the integrity of the responsibility of the Senate, and that is Merrick Garland. We don't know where he stands on lots of issues. He has been a judge who came right down the middle. He has been a judge whom everybody respected. He wasn't from the extreme. But the process of stealing the seat was to get a judge whom everyone knew where he stood, because they wanted to make sure that he would sustain Citizens United, that he would take the corporate side against the consumer time after time after time. This is why there is a tragedy unfolding right now. I urge the American people to pay attention because the very foundation of our democracy, of the integrity of our institutions are being shattered, degraded, and destroyed right before our eyes.

Those who care about the Constitution, those who care about the integrity of the Senate doing its job under its oath, those who care about the integrity of the Court must stand up and say no to this effort to pack the court.

One of the arguments colleagues made, not knowing the history of the United States, was that there just wasn't time. There was just not enough time to consider a nominee. So here is a little bit of information regarding time. Since the 1980s, every person appointed to the Supreme Court has been given a prompt hearing and a vote within 100 days. Since 1975, the average is 67 days.

So to those who said that this seat opened up in January and there wasn't time left to have the Senate exercise its responsibility, we can see that they were just presenting a falsehood, that there was plenty of time for the Senate to exercise its responsibility. To those who said that the nomination didn't come until March, there was still 10 months left. So from the time that Merrick Garland was nominated, 293 days were left in the administration.

For Kagan, consideration took 88 days; for Sotomayor, 67; for Alito, 83; for Roberts, 63; for Breyer, 74; and for Ginsberg, 51. Do we hear any numbers equivalent to 293 days?

Let's look at Thomas, 69 days, Kennedy at 65, Scalia himself at 85, Rehnquist at 89, and O'Connor at 33. They all fall into the same pattern of a couple of months for the paperwork to be done, the investigation to be completed, and the committee to hold hearings and to act. But there is Garland, with 293 days, and the Senate failing to act.

This simply reinforces the pretense put forward that there wasn't enough time, or that there was a tradition of not considering a nominee for a seat that became available in an election year, because it has happened 15 times previously in our history, and in all 15 times the Senate acted—every single one. So every argument put forward was phony, was wrong, and was based on falsehood. It was driven by dark money puppeteers of this Chamber wanting to make sure they could keep open their Citizens United money corrupting American campaigns and debasing our democratic Republic.

So to everyone who cares about the integrity of the Senate and the integrity of the Court, let this Senate know that they must return to respecting this institution and to respecting the Court. That means Merrick Garland must be the nominee until the Senate has acted on him, and the nominee before us must be rejected. To do anything else is to desecrate the integrity of this Court and this Chamber.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Colorado.

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, I come to the floor once again today to talk about the confirmation of Judge Neil Gorsuch to the U.S. Supreme Court.

In the 235 years of our Nation's history with the Constitution, there has never been a successful partisan filibuster of a Supreme Court Justice. What I mean by that is this: No Supreme Court nominee has ever been rejected by a partisan filibuster on the floor of the Senate. Now, sure, we can argue about the 1968 bipartisan attempt to make sure that then-Associate Justice Abe Fortas wasn't elevated to the Chief Justice position.

What this Chamber is facing today isn't a question of whether we will abide by the Biden rule. The Biden rule, of course, was when Joe Biden said: During the last term of the outgoing President, when the office is up for election, we are not going to confirm any nominees. This isn't an argument over whether CHUCK SCHUMER was right when Senator CHUCK SCHUMER said: Heck, over the last couple of years of the Bush administration, we are not going to allow a Justice to be confirmed.

That is not what we are arguing about today. We are arguing about whether a brilliant legal mind, a judge who has proven incredible legal temperament over the last several months since his nomination, a judge who has agreed 97 percent of the time with the majority decisions of the court, should receive an up-or-down vote.

Have no doubt that this is a historic opportunity for this Chamber to come together to prove that we believe in that 230-year precedent of confirming Supreme Court Justices. This is an opportunity we have to come together on a judge who just 11 years ago was confirmed unanimously by voice vote. There was no opposition 11 years ago to Judge Gorsuch when he was confirmed to be placed on the Tenth Circuit Court, which is based in Denver. Now, the Denver-based court, the Tenth Circuit Court, covers about 20 percent of our Nation's land mass. It is a huge, huge area. This is a court that deals with public lands cases. This is a court that deals with water issues, complex public lands issues, and Tribal issues. This is a judge who has been a part of 2,700 opinions, voting 97 percent of the time with the majority of the court.

Now, the majority of the court aren't all George W. Bush or George H.W. Bush or Ronald Reagan nominees. The nominees in the Tenth Circuit Court are bipartisan justices. It is filled with Democratic and Republican appointees. That is the Tenth Circuit Court, with whom Judge Gorsuch has worked. Judge Gorsuch has been somebody known as a feeder judge. A feeder judge is somebody that the Supreme Court—when they are looking to select clerks to help the Justices do their work—looks to, like Judge Gorsuch, to provide them with law clerks to help them at the Supreme Court. They do that because he is an incredible and outstanding jurist, somebody who has the respect on both sides of the aisle, Republican and Democrat. That is why he is a feeder judge. That is why he was confirmed 11 years ago by a bipartisan body of Senators.

In the last couple of weeks, we have seen days' worth of hearings where each Senator has been able to speak for an hour or so, questioning Judge Gorsuch, days' worth of hearings where the American people witnessed as Judge Gorsuch laid out his legal philosophy and his temperament, and where he displayed the even temperament we need on a Supreme Court—the kind of temperament that not only is able to work with colleagues but understand complex legal cases. And 11 years ago his confirmation was so noncontroversial that when it came to his confirmation, Senator LINDSEY GRAHAM was the only one who showed up. He was the only one at the confirmation hearing. That is how noncontroversial it was. What a difference a court makes.

Now, let's talk about some of the Senators who supported him, or at least didn't object to him, 11 years ago. Then, Minority Leader CHUCK SCHUMER didn't oppose Judge Gorsuch of the Tenth Circuit Court. Senator LEAHY, a member of the Judiciary Committee, did not object to Judge Gorsuch. Senator FEINSTEIN, another member of the Judiciary Committee, didn't oppose Neil Gorsuch. Senator DURBIN, the minority whip, did not oppose Judge Neil Gorsuch 11 years ago. Senator CANTWELL, Senator CARPER, Senator MENENDEZ, Senator MURRAY—none of them opposed Judge Gorsuch's confirmation to the Tenth Circuit Court. Senator NELSON, Senator REED, Senator STABENOW, Senator WYDEN—all of them here today. None of them objected to Neil Gorsuch.

It is even more than that. Then-Senator Barack Obama did not object to Judge Gorsuch's confirmation. Then-Senator Hillary Clinton didn't object to Judge Gorsuch's nomination. Then-Senator Joe Biden helped pass his confirmation, his appointment, and made sure it cleared on a voice vote.

To hear the partisan bickering here is extremely disappointing and disingenuous. So I hope this Chamber will do what we do best in this country, and that is to come together on issues of doing our job of confirming a Supreme Court Justice after spending the past several months complaining that the Supreme Court wasn't filled.

This judge should receive bipartisan support, as he did 11 years ago. I guess the question has to be asked of people who are now opposing Judge Gorsuch today, who either supported or did not object to him 11 years ago: Did they not do their work 11 years ago? Did they not realize he was a bad judge? Or has the time of politics changed? Or are we just dealing with a President whom they have decided they don't want to have a Supreme Court Justice from? I guess that is what has perhaps changed the most over the past 11 years, because there is not really a narrative we can point to for a reason of why they should oppose him, other

than people just deciding that the politics of the now require it, and that is incredibly disappointing.

If we look at Judge Gorsuch's statements, he talks about Justice Scalia's vision of the good and faithful judge. I think it is a worthy one that we focus on because of what it means to Judge Gorsuch—soon to be Justice Gorsuch—to be a good and faithful judge:

It seems to me that the separation of legislative and judicial powers isn't just a formality dictated by the Constitution. Neither is it just about ensuring that two institutions with basically identical functions are balanced one against the other.

To the founders, the legislative and judicial powers were distinct by nature and their separation was among the most important liberty-protecting devices of constitutional design, an independent right of the people essential to the preservation of all other rights later enumerated in the Constitution and its amendments.

Now consider . . . if we allowed the judge to act like a legislature. Unconstrained by the bicameralism and presentment hurdles of Article I, the judge would need only his own vote, or those of just a few colleagues, to revise the law willy-nilly in accordance with his preferences and the task of legislating would become a relatively simple thing.

Notice, too, how hard it would be to revise this so-easily-made judicial legislation to account for changes in the world or to fix mistakes. Unable to throw judges out of office in regular elections, you'd have to wait for them to die before you'd have any chance of change. And even then you'd find change difficult, for courts cannot so easily undo their errors given the weight they afford precedent.

Notice finally how little voice the people would be left in a government where life-appointed judges are free to legislate alongside elected representatives.

The very idea of self-government would seem to wither to the point of pointlessness.

Indeed, it seems that for reasons just like these Hamilton explained that ''liberty can have nothing to fear from the judiciary alone,'' but that it ''ha[s] everything to fear from [the] union'' of the judicial and legislative powers. . . .

That is the explanation that Judge Gorsuch has given to Justice Scalia's good and faithful judge—a judge who believes that the judicial branch is the guardian of the Constitution to take a decision or a question before them to the place the law leads them to, not to the place where politics sends them or politics demands them or personal opinions and beliefs dictate.

We have heard Judge Gorsuch say he believes that a judge who personally believes or agrees with every opinion he reaches is probably a bad judge. It is because Judge Gorsuch knows that once you put on the robe, you don't follow your personal opinion. You follow the law. That is the guarding of the Constitution that the Federalist Papers talked about.

So that is the kind of nominee we are dealing with—a nominee who understands the separation of powers and who understands the role of the judiciary, the role of the legislative branch, and the role of the executive. In fact, he believes that the executive branch has been empowered too greatly and that we should once again have separate but equal branches of government balanced in power.

I think that is a good judge to place on the Court—a judge who is clearly mainstream, a judge who clearly has the temperament to work with colleagues to make our country proud.

Certainly as a fourth-generation Coloradan, I am very excited Judge Gorsuch has been nominated by the President. In addition to the bipartisan support Judge Gorsuch received here 11 years ago, he also has tremendous bipartisan support back home in Colorado. In fact, I have a letter here from Jim Lyons, who was a personal friend and lawyer for President Bill Clinton. It is a letter to Senator GRASSLEY, chairman of the Senate Judiciary Committee, dated February 7, 2017.

I write this letter in strong support of the nomination and confirmation of Neil Gorsuch for Associate Justice of the Supreme Court.

He ends his letter with this:

Judge Gorsuch's intellect, energy and deep regard for the Constitution are well known to those of us who have worked with him and seen first-hand his commitment to basic principles. Above all, his independence, fairness and impartiality are the hallmarks of his career and his well-earned reputation.

The former Governor of Colorado, Democrat Bill Ritter, supports the confirmation of Judge Neil Gorsuch.

Eleven years ago, then-Senator Ken Salazar spoke very highly of his temperament, saying in 2006 that Judge Gorsuch met the ''very high test'' required of someone to be a ''great judge'' and that he has ''demonstrated a dedication to fairness, impartiality, precedent and avoidance of judicial activism—from both the left and the right.''

The Denver Post editorial board, which came out in support of Hillary Clinton, argued for Neil Gorsuch's nomination, saying: ''A justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go far to restore faith in the highest court of the land.''

Neal Katyal, former personnel in the Obama administration, stated his support for Neil Gorsuch: ''I am confident Neil Gorsuch will live up to that promise'' to ''administer justice without respect to persons, and do equal right to the poor and to the rich.''

The Washington Post editorial board, many others in Colorado's legal community, including the former cochair of the Host Committee of the Democratic National Convention in 2008, support the confirmation of Neil Gorsuch. This is not a partisan judicial appointment; this is a judge who has strong bipartisan support from the people who know him best.

I hope we can live up to that high, noble intention of our Constitution, the purpose of the Senate, to make sure we are confirming somebody to do a lifetime service for this country in a way that respects our Constitution and the people of this country.

I hope that over the next several days as we debate the nomination, we will move away from this cliff of changing two centuries' worth of precedent in this body and instead come together in a way that befits the best nature of our country.

Mr. President, I thank you for this opportunity to speak and come to the floor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. PERDUE. Mr. President, I rise today to speak about one of the greatest honors and privileges that we enjoy here in the Senate. As outlined in article II, Section 2, of the Constitution, one of the real honors of serving here in the Senate is the opportunity to offer advice and consent for nominees to the U.S. Supreme Court.

This body has historically treated it in such a solemn manner that in over 230 years of our history, no nominee to the Supreme Court has ever been denied a seat through the use of a partisan filibuster. Unfortunately, right now, Members—colleagues from the other side of the aisle—are threatening that very precedent.

As I said on the floor earlier this year, President Donald Trump promised the American people he would nominate an unwavering supporter of the Constitution to fill the vacancy left by the late Justice Scalia. This President has kept his promise. He has nominated somebody who was actually confirmed here in the Senate not that long ago by a voice vote by Members who are still here in the Senate, many of them. This was a nomination to the Tenth Circuit, a role that this man, the nominee, filled with great honor and much distinction.

Judge Neil Gorsuch's record of service lives up to the highest standards for a Federal judge. His academic and legal records are impeccable. He has demonstrated a keen understanding and appreciation for the rule of law, and he spoke so articulately in hour after hour of interrogation, actually, in his confirmation hearing just last week. Most importantly, Judge Gorsuch has repeatedly demonstrated his commitment to the Constitution and to our founding principles of economic opportunity, fiscal responsibility, limited government, and most important, individual liberty.

His testimony last week before the Senate Judiciary Committee was masterful. It absolutely convinced me that he is the man for this job. Judge Gorsuch listened to questions, carefully responded thoughtfully, and he gave an indication into his own demeanor that he would use in the Supreme Court. Judge Gorsuch listened to questions carefully over and over. He illustrated the ability to show a balance of judgment, which is what we look for in a lifetime appointment like this. He made it abundantly clear that the role of the judicial branch is to interpret—not to make law but to interpret the law.

In my own individual meeting with Judge Gorsuch, these same qualities stood out. I was very impressed with his disarming nature and ability to talk about issues without necessarily showing bias of his own opinion. Because of all this, I know he will serve as a Justice in the mold of Justice Scalia, that of a balanced judiciary member.

I should also point out that this is not a partisan view point. Conservatives and liberals have come out in support of Judge Gorsuch's confirmation over and over through the past week since his nomination. Neal Katyal, who served as Acting Solicitor General under former President Obama, as a matter of fact, has described Judge Gorsuch as ''an extraordinary judge and man.''

The American Bar Association, which many members of this body hold as a gold standard for judicial nominees, actually gave Judge Gorsuch its highest rating—something they don't do very often. They did so unanimously, by the way.

Those who know Judge Gorsuch best, regardless of their political persuasion, have offered ample praise and abiding respect for this well-qualified nominee.

If confirmed, I have full faith that Judge Gorsuch's rulings will be just and rooted in the letter of the law.

This nomination and confirmation come at a time in the history of this Republic when it is absolutely crucial that we have a balanced jurist as the ninth member of the Supreme Court. Jonathan Turley, constitutional law professor at George Washington University right here in Washington, says that this past administration created a constitutional crisis the likes of which our country has never seen. Professor Turley talks about how a President has shown future Presidents a new precedent of how to run the government without Congress by blocking the Senate and actually creating the fourth arm of government—the regulators.

This is a time we have to have a jurist who will bring a balanced view for all Americans to be represented in the Supreme Court.

I am proud to have the opportunity to support this nominee. I urge my colleagues in the Senate to put partisan interest aside, to put the best interest of the country first, and to confirm Neil Gorsuch as the next Justice of the Supreme Court.

I take this as a huge privilege to speak out today, and I will speak more next week on the history of this nomination.

Thank you for the opportunity to speak.

I yield my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, there has been a long conversation about a Supreme Court Justice. Quite frankly, there should be a long conversation. It is an incredibly important role of the Senate for advice and consent. We are talking about a Supreme Court Justice as someone who serves on the Court for life, so it has to be right.

A long conversation about Neil Gorsuch is coming to a head. In the next week, he will come to this floor. He will face final debate, and the very long confirmation process will end with him joining the Supreme Court as the ninth Justice. When he is added on as an Associate Justice, it won't have been a short journey. He has met with every single Senator face to face. He has made all the time available that they wanted to have for face-to-face questions and to be able to go through those issues personally. He has been in very long hearings. He sat down hour after hour, multiple days, answering questions from Senators in the Judiciary Committee, then a vote from the Judiciary Committee, and then coming to this floor. There has been research in his background in every case. Everything he has ever written and every speech he has ever given has been examined overwhelmingly. And at the end of that, he has been found to be a very serious member of the judiciary.

In this body in 2006, he was put on the Tenth Circuit, a circuit that Oklahoma happens to be in. There was a unanimous vote in the Senate in 2006 for him to join the Tenth Circuit. He was seen as a consistent, solid, mainstream, fair judge. That means Senator Joe Biden voted for him. Hillary Clinton voted for him. CHUCK SCHUMER voted for him. Barack Obama voted for him in 2006.

After going through all of his background leading up to this point, since that time, what has happened? Did he leave the mainstream during that time period after he was overwhelmingly voted here, unanimously out of the Senate, to be on the Tenth Circuit? Well, since that time, he has been a part of 2,700 cases in the last decade. Of those 2,700 cases, 97 percent of them were unanimous. In 99 percent of the cases, he was in the majority in those opinions. Only 1 percent of the time he was not in the majority of the decision.

So you may ask, who is the Tenth Circuit Court that he is working with, this large group of judges who are in that court? Let me give you the basics of it. Of the Tenth Circuit judges there right now, whom he is serving with, with whom he was in the majority 99 percent of the time, five of the other judges were Obama appointees, five of them were George W. Bush appointees, three of them were Clinton appointees, three of them were Reagan appointees, 1 was Bush 41, and 2 of them were from President Carter. That is the group he was voting with in the majority 99 percent of the time.

He was seen by this Senate in 2006 to be a solid, mainstream jurist. Since that time period, he has voted with them 99 percent of the time in a very diverse Tenth Circuit.

CRS, in their background research with him, said that Judge Gorsuch's opinions had the fewest number of dissents of anyone in the Tenth Circuit. In other words, when he wrote the opinion, his colleagues disagreed with him the fewest number of times of anyone on the Tenth Circuit.

He is a solid jurist, respected around the country, and one who deserves not only an intense investigation but I believe deserves to be put on the Supreme Court of the United States. I look forward to voting for him next week.

In the process, I hope, as we support him, that we will also step up and do a process that has been consistent in this country for the last 230 years of how we process through judges; that is, we have an up-or-down vote. They are not blocked by a cloture vote to try to keep them from getting to a final vote. The judges here get an up-or-down vote. That is the way we have done it.

Of the eight Justices who are sitting on the bench right now, only one of them even had a cloture vote at all, and that one wasn't even close. It was 72 to 25, and that was Justice Alito.

Just to walk through the brief history of some of the recent judges and some of the things that have happened and how it is absurd that we would even be discussing a filibuster of a Supreme Court Justice, Justice Kagan was approved by a vote of 63 to 37. There was bipartisan support coming out of the committee. I can assure you, there wasn't bipartisan support for policy positions.

For some reason, Judge Gorsuch is being accused of being partisan or political or somehow connected to the President, so that would disqualify him.

Ironically, Justice Kagan was a member of the White House staff before she was nominated to go onto the Court. That was not considered disqualifying when it was Justice Kagan and the Republicans were in the minority looking at it. They considered that everyone should be looked at fairly based on qualifications, when she was coming directly from the White House staff onto the Supreme Court.

Justice Sotomayor was approved by a vote of 68 to 31—again, bipartisan support even in committee.

Clarence Thomas, one of the most controversial nominees in this last century, came out of the committee with a divided committee. After the vote failed, the committee then voted to send his nomination to the floor without a recommendation. He then passed on a floor vote of 52 to 48. There was never a request for a cloture vote. No one filibustered him—not one person.

If Clarence Thomas would have had a filibuster threat facing him, he wouldn't be on the Court today. He has been an excellent jurist on the Supreme Court, but he came out during a time when there weren't these idle threats.

It is even interesting that Robert Bork, who is currently not on the Court—his vote failed 42 to 58, but that was a failed final vote. Robert Bork did

not face a filibuster threat. He was brought to a final up-or-down vote.

I could go on and on to walk through the judges and Justices and how they have gone through the process, but there has been a simple procedure: Is this person qualified?

The American Bar Association, multiple entities, huge bipartisan support around the country—there is no question he is qualified. There is no question he has been a great jurist. There is no question he has been an excellent writer.

Now it is a question of, Will the Senate follow through on the procedures that we have followed through on for two centuries? Give judges an up-or-down vote, and the majority and the minority both respect the process of what it means to be a part of article III leaders in the Justice Department.

This is the way that this works in the days ahead; this is the way it has worked in the days past. We need to be able to resolve it now.

I look forward to voting up or down and getting that vote for Judge Gorsuch. I look forward to his joining the Court to be that ninth Justice and to the Court being able to get back to their business. There are a few issues that are unresolved from the fall. There are not many cases that were divided 4 to 4, but a few. It is time to get those resolved and be able to add this ninth Justice.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I certainly agree with the comments just made by our friend from Oklahoma in looking back at the history of the Court. The 200 years of giving judges a vote really is an important thing for us to understand, as hopefully enough Members of the Senate decide between now and sometime next week that the up-or-down vote—where they get to vote however they want to—is totally appropriate.

I would like to speak about one other topic that we are dealing with this week. I was here yesterday to talk about Judge Gorsuch. I will likely be back again before this debate is over because it is critically important that he be confirmed.

Mr. President, I want to speak for just a minute about what we are also doing this week under the Congressional Review Act. One of the reasons the Court matters is that the Court gets to decide on occasion whether an agency has the legal ability to make a rule, but just because they may have the legal ability to make a rule doesn't mean they should make a rule that stands if the Congress doesn't agree.

The Congressional Review Act, under the late rulemaking of President Obama, has had a real opportunity to work for, I would say, the first time, but the truth is, it has worked one other time in 2001. In the 25-or-so-year history of the Congressional Review Act until the last few days, the last few weeks, it has been utilized only because it is really only practically available to the Senate and to the House if there are midnight rules, rules that come up at the last minute.

As of today, the Senate has already passed 11 resolutions that have disapproved those late rules that came in the final days of President Obama's administration. By the time we finish this process, I think we will be toward a total of maybe 15 rules that would have had a real impact on our economy, that would have had a real impact on job creation, that would have had a real impact on families. Those rules are not going to happen because of the Congressional Review Act.

I have been an opponent of many of these rules and many of the regulations we have seen over the last 8 years, but they have often been able to become law anyway because the Congress, frankly, couldn't do anything about it.

TITLE X PROGRAM

In particular, I would like to commend Senator JONI ERNST for her work on the resolution of disapproval we expect to consider tomorrow. Senator ERNST's resolution would simply restore the ability of States to set their own criteria for grant recipients under the title X program.

I would like to remind my colleagues that this rule was issued on December 19, 2016. It took effect January 18, 2017, 2 days before the end of President Obama's administration. So for 7 years and 363 days, the Obama administration didn't need this rule, but they issued it on the way out the door.

Overturning this rule would not reduce a single dollar of funding that is available under title X. Again, all we are doing is simply giving back to the States the flexibility they had until the last 48 hours of the Obama administration to determine which health providers were in the best position to provide the particular set of healthcare services before the rule took effect.

This rule is another example of overreach. This is another example of out-of-control regulators. I certainly am pleased to see Senator ERNST bring it to the floor.

The determination of how the rules should be made and who should make them and who should do something about it is something that this Congress, in the next few weeks, has to take a stronger stand on.

I hope we find a way where we have to vote on every rule that has any significant economic impact. That bill has passed the House of Representatives already.

I see the Senator from Wyoming here, so I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I would like to add my voice to that of the Senator from Missouri. I thank him for his leadership and for his excellent work on the matters that he has been addressing.

NOMINATION OF NEIL GORSUCH

Mr. President, I am here to address the issue, as I have done before and will again, of the nomination of Judge Neil Gorsuch to be a Justice of the U.S. Supreme Court. America needs judges who can follow the law, who have the highest ethical standards, and who value the independence of our courts. That is the description of Neil Gorsuch. That is him in a nutshell. We saw it throughout his career, and we saw it again in his confirmation hearing last week.

Democrats on the committee asked him to talk about issues that are going to be coming up before the Supreme Court. Well, Judge Gorsuch—we know what he did. He followed the rules, the ethics rules. These are the rules that say that judges and nominees should not answer those kinds of questions.

Following the rules is exactly what he should have done, and it is exactly what other nominees that both Republican and Democratic Presidents have placed on the Court have done in the past.

It is what Ruth Bader Ginsburg did at her confirmation hearing in 1993. She said that a ''judge sworn to decide impartially can offer no forecasts, no hints.'' She said that this would ''display disdain for the entire judicial process.'' She was confirmed.

That is exactly what Judge Gorsuch said. That is the Ginsburg standard, and every nominee since then has followed that standard.

Democrats on the Judiciary Committee also tried last week to criticize Judge Gorsuch for some of his opinions that they didn't like. They suggested that the Court should have ignored the law—ignored the law and sided with ''the little guy'' in these cases.

Judge Gorsuch was quick to point out that all judges are absolutely not supposed to consider who they think is sympathetic. They are to rule based on the law.

Federal judges actually swear an oath to ''administer justice without respect to persons, and do equal right to the poor and to the rich.''

It is interesting because the minority leader, Senator SCHUMER, himself has spoken about how important it is for a judge to be impartial. In 2009, at the confirmation hearing for Justice Sonia Sotomayor, he praised the way that she put the ''rule of law above everything else.'' He said that she did this even when it led to rulings that ''go against so-called sympathetic litigants.'' That was 2009.

Fast forward to 2017. It is the identical standard that Judge Gorsuch has followed. He pointed out that it is his job to apply the law, and writing the laws is the job of the legislative branch of government.

We are not here selecting the 101st Senator. This is not about who ought to be another Senator. This is about who should be on the Supreme Court. We are selecting a Justice for the most important Court of the land.

Nearly everyone who has looked at this nominee's record, who has watched his confirmation hearing agrees that he would be an excellent Justice. There was one lawyer who wrote an op-ed in The Washington Post on March 8. He is a board member of the liberal American Constitution Society. He wrote that ''there is no principled reason'' to vote against Judge Gorsuch. A Denver Post editorial last week said Judge Gorsuch would make ''a marvelous addition to the Supreme Court.'' The American Bar Association has given him its highest possible rating. He was even introduced at his confirmation hearing last week by a former top lawyer for the Obama administration. Neal Katyal is a Democrat. He was the Acting Solicitor General of the United States for President Obama. He has called Judge Gorsuch ''one of the most thoughtful and brilliant judges to have served our nation over the last century.''

I think any Democrat who watched the confirmation hearings and looked at the nominee's record will decide it is an easy decision to confirm him.

If there is a Democrat who reaches the opposite conclusion, I say: Come to this floor. Come to the floor of the U.S. Senate. Explain why you think our judges should go into a case favoring one side or another. If you think a judge should make promises about how he will rule just to win the vote of a Senator, go ahead. Come to the floor. Make your case. If you think that a Justice of the Supreme Court should ignore the law and rule not based on the law but by that judge's own preferences, please come to the floor and say so. I don't think that is what the American people want.

The American people want judges who are smart, who are principled, who are fair, and who know that their job is to follow the law, not write the law. The American people know that Neil Gorsuch is exactly that kind of judge, and that is the kind of judge who we should have on the Supreme Court and on every court of the land.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to complete my remarks today.

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

Mr. HATCH. Mr. President, I want to compliment the distinguished Senator from Wyoming for the wonderful remarks he has made. They are right on point.

Last week's Judiciary Committee hearing on Judge Neil Gorsuch's Supreme Court nomination made two things abundantly clear. The first is that Judge Neil Gorsuch is a superb, highly qualified nominee. Second, with the possibility of the first partisan filibuster in the history of a Supreme Court nominee, I have come to the conclusion that some Democrats would do almost anything to keep us from having an impartial, independent judiciary.

As I explained at the start of the hearing last week, qualifications for judicial service include both legal experience and judicial philosophy. Legal experience looks at the nominee's past accomplishments in the law, while judicial philosophy anticipates the nominee's future judicial service.

Judge Gorsuch's legal experience is among the most impressive that I have seen in my 40 years on the Judiciary Committee. He is truly an impressive man. This is no doubt why the American Bar Association easily and unanimously gave Judge Gorsuch its highest ''well qualified'' rating, the highest rating it can give. I certainly have had my differences with the ABA, because at times they appear to let political or ideological considerations influence their rating. I mention their rating now because my Democrat colleagues, including Senators LEAHY and SCHUMER, have called the ABA's rating ''the gold standard'' for evaluating judicial nominees.

The ABA testified about their rating at last week's hearing, explaining that they sought input from more than 5,000 people throughout the legal world who would have personal knowledge about Judge Gorsuch. That is about as broad a group as I have ever heard of. They assembled 40 scholars and nationally recognized Supreme Court practitioners to review his judicial opinions, other writings, and speeches. The ABA's 1,000-page report concluded that Judge Gorsuch meets the ''very high standards of integrity, professional competence, and judicial temperament.''

Editorial boards across America took notice as Judge Gorsuch demonstrated such qualities to everyone.

The Denver Post said that Judge Gorsuch ''possesses the fairness, independence, and opened-mindedness necessary to make him a marvelous addition to the Supreme Court.''

The Detroit News said that Judge Gorsuch ''is proving himself an even tempered, deeply knowledgeable nominee who should be confirmed by the Senate.''

The Chicago Tribune said that Judge Gorsuch's critics ''suggest that they fear Gorsuch won't follow the law, but the opposite is more true. They fear he will. Gorsuch should be confirmed.''

The second and more important qualification for judicial service is the nominee's judicial philosophy or his understanding of the power and proper role of judges in our system of government. This is ground zero in the conflict over the appointment of judges. America's Founders were clear about their design for the judicial branch as part of the system of government they established. Central in this design is the separation of powers. Government power is divided among three branches and is supposed to stay that way. As a result, what the legislature does in making law is designed to be different than what the judiciary does in interpreting and applying that law. This design for government is necessary for the liberty that we all enjoy. Change the design and sacrifice the liberty it makes possible.

Specifically for our purpose today, this design provides the job description for judges. They interpret and apply written laws such as statutes and the Constitution to decide cases, and they must do so impartially, deliberately removing their own views, preferences, or agendas from the judicial equation. That is exactly the kind of Justice that Neil Gorsuch will be and has been. Professor Jonathan Turley, a well-known constitutional law expert, told the Judiciary Committee that, like Justice Scalia, Judge Gorsuch has a well-defined judicial philosophy with a record of well-considered writings both as a judge and as an author. In short, concluded Professor Turley, ''we have a very good idea of who Judge Gorsuch is and the type of Justice he will be.'' He will be an impartial Justice who takes the law as he finds it, applies it objectively to decide cases, and leaves the decision about changing the law to the people and their elected representatives.

This brings me to the second thing that the Judiciary Committee hearing revealed last week. I said at the start of the hearing that the confirmation process reveals the kind of judge that Senators want to see appointed. And it certainly did. Judge Gorsuch's opponents seem determined to oppose an impartial and independent judiciary. In fact, it looks to me like they want the opposite—a judiciary that is partial and dependent. They want judges to decide cases with deliberate regard to the parties and with determined attention to the political interests that their decisions will promote.

This is the 14th Supreme Court confirmation process in which I have participated, and I cannot remember Senators opposing more strongly the basic notion that judges must impartially apply the law.

It is important to point out, of course, that Democrats' objection to judicial independence has, to be charitable, not always been consistent. In 2009, for example, Senator SCHUMER introduced Justice Sonya Sotomayor to the Judiciary Committee for her confirmation hearing. Senator SCHUMER was a distinguished member of the committee at the time. He praised Justice Sotomayor for, as he described it, carefully applying the law even when it meant ruling against ''so-called sympathetic litigants.'' That was then. This is now. Last week, Democrats turned the Schumer standard on its head, cherry-picking a few of Judge Gorsuch's thousands of cases to criticize him for ruling against sympathetic litigants.

Every Federal judge takes an oath to administer justice without respect to persons and to discharge his judicial

duties impartially. The ABA's Model Code of Judicial Conduct spells out that this includes a duty not to make commitments about issues that may come up in future cases.

When Justice Ruth Bader Ginsburg appeared before the Judiciary Committee in 1993, she took a firm stand. She said: ''A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of the particular case, it would display disdain for the entire judicial process.''

Every Supreme Court nominee of either party has taken this same position. To me, this simply shows how much these nominees, most of whom are sitting judges already, care about their impartiality and the fairness it provides to litigants.

I think it would baffle our fellow citizens to suggest that judges should, in effect, prejudge cases before they even come up or publicly take sides on issues that could later require their judicial decision. Our constituents would think it crazy to say that judges should not keep an open mind or that judges need not be impartial.

Today, however, Democrats say they will oppose Judge Gorsuch's Supreme Court nomination unless he spells out those views, unless he provides those same forecasts and previews. In other words, Democrats consider the impartiality they applauded in Justice Ginsburg to be a liability in Judge Gorsuch. To most people, fairness, openmindedness, and impartiality are qualities we need in our judges. To some Democrats, they are obstacles to be overcome, I might say, on the way to a fully politicized judiciary. What do my Democratic colleagues have to fear from judges who are truly impartial? I mean, I don't see where the argument really is.

Another tactic last week was to talk about people who had not been nominated and who were not even in the room. Committee Democrats, for example, talked about President Trump and a few of his advisers more than 80 times over just 3 days. They also decried the efforts of grassroots activists working on behalf of Judge Gorsuch's nomination. It mattered not that the nominee had no connection whatsoever with those particular efforts. No, Democrats warned of the ''extreme special interest groups'' that supposedly advised the President about filling this Supreme Court vacancy. They talked about so-called ''dark money'' contributed to such groups by undisclosed donors.

I would not go so far as to directly accuse anyone of hypocrisy or of changing their tune based on ideology or political party. I would not do that. I would observe, however, that one group invited by Democrats to testify against the Gorsuch nomination was particularly vocal about condemning ''big money corrupting our politics.'' It turns out that this group was cited by the Center for Public Integrity in January as an opponent of dark money even though the group itself accepts shadowy funds and refuses to fully disclose its own donors.

Next week, the Judiciary Committee will report the Gorsuch nomination to the Senate floor, where the same tactics will be in full view. Democrats are already claiming that the threshold for confirming Supreme Court nominees is 60 votes. Where did they get that from? They may wish this were the rule, at least for Republican nominees, but they know that is not true. They know it.

Democrats have been playing this game for years, embracing one standard when it suits them, only to do an about-face later. It may be just a coincidence, but the flip-flopping follows an eerily similar pattern to election cycles when different parties control the White House. But, like I said, that may be just a coincidence.

What I do know is that Senator SCHUMER voted 25 times to filibuster judicial nominees of President George W. Bush. Then, when nomination filibusters had declined under President Obama, he voted to abolish them. Now, with a Republican in the White House, he is back on the filibuster train. He was against judicial filibusters before he was for them before he was against them.

Why not have a vigorous debate followed by an up-or-down vote? The 1987 nomination of Robert Bork was controversial, yet there was no cloture vote, even though he was defeated. The 1991 nomination of Clarence Thomas was controversial, yet there was no cloture vote, even though he was confirmed.

Republicans have never even attempted a partisan filibuster of a Supreme Court nominee. Most recently, then-Majority Leader Harry Reid said in 2010 that he would file cloture on the Supreme Court nomination of Elena Kagan. Republican leaders, including our former colleague Senator Jeff Sessions, told him that filing cloture would be completely unnecessary.

The truth is that no Supreme Court nominee has ever been defeated by a partisan filibuster. The only reason Democrats are choosing to push us in that direction is that their leftwing groups have told them to do so.

Judge Gorsuch's approach to judging empowers the American people and their elected representatives. It does so by taking seriously what they do. He takes the words of the statutes they enact and the Constitution they established as having substance and actually meaning what they say. That is the respect that our system of separated branches requires that each give the other.

Last week's hearing confirmed for all to see that Judge Gorsuch has the legal experience and judicial philosophy and temperament to make him fully qualified to serve on the Supreme Court. It also exposed the fact that some of my colleagues see an impartial and independent judiciary as a threat rather than as an indispensable support for our liberty.

I have been kind of shocked at the turnaround by some of our Democratic colleagues—not all of them but some of them—that how, if it is their judgeship nominee, these rules do not apply that they are now trying to apply to Judge Gorsuch.

I have seen a lot of nominees in my day and an awful lot of nominees to the Supreme Court. I have never seen one any better than Judge Neil Gorsuch. He is totally prepared for the job. He is an outstanding lawyer with great experience. He is a brilliant judge, someone who will enhance the Supreme Court and not deteriorate it, who deserves to be on the Supreme Court. Thank goodness the President has seen fit to put him there.

I hope our colleagues will think it through because we should not be politicizing these judgeships like has been done recently. Frankly, we should never politicize the Supreme Court nomination process. It is not just because the President is a Republican; it is because that is the way I have always approached it. I think that is the way most everybody in this body has always approached it.

I hope people will think it through and vote for Neil Gorsuch. He deserves their vote. He will be a great Justice on the Supreme Court. He is going to make it one way or the other, and I hope my colleagues on the other side realize that and will dispense with some of this garbage that has been used against Judge Gorsuch.

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

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

Mr. CARDIN. Mr. President, I take to the floor to urge my colleagues to vote against two of the resolutions that are on the floor, H.J. Res. 66 and H.J. Res. 67—both under the Congressional Review Act—which would not allow two regulations under the Obama administration to go forward that would allow for increased retirement security for American workers and families.

Throughout my time in office, I have fought hard for measures that increase the retirement security for American workers and families. One of the most prominent examples is the private retirement improvements that I championed with my friend Senator PORTMAN when we were both in the House of Representatives.

More recently, Senator PORTMAN and I have joined together to support other changes to our pension laws that enhance retirement security. For instance, the Cardin-Portman Church

Plan Clarification Act, which became law in 2015, clarified the application of certain tax laws and regulations to the unique structures of church pension plans. The Cardin-Portman Retirement Security Preservation Act, which was reported out of the Finance Committee unanimously last September, amends nondiscrimination regulations to protect older workers in pension plans that have been closed or frozen. I hope the bill will be taken up again in this Congress.

I mention these efforts over the years with Senator PORTMAN because I think they show two things: First, they show that ensuring all Americans can retire with dignity is an ongoing effort. We need to work continually with workers, retirees, and other stakeholders to make sure retirement security is achievable, especially as our economy changes. Second, they show that this ongoing work has been and hopefully will continue to be strongly bipartisan. That is why I need to speak in opposition to H.J. Res. 66 and H.J. Res. 67. These resolutions are an unnecessary step backward in our ongoing retirement security work.

As my colleagues are aware, H.J. Res. 66 and H.J. Res. 67 eliminate the ERISA safe harbor that was created by the Department of Labor for IRA plans that are administered by State and local governments. We are considering the local government resolution today, but I want to stress the importance of both types of plans.

The provisions of this safe harbor are very similar to an existing safe harbor that is already in ERISA that allows employers to establish payroll deductions to IRAs. So long as the State- and municipal-run plans meet the requirements of the safe harbor, the businesses—usually small businesses—that offer State-run retirement plans to their workers will not inadvertently be subject to liability under Federal law.

The Department of Labor rules were meant to provide legal certainty to the increasing number of States that have decided, in the absence of any action by the Congress, to address the retirement coverage gap in their communities. Maryland is one of those States. Our State is active. Last year, Republican Governor Larry Hogan signed legislation creating a Maryland-run automatic IRA program. The legislation was backed by the Democratic leaders in the general assembly. In fact, it passed unanimously out of our Senate.

The reason for this bipartisanship was, in part, in recognition of the stakes. At the time the law went into effect, which was last July, an estimated 1 million Marylanders worked for businesses that did not offer retirement savings plans. Without the rule, the businesses that choose to use the Maryland-run option to provide retirement plans for their workers may face legal liability. At the very least, the repeal of the safe harbor will slow the entire implementation process.

I understand that my colleagues who oppose the Department of Labor rule want to be sure that strong ERISA protections apply to retirees; however, under current law, most IRAs do not have ERISA protection. For these IRAs, the only chance for any kind of consumer protection is for States to do it. H.J. Res. 66 and H.J. Res. 67 are seeking to undo that.

I am also confused by claims that the adoption of these resolutions would necessarily lead to the complete ERISA preemption of State programs. The Department of Labor does not take that position. To claim that these resolutions alone would have such a broad effect on the interaction of ERISA with State law is troubling, to say the least.

Let me be clear. I would prefer Federal action in this space. Retirement security is one of a seemingly dwindling number of bipartisan issues we can tackle in Congress, and the concerns raised by many of the stakeholders I have worked with in the past on retirement reform are understandable. I am concerned that a lack of Federal action will lead to a State-level patchwork that will be hard for employers and more mobile workers to navigate. I would much rather build on the efforts of the States to create a uniform Federal system under which employers would adopt high-quality, well-managed plans. I am also concerned that providing a State-run option could diminish robust competition with the private sector.

The point of these State-run programs is to decrease our coverage gap. However, we must not also create a race to the bottom whereby employers opt for a one-size-fits-all minimum and do not consider other plans that may be better tailored to their workforces. This is not, in my view, the case in Maryland.

The answer to these problems is not H.J. Res. 66 or H.J. Res. 67; it is for Congress to continue its ongoing bipartisan work on retirement security, not to undermine what our States have chosen to do to help our mutual constituents. This is federalism the way federalism is supposed to work. The States adopt policies and hopefully give us some guidance as to how we can develop uniform national policies.

I am, frankly, surprised that my Republican colleagues have chosen to take up these resolutions. It is hard to see what the disapproval of the Department of Labor rules achieves other than notching the repeal of another Obama-era rule, but at what cost?

To me, the resolutions take a fairly clear, anti-States'-rights stance, all to create potential liability for small employers who will take advantage of the new State laws. Essentially, supporting this resolution means sowing unnecessary legal confusion in an area in which States have already acted in a bipartisan way. We can do better. We can work together on this issue. Instead of focusing on haphazard repeal measures, I am confident that we can produce thoughtful, substantive, bipartisan solutions.

I urge my colleagues to oppose these resolutions. As I have in the past, I stand ready to work with them to ensure all Americans can save with dignity for their financially secure retirement.

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

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

REMEMBERING ED GREELEGS

Mr. DURBIN. Mr. President, allow me to take a moment of the Senate's time to say thank you and farewell to an exceptional person.

Ed Greelegs was my chief of staff for 17 years, and he was a wise and trusted friend. I was not unique in that regard. Ed had thousands of friends. I used to marvel while walking through the Capitol with Ed Greelegs because he knew everybody, and everybody knew him—not just the Members of Congress and their staff but cafeteria workers, carpenters, Capitol Police officers, and certainly Senators, Congressmen, and their staffs. He was a beloved member of the Senate community, and what a smart fellow he was.

During my first 10 years in the Senate, when Ed was my chief of staff, he was an unfailing source of wise and thoughtful advice. Some people are drawn to Congress because of what they think are the perks and power that come with this job. That is not what attracted Ed Greelegs.

For Ed, being a good public servant was always a privilege. He avoided the spotlight. He was there to help people and to help move America closer to that more perfect Union our Founders dreamed of.

Fifteen years ago, Ed was diagnosed with early onset Parkinson's. He and his wife Susan faced that formidable challenge the same way they faced everything: together, with love, determination, courage, and a good sense of humor.

Sadly, yesterday, Ed's battle with Parkinson's ended, and he passed away at the age of 66.

Parkinson's disease is a bitter adversary. Over the years, it took away Ed's sure-footedness. It nearly killed him twice. In the end, it robbed him of many memories. I can recall speaking to him a few months back, and Susan had warned me that he didn't have much of a memory, she said, unless you want to talk about politics. So I called him, and we talked about politics—even the politics of the day—and Ed was spot on. He always was. But regardless of the loss of memory, it never took away Ed's dignity, his kindness, or his respect for others.

Ed Greelegs worked for so many Members of Congress from Illinois that I think he became an honorary son of

our State. He grew up in Washington, DC, in the suburb of Wheaton, MD, and graduated from the University of Maryland.

He came to the Capitol as an intern in 1970. Before he joined my staff, he worked for Congressman Marty Russo of Illinois, Congressman Bob Eckhart of Texas on the House Commerce Committee, Congressman Sam Gejdenson of Connecticut, and finally back to Congressman Marty Russo.

He also worked briefly for the Consumer Federation of America and for Fannie Mae.

In 1990 I persuaded him to come to work for me as my chief of staff in the House. Six years later, when I went to run for the Senate, he was right by my side, and he was there for me 8 years later when I became whip.

His quiet, wry sense of humor helped to lighten the mood when things became tense, and his profound compassion and decency reminded all of us of why we were really there.

There were a couple of things that Ed loved more than public service, and one was books. Ed's desk and his bedside were always surrounded by mountains of books. More than reading, Ed loved his family, especially his dear wife Susan and his stepchildren, Andrew and Amanda.

I have a thousand Ed Greelegs stories, but I am going to close with my favorite. The year was 2002. I was on a codel with then-Majority Leader Tom Daschle to Afghanistan with a handful of Senators. We were the first group of Senators to land in Afghanistan after the war broke out in daylight. The security was incredible. This trip to Afghanistan was the first since the fall of the Taliban. No one knew who was friend or foe on the ground. So when we landed at Bagram Airfield in Kabul, it was really tense. As the back end of the plane ramp went down on to the runway and we were brought off, we were surrounded by armored personnel carriers and men holding rifles. These armored personnel carriers were as far as the eye could see, and the armed troops as well.

As I came down the ramp, a man in civilian clothes walked up to me and said: Are you Senator DURBIN?

I said: Yes, I am.

He said: Well, I am a personal friend of Ed Greelegs.

I couldn't believe it. In the middle of a war zone, here was another friend of Ed Greelegs.

On behalf of friends of Ed everywhere, I want to say: Thank you, my friend. You made this Congress and this country better with your caring and dedication. We will all miss you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the floor, let me thank my friend from Illinois for his very thoughtful and warm remarks about somebody who we all admired very much, Ed Greelegs.

I remember so many times talking to him about the rights of seniors, and a lot of us who thought we knew something about the subject didn't know half of what Ed did. This was a guy with a really razor-sharp mind, but he had an even bigger heart, and particularly a heart for people without clout and power. I don't think it was an accident that he gravitated to the senior Senator from Illinois, I might add as well.

So I thank my friend for his very gracious remarks about somebody we all admired very much.

Mr. President, I am here this afternoon because from the people who brought us TrumpCare, which was so favorable to the fortunate few and the special interests, now comes legislation that is going to make it harder for working people and working families to save for their own retirement. To kind of put that in context, whenever we have a debate about retirement, we always hear people say: You know, you just ought to realize that Social Security, this earned benefit—an earned benefit for Americans—you have to realize it is not going to cover everything. You have to save privately. You have to save for your retirement. And now, what we are seeing is the powerful special interests—the people with deep pockets and great political influence—are talking about restricting the chance for those typical working families to do the very thing that those people usually say is the solution. They say: No, we can't have government programs; you have to save privately for your retirement. And now come along those very powerful special interests, and they want to talk about restricting the ability of working families to save privately.

So we are now debating the first of two resolutions that would put a huge dark cloud over the new programs with individual retirement accounts, called auto-IRA programs, that States like mine and a handful of cities are seeking to build.

Right now, immediately, it is the locally based programs that are trying to promote private savings, giving the working-class family the chance to do it, and they are the ones who could be undermined. Of course, depending on what happens around here, the State programs could be next.

So at this time in American history, when we are facing a very large challenge with respect to savings, when a little over half of the workers approaching retirement age have nothing—zero—saved in retirement accounts such as individual retirement accounts or 401(k) plans, these two resolutions amount to a game plan that would take the savings crisis, which is already bad, and make it worse.

Around 55 million Americans don't have access to a retirement plan at work. More often than not, it is the employees of small- and medium-sized businesses who don't have that job benefit, and it is no fault of their own. In my view, this shouldn't even be a partisan question. There ought to be bipartisan interests in helping these workers find new opportunities to save. It ought to be easier than it is today.

I see my friend and colleague from the Finance Committee in the Chair, and as he knows, we have had countless committee hearings in the Finance Committee. We have been part of multiple floor debates when I have heard Members on both sides of the aisle talk about the importance of private savings. Yet here we are in the Senate, and yet we are looking at an effort on the part of the majority at this point that wants to ram through resolutions that would make it harder to save, not easier.

So juxtapose what is going on today and then think about all of the committee hearings in the Finance Committee, in the HELP Committee, where we hear people talk about private savings. We ought to make it easier; we ought to have smarter policies. Today the U.S. Senate is looking at making it harder for working families to save.

Here is a little bit of background about this and what it means to my home State of Oregon, and we are looking at winning the NCAA championship here in a few days, so there are a lot of things we are talking about in Oregon right now. But I wanted to especially come and talk about another area where we are leading right now; that is, trying fresh approaches to retirement savings.

Oregonians want as a State to help close the gap for the 55 million Americans without an employer-sponsored plan. After a lot of study and careful planning, my home State of Oregon is one of a handful of States that have passed what has come to be known as an auto-IRA. The actual name of the program is OregonSaves, and it is set to launch this summer.

What it means—and the highlight of it is this is a voluntary program—is we are creating a new set of opportunities for workers to actually save. What it means in my State is if you are a worker at one of these businesses, when you get a job, you will get a retirement account, and you will be able to start saving.

Now, I want to emphasize that it is not mandatory. Any worker who wants to opt out could do so, but it is designed to be simple and easy to use for everybody involved.

I wish to describe for a moment some of my conversations with Oregonians and workers who have been part of these auto IRAs. They come up at townhall meetings in every county of my State—I have had a little over 800 now—and we have discussed savings. They come up often, and they say: I have been hearing about these new IRAs, and I am automatically enrolled in one.

Then they say: You know, if they hadn't automatically enrolled me in it, I probably wouldn't have done it because there is always an expense in our

household, there is always something we think we probably should do, and we would say to ourselves: We had better do that now, and we can come back and talk about saving later.

Those employees have come up and said: We probably wouldn't have done it without this automatic enrollment. But, Ron, I am so glad that we have it because I have seen that this is really beneficial, and it in effect has persuaded me that I have to take a very disciplined approach. I am glad this is automatic, and I especially like the fact that I have the last word on the subject. In other words, if I feel for one reason or another I can't do this automatic savings, there would be an opportunity for me to opt out.

It is automatic, and it provides this path for people to start saving. It is cost-effective. It is straightforward for employers. It eliminates a lot of redtape and administrative hassle. Most importantly, it gives the worker the last word—the right to opt out of this.

The Trump administration says it wants to cut redtape that burdens business. In my view, this legislation does the opposite. It makes it harder for small businesses to provide retirement savings programs for their workers.

One after the other, Oregon employers are raving about the opportunity the program represents for them, especially when it comes to recruiting and retaining top-notch employees and helping those workers build a nest egg. I just gave a little bit of empirical evidence from these community meetings I hold where workers say they particularly like what this does. It is almost like a little bit of a nudge to save and build a nest egg.

Judi Randall, the finance director of an affordable housing provider in Roseburg, OR, says it would make a big difference for a rural nonprofit organization like hers to have OregonSaves available to help employees secure their retirement.

Joy Andersen, another Oregon leader, is the administrator at the Asher Community Health Center in Fossil, OR. I had my first community meeting in this small town of about 500. Joy has talked about how important it is to her to have an attractive retirement plan to recruit employees to come work in Fossil in eastern Oregon.

Kevin Max runs Statehood Media in Bend, a small company with big aspirations. He notes that there is no better State in the country than Oregon when it comes to employee recruitment. He says that OregonSaves gives companies like his another leg up with an even better package of benefits.

I believe it defies logic that in light of all of these positive returns from employers and from workers, that the Congress would want to stamp out a program like OregonSaves which has so much potential, but the resolution going after State initiatives—and there are two—would pose that kind of threat.

My view is that these are not easy programs for States or cities to set up. There are legal issues that date back decades that have to be worked through. There is a lot of heavy lifting at the Labor Department to get the legal roadblocks out of the way. If these resolutions pass, it would wipe out months and months of work that has gone into making this kind of State- and local-based partnership possible.

This particular issue ought to be a no-brainer. Saving in the private economy is the right thing, as I have said, for a host of reasons. People scrimping and saving to set aside money for retirement is the key to a healthy retirement policy so everybody is in a position to have a dignified retirement rather than stretching every penny they have, relying just on Social Security, family members, and food banks to make ends meet. I believe our people want the opportunity to save, and they like the idea of this automatic IRA because it is fair to workers and fair to employers.

My view is that the Senate ought to stand up and recognize that by voting against these ill-advised resolutions, this is a chance to support the interests of working people who would like to save in the private economy, ahead of special interests. I hope the Senate will do the right thing for those hard-working people and their families and vote these resolutions down.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF NEIL GORSUCH

Mr. TOOMEY. Mr. President, I rise today to speak in strong support of the nomination of Judge Neil Gorsuch as Associate Justice of the U.S. Supreme Court.

There has been a lot of debate about Judge Gorsuch and his candidacy for the Supreme Court. Let me first review some of the things that really have not been debated. One is the intellect and the education and the knowledge of this man. It is really extraordinary.

Judge Gorsuch attended Columbia University as an undergrad, Harvard Law School, and he went on to Oxford for postgraduate work.

Nobody disputes the intellect, the education, and the knowledge that this man brings to this job. Nobody disputes his experience and qualifications, either. How could they? He has spent 10 years on the Tenth Circuit Court of Appeals, the second highest level of courts in our American system. There is no question that Neil Gorsuch has the experience and the qualifications.

Character and temperament are extremely important—actually, essential—characteristics for a judge or a Justice. I have heard nobody criticize the character or temperament of Judge Gorsuch, whatsoever. In fact, he has only gotten glowing praise about both his integrity, his character, his temperament, and the way he treats people in his courtroom and throughout his life.

There is also no disputing that he has enjoyed very broad bipartisan support in the past and significantly to this day. First of all, there was not a single Senator who opposed his confirmation to the Tenth Circuit when he was nominated and confirmed.

President Barack Obama's Acting Solicitor General, a Democrat, has endorsed Neil Gorsuch for the Supreme Court. A bipartisan group of attorneys, former colleagues from his law firm, classmates of his, and many people across the political spectrum from both parties who know this man personally have strongly endorsed his candidacy.

So as to these very important criteria—his intellect, his education, his knowledge, his experience, his temperament, his character—everything about this man is really quite extraordinary, and that is not even disputed. That is almost universally acknowledged.

So what is the attack? What is the criticism that we hear about Judge Gorsuch? Well, one is this notion that somehow he is outside the mainstream. We have heard this from some of our colleagues who intend not to support Judge Gorsuch.

One of the things about being a circuit court judge is that it is actually quite easy to evaluate whether or not a circuit court judge is outside the mainstream because, as it happens, appellate court or circuit court judges don't rule alone. They rule in groups. It is usually a group of three when they are hearing a case as a subset of the full court, or it is the entire court. Either way, they are ruling with other judges.

So you can evaluate, for instance, how often they are by themselves, how often they are the sole minority dissenting view, because that might be an indication of someone who is outside the mainstream.

It is interesting. In the over 2,700 cases that Neil Gorsuch has decided on, in 99 percent of those cases, he was in the majority. In 97 percent of the cases, it was unanimous. How could that possibly be outside of the mainstream? That is not a valid argument at all.

As to the people who are trying to manufacture some opposition to Judge Gorsuch, what they are doing is they are cherry-picking a handful of the over 2,700 cases in which he has participated in, and they try to find a handful in which Judge Gorsuch did not rule in favor of litigants that our Democratic colleagues believe are politically sympathetic. That is what their argument has come down to.

The Democratic minority leader has been down on the floor for a speech, and I will quote from his speech. He said: ''I saw a judge who repeatedly decided with insurance companies that

wanted to deny disability benefits to employees.''

The Democratic leader goes on to say: ''I saw a judge who, in unemployment discrimination, sided with employers the great majority of the time.''

Here is another quote: ''Time and time again, his rulings favor the already powerful over ordinary Americans.''

The Democratic leader went on to marvel: ''Judge Gorsuch ruled against a teacher.'' ''Judge Gorsuch ruled against a truck driver.''

Now, even if you set aside the fact that the facts in these cases have been wildly distorted in the retelling that I have heard, and if you set aside the fact that even in those very cases in which Judge Gorsuch has ruled, often he has ruled with the Democratic judges who enjoy the support of our Democratic colleagues, and even if you ignore the fact that in many of these cases he was bound by precedent—he had no choice—you could also ignore all the many other cases in which Judge Gorsuch ruled in favor of workers and unions and people who allege sexual harassment, environmentalists, immigrants, and other sympathetic litigants. The minority leader put all that aside. I think we have to ask a fundamental question: What is missing in this critique of Judge Gorsuch's decisions? What I find striking is that what is missing is any reference to the law. I don't hear them mention the law. I have not heard any of our Democratic colleagues, who intend to oppose Judge Gorsuch, say that he ignored the law or that he violated the law or that he misapplied the law or that he misunderstood the law. I don't hear anything of the sort.

Now, why do you suppose that is? I think I know why that is. I think because to many of the people who are threatening to oppose Neil Gorsuch, the law isn't what really matters the most. What really matters the most is that politically favored special interests or someone that they think the public will be sympathetic to has to win regardless of the law. They want a policy outcome and one that would benefit their perceived preferred litigants, rather than the law.

Here is what I think. I really think there are two unpardonable offenses in the minds of our friends and colleagues who are opposing Neil Gorsuch's nomination. The first is that Judge Gorsuch believes in the rule of law. I know he does. It is very, very clear. To some degree, there is a fundamental debate going on here between those who support his candidacy and those who oppose it, and it is fundamentally about the role of judges in the U.S. constitutional system.

One view, the view that I have—and I believe the one that Judge Gorsuch shares—is that the law totally matters. What the law says matters, and that includes the Constitution. The words matter. And not only that, but it is up to the American people to change laws or to change the Constitution, if the American people see fit. It is up to judges to impartially apply the law and the Constitution, as it is written, and that is an important thing here. Both of these are important.

Under our view of the world, a judge is supposed to see everyone the same regardless of race, sex, wealth, political affiliation, or other characteristics. A judge is obligated to neutrally apply the law. Whether you are a man or a woman, young or old, rich or poor, Black or White, that is not supposed to matter to a judge. There is a reason our symbol of justice, Lady Justice, is depicted wearing a blindfold—it is because as a judge you are not supposed to decide based on these characteristics of a person; you are supposed to decide based on what the law says. This is fundamental to an independent judiciary, to a nation that lives by the rule of law.

But the other view, the critics' view—they constantly go back not to the law or the application of the law but to how sympathetic the litigants are. That is what matters most to them. That is an implicit rejection of the notion that everyone is equal before the law. Instead, in that world view, some are more equal than others and the law means whatever a judge thinks it should mean, and that is based significantly on whom the litigants are.

The same applies to the Constitution, in their world view, that of those who are opposing Judge Gorsuch. The Constitution can't really mean exactly what it says—that can be very inconvenient—and so what the Supreme Court is supposed to be, in the minds of our friends who are opposing Judge Gorsuch, the Supreme Court is really a permanently sitting constitutional convention. Make up the Constitution as it goes along. Decide what it means today as opposed to what it meant yesterday or what it might mean tomorrow. The judges are supposed to be acutely sensitive to the race, wealth, political affiliation of the people who come before them, and those criteria matter a great deal.

In fact, you have to ask yourself, if that is the way you view the world, why even bother having a trial? Why not have a checklist and see whether the litigants come down on the politically sympathetic side of the ledger, and once you know that, you can decide? Why bother with the hassles or a trial or a case?

I would suggest that this approach to the law—the law that depends on the race, ethnicity, or any other criteria of the litigants—such a law is not a law at all. That is how a banana republic imposes the law; that is not how America views the law.

So my view, as I stated earlier, that the law means exactly what it says and nothing other than what it says—and that also applies to the Constitution—that is a view which is often described as originalism. The opponents' view, especially with respect to the Constitution—they believe the Constitution is a living document, meaning changes over time, in their view. I would suggest that this is the fundamental choice between the rule of law in the former case and the rule by judges in the latter case.

Justice Scalia once said: ''Every tin horn dictator in the world today, every president for life, has a Bill of Rights.'' The Bill of Rights only protects us if it is enforced and if it is enforced consistently and equally for everyone who is involved. How much protection does our Bill of Rights provide if, as Chief Justice Hughes stated in 1907, ''the Constitution is what the judges say it is''? Well, as Justice Scalia observed, once the original meaning of the Constitution can be set aside and judges can rewrite it, then they can rewrite and limit individual liberty or any other of the rights that are so fundamental to the nature of our country.

Let me give an example that makes this very specific. There is a case that came before the Supreme Court not very long ago called the Kelo decision. The Fifth Amendment states very clearly that the government cannot take private property unless it is ''for public use.'' That is what it says in the Constitution. Look it up. Well, in the Kelo case, five Supreme Court Justices decided that public use can mean private use. The word ''public'' can mean ''private.'' Specifically in this case, what they said was that the government can come along and take an individual's home and give it to a private company—in this case, to use as a parking lot for a private venture. This is blatantly unconstitutional. It is very, very clear. Yet that is what happened when five Justices decided they could just rewrite the Constitution as they prefer it.

Here is the thing about this: Even if you believe it is a good idea to be able to take someone's house and give it to another private developer because he has a better use for it than the homeowner, if you think that is a good idea—I don't happen to think that is a good idea, but you might. If you do, we have a mechanism for making that policy permissible. You change the Constitution. You amend the Constitution. You can strike that word or insert another clause. There are any number of ways you can change that.

But here is what is so important: Under our constitutional system, the only people who get to change the Constitution are the American people. They do it through their elected representatives in the Congress and in the State legislatures, but they are the sovereigns. It is the American people who get to make these decisions, who determine policy, not five unelected guys wearing black robes, because when they get to make that policy, they are not accountable to anyone. They can't be fired. The Presiding Officer and I can be fired. If we are not

doing the job our constituents want us to do, we will be fired. That is how we are held accountable. Our constituents can replace us with people who will reflect the policies they want. That is why we are the policymakers under our constitutional system.

I believe Neil Gorsuch completely understands this. It is one of the reasons our friends on the other side of the aisle can't bring themselves to support him.

I think there were two unpardonable sins that Neil Gorsuch has committed. I just mentioned the first. I think the second one was that he was nominated by Donald Trump. We have folks in this Chamber who don't seem to be able to accept that they lost an election, and they are reflexively opposing whatever it is President Trump wants, and apparently they intend for that opposition to continue indefinitely.

In a public interview, the minority leader was quoted as saying: ''It is hard for me to imagine a nominee that Donald Trump would choose that would get Republican support that we could support.''

He was asked a follow-up question: ''So will you do your best to hold the seat open?''

The Democratic minority leader replied: ''Absolutely.''

Hold the seat open for 4 years or maybe 8 years? This is outrageous, and it is unprecedented.

If the minority leader were to get his way, for the first time in the history of the Republic, we would have a Supreme Court nominee defeated by a partisan filibuster. Let me stress this. This has never happened before in the history of the country. How many times have we nominated and confirmed Supreme Court Justices? Never once have we had a partisan filibuster used to block the consideration of a nominee. We have had people withdraw. We have had people who were voted down.

The case of Abe Fortas was an unusual case where there was a bipartisan filibuster because there was a perception of ethics problems, and he, in fact, had to resign as an Associate Justice. The bipartisan filibuster was used when there was an attempt by President Johnson to elevate him to Chief Justice. That is not the precedent. There is no precedent.

Take the case of Clarence Thomas. In my lifetime, I am pretty sure Clarence Thomas was the most controversial nominee we have ever had. It was a brutal, very difficult, very contentious, really ugly process—the hearings, the nomination process, the confirmation process. In the end, Clarence Thomas was confirmed with 52 votes. Any Senator in the body could have insisted on a 60-vote threshold if it was there, but nobody did. No Senator did because the custom has been that Supreme Court Justices get confirmed if they have a majority of support. So what the minority leader wants to do is completely departing from that and establishing a new threshold.

The minority leader made an argument that is absolutely laughable. He suggested that because President Obama's nominees got 60 votes, well, then President Trump's should. What is laughable about that is the reason President Obama's nominees got 60 votes is because Republicans gave them those votes. I was running for the Senate at the time that Sonia Sotomayor was nominated, and I pointed out that there was a lot I disagreed about with her. I am sure I will not be happy with many of her decisions. But here we are in the President's new term—relatively early—and this is a qualified, capable person. I am not going to obstruct. I voted to confirm her, and a number of Republicans did join the Democrats, and President Obama got Justice Sotomayor and Justice Kagan confirmed to the bench.

The minority leader has suggested that there is this tradition of 60 votes. Well, you don't have to take my word for it; the Washington Post Fact Checker—not exactly the mouthpiece of the Republican Party—did their fact-checking analysis, and they said it was absolutely false. They gave him three Pinocchios.

It is also one of the many ironies of this that the very same Democrats who insist that we should allow them to permanently block any Supreme Court nominee because they won't provide the votes to get to 60 are the ones who actually did break the Senate tradition and establish a 50-vote threshold when they wanted to pack the DC Circuit Court of Appeals back in 2013. Now they suggest that if we use the same tactic they used—although we are doing it for a different reason—that this would be an abomination, that the Democrats would never do this. Well, actually, they did in 2013. But as for the circumstances we face now, there is no mystery about what they would have done because they told us just 12 days before the election.

Our Senator TIM KAINE, the Democratic nominee for Vice President, was asked: ''What happens if,'' as everyone expected at the time, ''Hillary Clinton becomes President and the Democrats take control of the Senate, if Republicans were to filibuster a Supreme Court nominee? What would you do?''

I will quote Senator KAINE. He said: ''We will change the Senate rules to uphold the law, that the court will be nine members.''

Here is the truth: If the election had gone differently, if Hillary Clinton had won and if Democrats were in control of the Senate, then Republicans would have probably provided the votes for a competent, capable, qualified Supreme Court nominee, just as Republicans did for Elena Kagan and Sonia Sotomayor. That is what history has shown. Unfortunately, our Democratic colleagues at this point seem unwilling—or at least some of them are—to provide the same bipartisan cooperation to a new President attempting to fill a vacancy that Republicans provided to President Obama.

Let me conclude with this: The case for confirming Judge Gorsuch was summed up pretty well by the editorial board of the Chicago Tribune—again, not exactly the RNC's mouthpiece—in endorsing Neil Gorsuch. They said:

> Here is a judge who knows the law and knows the role of the judiciary: He isn't on the bench to make law, he's there to interpret it faithfully, because the separation of powers among the branches of government serves our democracy. Sometimes the result benefits liberal positions, sometimes conservative. . . . Some of Gorsuch's critics think judges should be creative and expansive depending on the political climate—to treat laws differently on a cold night than a warm one. Those critics suggest that they fear Gorsuch won't follow the law, but the opposite is more true: They fear he will. Gorsuch should be confirmed.

If our Democratic colleagues aren't willing to confirm Neil Gorsuch to the Supreme Court, then there is no one they are going to vote to confirm to the Supreme Court. And we cannot allow a Democratic minority to block an up-or-down vote and deny filling a vacancy on the Supreme Court for 4 or 8 years. We simply can't allow that to happen, and I trust that we won't.

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

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

Mr. MURPHY. Mr. President, I have a great deal of respect for my friend from Pennsylvania, as we have worked together on a number of issues, but forgive me if my blood boils when I hear my Republican friends talk about breaking precedent in this body when it comes to the consideration of Supreme Court nominees. Forgive me if I get a little angry when I hear those on the other side of the aisle talk about Democrats' using exceptional measures, in their opinion, in order to oppose a Justice for the Supreme Court. Come on. Everybody knows what happened here last year. The Republican majority decided to deny the President of the United States—at the time, Barack Obama—the ability under the U.S. Constitution to nominate a Justice to the Supreme Court, not because of anything having to do with the merits of the nominee, Merrick Garland, but simply because the President was a Democrat. Everybody knows that is what happened. Everyone knows that precedent was broken and that comity was broken here in the Senate when the Republican majority decided not just to deny a vote on this floor but not to even give the courtesy of a meeting, of a hearing to Merrick Garland despite the fact that he was unquestionably qualified for that position.

It is a fiction to suggest that there is some strategy amongst Democrats on this nomination. We are all making up our minds individually. I decided yesterday that I was not going to support

Judge Gorsuch because I think he is likely going to side on behalf of corporations and special interests instead of my constituents and bring his politics to the bench in a way that I do not think squares with the people whom I represent. Yes, I am going to use my ability to vote on the floor of the Senate in order to stop his nomination.

I understand Republicans may not be happy about my decision and the decisions of others on this side of the aisle, but let's have a discussion about the merits of Judge Gorsuch, not the question of which side is breaking precedent because everybody remembers what happened to Merrick Garland. Nobody has forgotten that. This is not some quid pro quo, this is not some tit for tat, but to come down and pretend as if 2016 did not happen.

Mr. President, I would like to speak for a moment about a potential CRA—another CRA—that is perhaps coming to the floor this week or next week. It is one that would take away the ability of States to try to do something about the retirement crisis that is enveloping this country.

I speak as one of the youngest Members of this Chamber, and it scares me to death to think that half of Americans who are in their working years have no money saved for retirement today before a qualification for Social Security or Medicare. Even worse, a study that I looked at the other day suggested that 58 percent of Americans who are working have not even done the calculations as to how much money they will need in order to retire.

There is a retirement crisis in this country, and you can understand why, as wages have been essentially flat for tens of millions of Americans and employers have largely left the space of defined benefit plans. And there is just no money to save when you have to cobble together your paycheck to meet your budget every week and when your employer is not putting in the kind of plan he used to and the kind of contribution he used to. So you can understand why Americans are in this position.

State governments—those laboratories of experiments that I hear a lot of my friends talk about—have come up with an idea. There are 55 million working Americans who do not have a way to save for retirement out of their regular paychecks, meaning their employers are not offering them any way to set aside a portion of their incomes in order to save.

So that is one number—55 million Americans. Here is another: In my State, 44 percent of workers do not have access to retirement plans through their employers. That is about 600,000 people in Connecticut. Half of my State does not have access, when they show up to work, to retirement savings plans through their employers. Yet we know that employees who have access to a payroll deduction are 15 times more likely to save for retirement—not twice as likely, not 5 times as likely, but 15 times more likely.

It stands to reason that State legislatures would step in and say: OK, for employers who are not offering plans, we are going to give employees the ability to set aside a small portion of their earnings in a privately run plan that is sponsored through the State governments.

If the employer is not going to do it, then there is really no one else other than the State governments. In a handful of occasions, the States of decided to step in and offer this option to employees.

By the way, as far as I understand, it is not traditionally a State-run plan; it is a privately run plan. It is just that the State is acting as the conduit to get employees linked with private plans and to allow for a small portion of their paychecks to be set aside. Employees are 15 times more likely to save if they have access to that payroll deduction.

This is a pretty run-of-the-mill, typical State intervention in order to try to solve a problem that is real for State legislators. So it is a mystery to me as to why we would try to take that ability away from States.

What we are doing is taking away an ERISA exemption for States relative to these plans. Why that is important is that ERISA is all about the employer-employee relationship. There are important responsibilities that flow from employers to employees when they are engaging in a retirement plan that is offered through the workplace. But the State is not the employer of this individual; the State is simply acting as a conduit to get that employee into a private sector plan. So the ERISA rules simply do not work. They are a mismatch for this State innovation. The Federal Government, through regulation, has recognized that.

Importantly, in my State of Connecticut, which does have one of these plans, we provide ERISA-like protections, so the protections you get in ERISA, you get through this State innovation. It is just that the way in which the Federal Government normally requires it does not make sense because the State in this case is just the conduit, not the employer.

This sort of seems like a pretty run-of-the-mill exercise of State innovative power, a fairly run-of-the-mill exercise of Federal regulatory authority to allow for this innovation to happen, and it is hard to understand why we are taking it away, why we are taking this ability away from 600,000 Connecticut residents who, frankly, will not have access to easy retirement savings without it.

We have known that set-asides in your paycheck work. That is why we have provided incentives for employers to do it. But not every employer does it. Why? Because if you are a small employer, it just may not make sense administratively to establish one of these plans. So States have decided to offer it themselves.

I know that the retirement industry may not love this idea because it might not make the same fees on these plans as it would if the plans were offered through the employer, but, frankly, these hundreds of thousands of people in my State are not going to be the retirement companies' customers without this innovation. It is not like these State-backed plans are stealing business from the private retirement plans. They were never going to be customers without their ability to put aside a little bit of money.

We have a retirement crisis in this country right now, and this is an innovative way to solve it. I know this is not yet scheduled for a vote, a Congressional Review Act vote that would take away the ability of States to offer these plans in a meaningful way, and I really hope we think twice about it. It sort of feels like we are just inventing CRAs to bring before the Senate and the House. We are kind of scraping the bottom of the barrel, and this one just does not make sense. This does not make sense.

Let States that want to pass this innovation, that want to give their constituents, their citizens the ability to save through payroll deductions, through payroll withholding, the ability to do that. Do not do the bidding of the big retirement providers, who may think they are going to make more money if the CRA passes, but in reality these folks were probably never their customers. Let States move forward with this innovation. Let the people of Connecticut and California see how it works so that maybe other States can learn from our experience.

I hope we can come to some agreement to leave this innovation alone and move on to some other important issue here and not risk doing something that is, frankly, going to exacerbate the retirement crisis that exists in this country. Republicans and Democrats should be trying to work together on this question of giving people more access to retirement plans.

For all of the things that we fight over, whether it be the healthcare law or whether it be a tax cut bill or a budget, this just seems like one of these issues in which we should set this CRA aside with respect to State innovations and try to find a way to find some common ground. I hope that is where we will head. It would really matter to my constituents in Connecticut, who are expecting to receive the benefit of this newfound access to retirement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

NOMINATION OF NEIL GORSUCH

Mr. ALEXANDER. Mr. President, I notice my distinguished friend was indignant over the Supreme Court debate. I think each of us has a right to have his own opinion. Here is mine.

There is such a thing called the Thurmond-Leahy rule. It has been in place for a while. I think it reads that after June of a Presidential election year, the Senate will not confirm a

President's nominees. That is a bipartisan rule that has been enforced by the Senate for several years. Senator MCCONNELL moved it up three months, from June to March—that is true—even though Democratic leaders said that is exactly what they would have done if the shoe had been on the other foot.

Democrats are saying that as a result of that—the 3-month change—which is what they said they would have done anyway, they are going to do something that has never been done before: They are going to deny a Supreme Court Justice a nomination by not allowing a majority vote. That has never happened in 230 years. Our nominations have always been decided by a majority vote. There was a little incident in 1968 with Abe Fortas when President Johnson sought to elevate him to Chief Justice, but that has been the tradition in the Senate. We have always approved Presidential nominees by a majority vote, and we have always approved Cabinet members by a majority vote, even controversial ones. We have never required them to get 60 votes—ever—and the same with Federal district judges. And the same was true with Federal circuit judges until the Democrats started using the filibuster to require 60 votes, as has been well documented here. So I think people need to know the facts.

What the Democrats are proposing to do next week—quite apart from the fact that Judge Gorsuch is one of the most eminently qualified people we have seen come around in a long time—flies in the face of 230 years of tradition in the Senate by insisting that a Presidential nominee to the Supreme Court requires more than 51 votes to be confirmed.

I looked very quickly back at my own votes. None of us are perfect, and I am not asking for any merit badges, but I wonder where the Democrats are who are trying to do at least what I was trying to do when President Obama was there. I found at least 10 times that I voted for cloture—voted to cut off debate—on controversial nominees with whom I disagreed, and then I voted against them when the vote was 51.

With Secretary of Labor Perez, cloture was invoked 60 to 40. If I had voted no, that would have denied him his Cabinet position. He is now the chairman of the Democratic National Committee. I cannot think of any Cabinet member I disagreed more with, other than perhaps the one I am about to mention next, but I thought the President deserved to have his own nominee, and I thought we ought to respect the tradition of never having denied a Cabinet member a position because of a 60-vote requirement.

Another one was John King, the Education Secretary. I asked President Obama to appoint him or somebody of his choosing. I thought we needed an Education Secretary for a year even though I have great differences with John King. I respect him greatly, but I have differences with him.

So I got him confirmed as chairman—I don't want to say it that way. I asked the President to do it, as chairman of the committee. I saw that he had a prompt confirmation, and then I made sure he had enough votes to be confirmed—not by much. When it came to cloture, I may have even voted for him when it came to it, just because I thought the President deserved to have his own appointment.

Then there was Attorney General Lynch. Cloture was invoked with only 66 votes. I voted to end debate and have a vote on her.

Secretary of Defense Chuck Hagel—there was opposition to him. I voted no there on confirmation, but I voted to make sure that there was a vote. I voted for cloture.

For two National Labor Relations Board members and a National Labor Relations Board General Counsel, cloture was invoked by 64, 65, and 62 votes—very close. I voted against all three of them for confirmation, just as I did Secretary Perez, because I disagreed with them so much. But I thought that we ought to respect the fact that we confirm Presidential appointees by 51 votes.

There are three or four others, but I want to mention only one more specifically: District Court Judge John McConnell, Jr., from Rhode Island. There was an effort on this side of the aisle to deny him a cloture vote. I resisted that. I talked to some other Republicans. I voted for him for cloture. He got it 63 to 33. Then I voted against him for judge.

The importance of that was if he had had his nomination blocked by the cloture vote, he would have been the first Federal istrict judge in the history of the court to not have been allowed to have an up-or-down vote, majority vote. So I resisted that in that instance. I resisted that for Perez. I may have been the deciding vote; there were only 60 votes.

While I said I am not looking for merit badges, where are the Democrats who are willing to vote like that—to preserve the Senate's 230-year tradition of approving Presidential nominees by a majority vote? I think this is a terrible precedent, not justified, and I am sorry to see things heading in this direction.

Now I wish to make some remarks on another matter.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 761 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Maryland.

HEALTHCARE

Mr. VAN HOLLEN. Mr. President, I was just listening to my friend, the Senator from Tennessee, and I think there are things we can do to improve the healthcare system and the Affordable Care Act. I am glad that the House soundly defeated the so-called TrumpCare bill, RyanCare, whatever you want to call it, but many of us have called for more competition in the exchanges through things like a public option. Also, I think all of us can agree that we need to reduce the skyrocketing costs of prescription drugs, and I think there are other things we can do. I welcome that discussion.

Mr. President, I am here now to talk about something else that is currently being done to help millions of Americans save for their retirement, to provide for a secure retirement. I know all of us have been involved over the years in debates about how we can strengthen our retirement security program for all Americans. We really have a three-legged stool here. One is Social Security. That is a bedrock of our retirement system. We need to make sure that we strengthen it, and we need to make sure that it is there for all future generations.

Second, many Americans have the opportunity to have a retirement plan through their employer where their employer guarantees them a certain defined benefit, a certain income stream when they retire.

And the third leg of this stool has been Americans' private savings, and we want to encourage more Americans to put aside those funds so that they can care for themselves and their families when they are no longer working.

That is what brings me to the floor today. Many big employers—including, I should say, the U.S. Senate and the U.S. House of Representatives, and the government—provide their employees with things like 401(k) plans. These are ways that people can put aside some of their income as they earn it, but put it aside tax-free for their retirement. And many millions of Americans—again, especially those who work for large employers—have that benefit. But if you work for a smaller employer or even a midsized employer, there is a very good chance that you do not have easy access to those 401(k) plans, to those retirement vehicles that are so essential to saving for retirement. In fact, there are about 55 million Americans, according to studies by both the AARP as well as the Brookings Institution—about 55 million of our fellow Americans who do not have access to those 401(k) vehicles and other kinds of savings vehicles through their employers.

So in response to this problem, a number of States—five States, to be specific so far, including the State of Maryland—and some municipalities have come up with creative solutions that allow small- and medium-sized employers—those who are not currently offering those retirement vehicles directly—these State plans allow their employees to put aside a little money for their retirement and get the same tax-preferred benefits as people who work for big companies.

The reason small and medium-sized companies don't always provide the

same retirement savings accounts as big companies is that it can impose a burden and costs on those small employers. So States have developed these other creative platforms to do it.

In my State of Maryland, this was an incredibly bipartisan process. Republican State legislators and Democratic State legislators came together and put together this State plan. The Republican Governor of Maryland, Governor Hogan, signed the legislation.

Today, about 1 million Marylanders—including a lot of young people who work for startups and other small businesses that don't have the wherewithal to provide these retirement savings platform—are benefiting by platforms which have been created to put money aside for their retirement. People are taking personal responsibility for their retirement. People who didn't have that opportunity before through their employers now have this vehicle to do it. It doesn't cost the Federal Government one penny. Taxpayers at the Federal level don't have to put anything in it. It is relatively low cost for the States and municipalities as well. They have to just create a platform, and they have people from across their States or municipalities benefiting from them.

In order for States to do that, they needed one small change in Federal law. Under the administration of President Obama, the Department of Labor made this fix to the Federal law which allowed these States and municipalities to develop these platforms that helped millions of Americans benefit from these tax savings accounts—just like, I would point out, every Senator in this body has access to those kind of savings accounts.

So I have a very simple question: Why in the world is it somehow a priority for this Senate to take away the access States have given to their residents and deny them that opportunity to take personal responsibility to put aside funds—tax-preferred funds—in these savings accounts to plan for their future? Why would we come down and say we are not going to allow this to happen anymore? I thought this was the kind of experimentation we want to see at the State level and this is the kind of savings that we want people to do to take responsibility for their own retirement. Yet here we are about to come down with a big foot and say: No, you can't do that.

I am trying to figure out who is opposing this. I have been looking in my office for letters from people who are actually going to take responsibility for coming forward to say they want to deny this opportunity to save for millions of Americans—an opportunity that every Senator here has. It is easy for us. We are part of a big employer, the U.S. Government. We have 401(k) accounts, and so do people who work for big corporations. We need to extend that same opportunity to people who work for small employers and midsized employers that don't have the capacity and wherewithal to take that upon themselves, but they want their employees to benefit from these vehicles. So they have worked with States and municipalities to allow it to happen. Why would we ever want to pull the plug on that and deny our fellow Americans those opportunities to save for their future?

I can't figure out for the life of me how this somehow became a partisan issue here in the Congress. It wasn't partisan in the State of Maryland. Everybody got together and worked this out. Everyone agreed this was good for the people of Maryland.

So I ask our colleagues here to look at this as an opportunity to help encourage activities in our States that allow people to take the personal responsibility for their future that we are asking them to do. I ask all of our colleagues, really, to take a close look at this and to try to figure out why it is a bad idea to encourage States and municipalities, working with local employers—both small and medium-sized employers—to do what we have done in Maryland, what other States are doing, and what States can do going forward if we don't come down and slam the brakes on this innovative idea to help more Americans put aside money for their retirement.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. LEE). The Senator from Michigan.

Mr. PETERS. Mr. President, Michigan is a State that builds things. We invented the auto industry and created a new era of manufacturing. My State saw the American labor movement grow and fight to deliver the 40-hour workweek and safe workplace conditions. In Michigan, we work hard, and after a lifetime of hard work, we expect to be able to retire with dignity.

The American dream can mean different things to different people, but I believe there are some universal elements. We all want our children to prosper and see more opportunity than we have had. While we all need to have a secure retirement, we dream of passing on to the next generation—whether it is a small business or a family farm, a home with the mortgage paid off, or a nest egg that has been built up over many decades. I fear this piece of the American dream—the ability to enjoy a comfortable retirement on the strength of your lifetime earnings—is slipping further and further away for increasing numbers of Americans.

The measures we are considering this week, which would repeal the Department of Labor's safe harbor for States and municipalities developing retirement plans, would be a step backwards. Generations ago, Congress heard the American people and agreed that it was simply unacceptable for retired and elderly Americans to live in poverty. The solution that followed was Social Security, perhaps the most effective anti-poverty program ever created.

Today, we must meet that challenge once again. We must preserve and strengthen Social Security, and I will fight for that every day that I am here in the Senate. But a modern, comprehensive retirement policy must be more than just a safety net. It must be a ladder to prosperity. A ladder provides a sturdy frame to help people climb and reach new heights, if they are willing to put forth the effort.

Unfortunately, far too many Americans lack access to private savings plans. Traditional defined-benefit plans—the pensions our parents and their parents relied on—are now providing historically low rates. Now, more than ever, expanded access to defined-contribution workplace retirement accounts is critical to our Nation's economic future. Solving the retirement crisis is a complicated puzzle, but one of the most important pieces is access.

Ninety percent of Americans with access to a workplace plan report saving for retirement, while just 20 percent of those without access to a plan say they have saved. Although this difference should be as clear as night and day to everybody, only about half of private sector workers have access to a 401(k) retirement plan. This leaves nearly 60 million Americans without access to a workplace plan. Make no mistake, the numbers are clear. Workers without access are disproportionately low-income and minority workers.

In an effort to address this sweeping problem, States and municipalities have begun work to create their own programs to support retirement savings programs for workers. Recognizing that States are truly the laboratories of democracy, the Obama administration's Department of Labor put forth policies providing safe harbors to States moving forward with these innovative programs.

Today, instead of working on a bipartisan infrastructure package or legislation to support American workers and small businesses, we are debating the use of a fast-track procedure to undo these new policies and make it harder for cities and States to help tackle the retirement savings gap. If a State or city has a good idea that is helping Americans—all Americans—save for retirement, I think that is great. Why are we blocking States from creating innovative solutions? We should allow these programs to move forward so we can help workers responsibly save their hard-earned money. We should also allow these programs to move forward to see what actually works. The Federal Government certainly does not have a monopoly on good ideas, and States and cities cannot be the laboratories of democracy if we tie their hands. We need big ideas, we need small ideas, and, frankly, we need good ideas so we can get to work with what we need to do to solve this incredibly difficult problem.

A secure retirement cannot become a relic of the past. But this foundational piece of the American dream will only be true for this generation of workers

if we start working on these solutions now. As our Nation wrestles with growing income inequality, we cannot weaken our ladders to prosperity and pull out the rungs that help hard-working families take the next steps upward. Solving the retirement crisis is about empowering workers to do the right thing for their families and for their future, and repealing these Department of Labor safe harbors will only move us in the wrong direction.

I urge my colleagues to oppose these resolutions of disapproval.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill 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, Republicans are in charge of the Senate, and so far they haven't put up for a vote in this Congress a single piece of original legislation to help working families—not one. They haven't fixed a single piece of our crumbling infrastructure. They haven't put Americans back to work. They haven't brought down the soaring cost of prescription drugs. And they haven't done a thing to help the 55 million Americans who don't have access to a workplace retirement account to save for their retirement. But they have been busy.

Here is what they have done so far: They have made it easier for giant corporations to hide the payments they make to foreign countries. They have made it easier for companies to discharge filth into our rivers and streams. They have made it easier for Americans suffering from mental illness to buy guns. They have made it easier for hunters to shoot baby bears and wolf cubs from planes. They have made it easier for companies that get big-time, taxpayer-funded government contracts to steal wages from their employees. They have made it easier for employers to hide injuries their workers suffer on the job. They have made it easier for States to divert Federal education dollars away from struggling schools and students. They have made it easier for States to block people who are out of work from getting unemployment insurance payments that they are entitled to by law. And they have made it easier to keep local residents from having a say in how Federal lands are managed.

Now they are back at it again, this time to overturn a rule that will help millions of Americans start saving for their retirement. For years, the Republican-controlled Congress has done nothing to help the 55 million Americans who don't have an employer-provided retirement plan save for their retirement. Nothing. Because of this Federal inaction, 7 States have passed legislation to provide retirement accounts to their constituents, and 23 others are considering proposals. The efforts of just those 7 States could expand coverage to 15 of the 55 million Americans who don't currently have an employer-sponsored retirement account.

In addition to these State efforts, three cities are actively considering proposals to curb the retirement savings gap, potentially covering another 2 million Americans. Extending coverage to 17 million Americans would go a long way toward starting to chip away at the retirement crisis in this country.

Today, among working families on the verge of retirement, about one-third have no retirement savings of any kind, and another one-third have total savings that are less than 1 year's income. This is a real problem, and Senate Republicans should be working hard to come up with solutions to fix it. But if they don't have any ideas of their own, the least they can do is step aside and let the hard-working Governors, mayors, State treasurers, city councils, and State legislatures continue their important efforts to try to solve our retirement crisis.

Every single time the Senate has come to the floor of this Congress to overturn an Obama administration rule, Republican Senators have said they were voting to remove burdensome Federal regulations that ''severely limit the role of State and local governments,'' when local governments ''could do a much better job of providing for the people of our State.'' So why on earth are they now voting to make it harder for cities and States to help their own citizens save for retirement? Why? Three words: chamber of commerce.

The chamber of commerce and the trade associations for the giant financial firms have been fighting tooth and nail to kill these retirement initiatives. Their armies of lobbyists have been deployed to peddle misinformation about what these plans do, all because the giant financial firms that the chamber of commerce and the trade associations represent are worried that the city and State plans might actually offer better investment products with lower fees.

The American people are not calling their Senators asking us to work day in and day out to overturn rules to help them save for their retirement; 72 percent of Republicans and 83 percent of Democrats support these initiatives. They aren't calling us and asking us to make their water dirty or to let their employer put their lives at risk by cutting corners on safety either.

The American voters didn't send us to Washington to work for the lawyers and the lobbyists and the giant corporations that keep corporate profits soaring by skirting basic regulations.

This vote may be really good for filling the campaign coffers of Senate Republicans, and a few of them may pop champagne corks with their buddies at the chamber of commerce after this vote tonight, but Americans are watching, and they will be ready to fight back.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. CASEY. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

RUSSIA AND TRUMP CAMPAIGN INVESTIGATION

Mr. CASEY. Mr. President, I rise to express my grave concern about Russian aggression and interference in our political system. My concerns have been compounded over the last several weeks by the response to these allegations by President Trump and his administration.

First, let's step back for a moment. We know that the Russian Federation is an adversary of the United States. That is without question. Vladimir Putin is what I would like to call a 24-hour bad guy. There are a lot of other ways to express it, but that is one way. There is not a moment of the day when he isn't using his power to undermine our Nation's interests and the interests of freedom and democracy across the globe.

We know that the Russian regime kills journalists, jails and silences their critics, and commits war crimes in places like Syria and Ukraine. Russia meddles in elections throughout the Western world.

Mr. Putin has a warped world view. His view is that the freedom and democratic rights of tens of millions of people in Europe should be subject to the interests of a few in the Kremlin because those countries lie within Russia's supposed sphere of influence.

The work done by our intelligence agencies indicates that Russia meddled in our election with the intent of aiding President Trump. We know that now. In January, our intelligence agencies concluded:

> We assess Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election. Russia's goals were to undermine public faith in the U.S. democratic process, denigrate Secretary Clinton, and harm her electability and potential presidency. We further assess Putin and the Russian Government developed a clear preference for President-elect Trump.

That is what our intelligence agencies tell us, and I am quoting verbatim from that basic finding.

President Trump's refusal to accept the assessment of our intelligence agencies was deeply concerning—and that is an understatement. My concerns were compounded by the fact that President Trump ran on the most pro-Russian platform in modern history. Since President Trump has taken

office, he has harshly criticized our allies, from Australia to Mexico, yet when it comes to Russia's provocations and war crimes, President Trump is silent.

This deference that President Trump shows to Mr. Putin is troubling and, when combined with Russia's meddling in our election, it raises profound questions that need answers. That is why I strongly support the establishment of an independent commission to investigate Russia's interference in our political system, and I believe that the Justice Department must appoint a special counsel to investigate this matter as well.

What the American people need to know, once and for all, is at least three things: No. 1, what specific actions Russia took to aid President Trump during the election; No. 2, whether U.S. persons had knowledge of or were involved in these actions; and, finally, No. 3, whether President Trump has financial entanglements with Russians associated with the Putin regime.

You could probably add other questions, but I think they are the three basic questions we have to answer.

So this is a grave problem with substantial national security implications. My constituents agree, as I am sure is the case in every other State. Just since January 1, more than 80,000 Pennsylvanians have written to my office about Russia. That is 80,000 Pennsylvanians. These are thoughtful letters from Pennsylvanians who are so concerned about this issue that they took the time to write.

A constituent from Cumberland County, right in the middle of our State, wrote:

I am bothered by the reports of Russia trying to interfere with our democracy. I am particularly bothered by a lack of transparency in the administration with news reports of AG Sessions' undisclosed contact with Russia. Russia is having the effect they wanted by shaking confidence in our system.

That is a constituent from Cumberland County.

Another constituent from Northampton County, along the eastern side of our State, just north of Philadelphia, wrote this:

All politics aside, the investigation about Russia's actions is a concern to our republic. . . . Ultimately, it does not matter whether our elected officials are democrats or republicans, but it does matter that we all always put America's best interests first.

If the warnings from the U.S. intelligence community and the pleas from 80,000-plus Pennsylvanians aren't enough, then let's look at the numerous credible reports of contact between Russian officials and the Trump team. This body of reporting grows every day.

On January 18, McClatchy reported that ''The FBI and five other law enforcement and intelligence agencies have collaborated for months in an investigation into Russian attempts to influence the November election, including whether money from the Kremlin covertly aided President-elect Donald Trump, two people familiar with the matter said.''

On January 19, the Washington Post reported, ''U.S. counterintelligence officials are sifting through intercepted communications and financial data as part of a wider look at possible ties between the Russian government and associates of President-elect Donald Trump, officials said.''

Then again on January 19, the New York Times reported, ''American law enforcement and intelligence agencies are examining intercepted communications and financial transactions as part of a broad investigation into possible links between Russian officials and associates of President-elect Donald J. Trump, including his former campaign chairman Paul Manafort, current and former senior American officials said.''

We know that Mr. Trump's former campaign manager, Paul Manafort, previously worked for the Russian-backed President of Ukraine, Victor Yanukovych. According to an August 2016 report by the New York Times, ''Handwritten ledgers show $12.7 million in undisclosed cash payments designated for Mr. Manafort from Mr. Yanukovych's pro-Russian political party from 2007 to 2012, according to Ukraine's newly formed National Anti-Corruption Bureau.''

In February 2017, when confronted by the New York Times about reports that Trump associates may have been in contact with Russian officials during the election, Mr. Manafort said, ''It's not like these people wear badges that say, 'I'm a Russian intelligence officer.' ''

Then there is the case of a former member President Trump's foreign policy advisory committee, Carter Page. In September of 2016, Yahoo's Michael Isikoff reported, ''U.S. intelligence officials are seeking to determine whether an American businessman identified by Donald Trump as one of his foreign policy advisers has opened up private communications with senior Russian officials—including talks about the possible lifting of economic sanctions if the Republican nominee becomes president, according to multiple sources who have been briefed on the issue.''

In an interview with PBS's Judy Woodruff, Mr. Page was asked whether he met with Russian officials while he was on the Trump campaign. Ms. Woodruff asked, ''Did you have any meetings—I will ask again—did you have any meetings last year with Russian officials in Russia, outside Russia, anywhere?'' Mr. Page answered, ''I had no meetings, no meetings. I might have said hello to a few people as they were walking by me at my graduation—the graduation speech that I gave in July, but no meetings.''

Yet after USA Today reported that Mr. Page met with Russian Ambassador Sergey Kislyak at the Republican National Convention, Mr. Page told MSNBC's Chris Hayes that he would ''not deny'' meeting with the Russian Ambassador.

Furthermore, reporting by both USA Today and CNN helped get to the bottom of one of the enduring mysteries of this summer's Republican National Convention: why was the effort to insert a provision into the party's platform supporting lethal aid for Ukraine defeated? Last summer, Mr. Manafort said that the decision to defeat the provision supporting lethal aid ''absolutely did not come from the Trump campaign.''

In January of 2017, the Washington Post's David Ignatius reported that President Trump's National Security Adviser, Michael Flynn, engaged in discussions with Russian Ambassador Sergey Kislyak during the transition as then-President Obama was applying sanctions against Russia for its meddling in the U.S. elections. After the Russian Foreign Ministry vowed retaliation for the Obama administration sanctions, it was reported that several calls between Mr. Flynn and Ambassador Kislyak took place. The next day, President Putin announced he would not retaliate against the U.S. for the sanctions. The Nation was told by the Vice President that Mr. Flynn's contact with the Russian Ambassador was logistical in nature. Then it was revealed that the issue of sanctions may have been discussed. Subsequently, General Flynn resigned his position.

Then, there is the issue of President Trump's associate, Roger Stone, who demonstrated in tweets last summer that he may have had advance knowledge of some of the hacked material. In October 2016, Mr. Stone admitted to a Miami TV station that he had ''back-channel communications with WikiLeaks founder Julian Assange.'' Mr. Assange is the founder of Wikileaks, the website that Russian hackers appear to have used to deposit hacked documents during the 2016 campaign.

These revelations give credence to a February report by CNN: ''High-level advisers close to then-presidential nominee Donald Trump were in constant communication during the campaign with Russians known to US intelligence, multiple current and former intelligence, law enforcement and administration officials tell CNN.''

This summary is an illustrative list of many of the credible reports that are out there. Let's review just a few of the reports that have come to light since our intelligence agencies released their assessment.

In November of 2016, the President's spokesman at that time said: ''The campaign had no contact with Russian officials,'' yet the Russian Deputy Foreign Minister had stated that ''there were contacts during the campaign.'' On January 19, the New York Times reported that the communications of President Trump's former campaign manager, Paul Manafort, his former foreign policy adviser, Carter Page, and his longtime associate, Roger Stone, were under investigation for contacts

with the Russians. Yet despite that, President Trump continued to say for weeks that all of these reports about an investigation and contacts with Russian officials were so-called fake news.

We have learned that the Trump administration's dismissals of these investigations and reports do not align with the facts. It seems that the administration has a strategy for all of these allegations—dodge and deceive, dodge and deceive.

After all the dodging and deceiving, sometimes we finally get admissions of the truth. Again, the facts are disturbing and have meaningful national security implications.

Here is an example of how these contacts may have actually changed policy. This past summer, ABC's George Stephanopoulos asked President Trump:

Then why did you soften the GOP platform on Ukraine?

Candidate Donald Trump responded:

I wasn't involved in that. Honestly, I was not involved.

In early March, USA Today reported that then-Trump advisers Carter Page and J.D. Gordon met with Russian Ambassador Sergey Kislyak at the Republican Convention. In an interview with CNN, Mr. Gordon said that the effort to remove support for lethal security assistance to Ukraine from the Republican Party platform was done expressly to fulfill the wishes of then-Candidate Trump.

Now it is not uncommon for foreign officials to attend conventions. It is uncommon and completely, totally inappropriate for them to use that platform to shape our Nation's policies by a change in a party platform.

The dodging and deception continues. After insisting during his confirmation hearing that he had no contacts with Russian officials, it was reported that Attorney General Sessions, who was a top leader in President Trump's campaign, did indeed meet with the Russian Ambassador. There is nothing to hide about meeting with a foreign ambassador. That is part of our job as Senators, and Attorney General Sessions was a Member of the U.S. Senate. For example, in 2013, I met with the Russian Ambassador to advocate for Pennsylvania families torn apart by the Russian Government's ban on international adoptions. I was there with a significant group of other Senators from both parties. But why would Mr. SESSIONS provide incorrect information to the Judiciary Committee, and why wouldn't he immediately correct the record? That is a question that we have to ask, and that is a question that deserves an answer.

Finally, there is the issue of President Trump himself. We know that for many years he has expressed an interest in doing business in Russia. In 2008, Mr. Trump's executive vice president for acquisitions and development in his business said:

Russians make up a pretty disproportionate cross-section of a lot of our assets; say, in Dubai, and certainly with our project in SoHo and anywhere in New York. We see a lot of money pouring in from Russia.

So if one takes all of these reports together, plus the ones I have entered into the RECORD, one has to ask: What is going on? What is going on with all this information?

That is why my constituents and I have questions. That is why we need an independent commission and a special counsel appointed by the Justice Department. The administration owes the American people answers.

We cannot allow my constituent Pam's warning to come to fruition. We cannot allow Russia to exploit political differences to shake confidence in our democratic system. The United States has a proud tradition of rule of law and checks and balances. These are things that distinguish us from the autocratic and corrupt regimes around the world.

The longer it takes to get to the bottom of these questions, the longer it will be until we can get back to advancing meaningful policies to resist Russian aggression and stand with our European allies. We need to make a commitment to maintaining and expanding sanctions on Russia for a variety of malign activities: No. 1, the cyber attack on our elections; No. 2, their—the Russians'—indiscriminate bombing of civilians in support of the Assad regime in Syria; No. 3, their unabated support for separatists in eastern Ukraine; No. 4, the Russians' continued illegal annexation of Crimea.

The American people and the people of Pennsylvania, as well, have had enough of dodge and deceive on these issues. They want answers, and the only way to get them is by way of an independent commission and a special counsel.

The President and every Republican and every Democrat in the House and the Senate in all of Congress need to say once and for all, clearly, definitively, unequivocally: We will never allow this to happen again, and then work together to make that a reality.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BLUMENTHAL. Mr. President, I am here on behalf of 55 million working Americans who lack access to retirement savings plans through their employers. These numbers underscore a very, very uncomfortable truth for many Americans—that there is a looming retirement crisis in our Nation.

Congress must do more to preserve, protect, and strengthen retirement savings for all Americans. I come to the floor to express my strong opposition to the legislation before us, which would do precisely the opposite.

H.J. Res. 67 would tear down ongoing efforts at the State and municipal levels to assist, not obstruct, hard-working Americans in preparing for financially stable and rewarding retirements.

I also want to express my very deep concern about efforts by my Republican colleagues to force a vote on H.J. Res. 66 in the very near future. I would advise my colleagues to reconsider their taking action on both of these misguided proposals right away.

While many private sector employers have the option to set up and their employees have the choice to contribute to their own retirement savings accounts, fewer than 10 percent of workers who are without access to a workplace plan contribute to retirement savings accounts outside of their employers.

To address this growing issue, in August of 2016, under the guidance of the Obama administration, the Department of Labor promulgated what has become known as the State-sponsored auto-IRA rule. This rule provides critical guidance for States on how to administer programs that are designed to improve access to retirement accounts among private sector employees. These State-facilitated retirement programs would allow State governments to provide automatic enrollment in State-sponsored IRA programs, with there being the opportunity to opt out at any time.

There are misguided and progressive proposals that seek to overturn the critical rulemaking that protects Americans in this process. If passed, these resolutions, very simply, will cripple ongoing efforts on the State level to ensure that retirement savings opportunities are more readily available for all workers.

In my home State of Connecticut, we have led efforts to find secure and innovative ways to address the growing retirement savings gap for nearly 600,000 working people in Connecticut who lack access to employer-based retirement savings. The Connecticut Retirement Security Authority has led this effort. It was created in 2016, and it is based on almost 2 years of market research, public hearings, meetings, and broad input from employers, potential participants, and representatives of the financial sector.

We are moving in the right direction in Connecticut. Programs that represent a strong step in the right direction have been fostered and built by encouraging State facilitation with private providers. These plans allow workers access to secure, low-cost retirement savings accounts in Connecticut. That effort would be set back by these proposals to undercut and reverse progress made at the Federal level. Incomprehensibly, these bills would severely undercut efforts to promote State and city auto-IRA programs. It is a blatant attack on these programs and

on working families in Connecticut and elsewhere.

I urge my colleagues who believe that Congress should spend time in expanding, not limiting, access to innovative solutions to the American savings crisis to join me in opposing these resolutions.

They have broad economic implications. They set back job creation as well as economic progress. There are 55 million individuals—many of them in Connecticut—who lack the ability to save for retirement directly from their paychecks. This gap is exacerbated by the fact that nearly 20 percent of people between the ages of 55 and 64 have, virtually, zero in retirement savings. That is true of Connecticut and every State in our country.

A lack of retirement savings leads to disastrous results and jeopardizes access to adequate meals, healthcare, and other necessities. Simply put, no American family and, certainly, no Connecticut family should be deterred or discouraged from planning for the future by saving responsibly.

I urge my colleagues to join me in voting no on H.J. Res. 66 and H.J. Res. 67 because States and municipalities should have the flexibility to implement proven strategies to support hard-working Americans who wish to prepare themselves for retirement.

RUSSIA AND TRUMP CAMPAIGN INVESTIGATION

Mr. President, I find in Connecticut—and, I am sure, my colleagues find around the country—that Americans are outraged and appalled by Russia's disinformation campaign that has been waged against our free and fair electoral process. There is no question now—the intelligence agencies have confirmed it—that Russia interfered in the campaign of this latest election.

Our electoral process is the bedrock of our democracy. Russian interference in our election is an attack on our democracy. Indeed, it is an attack on America. Some believe—and I join them in this concern—that it is an act of war.

As appalling as the Russians' actions have been, I am equally—if not more—concerned about the ''see no evil, hear no evil'' attitude of this administration. It was aided in its election by Russia's campaign of disinformation, malign theft, its dissemination of private data, propaganda, and cyber attack. That cyber attack was unconscionable and unprecedented in its scope and scale.

Our Nation's intelligence community has provided chilling and absolutely horrifying confirmation of this Russian interference in our democracy. Yet the White House continually dismisses these reports. This week, we are learning that they actually may be actively interfering with and trying to redirect efforts by Congress to discover the full extent of Russia's cyber intrusion.

The bottom line here is that only a special prosecutor at the Department of Justice can apply sunlight and conduct a vigorous, independent investigation. Only a special prosecutor can remove this stain on our democracy. Only a special prosecutor can provide our Nation with assurance that wrongdoing will be effectively investigated and then charged and prosecuted. Only a special prosecutor can give us the closure we need and deserve.

Every day, evidence mounts pointing to the need to investigate these Russian ties and contacts with the Trump campaign. The more we learn, the more troubled and outraged the American people become.

Just this week, revelations have surfaced that Representative NUNES, chairman of the Intelligence Committee in the House, met on White House grounds with a source who showed him secret American intelligence reports that he then used to defend President Trump's claims that his closest associates were under surveillance by the Obama administration. That this information actually came from a meeting at the White House has intensified questions about where the information actually originated and whether the President's team is actually meddling in the congressional investigation. Chairman NUNES's actions have fatally tainted the House Intelligence Committee investigation and infected it with the virus of partisan bias.

Just yesterday, we also learned, based on letters obtained by the Washington Post, that the Trump administration sought to block former Acting Attorney General Sally Yates from testifying to Congress in the House investigation, adding additional taint. We all recall she is the one who blew the whistle on the real risk of General Flynn being blackmailed by the Kremlin. Instead of thanking her, the President fired her. After firing her for doing her job, the administration is now intent on stopping her as a witness from revealing exactly what the President knew about his adviser's ties to foreign interests.

The House investigation is incontrovertibly compromised by having a Trump surrogate running and organizing it and the administration—at least in appearance and likely in reality—controlling its access to the facts.

There is a growing body of evidence that clearly and unmistakably indicates that the Trump campaign and his associates were in contact with Russia during the election, and these deeply troubling claims of coordination with a foreign government to influence an American election deserve exacting and aggressive investigation.

The declassified report from the intelligence community clearly identifies Russia Today as a state-sponsored propaganda source that was integral to Putin's campaign to interfere in that election, and it makes it equally clear, and deplorably so, that former National Security Advisor Flynn accepted $45,000 to praise Russia Today in Moscow and dine with Putin at the network's request.

We know as well that Attorney General Sessions and Jared Kushner, the President's son-in-law and now senior adviser, had unreported meetings with Russian officials, including the head of a Russian bank under U.S. sanctions. The President's former campaign manager, Paul Manafort, funneled millions of dollars into offshore accounts from a Russian oligarch through the Bank of Cyprus, which was owned at the time by Wilbur Ross, now serving as the President's Commerce Secretary.

These contacts form a network of facts and suspicion, but more than suspicion, there are real sources of information and facts. As Ronald Reagan said, ''Facts are stubborn things.''

These disclosures are all the more reason—indeed, compelling evidence—that a special prosecutor is necessary to investigate Russia's ties and contacts with the Trump campaign. Immediate, aggressive measures to hold Russia accountable and deter further aggression must be taken. Those actions must be based on facts as well, but we must acknowledge publicly that the need for deterrence requires effective responses, appropriate and necessary measures to send a message and inflict the kind of cost that is necessary to show Russia that we will never accept these kinds of attacks. At stake is not only Russia's view of this country and deterrence to further attacks but also the credibility and trust of the American people in the Department of Justice, and that is where a special prosecutor is absolutely vital.

I support the work of the Intelligence Committee in the Senate, and I trust the members of that committee to do their work responsibly. I believe as well that we should have a select committee—or, even better, an independent commission—that will make findings of fact, produce recommendations, have public proceedings, and then, in the interest of full transparency and disclosure, produce a report with recommendations that will help provide a path to avoid these kinds of attacks on our democracy in the future and potential collusion between Americans and those attacks.

I believe that an independent commission would serve a worthwhile purpose, but neither the Intelligence Committee, nor a select committee, nor an independent commission can do what is equally important, which is prosecute wrongdoers. None of these bodies, whether congressional or independent commission, can investigate criminal wrongdoing so as to assure an effective and successful prosecution. That work must be done with the FBI and supervision of an independent, special prosecutor who can investigate vigorously and independently and then take action and bring charges if they are warranted.

I support the investigation of the Intelligence Committee, which should do its work, the appointment of a select committee that can produce findings of fact and a report and recommendation,

and an independent commission that can do the same kind of public, transparent, open disclosure. A special prosecutor does not produce a report; they and the team will produce a prosecution, if it is warranted. They are the only ones who can prosecute.

We cannot stand idle while Russia interferes and threatens our political infrastructure, which now includes our electoral system. Neither can we stand idle while our Department of Justice is leaderless or, worse yet, has a prosecutor who also may be tainted by the fact that he reports to the Attorney General or to the President. The Attorney General has recused himself, with good reason, because he was implicated in allegations surrounding collusion between the Trump campaign and the Russian interference.

The allegations of collusion are serious. They must be investigated, and the investigation and potential prosecution must be done by someone who is independent—a special prosecutor. Revelation upon revelation day after day leaves us with no choice. In fact, we had no choice well before now, but the disclosures that have surfaced just within the last hours and days confirm that justice will not be vindicated unless we have a special prosecutor. That is why I have chosen to block the nomination and confirmation of the Deputy Attorney General. I will consider doing it with other nominees as well. I feel so strongly—and I hope my colleagues do as well—that a special prosecutor is necessary to vindicate justice, to make sure that Americans have trust and confidence in our Department of Justice and in the ability of the United States to protect its democracy and the integrity of its electoral process.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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.

TRIBUTE TO JILL HRUBY

Mr. HEINRICH. Mr. President, it is an honor to recognize Jill Hruby and her team for their commitment to the success of Sandia National Laboratories and their commendable service to the Nation.

Since 2015, Ms. Hruby has been the president and director of Sandia National Laboratories and will be leaving the labs at the end of April.

It has been a pleasure working with her over the last 2 years.

With more than 12,000 employees, Sandia is our Nation's largest national laboratory with principal sites in Albuquerque, NM, and Livermore, CA.

The lab employs some of the best and brightest minds in the country and is indispensable to our national security and to maintaining our Nation's science and engineering superiority.

Ms. Hruby joined Sandia in 1983 to work on research in nanoscience, hydrogen storage, mechanical component design, thermal analysis, and microfluidics.

She served for 27 years at Sandia's California location, managing projects responsible for weapon components, microtechnologies, and materials processing.

In 2010, she came to New Mexico to serve as the vice president of the Energy, Nonproliferation, and High-Consequence Security Division and as the leader of Sandia's International, Homeland, and Nuclear Security Program Management Unit.

In July 2015, Ms. Hruby became the first woman to direct a national security laboratory.

Ms. Hruby has authored numerous publications, holds three patents in microfabrication, and won an R&D 100 Award in solid-state radiation detection. In 2016, the Society of Women Engineers presented Ms. Hruby with the Suzanne Jenniches Upward Mobility Award in celebration of her rise to a leadership role and her dedication to creating a nurturing environment for women in the workplace.

She has said that she wants her work to matter to others and to have a purpose greater than herself.

I commend Jill Hruby for her incredible record of service to our Nation addressing some of our most complex issues and challenges, and I wish her the best in all of her future endeavors.

ADDITIONAL STATEMENTS

RECOGNIZING THE STUDENTS OF CLAN OF MOR'DU

● Mr. KING. Mr. President, today I wish to recognize and to congratulate the students of the Clan of Mor'Du team for their recent State competition victory and their invitation to participate in the FIRST LEGO League World Festival.

As we enter a century of fast-paced innovation where science and technology continue to be at the epicenter of our daily lives, it is important to promote STEM education so that the next generation of engineers and entrepreneurs can fully harness the opportunities these new advancements bring to our society. Therefore, it is my honor to bring to the attention of the Senate a group of astounding young students and their coaches from Spruce Mountain Middle School who have stepped up to the plate to accept this challenge.

These outstanding students compete in the State's rigorous LEGO league, where teams must build and program robots made from LEGO NXT kits to solve missions. Their dedication to excellence and their perseverance against teams from more prominent school districts has already lead them to two well-deserved statewide championship victories. In honor of their tireless efforts, the Clan of Mor'du have been invited to attend the FIRST LEGO League World Festival in St. Louis, MO, this spring. For most of these curious young students, it will be their first trip outside of Maine.

I wish to join the communities of Jay, Livermore, and Livermore Falls, as well as the State of Maine, in congratulating the Clan of Mor'du for their pioneering spirit and remarkable achievements. Their willingness to challenge themselves and work together as a team is a testament to the tenacity and ingenuity of Maine's great people.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT MALICIOUS CYBER-ENABLED ACTIVITIES THAT WAS DECLARED IN EXECUTIVE ORDER 13694 ON APRIL 1, 2015—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13694 of April 1, 2015, is to continue in effect beyond April 1, 2017.

Significant malicious cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States, continue to pose an unusual

and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13694 with respect to significant malicious cyber-enabled activities.

DONALD J. TRUMP.
THE WHITE HOUSE, *March 29, 2017.*

MESSAGE FROM THE HOUSE

At 11:01 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 34. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services''.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1118. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Report to the Congress: Medicare Payment Policy''; to the Committee on Finance.

EC–1119. A communication from the Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0285); to the Committee on Foreign Relations.

EC–1120. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Performance Report for fiscal year 2016 for the Prescription Drug User Fee Act (PDUFA); to the Committee on Health, Education, Labor, and Pensions.

EC–1121. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Financial Report for fiscal year 2016 for the Prescription Drug User Fee Act (PDUFA); to the Committee on Health, Education, Labor, and Pensions.

EC–1122. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Financial Report for fiscal year 2016 for the Generic Drug User Fee Amendments; to the Committee on Health, Education, Labor, and Pensions.

EC–1123. A communication from the Acting Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, a financial report relative to the Medical Device User Fee Amendments of 2012 for fiscal year 2016; to the Committee on Health, Education, Labor, and Pensions.

EC–1124. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of proposed legislation entitled ''Criminal Judicial Procedure, Administration, and Technical Amendments Act of 2017''; to the Committee on the Judiciary.

EC–1125. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Polyglycerol polyricinoleate; Tolerance Exemption'' (FRL No. 9959–12) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1126. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Octadecanoic acid, 12-hydroxy-, homopolymer, ester with a, a', a'' -1,2,3-propanetriyltris[w-hydroxypoly(oxy–1,2–ethanediyl]; Tolerance Exemption'' (FRL No. 9958–97) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1127. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Isoamyl acetate; Exemption from the Requirement of a Tolerance'' (FRL No. 9956–02) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1128. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fatty Acids, Montan-Wax, Ethoxylated; Tolerance Exemption'' (FRL No. 9958–10) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1129. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cyantraniliprole; Pesticide Tolerances'' (FRL No. 9958–53) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1130. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cloquintocet-mexyl; Pesticide Tolerances'' (FRL No. 9959–11) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1131. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus AF36; Amendment to an Exemption from the Requirement of a Tolerance'' (FRL No. 9959–92) received in the Office of the President of the Senate on March 22, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1132. A communication from the official performing the duties of the Under Secretary of Defense (Intelligence), transmitting, pursuant to law, a fiscal year 2016 report relative to data mining (OSS–2017–0298); to the Committee on Armed Services.

EC–1133. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Christopher C. Bogdan, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1134. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Kevin W. Mangum, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1135. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Wendy M. Masiello, United States Air Force, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1136. A communication from the Secretary of Defense, transmitting the report of five (5) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1137. A communication from the Principal Director (Force Resiliency), performing the duties of the Assistant Secretary of Defense (Readiness), transmitting, pursuant to law, the National Guard and Reserve Equipment Report (NGRER) for fiscal year 2018; to the Committee on Armed Services.

EC–1138. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–1139. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Securities Transaction Settlement Cycle'' (RIN3235–AL86) received in the Office of the President of the Senate on March 27, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–1140. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Missouri's Air Quality Implementation Plans; Open Burning Requirements'' (FRL No. 9958–72–Region 7) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2017; to the Committee on Environment and Public Works.

EC–1141. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of Iowa; Approval and Promulgation of the Title V Operating Permits Program, the State Implementation Plan, and 112(1) Plan'' (FRL No. 9957–84–Region 7) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2017; to the Committee on Environment and Public Works.

EC–1142. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Employee Consents'' (Rev. Proc. 2017–28) received in the Office of the President of the Senate on March 27, 2017; to the Committee on Finance.

EC–1143. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0321); to the Committee on Foreign Relations.

EC–1144. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed

sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0308); to the Committee on Foreign Relations.

EC–1145. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0307); to the Committee on Foreign Relations.

EC–1146. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0306); to the Committee on Foreign Relations.

EC–1147. A communication from the Principal Deputy Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, of the proposed sale or export of defense articles and/or defense services to a Middle East country (OSS–2017–0305); to the Committee on Foreign Relations.

EC–1148. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Treaty with Australia Concerning Defense Trade Cooperation for 2016; to the Committee on Foreign Relations.

EC–1149. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Treaty with the United Kingdom Concerning Defense Trade Cooperation for 2016; to the Committee on Foreign Relations.

EC–1150. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), transmitting, pursuant to law, twenty-one (21) reports relative vacancies in the U.S. Agency for International Development (USAID), received in the Office of the President of the Senate on March 28, 2017; to the Committee on Foreign Relations.

EC–1151. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, the Office's fiscal year 2016 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–1152. A communication from the Equal Employment Opportunity Director, Office of Civil Rights and Equal Opportunity, Social Security Administration, transmitting, pursuant to law, the Administration's fiscal year 2016 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–1153. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Resolution 21–621, ''Constitution and Boundaries for the State of Washington, D.C. Approval Resolution of 2016''; to the Committee on Homeland Security and Governmental Affairs.

EC–1154. A communication from the Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of Brivaracetam Into Schedule V'' (Docket No. DEA–435) received in the Office of the President of the Senate on March 28, 2017; to the Committee on the Judiciary.

EC–1155. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to the compliance of federal district courts with documentation submission requirements; to the Committee on the Judiciary.

EC–1156. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Debt Collection Recovery Activities of the Department of Justice for Civil Debts Referred for Collection Annual Report for Fiscal Year 2016''; to the Committee on the Judiciary.

EC–1157. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, the Uniform Resource Locators (URLs) for two reports entitled ''2016 Annual Report of the Director of the Administrative Office of the United States Courts'' and ''Judicial Business of the United States Courts''; to the Committee on the Judiciary.

EC–1158. A communication from the Assistant Administrator of the Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Placement of FDA–Approved Products of Oral Solutions Containing Dronabinol [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)] in Schedule II'' (Docket No. DEA–435) received in the Office of the President of the Senate on March 28, 2017; to the Committee on the Judiciary.

EC–1159. A communication from the Chief of the Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Review of the Part 32 Uniform System of Accounts; Jurisdictional Separations and Referral to the Federal-State Joint Board'' ((RIN3060–AK20) (FCC 17–15)) received in the Office of the President of the Senate on March 27, 2017; to the Committee on Commerce, Science, and Transportation.

EC–1160. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Taking and Importing Marine Mammals Incidental to Russian River Estuary Management Activities'' (RIN0648–BG37) received in the Office of the President of the Senate on March 23, 2017; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–14. A joint resolution adopted by the Legislature of the State of Michigan petitioning the United States Congress, pursuant to Article V of the United States Constitution, to call a convention of the states to propose amendments to the United States Constitution to require a balanced federal budget; to the Committee on the Judiciary.

ENROLLED SENATE JOINT RESOLUTION V

Resolved by the Senate and House of Representatives of the state of Michigan, That pursuant to article V of the constitution of the United States, the legislature of the state of Michigan petitions the congress of the United States of America, at its session, to call a convention of the states limited to proposing an amendment to the constitution of the United States requiring that in the absence of a national emergency, including, but not limited to, an attack by a foreign nation or terrorist organization within the United States of America, the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints.

Resolved further, That this application is to be considered as covering the balanced budget amendment language of the presently outstanding balanced budget applications from other states, including, but not limited to, previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Florida, Indiana, Iowa, Kansas, Mississippi, Missouri, Nebraska, Nevada, Now Hampshire, New Mexico, North Carolina, Pennsylvania, and Texas; and this application shall be aggregated with those applications for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing a balanced budget amendment, but shall not be aggregated with any applications on any other subject.

Resolved further, That this application constitutes a continuing application in accordance with article V of the constitution of the United States until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this legislature on the same subject.

Resolved further, That certified copies of this joint resolution be transmitted by the secretary of state to the president of the United States Senate, to the speaker of the United States House of Representatives, and to each member of this state's delegation to the congress and that printed copies be sent to each house of each state legislature in the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

Special Report entitled ''Report of the Select Committee on Intelligence United States Senate Covering the Period January 6, 2015 to January 2, 2017'' (Rept. No. 115–13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. INHOFE:

S. 755. A bill to amend the Pilot's Bill of Rights to facilitate appeals, to limit the reexamination of airman certificates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SULLIVAN (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. COONS, Mr. PETERS, Mr. INHOFE, Mr. TILLIS, and Ms. MURKOWSKI):

S. 756. A bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FLAKE:

S. 757. A bill to amend the Homeland Security Act of 2002 to facilitate communication between U.S. Customs and Border Protection and border ranchers in Arizona and other border States, and for other purposes; to the

Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself, Mr. TILLIS, Mr. NELSON, and Mr. RUBIO):

S. 758. A bill to amend the Public Health Service Act with respect to the Agency for Toxic Substances and Disease Registry's review and publication of illness and conditions relating to veterans stationed at Camp Lejeune, North Carolina, and their family members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MCCAIN (for himself and Mr. ENZI):

S. 759. A bill to save taxpayers money by improving the manufacturing and distribution of coins and notes, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHATZ (for himself and Mr. SASSE):

S. 760. A bill to expand the Government's use and administration of data to facilitate transparency, effective governance, and innovation, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 761. A bill to amend the Internal Revenue Code of 1986 to allow individuals to receive a premium assistance credit for insurance not purchased on an Exchange, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 762. A bill to amend the Internal Revenue Code of 1986 to reform provisions relating to whistleblowers; to the Committee on Finance.

By Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, and Mr. BOOKER):

S. 763. A bill to improve surface and maritime transportation security; to the Committee on Commerce, Science, and Transportation.

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

S. 764. A bill to amend title 38, United States Code, to improve the enrollment of veterans in certain courses of education, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PERDUE:

S. 765. A bill to amend title 18, United States Code, to provide for penalties for the sale of any Purple Heart awarded to a member of the Armed Forces; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 766. A bill to amend titles 10 and 32, United States Code, to improve and enhance authorities relating to the employment, use, status, and benefits of military technicians (dual status), and for other purposes; to the Committee on Armed Services.

By Mr. BENNET (for himself, Mrs. SHAHEEN, Mr. BOOKER, Mr. CARDIN, Mr. SANDERS, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. UDALL, Ms. CORTEZ MASTO, Mr. HEINRICH, Ms. WARREN, Mr. WYDEN, Mr. FRANKEN, Ms. HASSAN, Mr. NELSON, Ms. HARRIS, Mrs. MURRAY, Mr. COONS, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. SCHATZ, Mr. MENENDEZ, Mr. LEAHY, Mr. BLUMENTHAL, Mr. CARPER, Ms. HIRONO, Mr. MURPHY, and Mr. VAN HOLLEN):

S. 767. A bill to provide that the Executive Order entitled ''Promoting Energy Independence and Economic Growth'' and signed on March 28, 2017, shall have no force or effect, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. SHAHEEN:

S. 768. A bill to improve the productivity and energy efficiency of the manufacturing sector by directing the Secretary of Energy, in coordination with the National Academies and other appropriate Federal agencies, to develop a national smart manufacturing plan and to provide assistance to small- and medium-sized manufacturers in implementing smart manufacturing programs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOOZMAN (for himself and Mr. CASEY):

S. 769. A bill to amend title XVIII of the Social Security Act to align physician supervision requirements under the Medicare program for radiology services performed by advanced level radiographers with State requirements; to the Committee on Finance.

By Mr. SCHATZ (for himself, Mr. RISCH, Mr. THUNE, Ms. CANTWELL, and Mr. NELSON):

S. 770. A bill to require the Director of the National Institute of Standards and Technology to disseminate resources to help reduce small business cybersecurity risks, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRANKEN (for himself, Mr. SANDERS, Mr. WHITEHOUSE, Mr. BROWN, Ms. KLOBUCHAR, Ms. WARREN, Ms. BALDWIN, Mr. REED, Mrs. GILLIBRAND, Ms. HASSAN, Mr. DURBIN, Mr. VAN HOLLEN, Mr. MERKLEY, Mr. UDALL, Mr. BLUMENTHAL, and Mr. BOOKER):

S. 771. A bill to improve access to affordable prescription drugs; to the Committee on Finance.

By Mr. MCCAIN:

S. 772. A bill to amend the PROTECT Act to make Indian tribes eligible for AMBER Alert grants; to the Committee on Indian Affairs.

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

S. 773. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to qualified small issue manufacturing bonds; to the Committee on Finance.

By Ms. HEITKAMP (for herself, Mr. DURBIN, Mr. FRANKEN, and Mr. BOOKER):

S. 774. A bill to address the psychological, developmental, social, and emotional needs of children, youth, and families who have experienced trauma, and for other purposes; 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. CARDIN, Mr. RUBIO, Mr. DURBIN, Mr. MCCAIN, and Mr. MENENDEZ):

S. Res. 102. A resolution reaffirming the strategic partnership between the United States and Mexico, and recognizing bilateral cooperation that advances the national security and national interests of both countries; to the Committee on Foreign Relations.

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

S. Res. 103. A resolution designating March 29, 2017, as ''Vietnam Veterans Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. TESTER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 29, a bill to permit disabled law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, members of the Supreme Court Police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled.

S. 59

At the request of Mr. CRAPO, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 59, a bill to provide that silencers be treated the same as long guns.

S. 204

At the request of Mr. JOHNSON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 204, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 233

At the request of Mr. WARNER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 233, a bill to authorize the Secretary of Veterans Affairs to carry out certain major medical facility leases of the Department of Veterans Affairs.

S. 322

At the request of Mr. PETERS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 324

At the request of Mr. HATCH, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 348

At the request of Mr. FRANKEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 348, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate lower covered part D drug prices on behalf of Medicare beneficiaries.

S. 366

At the request of Mr. ROUNDS, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 366, a bill to require the Federal financial institutions regulatory agencies to take risk profiles and business models of institutions into account when taking regulatory actions, and for other purposes.

S. 382

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 387

At the request of Mr. PERDUE, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 387, a bill to amend the Consumer Financial Protection Act of 2010 to subject the Bureau of Consumer Financial Protection to the regular appropriations process, and for other purposes.

S. 465

At the request of Mr. ROUNDS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 465, a bill to provide for an independent outside audit of the Indian Health Service.

S. 469

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 469, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for the importation of affordable and safe drugs by wholesale distributors, pharmacies, and individuals.

S. 482

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 517

At the request of Mrs. FISCHER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 517, a bill to amend the Clean Air Act with respect to the ethanol waiver for Reid vapor pressure limitations under such Act.

S. 552

At the request of Mr. BROWN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 552, a bill to amend the Truth in Lending Act and the Electronic Fund Transfer Act to provide justice to victims of fraud.

S. 595

At the request of Mr. FLAKE, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 595, a bill to provide U.S. Customs and Border Protection with additional flexibility to expedite the hiring process for applicants for law enforcement positions, and for other purposes.

S. 717

At the request of Mr. SULLIVAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 717, a bill to promote pro bono legal services as a critical way in which to empower survivors of domestic violence.

S. 722

At the request of Mr. CORKER, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 722, a bill to impose sanctions with respect to Iran in relation to Iran's ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes.

S. 748

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 748, a bill to protect United States citizens and residents from unlawful profiling, arrest, and detention, and for other purposes.

S. 751

At the request of Mr. WARNER, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S. 751, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from Wisconsin (Mr. JOHNSON), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 761. A bill to amend the Internal Revenue Code of 1986 to allow individuals to receive a premium assistance credit for insurance not purchased on an Exchange, and for other purposes; to the Committee on Finance.

Mr. ALEXANDER. Mr. President, the Health Care Options Act of 2017, introduced by Senator CORKER and me, would address the emergency in the health insurance exchanges in Tennessee and in other States. This legislation would allow any American who receives a subsidy and has no insurance available on their exchange next year to use that subsidy to buy any State-approved insurance off the exchange.

Second, the legislation would waive the Affordable Care Act requirement that these Americans—who, remember, have zero insurance options for their subsidies—have to pay a penalty for not purchasing the insurance.

Third, the legislation would bring peace of mind between now and the beginning of 2018 to millions of Americans—some of the most vulnerable people in our country—who face having zero options of health insurance to purchase with their subsidy in the year 2018 because of the collapsing ObamaCare exchange markets.

Here is why urgent action is needed. There are 11 million Americans who buy individual insurance now on the Affordable Care Act exchanges. Approximately 85 percent of them receive a subsidy to help them buy insurance. For those who don't like subsidies for people buying insurance, I would remind us that about 60 percent of insured Americans get insurance on the job, and the average tax break for people with employer sponsored insurance is about $5,000. What we are talking about is the 4 percent of insured people who don't get insurance on the job, who don't get it from the government and Medicare and Medicaid, and this subsidy gives them some money to help them buy insurance if they are mostly low income.

While these 11 million make up only 4 percent of the total insured population in this country, this 4 percent is where much of today's political turmoil rests.

In the Knoxville area where I live, the one remaining insurance company on the Affordable Care Act exchange has pulled out for the year 2018. So it is a near certainty that there will be zero insurance options for 40,000 Tennesseans who live there and buy their insurance on the exchange. In other words, for approximately 34,000 Tennesseans living in Knoxville who rely on an Affordable Care Act subsidy to buy health insurance, their subsidies will be worth as much as a bus ticket in a town with no buses running.

There is a real prospect that the same thing may happen to all 230,000 Tennesseans who buy insurance on the exchange. As I said, 85 percent of them rely on a subsidy to afford insurance; they just will not have any insurance policies to buy.

The decision Friday by the House of Representatives to not vote on the health care bill changes nothing about the urgency of rescuing these 230,000 Tennesseans who buy insurance on the ObamaCare exchanges that our State insurance commissioner has told us are ''very near collapse.''

While Congress continues its work to enact long-term structural health reforms, we must take immediate action to help these 230,000 Tennesseans and millions of Americans in other States facing the same dire consequences.

This is not just a problem for Tennesseans. Last year, 7 percent of counties in the country had just one insurer offering plans on their Affordable Care Act exchange. This year, that 7 percent has risen to 32 percent of the counties in this country having just one insurer offering plans on the Affordable Care Act exchange. There are five States this year that have only a single insurer offering ACA plans in their entire State—Alabama, Alaska, Oklahoma, South Carolina, and Wyoming. And in nine States, there is only one insurer offering ACA plans in a majority of the

counties in the States: Tennessee, North Carolina, West Virginia, Utah, Nevada, Arizona, Mississippi, Missouri, and Florida.

Next year, in 2018, we know the problem will be much worse. As more insurance companies announce their plans for the 2018 plan year, it is very likely that more counties across the Nation will face challenges similar to those in the Knoxville, Tennessee, area, where, again, having an ObamaCare subsidy will be as useful as having a bus ticket in a town with no buses running.

Now, there is a solution to this. As I mentioned, the legislation that Senator CORKER and I are introducing will do three things: First, it will allow Americans to use their Affordable Care Act subsidy—the money they are getting now—to purchase any health insurance plan outside of the exchange, as long as the insurance is approved by the State for sale in the individual market. That means Americans on the exchanges will have options to purchase insurance where the Affordable Care Act has left them with none. This option will be given to individuals who live in the counties where the Secretary of Health and Human Services certifies that there are zero options on the ACA exchange.

Second, when the Secretary certifies that there are zero insurance options on the exchange, the legislation will waive the Affordable Care Act's requirement to buy a specific health plan or pay a fine of as much as $2,000 for a family of four. The law's individual mandate, in other words, will not apply to these individuals. And, of course, it shouldn't. They shouldn't be penalized for not buying insurance when there is no insurance to buy.

The legislation's temporary authority would be in place only through the end of the 2019 plan year.

Third, I hope that this legislation will provide some peace of mind for those Knoxville area residents and Americans in counties across the country trapped in collapsing exchanges.

This is not a permanent solution. Congress has a responsibility to continue its work to solve this problem and to give more Americans more choices of lower cost health insurance.

Long term, Americans should have the freedom to make their own choices about their family's health care needs. But in the short term, we must act on behalf of 230,000 Tennesseans, some of the most vulnerable citizens in our State, and millions of other Americans in other States who are likely to have zero choices of insurance in 2018.

Earlier this afternoon, the Tennessee insurance commissioner, Julie Mix McPeak, who has testified before the Senate and made public statements that the Tennessee Affordable Care Act exchanges were in virtual collapse—what she means by that is no one will be selling insurance in them—issued this statement in support of the bill that Senator CORKER and I have introduced. She said:

> This bill ''would definitely be helpful for Tennessee consumers. We are in favor of any legislation that improves consumer choice and provides access for Tennesseans. It is completely unacceptable for our consumers to have a subsidy but no ability to purchase insurance on the exchange. We support any option that avoids that result.''

I yield the floor.

By Mr. GRASSLEY (for himself and Mr. WYDEN):

S. 762. A bill to amend the Internal Revenue Code of 1986 to reform provisions relating to whistleblowers; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in 2006, I was successful in enacting much needed updates to the IRS whistleblower program. Up until that time, the program was entirely a voluntary award program. There was also no central office within the IRS for handling whistleblower claims. Given this, there was little incentive for whistleblowers to step forward potentially risking their careers.

My 2006 amendments sought to bolster the IRS whistleblower program by making a special program targeted at going after high-dollar tax cheats, such as corporations. It did this by making awards mandatory in cases where a whistleblower discloses tax fraud totaling $2 million or more. Moreover, the 2006 amendments established the Whistleblower Office within the IRS to formalize and manage the program.

The IRS whistleblower program has turned into one of the most effective programs in addressing tax evasion—leading to the recovery of more than $3 billion in taxes that otherwise would have been lost to fraud. I firmly believe the program has the potential to collect even greater sums going forward. However, for this to occur, the IRS is going to have to completely embrace the program and start to view whistleblowers as their allies.

The Government Accountability Office, GAO, issued a report on the program in 2015 that expressed concerns that long timelines and poor communication may be discouraging whistleblowers. This is exactly what I have been hearing from whistleblowers for years. Too often whistleblowers are waiting in the dark for years with no communication on where their claim is in the system.

While the IRS has made improvements in this area, I fear that without further improvements some whistleblowers may start to question whether stepping forward is worth their time and effort. My concern is exacerbated by the fact that under current law, IRS whistleblowers have no protections against employer retaliation for good-faith disclosures.

That is why I am pleased to be joined by Senator WYDEN today in introducing legislation that seeks to address these issues. The IRS Whistleblower Improvements Act would increase communication between the IRS and whistleblowers, while protecting taxpayer privacy, and provide legal protections to whistleblowers from employers retaliating against them for disclosing tax abuses.

To increase communication, our bill would specifically allow the IRS to exchange information with whistleblowers where doing so would be helpful to an investigation. It would further require the IRS to provide status updates to whistleblowers at significant points in the review process and allows for further updates at the discretion of the IRS. It does this while ensuring the confidentiality of this information is maintained.

Moreover, to protect whistleblowers from employer retaliation, our bill extends antiretaliation provisions to IRS whistleblowers that are presently afforded to whistleblowers under other whistleblower laws, such as the False Claims Act and Sarbanes-Oxley.

Too often, whistleblowers are treated like skunks at a picnic. This is unfortunate, as often the only way to discover fraud and abuse is for a whistleblower to step forward. It is time we roll out the welcome mat for IRS whistleblowers. Our bill takes a good step in that direction.

I urge my colleagues to join Senator WYDEN and me in supporting this commonsense legislation.

By Mr. BENNET (for himself, Mrs. SHAHEEN, Mr. BOOKER, Mr. CARDIN, Mr. SANDERS, Mr. MARKEY, Mr. MERKLEY, Mr. REED, Mr. DURBIN, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. UDALL, Ms. CORTEZ MASTO, Mr. HEINRICH, Ms. WARREN, Mr. WYDEN, Mr. FRANKEN, Ms. HASSAN, Mr. NELSON, Ms. HARRIS, Mrs. MURRAY, Mr. COONS, Mrs. FEINSTEIN, Ms. KLOBUCHAR, Mr. SCHATZ, Mr. MENENDEZ, Mr. LEAHY, Mr. BLUMENTHAL, Mr. CARPER, Ms. HIRONO, Mr. MURPHY, and Mr. VAN HOLLEN):

S. 767. A bill to provide that the Executive Order entitled ''Promoting Energy Independence and Economic Growth'' and signed on March 28, 2017, shall have no force or effect, and for other purposes; to the Committee on Environment and Public Works.

Mr. BENNET. Mr. President, even with all the dysfunction in Congress, somehow the American people continue to expect that Washington will enact policies that bear at least some relationship to the challenges they face. Unfortunately, the administration's new Executive order on energy fails even that low bar.

This order will not expand energy production, it will not make us more energy independent, it will not create more American jobs, and it will also not protect us from the ravages of climate change. That last point is somewhat less surprising than the first because, unlike millions of Americans and 99 percent of scientists, this administration does not believe that climate change is real or that humankind is contributing to it.

To understand where this Executive order comes from, I think it is important to see where we were before this administration took office. Put simply, the United States was already on track to achieve energy independence. Our country is producing a tremendous amount of low-cost energy. Since 2008, solar energy production has grown more than 50-fold, wind power is up 3-fold, and oil production in the United States of America is up 75 percent. In fact, 5 years ago, we began producing more oil than we import.

You can see on this slide that over the period of time that the Obama administration was in office, oil production rose like this, and net imports have gone like this—an important fact considering our geopolitical situation in the world. We are also now producing so much natural gas that facilities that were built originally to import gas are now being reengineered to export gas from the United States. I, along with other people in this Chamber, have worked hard to try to make sure those facilities are expedited so we can get the benefit of that exported natural gas.

Even before President Trump rode to the rescue with his Executive order, the Wall Street Journal told us that exports of natural gas could more than double over the next 5 years, just based on what we are doing already. We are also using energy far more efficiently in our homes, our appliances, and our automobiles, which is why the administration's action to reverse higher fuel standards last week—well, I just would say, talk about a solution in search of a problem. That is one.

There is not a person in Colorado who said to me: Michael, do you know what we ought to do? We ought to reduce the fuel efficiency standards on automobiles. We ought to create a regulatory environment where the United States can't sell competitive automobiles in the world. Nobody has said that because not only are they concerned about climate, they are concerned that we lead the world when it comes to innovation. And that order, just like a budget that cuts the EPA by 30 percent, that targets the climate scientists at the EPA, that targets the satellites that are above our heads so that we can't see what is happening on our planet—this is all so we can perpetuate a willful view that climate change doesn't exist, and it is the same thing with this Executive order.

All of the trends that are in place right now—right before this administration took office—have combined to reduce our reliance on foreign energy in recent years, even as our economy has grown and average prices at the pump, because of the abundant supply, remain under $2.30. We are just a few years away from exporting as much oil and gas as we import. That is important for our country.

Colorado has been a huge part of America's growing energy independence and, by extension, our national security. That is because in many ways Colorado led the way in developing a commonsense approach to expanding energy production while ensuring clean air and a healthy planet. We brought environmentalists together with the oil and gas industry to develop one of the first State limits on methane pollution. It became a model for the country. We passed the first voter-led renewable energy standard in the Nation, which became a model for the country. We established our own limits on carbon pollution at the State level, and in this process we have created 13,000 renewable energy jobs, with wind jobs alone expected to triple by 2020. On average, these jobs pay over $50,000. This is not some Bolshevik experiment or some socialist experiment. These are manufacturing jobs in the United States of America, in Colorado, that would not be there if it hadn't been for the policy decisions that were made in this body and in other parts of Washington, DC, and the supply chain that goes along with those manufactured turbines is critically important to our economy. At the same time we were doing all that, we preserved over 56,000 oil and gas jobs, even as drilling has slowed because of, again, abundant supply, to say nothing of the jobs Colorado has created just because it is a place where other people would like to live. They want to come to Colorado, as they want to go to Nevada, because there is a high quality of life. There is a lot of sunshine in both places.

I am pleased to have the chance to work with the Senator from Nevada to make sure we not only extended the investment tax credit with respect to solar, but we put language in there together—Republicans and Democrats together—to create an idea that those credits would kick in at the beginning of construction, not having to wait until the end. That has made a big difference to our solar industry.

Long ago, the State of Colorado and, I would say, many other States have broken past the false choice between our economy and the environment. That is the course we have charted in Colorado, and if the President were serious about energy independence, he would support that approach. Instead, he is trying to undermine it with this new order. By undoing national standards for carbon pollution, the order threatens to undercut our thriving clean energy industry. There are 465 solar and wind businesses across our State supporting over $8 billion in investments. By retreating from the fight against climate change, the order recklessly endangers Colorado's $646 billion outdoor recreation industry, not to mention the health of our national forests that line the banks of some of the most vital watersheds in America.

As the President targets our environment and clean energy economy with this Executive order, he has dressed it up as something good for jobs, as he did during the campaign. Yesterday, the President stood before a group of coal miners and promised to ''cancel job-killing regulations'' and ''put our miners back to work.''

Just 2 weeks ago, I was on the Western Slope of Colorado, a region with a number of mining communities. These communities, some of whom have helped invent hydraulic fracture and directional drilling, know that their challenges have far more to do with low prices and competition from natural gas than from the EPA. They know that their way of life and the way of life of communities like theirs all across the United States require real solutions to help them grow and diversify their economies. These communities get it. They understand it, but the President clearly does not.

Just yesterday, the Wall Street Journal ran this article entitled ''Despite Trump Move on Climate Change, Utilities' Shift from Coal Is Set to Continue.'' According to the article, last year, power from coal plants fell while power from natural gas rose 35 percent. Nationwide major utilities are shedding coal and increasing natural gas and renewables. That is the reality of our energy market and of the global economy, but this administration, when it comes to energy and when it comes to climate, is not operating in reality. It is operating amongst political slogans. It is operating in the theater of the absurd, where policies have no relationship to problems, facts don't matter, and false promises to struggling Americans are just another political tactic to win a cable news cycle.

The American people deserve so much better. Colorado deserves so much better than that. That is why today I am introducing a bill alongside more than 30 Senators to rescind this disastrous order, protect American jobs, and preserve our path toward energy independence. The stakes could not be higher for our kids, our planet, and our economy. We cannot let this stand.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 102—REAFFIRMING THE STRATEGIC PARTNERSHIP BETWEEN THE UNITED STATES AND MEXICO, AND RECOGNIZING BILATERAL COOPERATION THAT ADVANCES THE NATIONAL SECURITY AND NATIONAL INTERESTS OF BOTH COUNTRIES

Mr. CORNYN (for himself, Mr. CARDIN, Mr. RUBIO, Mr. DURBIN, Mr. MCCAIN, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 102

Whereas the people of United States and Mexico enjoy shared cultural and economic ties and both nations share common values based on the desire to achieve peace, security, and prosperity in their respective countries;

Whereas the Governments of the United States and Mexico engage in bilateral cooperation on a broad range of issues that directly benefits each country's national security and national interests;

Whereas the United States and Mexico enjoy close diplomatic cooperation and Mexico has consistently voted with the United States at the United Nations on challenges related to Syria, North Korea, and Ukraine, as well as at the Organization of American States on issues related to Venezuela;

Whereas Mexico is an important security and defense partner to the United States, and regularly participates in training activities in coordination with United States Northern Command (NORTHCOM) and the North American Aerospace Defense Command (NORAD);

Whereas consecutive United States and Mexican administrations have increased bilateral defense and law enforcement cooperation on counterterrorism and counternarcotics issues, including the illicit trafficking of weapons, money, people, and drugs across the United States Southern Border;

Whereas the Government of Mexico has utilized its military and Federal Police to combat the transnational criminal organizations that have waged campaigns of ruthless violence against the Mexican people and trafficked an immeasurable quantity of illegal drugs into the United States that have taken the lives of far too many Americans;

Whereas the administration of President Enrique Peña Nieto has extradited more than 270 individuals facing criminal charges to the United States, including Joaquin ''El Chapo'' Guzman on January 19, 2017;

Whereas the Government of Mexico has initiated an effort to reduce the growing domestic production of heroin through the eradication of poppy and destruction of labs used to make heroin;

Whereas Mexico has sought to improve anti-corruption efforts at the local, State, and Federal level by adopting a national anticorruption system and starting a transition from a presidentially appointed attorney general's office to a more independent prosecutor general's office selected by the Mexican Senate;

Whereas, through the Merida Initiative, which was launched in 2008, the Governments of the United States and Mexico have collaborated to combat organized crime, strengthen the rule of law, advance judicial reform, and address challenges to human rights in Mexico, including the involvement of security forces in extrajudicial killings of civilians, the disappearances of more than 23,000 individuals, and the unresolved forced disappearance of 43 students in Guerrero State in 2014;

Whereas the Governments of the United States and Mexico collaborate on a broad range of initiatives to strengthen the bilateral commercial and economic relationship, including the ongoing High Level Economic Dialogue, launched in 2013 to bring together cabinet officials from both countries to promote economic growth, job creation, a modern and efficient border, and competitiveness;

Whereas the United States and Mexico conducted $583,600,000,000 in trade in goods and services in 2015, according to the Office of the U.S. Trade Representative;

Whereas Mexico is the United States' second largest export market and third largest trading partner;

Whereas trade with Mexico and Canada supports nearly 14,000,000 United States jobs; and

Whereas United States and Mexican citizens collaborate on a broad range of initiatives to foster entrepreneurship, innovation, and educational exchanges: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strategic partnership between the United States and Mexico, which is vital for the national security and economic well-being of both nations;

(2) supports continued diplomatic, economic, and security cooperation between the United States and Mexico, including undertaking joint efforts to address the common security challenges and opportunities for improved commerce that exist across their nearly 2,000 mile border;

(3) encourages enhanced security cooperation between the United States and Mexican militaries and law enforcement agencies to address common challenges such as counterterrorism and counternarcotics, including the increased trafficking of heroin and fentanyl;

(4) commits to continue the United States Government's partnership with the Government of Mexico to combat the transnational criminal organizations that are undermining the rule of law in Mexico and projecting their influence in the form of illicit trafficking of weapons, money, people, and drugs across the United States Southern Border;

(5) supports efforts by the Government of Mexico to strengthen the rule of law, reduce corruption, and advance civil and human rights; and

(6) remains committed to a relationship between the United States and Mexico that is based on mutual respect and the promotion of shared democratic values and principles.

SENATE RESOLUTION 103—DESIGNATING MARCH 29, 2017, AS ''VIETNAM VETERANS DAY''

Mr. BURR (for himself and Mr. MANCHIN) submitted the following resolution; which was considered and agreed to:

S. RES. 103

Whereas the Vietnam War was fought in the Republic of Vietnam from 1955 to 1975 and involved regular forces from the Democratic Republic of Vietnam and Viet Cong guerrilla forces in armed conflict with the United States Armed Forces, the armed forces of allies of the United States, and the armed forces of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct support by the Armed Forces to the Government of the Republic of Vietnam to defend against the growing threat of Communism from the Democratic Republic of Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of South Vietnam in 1955;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88–408) on August 7, 1964, which provided to the President of the United States the authority to use armed force to assist the Republic of Vietnam in the defense of its freedom against the Democratic Republic of Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in the Republic of Vietnam to join an already present 23,000 United States Armed Forces personnel;

Whereas, by September 1965, there were between 150,000 and 190,000 United States Armed Forces troops in Vietnam, and by 1969, a peak number of United States Armed Forces troops in Vietnam of approximately 549,500 troops was reached, including United States Armed Forces members supporting the combat operations from Thailand, Cambodia, Laos, and aboard Navy vessels;

Whereas, on January 27, 1973, the Agreement on Ending the War in Vietnam and Restoring Peace (commonly known as the ''Paris Peace Accords'') was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in the Vietnam War, and more than 300,000 members of the United States Armed Forces were wounded in Vietnam;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of those veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the decisions of policymakers that were beyond the control of those members of the United States Armed Forces; and

Whereas designating March 29, 2017, as ''Vietnam Veterans Day'' would be an appropriate way to honor the members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 29, 2017, as ''Vietnam Veterans Day'';

(2) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam or in support of operations in Vietnam during war and during peace;

(3) encourages States and local governments to designate March 29, 2017, as ''Vietnam Veterans Day''; and

(4) encourages the people of the United States to observe Vietnam Veterans Day with appropriate ceremonies and activities that—

(A) provide the appreciation that veterans of the Vietnam War deserve;

(B) demonstrate the resolve that the people of the United States shall never forget the sacrifices and service of a generation of veterans who served in the Vietnam War;

(C) promote awareness of the faithful service and contributions of the veterans of the Vietnam War—

(i) during service in the United States Armed Forces; and

(ii) to the communities of the veterans since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans in helping the veterans readjust to civilian life after service in the United States Armed Forces; and

(E) promote opportunities for veterans of the Vietnam War—

(i) to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen; and

(ii) to support the reintegration of younger veterans into civilian life.

AMENDMENTS SUBMITTED AND PROPOSED

SA 204. Mr. MCCONNELL (for Mr. THUNE for himself, Mr. SCHATZ, and Mr. NELSON)) proposed an amendment to the bill H.R. 353, to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes.

SA 205. Mr. MCCONNELL (for Ms. CANTWELL) proposed an amendment to amendment SA 204 proposed by Mr. MCCONNELL (for Mr. THUNE) to the bill H.R. 353, supra.

TEXT OF AMENDMENTS

SA 204. Mr. MCCONNELL (for Mr. THUNE) proposed an amendment to the bill H.R. 353, to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Weather Research and Forecasting Innovation Act of 2017''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) SEASONAL.—The term ''seasonal'' means the time range between 3 months and 2 years.

(2) STATE.—The term ''State'' means a State, a territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

(3) SUBSEASONAL.—The term ''subseasonal'' means the time range between 2 weeks and 3 months.

(4) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary of Commerce for Oceans and Atmosphere.

(5) WEATHER INDUSTRY AND WEATHER ENTERPRISE.—The terms ''weather industry'' and ''weather enterprise'' are interchangeable in this Act, and include individuals and organizations from public, private, and academic sectors that contribute to the research, development, and production of weather forecast products, and primary consumers of these weather forecast products.

TITLE I—UNITED STATES WEATHER RESEARCH AND FORECASTING IMPROVEMENT

SEC. 101. PUBLIC SAFETY PRIORITY.

In conducting research, the Under Secretary shall prioritize improving weather data, modeling, computing, forecasting, and warnings for the protection of life and property and for the enhancement of the national economy.

SEC. 102. WEATHER RESEARCH AND FORECASTING INNOVATION.

(a) PROGRAM.—The Assistant Administrator for the Office of Oceanic and Atmospheric Research shall conduct a program to develop improved understanding of and forecast capabilities for atmospheric events and their impacts, placing priority on developing more accurate, timely, and effective warnings and forecasts of high impact weather events that endanger life and property.

(b) PROGRAM ELEMENTS.—The program described in subsection (a) shall focus on the following activities:

(1) Improving the fundamental understanding of weather consistent with section 101, including the boundary layer and other processes affecting high impact weather events.

(2) Improving the understanding of how the public receives, interprets, and responds to warnings and forecasts of high impact weather events that endanger life and property.

(3) Research and development, and transfer of knowledge, technologies, and applications to the National Weather Service and other appropriate agencies and entities, including the United States weather industry and academic partners, related to—

(A) advanced radar, radar networking technologies, and other ground-based technologies, including those emphasizing rapid, fine-scale sensing of the boundary layer and lower troposphere, and the use of innovative, dual-polarization, phased-array technologies;

(B) aerial weather observing systems;

(C) high performance computing and information technology and wireless communication networks;

(D) advanced numerical weather prediction systems and forecasting tools and techniques that improve the forecasting of timing, track, intensity, and severity of high impact weather, including through—

(i) the development of more effective mesoscale models;

(ii) more effective use of existing, and the development of new, regional and national cloud-resolving models;

(iii) enhanced global weather models; and

(iv) integrated assessment models;

(E) quantitative assessment tools for measuring the impact and value of data and observing systems, including Observing System Simulation Experiments (as described in section 107), Observing System Experiments, and Analyses of Alternatives;

(F) atmospheric chemistry and interactions essential to accurately characterizing atmospheric composition and predicting meteorological processes, including cloud microphysical, precipitation, and atmospheric electrification processes, to more effectively understand their role in severe weather; and

(G) additional sources of weather data and information, including commercial observing systems.

(4) A technology transfer initiative, carried out jointly and in coordination with the Director of the National Weather Service, and in cooperation with the United States weather industry and academic partners, to ensure continuous development and transition of the latest scientific and technological advances into operations of the National Weather Service and to establish a process to sunset outdated and expensive operational methods and tools to enable cost-effective transfer of new methods and tools into operations.

(c) EXTRAMURAL RESEARCH.—

(1) IN GENERAL.—In carrying out the program under this section, the Assistant Administrator for Oceanic and Atmospheric Research shall collaborate with and support the non-Federal weather research community, which includes institutions of higher education, private entities, and nongovernmental organizations, by making funds available through competitive grants, contracts, and cooperative agreements.

(2) SENSE OF CONGRESS.—It is the sense of Congress that not less than 30 percent of the funds for weather research and development at the Office of Oceanic and Atmospheric Research should be made available for the purpose described in paragraph (1).

(d) ANNUAL REPORT.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, for the National Oceanic and Atmospheric

Administration, the Under Secretary shall submit to Congress a description of current and planned activities under this section.

SEC. 103. TORNADO WARNING IMPROVEMENT AND EXTENSION PROGRAM.

(a) IN GENERAL.—The Under Secretary, in collaboration with the United States weather industry and academic partners, shall establish a tornado warning improvement and extension program.

(b) GOAL.—The goal of such program shall be to reduce the loss of life and economic losses from tornadoes through the development and extension of accurate, effective, and timely tornado forecasts, predictions, and warnings, including the prediction of tornadoes beyond 1 hour in advance.

(c) PROGRAM PLAN.—Not later than 180 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research, in coordination with the Director of the National Weather Service, shall develop a program plan that details the specific research, development, and technology transfer activities, as well as corresponding resources and timelines, necessary to achieve the program goal.

(d) ANNUAL BUDGET FOR PLAN SUBMITTAL.—Following completion of the plan, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in coordination with the Director of the National Weather Service, shall, not less frequently than once each year, submit to Congress a proposed budget corresponding with the activities identified in the plan.

SEC. 104. HURRICANE FORECAST IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Under Secretary, in collaboration with the United States weather industry and such academic entities as the Administrator considers appropriate, shall maintain a project to improve hurricane forecasting.

(b) GOAL.—The goal of the project maintained under subsection (a) shall be to develop and extend accurate hurricane forecasts and warnings in order to reduce loss of life, injury, and damage to the economy, with a focus on—

(1) improving the prediction of rapid intensification and track of hurricanes;

(2) improving the forecast and communication of storm surges from hurricanes; and

(3) incorporating risk communication research to create more effective watch and warning products.

(c) PROJECT PLAN.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in consultation with the Director of the National Weather Service, shall develop a plan for the project maintained under subsection (a) that details the specific research, development, and technology transfer activities, as well as corresponding resources and timelines, necessary to achieve the goal set forth in subsection (b).

SEC. 105. WEATHER RESEARCH AND DEVELOPMENT PLANNING.

Not later than 1 year after the date of the enactment of this Act, and not less frequently than once each year thereafter, the Under Secretary, acting through the Assistant Administrator for Oceanic and Atmospheric Research and in coordination with the Director of the National Weather Service and the Assistant Administrator for Satellite and Information Services, shall issue a research and development and research to operations plan to restore and maintain United States leadership in numerical weather prediction and forecasting that—

(1) describes the forecasting skill and technology goals, objectives, and progress of the National Oceanic and Atmospheric Administration in carrying out the program conducted under section 102;

(2) identifies and prioritizes specific research and development activities, and performance metrics, weighted to meet the operational weather mission of the National Weather Service to achieve a weather-ready Nation;

(3) describes how the program will collaborate with stakeholders, including the United States weather industry and academic partners; and

(4) identifies, through consultation with the National Science Foundation, the United States weather industry, and academic partners, research necessary to enhance the integration of social science knowledge into weather forecast and warning processes, including to improve the communication of threat information necessary to enable improved severe weather planning and decision-making on the part of individuals and communities.

SEC. 106. OBSERVING SYSTEM PLANNING.

The Under Secretary shall—

(1) develop and maintain a prioritized list of observation data requirements necessary to ensure weather forecasting capabilities to protect life and property to the maximum extent practicable;

(2) consistent with section 107, utilize Observing System Simulation Experiments, Observing System Experiments, Analyses of Alternatives, and other appropriate assessment tools to ensure continuous systemic evaluations of the observing systems, data, and information needed to meet the requirements of paragraph (1), including options to maximize observational capabilities and their cost-effectiveness;

(3) identify current and potential future data gaps in observing capabilities related to the requirements listed under paragraph (1); and

(4) determine a range of options to address gaps identified under paragraph (3).

SEC. 107. OBSERVING SYSTEM SIMULATION EXPERIMENTS.

(a) IN GENERAL.—In support of the requirements of section 106, the Assistant Administrator for Oceanic and Atmospheric Research shall undertake Observing System Simulation Experiments, or such other quantitative assessments as the Assistant Administrator considers appropriate, to quantitatively assess the relative value and benefits of observing capabilities and systems. Technical and scientific Observing System Simulation Experiment evaluations—

(1) may include assessments of the impact of observing capabilities on—

(A) global weather prediction;

(B) hurricane track and intensity forecasting;

(C) tornado warning lead times and accuracy;

(D) prediction of mid-latitude severe local storm outbreaks; and

(E) prediction of storms that have the potential to cause extreme precipitation and flooding lasting from 6 hours to 1 week; and

(2) shall be conducted in cooperation with other appropriate entities within the National Oceanic and Atmospheric Administration, other Federal agencies, the United States weather industry, and academic partners to ensure the technical and scientific merit of results from Observing System Simulation Experiments or other appropriate quantitative assessment methodologies.

(b) REQUIREMENTS.—Observing System Simulation Experiments shall quantitatively—

(1) determine the potential impact of proposed space-based, suborbital, and in situ observing systems on analyses and forecasts, including potential impacts on extreme weather events across all parts of the Nation;

(2) evaluate and compare observing system design options; and

(3) assess the relative capabilities and costs of various observing systems and combinations of observing systems in providing data necessary to protect life and property.

(c) IMPLEMENTATION.—Observing System Simulation Experiments—

(1) shall be conducted prior to the acquisition of major Government-owned or Government-leased operational observing systems, including polar-orbiting and geostationary satellite systems, with a lifecycle cost of more than $500,000,000; and

(2) shall be conducted prior to the purchase of any major new commercially provided data with a lifecycle cost of more than $500,000,000.

(d) PRIORITY OBSERVING SYSTEM SIMULATION EXPERIMENTS.—

(1) GLOBAL NAVIGATION SATELLITE SYSTEM RADIO OCCULTATION.—Not later than 30 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research shall complete an Observing System Simulation Experiment to assess the value of data from Global Navigation Satellite System Radio Occultation.

(2) GEOSTATIONARY HYPERSPECTRAL SOUNDER GLOBAL CONSTELLATION.—Not later than 120 days after the date of the enactment of this Act, the Assistant Administrator for Oceanic and Atmospheric Research shall complete an Observing System Simulation Experiment to assess the value of data from a geostationary hyperspectral sounder global constellation.

(e) RESULTS.—Upon completion of all Observing System Simulation Experiments, the Assistant Administrator shall make available to the public the results an assessment of related private and public sector weather data sourcing options, including their availability, affordability, and cost-effectiveness. Such assessments shall be developed in accordance with section 50503 of title 51, United States Code.

SEC. 108. ANNUAL REPORT ON COMPUTING RESOURCES PRIORITIZATION.

Not later than 1 year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Under Secretary, acting through the Chief Information Officer of the National Oceanic and Atmospheric Administration and in coordination with the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service, shall produce and make publicly available a report that explains how the Under Secretary intends—

(1) to continually support upgrades to pursue the fastest, most powerful, and cost-effective high performance computing technologies in support of its weather prediction mission;

(2) to ensure a balance between the research to operations requirements to develop the next generation of regional and global models as well as highly reliable operational models;

(3) to take advantage of advanced development concepts to, as appropriate, make next generation weather prediction models available in beta-test mode to operational forecasters, the United States weather industry, and partners in academic and Government research; and

(4) to use existing computing resources to improve advanced research and operational weather prediction.

SEC. 109. UNITED STATES WEATHER RESEARCH PROGRAM.

Section 108 of the Oceanic and Atmospheric Administration Authorization Act of

1992 (Public Law 102–567; 15 U.S.C. 313 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by inserting after paragraph (4) the following:

''(5) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives, not less frequently than once each year, a report, including—

''(A) a list of ongoing research projects;

''(B) project goals and a point of contact for each project;

''(C) the five projects related to weather observations, short-term weather, or subseasonal forecasts within Office of Oceanic and Atmospheric Research that are closest to operationalization;

''(D) for each project referred to in subparagraph (C)—

''(i) the potential benefit;

''(ii) any barrier to operationalization; and

''(iii) the plan for operationalization, including which line office will financially support the project and how much the line office intends to spend;

''(6) establish teams with staff from the Office of Oceanic and Atmospheric Research and the National Weather Service to oversee the operationalization of research products developed by the Office of Oceanic and Atmospheric Research;

''(7) develop mechanisms for research priorities of the Office of Oceanic and Atmospheric Research to be informed by the relevant line offices within the National Oceanic and Atmospheric Administration, the relevant user community, and the weather enterprise;

''(8) develop an internal mechanism to track the progress of each research project within the Office of Oceanic and Atmospheric Research and mechanisms to terminate a project that is not adequately progressing;

''(9) develop and implement a system to track whether extramural research grant goals were accomplished;

''(10) provide facilities for products developed by the Office of Oceanic and Atmospheric Research to be tested in operational simulations, such as test beds; and

''(11) encourage academic collaboration with the Office of Oceanic and Atmospheric Research and the National Weather Service by facilitating visiting scholars.'';

(2) in subsection (b), in the matter preceding paragraph (1), by striking ''Not later than 90 days after the date of enactment of this Act, the'' and inserting ''The''; and

(3) by adding at the end the following new subsection:

''(c) SUBSEASONAL DEFINED.—In this section, the term 'subseasonal' means the time range between 2 weeks and 3 months.''.

SEC. 110. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEARS 2017 AND 2018.—For each of fiscal years 2017 and 2018, there are authorized to be appropriated to Office of Oceanic and Atmospheric Research—

(1) $111,516,000 to carry out this title, of which—

(A) $85,758,000 is authorized for weather laboratories and cooperative institutes; and

(B) $25,758,000 is authorized for weather and air chemistry research programs; and

(2) an additional amount of $20,000,000 for the joint technology transfer initiative described in section 102(b)(4).

(b) LIMITATION.—No additional funds are authorized to carry out this title and the amendments made by this title.

TITLE II—SUBSEASONAL AND SEASONAL FORECASTING INNOVATION

SEC. 201. IMPROVING SUBSEASONAL AND SEASONAL FORECASTS.

Section 1762 of the Food Security Act of 1985 (Public Law 99–198; 15 U.S.C. 313 note) is amended—

(1) in subsection (a), by striking ''(a)'' and inserting ''(a) FINDINGS.—'';

(2) in subsection (b), by striking ''(b)'' and inserting ''(b) POLICY.—''; and

(3) by adding at the end the following:

''(c) FUNCTIONS.—The Under Secretary, acting through the Director of the National Weather Service and the heads of such other programs of the National Oceanic and Atmospheric Administration as the Under Secretary considers appropriate, shall—

''(1) collect and utilize information in order to make usable, reliable, and timely foundational forecasts of subseasonal and seasonal temperature and precipitation;

''(2) leverage existing research and models from the weather enterprise to improve the forecasts under paragraph (1);

''(3) determine and provide information on how the forecasted conditions under paragraph (1) may impact—

''(A) the number and severity of droughts, fires, tornadoes, hurricanes, floods, heat waves, coastal inundation, winter storms, high impact weather, or other relevant natural disasters;

''(B) snowpack; and

''(C) sea ice conditions; and

''(4) develop an Internet clearinghouse to provide the forecasts under paragraph (1) and the information under paragraphs (1) and (3) on both national and regional levels.

''(d) COMMUNICATION.—The Director of the National Weather Service shall provide the forecasts under paragraph (1) of subsection (c) and the information on their impacts under paragraph (3) of such subsection to the public, including public and private entities engaged in planning and preparedness, such as National Weather Service Core partners at the Federal, regional, State, tribal, and local levels of government.

''(e) COOPERATION.—The Under Secretary shall build upon existing forecasting and assessment programs and partnerships, including—

''(1) by designating research and monitoring activities related to subseasonal and seasonal forecasts as a priority in one or more solicitations of the Cooperative Institutes of the Office of Oceanic and Atmospheric Research;

''(2) by contributing to the interagency Earth System Prediction Capability; and

''(3) by consulting with the Secretary of Defense and the Secretary of Homeland Security to determine the highest priority subseasonal and seasonal forecast needs to enhance national security.

''(f) FORECAST COMMUNICATION COORDINATORS.—

''(1) IN GENERAL.—The Under Secretary shall foster effective communication, understanding, and use of the forecasts by the intended users of the information described in subsection (d). This may include assistance to States for forecast communication coordinators to enable local interpretation and planning based on the information.

''(2) REQUIREMENTS.—For each State that requests assistance under this subsection, the Under Secretary may—

''(A) provide funds to support an individual in that State—

''(i) to serve as a liaison among the National Oceanic and Atmospheric Administration, other Federal departments and agencies, the weather enterprise, the State, and relevant interests within that State; and

''(ii) to receive the forecasts and information under subsection (c) and disseminate the forecasts and information throughout the State, including to county and tribal governments; and

''(B) require matching funds of at least 50 percent, from the State, a university, a nongovernmental organization, a trade association, or the private sector.

''(3) LIMITATION.—Assistance to an individual State under this subsection shall not exceed $100,000 in a fiscal year.

''(g) COOPERATION FROM OTHER FEDERAL AGENCIES.—Each Federal department and agency shall cooperate as appropriate with the Under Secretary in carrying out this section.

''(h) REPORTS.—

''(1) IN GENERAL.—Not later than 18 months after the date of the enactment of the Weather Research and Forecasting Innovation Act of 2017, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, including—

''(A) an analysis of the how information from the National Oceanic and Atmospheric Administration on subseasonal and seasonal forecasts, as provided under subsection (c), is utilized in public planning and preparedness;

''(B) specific plans and goals for the continued development of the subseasonal and seasonal forecasts and related products described in subsection (c); and

''(C) an identification of research, monitoring, observing, and forecasting requirements to meet the goals described in subparagraph (B).

''(2) CONSULTATION.—In developing the report under paragraph (1), the Under Secretary shall consult with relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector.

''(i) DEFINITIONS.—In this section:

''(1) FOUNDATIONAL FORECAST.—The term 'foundational forecast' means basic weather observation and forecast data, largely in raw form, before further processing is applied.

''(2) NATIONAL WEATHER SERVICE CORE PARTNERS.—The term 'National Weather Service core partners' means government and nongovernment entities which are directly involved in the preparation or dissemination of, or discussions involving, hazardous weather or other emergency information put out by the National Weather Service.

''(3) SEASONAL.—The term 'seasonal' means the time range between 3 months and 2 years.

''(4) STATE.—The term 'State' means a State, a territory, or possession of the United States, including a Commonwealth, or the District of Columbia.

''(5) SUBSEASONAL.—The term 'subseasonal' means the time range between 2 weeks and 3 months.

''(6) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere.

''(7) WEATHER INDUSTRY AND WEATHER ENTERPRISE.—The terms 'weather industry' and 'weather enterprise' are interchangeable in this section and include individuals and organizations from public, private, and academic sectors that contribute to the research, development, and production of weather forecast products, and primary consumers of these weather forecast products.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 and 2018, there are authorized out of funds appropriated to the National Weather Service, $26,500,000 to carry out the activities of this section.''.

TITLE III—WEATHER SATELLITE AND DATA INNOVATION

SEC. 301. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SATELLITE AND DATA MANAGEMENT.

(a) SHORT-TERM MANAGEMENT OF ENVIRONMENTAL OBSERVATIONS.—

(1) MICROSATELLITE CONSTELLATIONS.—

(A) IN GENERAL.—The Under Secretary shall complete and operationalize the Constellation Observing System for Meteorology, Ionosphere, and Climate–1 and Climate–2 (COSMIC) in effect on the day before the date of the enactment of this Act—

(i) by deploying constellations of microsatellites in both the equatorial and polar orbits;

(ii) by integrating the resulting data and research into all national operational and research weather forecast models; and

(iii) by ensuring that the resulting data of National Oceanic and Atmospheric Administration's COSMIC–1 and COSMIC–2 programs are free and open to all communities.

(B) ANNUAL REPORTS.—Not less frequently than once each year until the Under Secretary has completed and operationalized the program described in subparagraph (A) pursuant to such subparagraph, the Under Secretary shall submit to Congress a report on the status of the efforts of the Under Secretary to carry out such subparagraph.

(2) INTEGRATION OF OCEAN AND COASTAL DATA FROM THE INTEGRATED OCEAN OBSERVING SYSTEM.—In National Weather Service Regions where the Director of the National Weather Service determines that ocean and coastal data would improve forecasts, the Director, in consultation with the Assistant Administrator for Oceanic and Atmospheric Research and the Assistant Administrator of the National Ocean Service, shall—

(A) integrate additional coastal and ocean observations, and other data and research, from the Integrated Ocean Observing System (IOOS) into regional weather forecasts to improve weather forecasts and forecasting decision support systems; and

(B) support the development of real-time data sharing products and forecast products in collaboration with the regional associations of such system, including contributions from the private sector, academia, and research institutions to ensure timely and accurate use of ocean and coastal data in regional forecasts.

(3) EXISTING MONITORING AND OBSERVATION-CAPABILITY.—The Under Secretary shall identify degradation of existing monitoring and observation capabilities that could lead to a reduction in forecast quality.

(4) SPECIFICATIONS FOR NEW SATELLITE SYSTEMS OR DATA DETERMINED BY OPERATIONAL NEEDS.—In developing specifications for any satellite systems or data to follow the Joint Polar Satellite System, Geostationary Operational Environmental Satellites, and any other satellites, in effect on the day before the date of enactment of this Act, the Under Secretary shall ensure the specifications are determined to the extent practicable by the recommendations of the reports under subsection (b) of this section.

(b) INDEPENDENT STUDY ON FUTURE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION SATELLITE SYSTEMS AND DATA.—

(1) AGREEMENT.—

(A) IN GENERAL.—The Under Secretary shall seek to enter into an agreement with the National Academy of Sciences to perform the services covered by this subsection.

(B) TIMING.—The Under Secretary shall seek to enter into the agreement described in subparagraph (A) before September 30, 2018.

(2) STUDY.—

(A) IN GENERAL.—Under an agreement between the Under Secretary and the National Academy of Sciences under this subsection, the National Academy of Sciences shall conduct a study on matters concerning future satellite data needs.

(B) ELEMENTS.—In conducting the study under subparagraph (A), the National Academy of Sciences shall—

(i) develop recommendations on how to make the data portfolio of the Administration more robust and cost-effective;

(ii) assess the costs and benefits of moving toward a constellation of many small satellites, standardizing satellite bus design, relying more on the purchasing of data, or acquiring data from other sources or methods;

(iii) identify the environmental observations that are essential to the performance of weather models, based on an assessment of Federal, academic, and private sector weather research, and the cost of obtaining the environmental data;

(iv) identify environmental observations that improve the quality of operational and research weather models in effect on the day before the date of enactment of this Act;

(v) identify and prioritize new environmental observations that could contribute to existing and future weather models; and

(vi) develop recommendations on a portfolio of environmental observations that balances essential, quality-improving, and new data, private and nonprivate sources, and space-based and Earth-based sources.

(C) DEADLINE AND REPORT.—In carrying out the study under subparagraph (A), the National Academy of Sciences shall complete and transmit to the Under Secretary a report containing the findings of the National Academy of Sciences with respect to the study not later than 2 years after the date on which the Administrator enters into an agreement with the National Academy of Sciences under paragraph (1)(A).

(3) ALTERNATE ORGANIZATION.—

(A) IN GENERAL.—If the Under Secretary is unable within the period prescribed in subparagraph (B) of paragraph (1) to enter into an agreement described in subparagraph (A) of such paragraph with the National Academy of Sciences on terms acceptable to the Under Secretary, the Under Secretary shall seek to enter into such an agreement with another appropriate organization that—

(i) is not part of the Federal Government;

(ii) operates as a not-for-profit entity; and

(iii) has expertise and objectivity comparable to that of the National Academy of Sciences.

(B) TREATMENT.—If the Under Secretary enters into an agreement with another organization as described in subparagraph (A), any reference in this subsection to the National Academy of Sciences shall be treated as a reference to the other organization.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, out of funds appropriated to National Environmental Satellite, Data, and Information Service, to carry out this subsection $1,000,000 for the period encompassing fiscal years 2018 through 2019.

SEC. 302. COMMERCIAL WEATHER DATA.

(a) DATA AND HOSTED SATELLITE PAYLOADS.—Notwithstanding any other provision of law, the Secretary of Commerce may enter into agreements for—

(1) the purchase of weather data through contracts with commercial providers; and

(2) the placement of weather satellite instruments on cohosted government or private payloads.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Under Secretary, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a strategy to enable the procurement of quality commercial weather data. The strategy shall assess the range of commercial opportunities, including public-private partnerships, for obtaining surface-based, aviation-based, and space-based weather observations. The strategy shall include the expected cost-effectiveness of these opportunities as well as provide a plan for procuring data, including an expected implementation timeline, from these nongovernmental sources, as appropriate.

(2) REQUIREMENTS.—The strategy shall include—

(A) an analysis of financial or other benefits to, and risks associated with, acquiring commercial weather data or services, including through multiyear acquisition approaches;

(B) an identification of methods to address planning, programming, budgeting, and execution challenges to such approaches, including—

(i) how standards will be set to ensure that data is reliable and effective;

(ii) how data may be acquired through commercial experimental or innovative techniques and then evaluated for integration into operational use;

(iii) how to guarantee public access to all forecast-critical data to ensure that the United States weather industry and the public continue to have access to information critical to their work; and

(iv) in accordance with section 50503 of title 51, United States Code, methods to address potential termination liability or cancellation costs associated with weather data or service contracts; and

(C) an identification of any changes needed in the requirements development and approval processes of the Department of Commerce to facilitate effective and efficient implementation of such strategy.

(3) AUTHORITY FOR AGREEMENTS.—The Assistant Administrator for National Environmental Satellite, Data, and Information Service may enter into multiyear agreements necessary to carry out the strategy developed under this subsection.

(c) PILOT PROGRAM.—

(1) CRITERIA.—Not later than 30 days after the date of the enactment of this Act, the Under Secretary shall publish data and metadata standards and specifications for space-based commercial weather data, including radio occultation data, and, as soon as possible, geostationary hyperspectral sounder data.

(2) PILOT CONTRACTS.—

(A) CONTRACTS.—Not later than 90 days after the date of enactment of this Act, the Under Secretary shall, through an open competition, enter into at least one pilot contract with one or more private sector entities capable of providing data that meet the standards and specifications set by the Under Secretary for providing commercial weather data in a manner that allows the Under Secretary to calibrate and evaluate the data for its use in National Oceanic and Atmospheric Administration meteorological models.

(B) ASSESSMENT OF DATA VIABILITY.—Not later than the date that is 3 years after the date on which the Under Secretary enters into a contract under subparagraph (A), the Under Secretary shall assess and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives the results of a determination of the extent to which data provided under the contract entered into under subparagraph (A) meet the criteria published under paragraph (1) and the extent

to which the pilot program has demonstrated—

(i) the viability of assimilating the commercially provided data into National Oceanic and Atmospheric Administration meteorological models;

(ii) whether, and by how much, the data add value to weather forecasts; and

(iii) the accuracy, quality, timeliness, validity, reliability, usability, information technology security, and cost-effectiveness of obtaining commercial weather data from private sector providers.

(3) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 through 2020, there are authorized to be appropriated for procurement, acquisition, and construction at National Environmental Satellite, Data, and Information Service, $6,000,000 to carry out this subsection.

(d) OBTAINING FUTURE DATA.—If an assessment under subsection (c)(2)(B) demonstrates the ability of commercial weather data to meet data and metadata standards and specifications published under subsection (c)(1), the Under Secretary shall—

(1) where appropriate, cost-effective, and feasible, obtain commercial weather data from private sector providers;

(2) as early as possible in the acquisition process for any future National Oceanic and Atmospheric Administration meteorological space system, consider whether there is a suitable, cost-effective, commercial capability available or that will be available to meet any or all of the observational requirements by the planned operational date of the system;

(3) if a suitable, cost-effective, commercial capability is or will be available as described in paragraph (2), determine whether it is in the national interest to develop a governmental meteorological space system; and

(4) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report detailing any determination made under paragraphs (2) and (3).

(e) DATA SHARING PRACTICES.—The Under Secretary shall continue to meet the international meteorological agreements into which the Under Secretary has entered, including practices set forth through World Meteorological Organization Resolution 40.

SEC. 303. UNNECESSARY DUPLICATION.

In meeting the requirements under this title, the Under Secretary shall avoid unnecessary duplication between public and private sources of data and the corresponding expenditure of funds and employment of personnel.

TITLE IV—FEDERAL WEATHER COORDINATION

SEC. 401. ENVIRONMENTAL INFORMATION SERVICES WORKING GROUP.

(a) ESTABLISHMENT.—The National Oceanic and Atmospheric Administration Science Advisory Board shall continue to maintain a standing working group named the Environmental Information Services Working Group (in this section referred to as the ''Working Group'')—

(1) to provide advice for prioritizing weather research initiatives at the National Oceanic and Atmospheric Administration to produce real improvement in weather forecasting;

(2) to provide advice on existing or emerging technologies or techniques that can be found in private industry or the research community that could be incorporated into forecasting at the National Weather Service to improve forecasting skill;

(3) to identify opportunities to improve—

(A) communications between weather forecasters, Federal, State, local, tribal, and other emergency management personnel, and the public; and

(B) communications and partnerships among the National Oceanic and Atmospheric Administration and the private and academic sectors; and

(4) to address such other matters as the Science Advisory Board requests of the Working Group.

(b) COMPOSITION.—

(1) IN GENERAL.—The Working Group shall be composed of leading experts and innovators from all relevant fields of science and engineering including atmospheric chemistry, atmospheric physics, meteorology, hydrology, social science, risk communications, electrical engineering, and computer sciences. In carrying out this section, the Working Group may organize into subpanels.

(2) NUMBER.—The Working Group shall be composed of no fewer than 15 members. Nominees for the Working Group may be forwarded by the Working Group for approval by the Science Advisory Board. Members of the Working Group may choose a chair (or co-chairs) from among their number with approval by the Science Advisory Board.

(c) ANNUAL REPORT.—Not less frequently than once each year, the Working Group shall transmit to the Science Advisory Board for submission to the Under Secretary a report on progress made by National Oceanic and Atmospheric Administration in adopting the Working Group's recommendations. The Science Advisory Board shall transmit this report to the Under Secretary. Within 30 days of receipt of such report, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a copy of such report.

SEC. 402. INTERAGENCY WEATHER RESEARCH AND FORECAST INNOVATION COORDINATION.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency Committee for Advancing Weather Services to improve coordination of relevant weather research and forecast innovation activities across the Federal Government. The Interagency Committee shall—

(1) include participation by the National Aeronautics and Space Administration, the Federal Aviation Administration, National Oceanic and Atmospheric Administration and its constituent elements, the National Science Foundation, and such other agencies involved in weather forecasting research as the President determines are appropriate;

(2) identify and prioritize top forecast needs and coordinate those needs against budget requests and program initiatives across participating offices and agencies; and

(3) share information regarding operational needs and forecasting improvements across relevant agencies.

(b) CO-CHAIR.—The Federal Coordinator for Meteorology shall serve as a co-chair of this panel.

(c) FURTHER COORDINATION.—The Director of the Office of Science and Technology Policy shall take such other steps as are necessary to coordinate the activities of the Federal Government with those of the United States weather industry, State governments, emergency managers, and academic researchers.

SEC. 403. OFFICE OF OCEANIC AND ATMOSPHERIC RESEARCH AND NATIONAL WEATHER SERVICE EXCHANGE PROGRAM.

(a) IN GENERAL.—The Assistant Administrator for Oceanic and Atmospheric Research and the Director of National Weather Service may establish a program to detail Office of Oceanic and Atmospheric Research personnel to the National Weather Service and National Weather Service personnel to the Office of Oceanic and Atmospheric Research.

(b) GOAL.—The goal of this program is to enhance forecasting innovation through regular, direct interaction between the Office of Oceanic and Atmospheric Research's world-class scientists and the National Weather Service's operational staff.

(c) ELEMENTS.—The program shall allow up to 10 Office of Oceanic and Atmospheric Research staff and National Weather Service staff to spend up to 1 year on detail. Candidates shall be jointly selected by the Assistant Administrator for Oceanic and Atmospheric Research and the Director of the National Weather Service.

(d) ANNUAL REPORT.—Not less frequently than once each year, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on participation in such program and shall highlight any innovations that come from this interaction.

SEC. 404. VISITING FELLOWS AT NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—The Director of the National Weather Service may establish a program to host postdoctoral fellows and academic researchers at any of the National Centers for Environmental Prediction.

(b) GOAL.—This program shall be designed to provide direct interaction between forecasters and talented academic and private sector researchers in an effort to bring innovation to forecasting tools and techniques to the National Weather Service.

(c) SELECTION AND APPOINTMENT.—Such fellows shall be competitively selected and appointed for a term not to exceed 1 year.

SEC. 405. WARNING COORDINATION METEOROLOGISTS AT WEATHER FORECAST OFFICES OF NATIONAL WEATHER SERVICE.

(a) DESIGNATION OF WARNING COORDINATION METEOROLOGISTS.—

(1) IN GENERAL.—The Director of the National Weather Service shall designate at least one warning coordination meteorologist at each weather forecast office of the National Weather Service.

(2) NO ADDITIONAL EMPLOYEES AUTHORIZED.—Nothing in this section shall be construed to authorize or require a change in the authorized number of full time equivalent employees in the National Weather Service or otherwise result in the employment of any additional employees.

(3) PERFORMANCE BY OTHER EMPLOYEES.—Performance of the responsibilities outlined in this section is not limited to the warning coordination meteorologist position.

(b) PRIMARY ROLE OF WARNING COORDINATION METEOROLOGISTS.—The primary role of the warning coordination meteorologist shall be to carry out the responsibilities required by this section.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), consistent with the analysis described in section 409, and in order to increase impact-based decision support services, each warning coordination meteorologist designated under subsection (a) shall—

(A) be responsible for providing service to the geographic area of responsibility covered by the weather forecast office at which the warning coordination meteorologist is employed to help ensure that users of products of the National Weather Service can respond effectively to improve outcomes from weather events;

(B) liaise with users of products and services of the National Weather Service, such as the public, media outlets, users in the aviation, marine, and agricultural communities,

and forestry, land, and water management interests, to evaluate the adequacy and usefulness of the products and services of the National Weather Service;

(C) collaborate with such weather forecast offices and State, local, and tribal government agencies as the Director considers appropriate in developing, proposing, and implementing plans to develop, modify, or tailor products and services of the National Weather Service to improve the usefulness of such products and services;

(D) ensure the maintenance and accuracy of severe weather call lists, appropriate office severe weather policy or procedures, and other severe weather or dissemination methodologies or strategies; and

(E) work closely with State, local, and tribal emergency management agencies, and other agencies related to disaster management, to ensure a planned, coordinated, and effective preparedness and response effort.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(d) ADDITIONAL RESPONSIBILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), a warning coordination meteorologist designated under subsection (a) may—

(A) work with a State agency to develop plans for promoting more effective use of products and services of the National Weather Service throughout the State;

(B) identify priority community preparedness objectives;

(C) develop plans to meet the objectives identified under paragraph (2); and

(D) conduct severe weather event preparedness planning and citizen education efforts with and through various State, local, and tribal government agencies and other disaster management-related organizations.

(2) OTHER STAFF.—The Director may assign a responsibility set forth in paragraph (1) to such other staff as the Director considers appropriate to carry out such responsibility.

(e) PLACEMENT WITH STATE AND LOCAL EMERGENCY MANAGERS.—

(1) IN GENERAL.—In carrying out this section, the Director of the National Weather Service may place a warning coordination meteorologist designated under subsection (a) with a State or local emergency manager if the Director considers doing so is necessary or convenient to carry out this section.

(2) TREATMENT.—If the Director determines that the placement of a warning coordination meteorologist placed with a State or local emergency manager under paragraph (1) is near a weather forecast office of the National Weather Service, such placement shall be treated as designation of the warning coordination meteorologist at such weather forecast office for purposes of subsection (a).

SEC. 406. IMPROVING NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMUNICATION OF HAZARDOUS WEATHER AND WATER EVENTS.

(a) PURPOSE OF SYSTEM.—For purposes of the assessment required by subsection (b)(1)(A), the purpose of National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events shall be risk communication to the general public that informs action to prevent loss of life and property.

(b) ASSESSMENT OF SYSTEM.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Under Secretary shall—

(A) assess the National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events; and

(B) submit to Congress a report on the findings of the Under Secretary with respect to the assessment conducted under subparagraph (A).

(2) ELEMENTS.—The assessment required by paragraph (1)(A) shall include the following:

(A) An evaluation of whether the National Oceanic and Atmospheric Administration system for issuing watches and warnings regarding hazardous weather and water events meets the purpose described in subsection (a).

(B) Development of recommendations for—

(i) legislative and administrative action to improve the system described in paragraph (1)(A); and

(ii) such research as the Under Secretary considers necessary to address the focus areas described in paragraph (3).

(3) FOCUS AREAS.—The assessment required by paragraph (1)(A) shall focus on the following:

(A) Ways to communicate the risks posed by hazardous weather or water events to the public that are most likely to result in action to mitigate the risk.

(B) Ways to communicate the risks posed by hazardous weather or water events to the public as broadly and rapidly as practicable.

(C) Ways to preserve the benefits of the existing watches and warnings system.

(D) Ways to maintain the utility of the watches and warnings system for Government and commercial users of the system.

(4) CONSULTATION.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall—

(A) consult with such line offices within the National Oceanic and Atmospheric Administration as the Under Secretary considers relevant, including the National Ocean Service, the National Weather Service, and the Office of Oceanic and Atmospheric Research;

(B) consult with individuals in the academic sector, including individuals in the field of social and behavioral sciences, and other weather services;

(C) consult with media outlets that will be distributing the watches and warnings;

(D) consult with non-Federal forecasters that produce alternate severe weather risk communication products;

(E) consult with emergency planners and responders, including State and local emergency management agencies, and other government users of the watches and warnings system, including the Federal Emergency Management Agency, the Office of Personnel Management, the Coast Guard, and such other Federal agencies as the Under Secretary determines rely on watches and warnings for operational decisions; and

(F) make use of the services of the National Academy of Sciences, as the Under Secretary considers necessary and practicable, including contracting with the National Research Council to review the scientific and technical soundness of the assessment required by paragraph (1)(A), including the recommendations developed under paragraph (2)(B).

(5) METHODOLOGIES.—In conducting the assessment required by paragraph (1)(A), the Under Secretary shall use such methodologies as the Under Secretary considers are generally accepted by the weather enterprise, including social and behavioral sciences.

(c) IMPROVEMENTS TO SYSTEM.—

(1) IN GENERAL.—The Under Secretary shall, based on the assessment required by subsection (b)(1)(A), make such recommendations to Congress to improve the system as the Under Secretary considers necessary—

(A) to improve the system for issuing watches and warnings regarding hazardous weather and water events; and

(B) to support efforts to satisfy research needs to enable future improvements to such system.

(2) REQUIREMENTS REGARDING RECOMMENDATIONS.—In carrying out paragraph (1)(A), the Under Secretary shall ensure that any recommendation that the Under Secretary considers a major change—

(A) is validated by social and behavioral science using a generalizable sample;

(B) accounts for the needs of various demographics, vulnerable populations, and geographic regions;

(C) accounts for the differences between types of weather and water hazards;

(D) responds to the needs of Federal, State, and local government partners and media partners; and

(E) accounts for necessary changes to Federally operated watch and warning propagation and dissemination infrastructure and protocols.

(d) WATCHES AND WARNINGS DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the terms ''watch'' and ''warning'', with respect to a hazardous weather and water event, mean products issued by the Administration, intended for consumption by the general public, to alert the general public to the potential for or presence of the event and to inform action to prevent loss of life and property.

(2) EXCEPTION.—In this section, the terms ''watch'' and ''warning'' do not include technical or specialized meteorological and hydrological forecasts, outlooks, or model guidance products.

SEC. 407. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION WEATHER READY ALL HAZARDS AWARD PROGRAM.

(a) PROGRAM.—The Director of the National Weather Service is authorized to establish the National Oceanic and Atmospheric Administration Weather Ready All Hazards Award Program. This award program shall provide annual awards to honor individuals or organizations that use or provide National Oceanic and Atmospheric Administration Weather Radio All Hazards receivers or transmitters to save lives and protect property. Individuals or organizations that utilize other early warning tools or applications also qualify for this award.

(b) GOAL.—This award program draws attention to the life-saving work of the National Oceanic and Atmospheric Administration Weather Ready All Hazards Program, as well as emerging tools and applications, that provide real-time warning to individuals and communities of severe weather or other hazardous conditions.

(c) PROGRAM ELEMENTS.—

(1) NOMINATIONS.—Nominations for this award shall be made annually by the Weather Field Offices to the Director of the National Weather Service. Broadcast meteorologists, weather radio manufacturers and weather warning tool and application developers, emergency managers, and public safety officials may nominate individuals or organizations to their local Weather Field Offices, but the final list of award nominees must come from the Weather Field Offices.

(2) SELECTION OF AWARDEES.—Annually, the Director of the National Weather Service shall choose winners of this award whose timely actions, based on National Oceanic and Atmospheric Administration Weather Radio All Hazards receivers or transmitters or other early warning tools and applications, saved lives or property, or demonstrated public service in support of weather or all hazard warnings.

(3) AWARD CEREMONY.—The Director of the National Weather Service shall establish a means of making these awards to provide

maximum public awareness of the importance of National Oceanic and Atmospheric Administration Weather Radio, and such other warning tools and applications as are represented in the awards.

SEC. 408. DEPARTMENT OF DEFENSE WEATHER FORECASTING ACTIVITIES.

Not later than 60 days after the date of the enactment of this Act, the Under Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report analyzing the impacts of the proposed Air Force divestiture in the United States Weather Research and Forecasting Model, including—

(1) the impact on—

(A) the United States weather forecasting capabilities;

(B) the accuracy of civilian regional forecasts;

(C) the civilian readiness for traditional weather and extreme weather events in the United States; and

(D) the research necessary to develop the United States Weather Research and Forecasting Model; and

(2) such other analysis relating to the divestiture as the Under Secretary considers appropriate.

SEC. 409. NATIONAL WEATHER SERVICE; OPERATIONS AND WORKFORCE ANALYSIS.

The Under Secretary shall contract or continue to partner with an external organization to conduct a baseline analysis of National Weather Service operations and workforce.

SEC. 410. REPORT ON CONTRACT POSITIONS AT NATIONAL WEATHER SERVICE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to Congress a report on the use of contractors at the National Weather Service for the most recently completed fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include, with respect to the most recently completed fiscal year, the following:

(1) The total number of full-time equivalent employees at the National Weather Service, disaggregated by each equivalent level of the General Schedule.

(2) The total number of full-time equivalent contractors at the National Weather Service, disaggregated by each equivalent level of the General Schedule that most closely approximates their duties.

(3) The total number of vacant positions at the National Weather Service on the day before the date of enactment of this Act, disaggregated by each equivalent level of the General Schedule.

(4) The five most common positions filled by full-time equivalent contractors at the National Weather Service and the equivalent level of the General Schedule that most closely approximates the duties of such positions.

(5) Of the positions identified under paragraph (4), the percentage of full-time equivalent contractors in those positions that have held a prior position at the National Weather Service or another entity in National Oceanic and Atmospheric Administration.

(6) The average full-time equivalent salary for Federal employees at the National Weather Service for each equivalent level of the General Schedule.

(7) The average salary for full-time equivalent contractors performing at each equivalent level of the General Schedule at the National Weather Service.

(8) A description of any actions taken by the Under Secretary to respond to the issues raised by the Inspector General of the Department of Commerce regarding the hiring of former National Oceanic and Atmospheric Administration employees as contractors at the National Weather Service such as the issues raised in the Investigative Report dated June 2, 2015 (OIG–12–0447).

(c) ANNUAL PUBLICATION.—For each fiscal year after the fiscal year covered by the report required by subsection (a), the Under Secretary shall, not later than 180 days after the completion of the fiscal year, publish on a publicly accessible Internet website the information described in paragraphs (1) through (8) of subsection (b) for such fiscal year.

SEC. 411. WEATHER IMPACTS TO COMMUNITIES AND INFRASTRUCTURE.

(a) REVIEW.—

(1) IN GENERAL.—The Director of the National Weather Service shall review existing research, products, and services that meet the specific needs of the urban environment, given its unique physical characteristics and forecasting challenges.

(2) ELEMENTS.—The review required by paragraph (1) shall include research, products, and services with the potential to improve modeling and forecasting capabilities, taking into account factors including varying building heights, impermeable surfaces, lack of tree canopy, traffic, pollution, and inter-building wind effects.

(b) REPORT AND ASSESSMENT.—Upon completion of the review required by subsection (a), the Under Secretary shall submit to Congress a report on the research, products, and services of the National Weather Service, including an assessment of such research, products, and services that is based on the review, public comment, and recent publications by the National Academy of Sciences.

SEC. 412. WEATHER ENTERPRISE OUTREACH.

(a) IN GENERAL.—The Under Secretary may establish mechanisms for outreach to the weather enterprise—

(1) to assess the weather forecasts and forecast products provided by the National Oceanic and Atmospheric Administration; and

(2) to determine the highest priority weather forecast needs of the community described in subsection (b).

(b) OUTREACH COMMUNITY.—In conducting outreach under subsection (a), the Under Secretary shall contact leading experts and innovators from relevant stakeholders, including the representatives from the following:

(1) State or local emergency management agencies.

(2) State agriculture agencies.

(3) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) and Native Hawaiians (as defined in section 6207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517)).

(4) The private aerospace industry.

(5) The private earth observing industry.

(6) The operational forecasting community.

(7) The academic community.

(8) Professional societies that focus on meteorology.

(9) Such other stakeholder groups as the Under Secretary considers appropriate.

SEC. 413. HURRICANE HUNTER AIRCRAFT.

(a) BACKUP CAPABILITY.—The Under Secretary shall acquire backup for the capabilities of the WP–3D Orion and G–IV hurricane aircraft of the National Oceanic and Atmospheric Administration that is sufficient to prevent a single point of failure.

(b) AUTHORITY TO ENTER AGREEMENTS.—In order to carry out subsection (a), the Under Secretary shall negotiate and enter into 1 or more agreements or contracts, to the extent practicable and necessary, with governmental and non-governmental entities.

(c) FUTURE TECHNOLOGY.—The Under Secretary shall continue the development of Airborne Phased Array Radar under the United States Weather Research Program.

(d) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2017 through 2020, support for implementing subsections (a) and (b) is authorized out of funds appropriated to the Office of Marine and Aviation Operations.

SEC. 414. STUDY ON GAPS IN NEXRAD COVERAGE AND RECOMMENDATIONS TO ADDRESS SUCH GAPS.

(a) STUDY ON GAPS IN NEXRAD COVERAGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall complete a study on gaps in the coverage of the Next Generation Weather Radar of the National Weather Service (''NEXRAD'').

(2) ELEMENTS.—In conducting the study required under paragraph (1), the Secretary shall—

(A) identify areas in the United States where limited or no NEXRAD coverage has resulted in—

(i) instances in which no or insufficient warnings were given for hazardous weather events, including tornadoes; or

(ii) degraded forecasts for hazardous weather events that resulted in fatalities, significant injuries, or substantial property damage; and

(B) for the areas identified under subparagraph (A)—

(i) identify the key weather effects for which prediction would improve with improved radar detection;

(ii) identify additional sources of observations for high impact weather that were available and operational for such areas on the day before the date of the enactment of this Act, including dense networks of x-band radars, Terminal Doppler Weather Radar (commonly known as ''TDWR''), air surveillance radars of the Federal Aviation Administration, and cooperative network observers;

(iii) assess the feasibility and advisability of efforts to integrate and upgrade Federal radar capabilities that are not owned or controlled by the National Oceanic and Atmospheric Administration, including radar capabilities of the Federal Aviation Administration and the Department of Defense;

(iv) assess the feasibility and advisability of incorporating State-operated and other non-Federal radars into the operations of the National Weather Service;

(v) identify options to improve hazardous weather detection and forecasting coverage; and

(vi) provide the estimated cost of, and timeline for, each of the options identified under clause (v).

(3) REPORT.—Upon the completion of the study required under paragraph (1), the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report that includes the findings of the Secretary with respect to the study.

(b) RECOMMENDATIONS TO IMPROVE RADAR COVERAGE.—Not later than 90 days after the completion of the study under subsection (a)(1), the Secretary of Commerce shall submit to the congressional committees referred to in subsection (a)(3) recommendations for improving hazardous weather detection and forecasting coverage in the areas identified under subsection (a)(2)(A) by integrating additional observation solutions to the extent practicable and meteorologically justified and necessary to protect public safety.

(c) THIRD-PARTY CONSULTATION REGARDING RECOMMENDATIONS TO IMPROVE RADAR COVERAGE.—The Secretary of Commerce may seek reviews by, or consult with, appropriate third parties regarding the scientific methodology relating to, and the feasibility and advisability of implementing, the recommendations submitted under subsection (b), including the extent to which warning and forecast services of the National Weather Service would be improved by additional observations.

SA 205. Mr. MCCONNELL (for Ms. CANTWELL) proposed an amendment to amendment SA 204 proposed by Mr. MCCONNELL (for Mr. THUNE) to the bill H.R. 353, to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes; as follows:

At the appropriate place, insert the following:

TITLE ____—TSUNAMI WARNING, EDUCATION, AND RESEARCH ACT OF 2017

SEC. __01. SHORT TITLE.

This title may be cited as the ''Tsunami Warning, Education, and Research Act of 2017''.

SEC. __02. REFERENCES TO THE TSUNAMI WARNING AND EDUCATION ACT.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Tsunami Warning and Education Act enacted as title VIII of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.).

SEC. __03. EXPANSION OF PURPOSES OF TSUNAMI WARNING AND EDUCATION ACT.

Section 803 (33 U.S.C. 3202) is amended—

(1) in paragraph (1), by inserting ''research,'' after ''warnings,'';

(2) by amending paragraph (2) to read as follows:

''(2) to enhance and modernize the existing United States Tsunami Warning System to increase the accuracy of forecasts and warnings, to ensure full coverage of tsunami threats to the United States with a network of detection assets, and to reduce false alarms;'';

(3) by amending paragraph (3) to read as follows:

''(3) to improve and develop standards and guidelines for mapping, modeling, and assessment efforts to improve tsunami detection, forecasting, warnings, notification, mitigation, resiliency, response, outreach, and recovery;'';

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (8), respectively;

(5) by inserting after paragraph (3) the following:

''(4) to improve research efforts related to improving tsunami detection, forecasting, warnings, notification, mitigation, resiliency, response, outreach, and recovery;'';

(6) in paragraph (5), as redesignated—

(A) by striking ''and increase'' and inserting '', increase, and develop uniform standards and guidelines for''; and

(B) by inserting '', including the warning signs of locally generated tsunami'' after ''approaching'';

(7) in paragraph (6), as redesignated, by striking '', including the Indian Ocean; and'' and inserting a semicolon; and

(8) by inserting after paragraph (6), as redesignated, the following:

''(7) to foster resilient communities in the face of tsunami and other similar coastal hazards; and''.

SEC. __04. MODIFICATION OF TSUNAMI FORECASTING AND WARNING PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 804 (33 U.S.C. 3203(a)) is amended by striking ''Atlantic Ocean, Caribbean Sea, and Gulf of Mexico region'' and inserting ''Atlantic Ocean region, including the Caribbean Sea and the Gulf of Mexico''.

(b) COMPONENTS.—Subsection (b) of section 804 (33 U.S.C. 3203(b)) is amended—

(1) in paragraph (1), by striking ''established'' and inserting ''supported or maintained'';

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(3) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

(4) by inserting after paragraph (1) the following:

''(2) to the degree practicable, maintain not less than 80 percent of the Deep-ocean Assessment and Reporting of Tsunamis buoy array at operational capacity to optimize data reliability;''.

(5) by amending paragraph (5), as redesignated by paragraph (3), to read as follows:

''(5) provide tsunami forecasting capability based on models and measurements, including tsunami inundation models and maps for use in increasing the preparedness of communities and safeguarding port and harbor operations, that incorporate inputs, including—

''(A) the United States and global ocean and coastal observing system;

''(B) the global Earth observing system;

''(C) the global seismic network;

''(D) the Advanced National Seismic system;

''(E) tsunami model validation using historical and paleotsunami data;

''(F) digital elevation models and bathymetry; and

''(G) newly developing tsunami detection methodologies using satellites and airborne remote sensing;'';

(6) by amending paragraph (7), as redesignated by paragraph (3), to read as follows:

''(7) include a cooperative effort among the Administration, the United States Geological Survey, and the National Science Foundation under which the Director of the United States Geological Survey and the Director of the National Science Foundation shall—

''(A) provide rapid and reliable seismic information to the Administrator from international and domestic seismic networks; and

''(B) support seismic stations installed before the date of the enactment of the Tsunami Warning, Education, and Research Act of 2017 to supplement coverage in areas of sparse instrumentation;'';

(7) in paragraph (8), as redesignated by paragraph (2)—

(A) by inserting '', including graphical warning products,'' after ''warnings'';

(B) by inserting '', territories,'' after ''States''; and

(C) by inserting ''and Wireless Emergency Alerts'' after ''Hazards Program''; and

(8) in paragraph (9), as redesignated by paragraph (2)—

(A) by inserting ''provide and'' before ''allow''; and

(B) by inserting ''and commercial and Federal undersea communications cables'' after ''observing technologies''.

(c) TSUNAMI WARNING SYSTEM.—Subsection (c) of section 804 (33 U.S.C. 3203(c)) is amended to read as follows:

''(c) TSUNAMI WARNING SYSTEM.—The program under this section shall operate a tsunami warning system that—

''(1) is capable of forecasting tsunami, including forecasting tsunami arrival time and inundation estimates, anywhere in the Pacific and Arctic Ocean regions and providing adequate warnings;

''(2) is capable of forecasting and providing adequate warnings, including tsunami arrival time and inundation models where applicable, in areas of the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico, that are determined—

''(A) to be geologically active, or to have significant potential for geological activity; and

''(B) to pose significant risks of tsunami for States along the coastal areas of the Atlantic Ocean, Caribbean Sea, or Gulf of Mexico; and

''(3) supports other international tsunami forecasting and warning efforts.''.

(d) TSUNAMI WARNING CENTERS.—Subsection (d) of section 804 (33 U.S.C. 3203(d)) is amended to read as follows:

''(d) TSUNAMI WARNING CENTERS.—

''(1) IN GENERAL.—The Administrator shall support or maintain centers to support the tsunami warning system required by subsection (c). The Centers shall include—

''(A) the National Tsunami Warning Center, located in Alaska, which is primarily responsible for Alaska and the continental United States;

''(B) the Pacific Tsunami Warning Center, located in Hawaii, which is primarily responsible for Hawaii, the Caribbean, and other areas of the Pacific not covered by the National Center; and

''(C) any additional forecast and warning centers determined by the National Weather Service to be necessary.

''(2) RESPONSIBILITIES.—The responsibilities of the centers supported or maintained under paragraph (1) shall include the following:

''(A) Continuously monitoring data from seismological, deep ocean, coastal sea level, and tidal monitoring stations and other data sources as may be developed and deployed.

''(B) Evaluating earthquakes, landslides, and volcanic eruptions that have the potential to generate tsunami.

''(C) Evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from earthquakes and other sources.

''(D) To the extent practicable, utilizing a range of models, including ensemble models, to predict tsunami, including arrival times, flooding estimates, coastal and harbor currents, and duration.

''(E) Using data from the Integrated Ocean Observing System of the Administration in coordination with regional associations to calculate new inundation estimates and periodically update existing inundation estimates.

''(F) Disseminating forecasts and tsunami warning bulletins to Federal, State, tribal, and local government officials and the public.

''(G) Coordinating with the tsunami hazard mitigation program conducted under section 805 to ensure ongoing sharing of information between forecasters and emergency management officials.

''(H) In coordination with the Commandant of the Coast Guard and the Administrator of the Federal Emergency Management Agency, evaluating and recommending procedures

for ports and harbors at risk of tsunami inundation, including review of readiness, response, and communication strategies, and data sharing policies, to the maximum extent practicable.

''(I) Making data gathered under this Act and post-warning analyses conducted by the National Weather Service or other relevant Administration offices available to the public.

''(J) Integrating and modernizing the program operated under this section with advances in tsunami science to improve performance without compromising service.

''(3) FAIL-SAFE WARNING CAPABILITY.—The tsunami warning centers supported or maintained under paragraph (1) shall maintain a fail-safe warning capability and perform back-up duties for each other.

''(4) COORDINATION WITH NATIONAL WEATHER SERVICE.—The Administrator shall coordinate with the forecast offices of the National Weather Service, the centers supported or maintained under paragraph (1), and such program offices of the Administration as the Administrator or the coordinating committee, as established in section 805(d), consider appropriate to ensure that regional and local forecast offices—

''(A) have the technical knowledge and capability to disseminate tsunami warnings for the communities they serve;

''(B) leverage connections with local emergency management officials for optimally disseminating tsunami warnings and forecasts; and

''(C) implement mass communication tools in effect on the day before the date of the enactment of the Tsunami Warning, Education, and Research Act of 2017 used by the National Weather Service on such date and newer mass communication technologies as they are developed as a part of the Weather-Ready Nation program of the Administration, or otherwise, for the purpose of timely and effective delivery of tsunami warnings.

''(5) UNIFORM OPERATING PROCEDURES.—The Administrator shall—

''(A) develop uniform operational procedures for the centers supported or maintained under paragraph (1), including the use of software applications, checklists, decision support tools, and tsunami warning products that have been standardized across the program supported under this section;

''(B) ensure that processes and products of the warning system operated under subsection (c)—

''(i) reflect industry best practices when practicable;

''(ii) conform to the maximum extent practicable with internationally recognized standards for information technology; and

''(iii) conform to the maximum extent practicable with other warning products and practices of the National Weather Service;

''(C) ensure that future adjustments to operational protocols, processes, and warning products—

''(i) are made consistently across the warning system operated under subsection (c); and

''(ii) are applied in a uniform manner across such warning system;

''(D) establish a systematic method for information technology product development to improve long-term technology planning efforts; and

''(E) disseminate guidelines and metrics for evaluating and improving tsunami forecast models.

''(6) AVAILABLE RESOURCES.—The Administrator, through the National Weather Service, shall ensure that resources are available to fulfill the obligations of this Act. This includes ensuring supercomputing resources are available to run, as rapidly as possible, such computer models as are needed for purposes of the tsunami warning system operated under subsection (c).''.

(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—Subsection (e) of section 804 (33 U.S.C. 3203(e)) is amended to read as follows:

''(e) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

''(1) develop requirements for the equipment used to forecast tsunami, including—

''(A) provisions for multipurpose detection platforms;

''(B) reliability and performance metrics; and

''(C) to the maximum extent practicable, requirements for the integration of equipment with other United States and global ocean and coastal observation systems, the global Earth observing system of systems, the global seismic networks, and the Advanced National Seismic System;

''(2) develop and execute a plan for the transfer of technology from ongoing research conducted as part of the program supported or maintained under section 6 into the program under this section; and

''(3) ensure that the Administration's operational tsunami detection equipment is properly maintained.''.

(f) FEDERAL COOPERATION.—Subsection (f) of section 804 (33 U.S.C. 3203(f)) is amended to read as follows:

''(f) FEDERAL COOPERATION.—When deploying and maintaining tsunami detection technologies under the program under this section, the Administrator shall—

''(1) identify which assets of other Federal agencies are necessary to support such program; and

''(2) work with each agency identified under paragraph (1)—

''(A) to acquire the agency's assistance; and

''(B) to prioritize the necessary assets in support of the tsunami forecast and warning program.''.

(g) UNNECESSARY PROVISIONS.—Section 804 (33 U.S.C. 3203) is further amended—

(1) by striking subsection (g);

(2) by striking subsections (i) through (k); and

(3) by redesignating subsection (h) as subsection (g).

(h) CONGRESSIONAL NOTIFICATIONS.—Subsection (g) of section 804 (33 U.S.C. 3203(g)), as redesignated by subsection (g)(3), is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(2) in the matter before subparagraph (A), as redesignated by paragraph (2), by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator'';

(3) in paragraph (1), as redesignated by paragraph (3)—

(A) in subparagraph (A), as redesignated by paragraph (2), by striking ''and'' at the end;

(B) in subparagraph (B), as redesignated by paragraph (2), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) the occurrence of a significant tsunami warning.''; and

(4) by adding at the end the following:

''(2) CONTENTS.—In a case in which notice is submitted under paragraph (1) within 30 days of a significant tsunami warning described in subparagraph (C) of such paragraph, such notice shall include, as appropriate, brief information and analysis of—

''(A) the accuracy of the tsunami model used;

''(B) the specific deep ocean or other monitoring equipment that detected the incident, as well as the deep ocean or other monitoring equipment that did not detect the incident due to malfunction or other reasons;

''(C) the effectiveness of the warning communication, including the dissemination of warnings with State, territory, local, and tribal partners in the affected area under the jurisdiction of the National Weather Service; and

''(D) such other findings as the Administrator considers appropriate.''.

SEC. __05. MODIFICATION OF NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—Section 805(a) (33 U.S.C. 3204(a)) is amended to read as follows:

''(a) PROGRAM REQUIRED.—The Administrator, in coordination with the Administrator of the Federal Emergency Management Agency and the heads of such other agencies as the Administrator considers relevant, shall conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness and resiliency of at-risk areas in the United States and the territories of the United States.''.

(b) NATIONAL TSUNAMI HAZARD MITIGATION PROGRAM.—Section 805 (33 U.S.C. 3204) is amended by striking subsections (c) and (d) and inserting the following:

''(c) PROGRAM COMPONENTS.—The Program conducted under subsection (a) shall include the following:

''(1) Technical and financial assistance to coastal States, territories, tribes, and local governments to develop and implement activities under this section.

''(2) Integration of tsunami preparedness and mitigation programs into ongoing State-based hazard warning, resilience planning, and risk management activities, including predisaster planning, emergency response, evacuation planning, disaster recovery, hazard mitigation, and community development and redevelopment planning programs in affected areas.

''(3) Coordination with other Federal preparedness and mitigation programs to leverage Federal investment, avoid duplication, and maximize effort.

''(4) Activities to promote the adoption of tsunami resilience, preparedness, warning, and mitigation measures by Federal, State, territorial, tribal, and local governments and nongovernmental entities, including educational and risk communication programs to discourage development in high-risk areas.

''(5) Activities to support the development of regional tsunami hazard and risk assessments. Such regional risk assessments may include the following:

''(A) The sources, sizes, and other relevant historical data of tsunami in the region, including paleotsunami data.

''(B) Inundation models and maps of critical infrastructure and socioeconomic vulnerability in areas subject to tsunami inundation.

''(C) Maps of evacuation areas and evacuation routes, including, when appropriate, traffic studies that evaluate the viability of evacuation routes.

''(D) Evaluations of the size of populations that will require evacuation, including populations with special evacuation needs.

''(E) Evaluations and technical assistance for vertical evacuation structure planning for communities where models indicate limited or no ability for timely evacuation, especially in areas at risk of near shore generated tsunami.

''(F) Evaluation of at-risk ports and harbors.

''(G) Evaluation of the effect of tsunami currents on the foundations of closely-spaced, coastal high-rise structures.

''(6) Activities to promote preparedness in at-risk ports and harbors, including the following:

''(A) Evaluation and recommendation of procedures for ports and harbors in the event of a distant or near-field tsunami.

''(B) A review of readiness, response, and communication strategies to ensure coordination and data sharing with the Coast Guard.

''(7) Activities to support the development of community-based outreach and education programs to ensure community readiness and resilience, including the following:

''(A) The development, implementation, and assessment of technical training and public education programs, including education programs that address unique characteristics of distant and near-field tsunami.

''(B) The development of decision support tools.

''(C) The incorporation of social science research into community readiness and resilience efforts.

''(D) The development of evidence-based education guidelines.

''(8) Dissemination of guidelines and standards for community planning, education, and training products, programs, and tools, including—

''(A) standards for—

''(i) mapping products;

''(ii) inundation models; and

''(iii) effective emergency exercises; and

''(B) recommended guidance for at-risk port and harbor tsunami warning, evacuation, and response procedures in coordination with the Coast Guard and the Federal Emergency Management Agency.

''(d) AUTHORIZED ACTIVITIES.—In addition to activities conducted under subsection (c), the program conducted under subsection (a) may include the following:

''(1) Multidisciplinary vulnerability assessment research, education, and training to help integrate risk management and resilience objectives with community development planning and policies.

''(2) Risk management training for local officials and community organizations to enhance understanding and preparedness.

''(3) In coordination with the Federal Emergency Management Agency, interagency, Federal, State, tribal, and territorial intergovernmental tsunami response exercise planning and implementation in high risk areas.

''(4) Development of practical applications for existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems, including the integration of tsunami sensors into Federal and commercial submarine telecommunication cables if practicable.

''(5) Risk management, risk assessment, and resilience data and information services, including—

''(A) access to data and products derived from observing and detection systems; and

''(B) development and maintenance of new integrated data products to support risk management, risk assessment, and resilience programs.

''(6) Risk notification systems that coordinate with and build upon existing systems and actively engage decisionmakers, State, local, tribal, and territorial governments and agencies, business communities, nongovernmental organizations, and the media.

''(e) NO PREEMPTION WITH RESPECT TO DESIGNATION OF AT-RISK AREAS.—The establishment of national standards for inundation models under this section shall not prevent States, territories, tribes, and local governments from designating additional areas as being at risk based on knowledge of local conditions.

''(f) NO NEW REGULATORY AUTHORITY.—Nothing in this Act may be construed as establishing new regulatory authority for any Federal agency.''.

(c) REPORT ON ACCREDITATION OF TSUNAMIREADY PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on which authorities and activities would be needed to have the TsunamiReady program of the National Weather Service accredited by the Emergency Management Accreditation Program.

SEC. __06. MODIFICATION OF TSUNAMI RESEARCH PROGRAM.

Section 806 (33 U.S.C. 3205) is amended—

(1) in the matter before paragraph (1), by striking ''The Administrator shall'' and all that follows through ''establish or maintain'' and inserting the following:

''(a) IN GENERAL.—The Administrator shall, in consultation with such other Federal agencies, State, tribal, and territorial governments, and academic institutions as the Administrator considers appropriate, the coordinating committee under section 805(d), and the panel under section 808(a), support or maintain'';

(2) in subsection (a), as designated by paragraph (1), by striking ''and assessment for tsunami tracking and numerical forecast modeling. Such research program shall—'' and inserting the following: ''assessment for tsunami tracking and numerical forecast modeling, and standards development.

''(b) RESPONSIBILITIES.—The research program supported or maintained under subsection (a) shall—''; and

(3) in subsection (b), as designated by paragraph (2)—

(A) by amending paragraph (1) to read as follows:

''(1) consider other appropriate and cost effective solutions to mitigate the impact of tsunami, including the improvement of nearfield and distant tsunami detection and forecasting capabilities, which may include use of a new generation of the Deep-ocean Assessment and Reporting of Tsunamis array, integration of tsunami sensors into commercial and Federal telecommunications cables, and other real-time tsunami monitoring systems and supercomputer capacity of the Administration to develop a rapid tsunami forecast for all United States coastlines;'';

(B) in paragraph (3)—

(i) by striking ''include'' and inserting ''conduct''; and

(ii) by striking ''and'' at the end;

(C) by redesignating paragraph (4) as paragraph (5);

(D) by inserting after paragraph (3) the following:

''(4) develop the technical basis for validation of tsunami maps, numerical tsunami models, digital elevation models, and forecasts; and''; and

(E) in paragraph (5), as redesignated by subparagraph (C), by striking ''to the scientific community'' and inserting ''to the public and the scientific community''.

SEC. __07. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

Section 807 (33 U.S.C. 3206) is amended—

(1) by amending subsection (a) to read as follows:

''(a) SUPPORT FOR DEVELOPMENT OF AN INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator shall, in coordination with the Secretary of State and in consultation with such other agencies as the Administrator considers relevant, provide technical assistance, operational support, and training to the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific, and Cultural Organization, the World Meteorological Organization of the United Nations, and such other international entities as the Administrator considers appropriate, as part of the international efforts to develop a fully functional global tsunami forecast and warning system comprised of regional tsunami warning networks.'';

(2) in subsection (b), by striking ''shall'' each place it appears and inserting ''may''; and

(3) in subsection (c)—

(A) in paragraph (1), by striking ''establishing'' and inserting ''supporting''; and

(B) in paragraph (2)—

(i) by striking ''establish'' and inserting ''support''; and

(ii) by striking ''establishing'' and inserting ''supporting''.

SEC. __08. TSUNAMI SCIENCE AND TECHNOLOGY ADVISORY PANEL.

(a) IN GENERAL.—The Act is further amended—

(1) by redesignating section 808 (33 U.S.C. 3207) as section 809; and

(2) by inserting after section 807 (33 U.S.C. 3206) the following:

''SEC. 808. TSUNAMI SCIENCE AND TECHNOLOGY ADVISORY PANEL.

''(a) DESIGNATION.—The Administrator shall designate an existing working group within the Science Advisory Board of the Administration to serve as the Tsunami Science and Technology Advisory Panel to provide advice to the Administrator on matters regarding tsunami science, technology, and regional preparedness.

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Panel shall be composed of no fewer than 7 members selected by the Administrator from among individuals from academia or State agencies who have academic or practical expertise in physical sciences, social sciences, information technology, coastal resilience, emergency management, or such other disciplines as the Administrator considers appropriate.

''(2) FEDERAL EMPLOYMENT.—No member of the Panel may be a Federal employee.

''(c) RESPONSIBILITIES.—Not less frequently than once every 4 years, the Panel shall—

''(1) review the activities of the Administration, and other Federal activities as appropriate, relating to tsunami research, detection, forecasting, warning, mitigation, resiliency, and preparation; and

''(2) submit to the Administrator and such others as the Administrator considers appropriate—

''(A) the findings of the working group with respect to the most recent review conducted under paragraph (1); and

''(B) such recommendations for legislative or administrative action as the working group considers appropriate to improve Federal tsunami research, detection, forecasting, warning, mitigation, resiliency, and preparation.

''(d) REPORTS TO CONGRESS.—Not less frequently than once every 4 years, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings and recommendations received by the Administrator under subsection (c)(2).''.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in section 1(b) of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 120 Stat. 3575) is amended by striking the item relating to section 808 and inserting the following:

''Sec. 808. Tsunami Science and Technology Advisory Panel.
''Sec. 809. Authorization of appropriations.''.

SEC. __09. REPORTS.

(a) REPORT ON IMPLEMENTATION OF TSUNAMI WARNING AND EDUCATION ACT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall submit to Congress a report on the implementation of the Tsunami Warning and Education Act enacted as title VIII of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.), as amended by this Act.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the progress made in implementing sections 804(d)(6), 805(b), and 806(b)(4) of the Tsunami Warning and Education Act the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.).

(B) A description of the ways that tsunami warnings and warning products issued by the Tsunami Forecasting and Warning Program established under section 804 of the Tsunami Warning and Education Act (33 U.S.C. 3203), as amended by this Act, may be standardized and streamlined with warnings and warning products for hurricanes, coastal storms, and other coastal flooding events.

(b) REPORT ON NATIONAL EFFORTS THAT SUPPORT RAPID RESPONSE FOLLOWING NEAR-SHORE TSUNAMI EVENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator and the Secretary of Homeland Security shall jointly, in coordination with the Director of the United States Geological Survey, Administrator of the Federal Emergency Management Agency, the Chief of the National Guard Bureau, and the heads of such other Federal agencies as the Administrator considers appropriate, submit to the appropriate committees of Congress a report on the national efforts in effect on the day before the date of the enactment of this Act that support and facilitate rapid emergency response following a domestic near-shore tsunami event to better understand domestic effects of earthquake derived tsunami on people, infrastructure, and communities in the United States.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of scientific or other measurements collected on the day before the date of the enactment of this Act to quickly identify and quantify lost or degraded infrastructure or terrestrial formations.

(B) A description of scientific or other measurements that would be necessary to collect to quickly identify and quantify lost or degraded infrastructure or terrestrial formations.

(C) Identification and evaluation of Federal, State, local, tribal, territorial, and military first responder and search and rescue operation centers, bases, and other facilities as well as other critical response assets and infrastructure, including search and rescue aircraft, located within near-shore and distant tsunami inundation areas on the day before the date of the enactment of this Act.

(D) An evaluation of near-shore tsunami response plans in areas described in subparagraph (C) in effect on the day before the date of the enactment of this Act, and how those response plans would be affected by the loss of search and rescue and first responder infrastructure described in such subparagraph.

(E) A description of redevelopment plans and reports in effect on the day before the date of the enactment of this Act for communities in areas that are at high-risk for near-shore tsunami, as well identification of States or communities that do not have redevelopment plans.

(F) Recommendations to enhance near-shore tsunami preparedness and response plans, including recommended responder exercises, predisaster planning, and mitigation needs.

(G) Such other data and analysis information as the Administrator and the Secretary of Homeland Security consider appropriate.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Science, Space, and Technology, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. __10. AUTHORIZATION OF APPROPRIATIONS.

Section 809 of the Act, as redesignated by section __08(a)(1) of this Act, is amended—

(1) in paragraph (4)(B), by striking ''and'' at the end;

(2) in paragraph (5)(B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) $25,800,000 for each of fiscal years 2016 through 2021, of which—

''(A) not less than 27 percent of the amount appropriated for each fiscal year shall be for activities conducted at the State level under the tsunami hazard mitigation program under section 805; and

''(B) not less than 8 percent of the amount appropriated shall be for the tsunami research program under section 806.''.

SEC. __11. OUTREACH RESPONSIBILITIES.

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with State and local emergency managers, shall develop and carry out formal outreach activities to improve tsunami education and awareness and foster the development of resilient communities. Outreach activities may include—

(1) the development of outreach plans to ensure the close integration of tsunami warning centers supported or maintained under section 804(d) of the Tsunami Warning and Education Act (33 U.S.C. 3203(d)), as amended by this Act, with local Weather Forecast Offices of the National Weather Service and emergency managers;

(2) working with appropriate local Weather Forecast Offices to ensure they have the technical knowledge and capability to disseminate tsunami warnings to the communities they serve; and

(3) evaluating the effectiveness of warnings and of coordination with local Weather Forecast Offices after significant tsunami events.

SEC. __12. REPEAL OF DUPLICATE PROVISIONS OF LAW.

(a) REPEAL.—The Tsunami Warning and Education Act enacted by Public Law 109–424 (120 Stat. 2902) is repealed.

(b) CONSTRUCTION.—Nothing in this section may be construed to repeal, or affect in any way, the Tsunami Warning and Education Act enacted as title VIII of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Public Law 109–479; 33 U.S.C. 3201 et seq.).

AUTHORITY FOR COMMITTEES TO MEET

Mr. HELLER. Mr. President, I have 15 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 AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry, is authorized to meet during the session of the Senate on March 29, 2017 following the first roll call vote to vote on the nomination of George ''Sonny'' Perdue, of Georgia, to be Secretary of Agriculture.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, March 29, 2017, at 10 a.m. in room SD–G50 of the Dirksen Senate Office Building.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, March 29, 2017, at 2:30 p.m. in room SD–G50 of the Dirksen Senate Office Building, to hold a hearing on the Nomination of the Jeffrey A. Rosen.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 10 a.m., in room 406 of the Dirksen Senate office building, to conduct a hearing entitled, ''Cleaning up our nation's Cold War legacy sites.''

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, in room 628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing on ''Native Youth: Promoting Diabetes Prevention Through Healthy Living.''

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, in room 628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a business meeting.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate Wednesday, March 29, 2017 at 3 p.m. in 428A Russell Senate Office Building to conduct a hearing entitled Examining How Small Businesses Confront and Shape Regulations.

COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, March 29, 2017 to conduct a hearing entitled ''The Arc of Alzheimer's'' in room 106 of the Dirksen Senate Office Building at 2:30 p.m.

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Wednesday, March 29, 2017 from 12 p.m., in room SH–219 of the Senate Hart Office Building.

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 3:30 p.m.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 10 a.m. in open session.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

The Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 2:15 p.m., in open session.

SUBCOMMITTEE ON FEDERAL SPENDING OVERSIGHT AND EMERGENCY MANAGEMENT

The Subcommittee on Federal Spending Oversight and Emergency Management of the Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 2:30 p.m. to conduct a hearing entitled ''The Effect of Borrowing on Federal Spending.''

SUBCOMMITTEE ON EAST ASIA, THE PACIFIC, AND INTERNATIONAL CYBERSECURITY

The Committee on Foreign Relations Subcommittee on East Asia, The Pacific, and International Cybersecurity Policy is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 2:15 p.m., to hold a hearing entitled ''American Leadership in the Asia-Pacific, Part 1: Security Issues.''

SUBCOMMITTEE ON WESTERN HEMISPHERE

The Committee on Foreign Relations subcommittee on Western Hemisphere is authorized to meet during the session of the Senate on Wednesday, March 29, 2017, at 10:15 a.m., to hold a hearing entitled ''The U.S.-Mexico Relationship: Advancing Security and Prosperity on Both Sides of the Border.''

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that Dara Greene, my intern, be granted privileges of the floor for the balance of the day.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the reappointment of the following individual to serve as a member of the Advisory Committee on the Records of Congress: Deborah Skaggs Speth of Kentucky.

NATIONAL ASBESTOS AWARENESS WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 98 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 98) designating the first week of April 2017 as ''National Asbestos Awareness Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 27, 2017, under ''Submitted Resolutions.'')

VIETNAM VETERANS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 103, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 103) designating March 29, 2017, as ''Vietnam Veterans Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 103) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

WEATHER RESEARCH AND FORECASTING INNOVATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 353, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 353) to improve the National Oceanic and Atmospheric Administration's weather research through a focused program of investment on affordable and attainable advances in observational, computing, and modeling capabilities to support substantial improvement in weather forecasting and prediction of high impact weather events, to expand commercial opportunities for the provision of weather data, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. NELSON. Mr. President, for years, I have been working to make sure that the National Oceanic and Atmospheric Administration has reliable tools to forecast hurricanes. Today the Senate will come together on legislation to get us closer to that goal. In May 2016, just before the start of hurricane season, the Commerce Committee held a hearing on preparedness. At that hearing, I asked the then-Director of the National Hurricane Center, Dr. Rick Knabb, about the fact that NOAA has two P3 propeller aircraft that fly into the storm, but only the one Gulfstream jet that can fly high enough and long enough to get above the storm. Flying above the storm is critical because the scientists drop sondes out of the belly of the aircraft that fall through the storm sending measurements of the entire vertical profile. This is vital to telling us where the storm is headed and whether it is weakening or strengthening.

Having only one Gulfstream is a single point of failure because, if the plane is out of commission, we do not have a backup ready to go. Unfortunately, my fears were realized a few short months later. During a Hurricane Hermine reconnaissance mission, NOAA had to ground the Gulfstream for emergency corrosion repairs. Luckily, a plane owned by the National Science Foundation and the University Corporation for Atmospheric Research was not on a mission at the time and was able to fill in for the NOAA Gulfstream, but you can imagine that this will not always be the case. While the hurricane season seems to be getting longer, the NOAA plane is getting older. We must have a reliable backup. So, in January, I filed S. 153, legislation to require NOAA to acquire sufficient backup capability for our hurricane hunter aircraft. I am pleased today that the Senate will unanimously pass this measure as part of a broader weather bill.

I take comfort that even in times of great divisiveness, the Senate can come together on matters of public

safety. The power of Mother Nature must be taken seriously. Consider the flooding in California or the devastating tornadoes that hit Louisiana, Georgia, and Florida early this year. In 2016, Hurricane Matthew took 46 lives in the United States alone. In addition to requiring backup capability for the hurricane hunters, the broader bill we will pass tonight, the Weather Research and Forecasting Innovation Act, will improve NOAA s ability to understand, predict, and—most importantly—to warn people about all kinds of weather events that dramatically affect the economy and people's daily lives. It also includes a reauthorization of the Tsunami Warning, Education, and Research Act. These provisions will give NOAA the tools to protect life and property and to support continued economic growth. It is my hope that the House follows suit.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Thune substitute amendment at the desk be considered; the Cantwell amendment at the desk be considered and agreed to; the Thune substitute amendment, as amended, be agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 204) in the nature of a substitute was considered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 205) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment (No. 204), as amended, was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 353), as amended, was passed.

ORDERS FOR THURSDAY, MARCH 30, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, March 30; 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 resume consideration of H.J. Res. 67, with all debate time being expired; finally, that the joint resolution be read a third time, and the Senate vote on passage of the joint resolution with no intervening action or debate.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MURKOWSKI.

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

The Senator from Alaska.

ALASKA'S SESQUICENTENNIAL

Ms. MURKOWSKI. Mr. President, I have come to the floor this evening in celebration of an important milestone, but speaking about it actually presents a little bit of a challenge. In our current environment, how do you give a statement about a Secretary of State, a Chairman of the Foreign Relations Committee, a Russian Ambassador, and an exchange of millions of dollars without making sensational headlines? Well, my answer to that is you tell the story of Alaska and the Treaty of Cession that brought Alaska into our Nation on March 30, 1867, exactly 150 years ago tomorrow.

If we are going to be fair, this story actually begins years before 1867. The United States and Russia had been in discussions over Russia's territorial claims since 1856, but the domestic turmoil and the Civil War in the United States stymied progress. So it wasn't until March 11, 1867, when Edouard de Stoeckl, Russia's Foreign Minister to the United States, met with then-Secretary of State William Seward that discussions really began in earnest.

From that time on, things really picked up speed. Just a few weeks later, on March 29, 1867—150 years ago today—Stoeckl received a cable from Czar Alexander II, approving a deal—a deal that would transfer Russia's interests in North America to the United States. In my office, I actually have a copy, a replica of the deal that was written, along with the note for $7.2 million. That was the deal, but closing it in time was far from certain.

With work in this Congress rapidly wrapping up ahead of its April adjournment—can you imagine that, actually having an adjournment around this body in April? But that was the way it was 150 years ago. There was little time to complete an agreement and see it ratified, but Secretary Seward was determined, and despite some rather lackluster interest from President Andrew Johnson, he pressed forward with this.

When Ambassador Stoeckl received the cable, he went to Seward's house on Lafayette Square to deliver the news to him. According to the National Archives, Mr. Stoeckl said: ''Tomorrow, if you like, I will come to the department, and we can enter upon the treaty.'' To which Seward replied: ''Why wait until tomorrow, Mr. Stoeckl? Let us make the treaty tonight.''

Secretary Seward was not merely a determined man; he was really a very canny man—canny because before he met Ambassador Stoeckl, he consulted with the chairman of the Senate Foreign Relations Committee, who at the time was Charles Sumner of Massachusetts. He did this to ensure smooth action by the U.S. Senate in approving a treaty. In other words—and this is a lesson that all good members of the executive branch should perhaps take to heart—the Secretary consulted with the Congress before taking action.

Conveniently, Senator Sumner and Secretary Seward lived on opposite sides of Lafayette Square from each other, and, according to the National Archives, they were able to meet at Secretary Seward's home. While Senator Sumner made no commitments about the passage of the treaty, he did send a note to Secretary Seward later that evening saying that following its adjournment at noon on Saturday, March 30, ''the Senate would be glad to proceed at once with Executive business'' and consider the treaty. With that, Ambassador Stoeckl and Secretary Seward went to work, crafting the treaty that night and long into the morning, finally putting their signatures to it at 4 a.m. on Saturday, March 30, 1867.

By 10 a.m. that same day, Secretary Seward had met with the Cabinet and with President Johnson to execute a proclamation calling the Senate into special session on Monday, April 1.

It was in Senator Sumner's famous speech to the Senate that day that the word ''Alaska'' was first officially used to describe the new territory. The word ''Alaska'' is Aleut in origin. Traditionally translated as ''mainland,'' it literally means, ''the object toward which the action of the sea is directed.''

It is important that I pause in reciting how Alaska came into the United States, first as a territory and later as a full member of our Union, by recognizing that while Western nations made deals about who ''owned'' the lands and the waters of Alaska, a diverse and vibrant Native people had already lived there for at least 14,000 years. While explorers, scientists, trappers, and settlers had come to Alaska from all over the world, the vast majority of our population were Alaska Natives.

Thankfully, after years of wrongful and misguided policies of assimilation, we in Congress now appreciate the incredible history and cultures of Alaska's indigenous peoples and have worked diligently to fulfill our trust responsibilities to them. Today, major landmarks like Denali, which is the highest mountain in North America, are again known by their rightful Native names. Today, Tribes are empowered to provide healthcare and other services to their people, and Federal agencies are required to consult with Alaskan Native Tribes on issues that impact their daily lives.

While we can all wrestle with the inherent challenge created for many by words like ''purchase'' and recognize

historical injustice, we must also look at the moment through the eyes of those who played a part—to see the opportunity as they did—so that we may capture it to better inform our future.

Senator Sumner's words remind us that what he, Secretary Seward, and others saw then was a foundation for opportunity, which continues in Alaska to this day. For example, in his remarks, Senator Sumner referenced a communication from the legislature of the Washington Territory to President Andrew Johnson in 1866. He said:

> Your memorialists, the Legislative Assembly of Washington Territory, beg leave to show that abundance of codfish, halibut, and salmon of excellent quality have been found along the shores of the Russian possessions. Your memorialists respectfully request your Excellency to obtain such rights and privileges of the Government of Russia as will enable our fishing vessels to visit the ports and harbors of its possessions to the end that fuel, water, and provisions may be easily obtained, that our sick and disabled fishermen may obtain sanitary assistance, together with the privilege of curing fish and repairing vessels in need of repair.

Long before my advocacy for Alaska's fisheries here in the United States Senate, long before my warnings about the dangers of genetically modified seafood, Washington and Alaska had a strong connection that was built on the bounty of our oceans. The economic importance of Alaska's fisheries was a prime consideration in America's acquisition of Alaska even then. It was a critical part of our effort to attain Statehood some 50-plus years ago. And today, it has grown into a fundamental element of the Pacific Northwest's economy.

Alaska's seafood industry now creates an estimated 118,000 jobs, $5.8 billion in annual income, and $14.6 billion in economic output nationally. We feed America, and we feed the world, with everything from our cod and our crab to our halibut and our salmon. Alaska's seafood exports alone would rank sixth compared to all other seafood-producing nations—not States, but nations.

Yet fisheries were but a small part of the justification Senator Sumner offered his colleagues at the time. The prime consideration is one that today remains unappreciated by most Americans. Senator Sumner stated the following:

> The projection of maps is not always calculated to present an accurate idea of distances. From measurement on a globe it appears that a voyage from San Francisco to Hong Kong by the common way of the Sandwich islands, is 7,140 miles, but by way of the Aleutian islands it is only 6,060 miles, being a saving of more than one thousand miles, with the enormous additional advantage of being obliged to carry much less coal. Of course a voyage from Sitka, or from Puget sound, the terminus of the North Pacific railroad, would be shorter still. . . . To unite the east of Asia with the west of America is the aspiration of commerce now as when the English navigator recorded his voyage.

Thus said Senator Sumner. The cession of Alaska secured the Pacific trade route with Asia for America. And today, that great circle route represents the path that thousands of vessels annually take from ports along the west coast of the United States to Asia and back again. Chances are that the products created through the hard work of Americans in the middle of our country transit through Alaskan waters on their way to Asia.

Beyond the economic linkages, Alaska's geography has long been an asset recognized not just by our domestic strategic institutions but also by our enemies. While the Japanese attack on Pearl Harbor is a day that will live in infamy, the Japanese campaign in the Aleutians has been called the Forgotten Battle. Six months after Pearl Harbor, the Japanese bombed Dutch Harbor and occupied Attu and Kiska in the Aleutian Islands. Alaska Natives were captured and sent to Japan. On May 11, 1943, the United States moved to retake Attu, landing 11,000 troops on the island. Some 1,000 Americans and more than 2,000 Japanese lost their lives in the fighting—the only land battle on American soil during World War II.

The Japanese attacked the Aleutians for the same reason that Senator Sumner supported the purchase of Alaska—for control of the Pacific transportation routes.

Many historians believe Japanese Admiral Yamamoto launched the attack to protect his nation's northern flank. The United States fought to regain those islands for the very same reason.

Brigadier General William ''Billy'' Mitchell—often called the ''father of the Air Force''—told Congress back in 1935:

> I believe that in the future, whoever holds Alaska will hold the world. I think it is the most important strategic place in the world.

Most of us in Alaska think that Billy Mitchell was correct.

Just as Alaska straddles the great circle route across the Pacific, it sits at the center of the air crossroads of the world. Ted Stevens International Airport in Anchorage sits halfway between Tokyo and New York City and less than 9½ hours by air from 90 percent of the industrialized world.

Think about that. Oftentimes we think about Alaska as so remote and so far away, but when you look at that globe and you look at Alaska's geographic position, we are in the center.

The airport is No. 2 in the United States for landed cargo weight and No. 6 in the world for cargo throughput. In 2012, 71 percent of all Asia-bound air cargo from the United States and 82 percent of all U.S.-bound air cargo from Asia transited through it.

It is no exaggeration to say that the significance of Alaska to the airborne and maritime trade of the United States likely exceeds even the treaty's biggest boosters' dreams back in 1867.

Alaska's strategic significance is now more important than ever. Our natural resources have provided energy and minerals for our Nation for decades—from the oil on our North Slope to our gold, silver, copper, and other metals. We are a storehouse of just about everything that you can think of and everything that you need in modern society.

We are blessed with an abundance of natural resources. We have committed to harnessing them responsibly. As long as there is an understanding of that here in Washington, DC, we will continue to produce every type of energy and many types of minerals for the good of our Nation.

Alaska also remains key to our Nation's defense. North Korea's consistent disregard for international norms and their aggressive attempts to acquire ballistic nuclear capabilities threaten our national security. The investments that we must continue to make in Alaska's missile defense infrastructure are fundamental to our national security interests.

Thanks to my colleagues here in the Senate and the Pentagon's continued recognition of Alaska's strategic importance, we continue to leverage our strategic location for America's national security. The installation of the long-range discrimination radar at Clear, the stationing of F–35s at Eielson, and the continued support for the 425th at Joint Base Elmendorf-Richardson—or JBER, as we call it—are just some of the critical investments we are making and must continue to make in Alaska.

Understanding the opportunity of Alaska also means understanding the geography and the environment of our State. In preparing for this speech, I was struck by a latter part of the communication from the Washington Territorial Legislature to President Andrew Johnson in 1866. It stated:

> Your memorialists finally pray your Excellency to supply such ships as may be spared from the Pacific Naval Fleet in exploring and surveying the fishing banks known to navigators to exist along the Pacific Coast from the Cortes Banks to the Bering Straits, and as in duty bound, your memorialists will ever pray.

I would be remiss if I didn't note that—historical language aside—this request reads as if it could have been submitted to the Budget Committee by the current delegations from Alaska and Washington.

As we prepare to celebrate the 150th anniversary of the Treaty of Cession tomorrow, our sesquicentennial, it is important to remind ourselves just how little has changed in our understanding of Alaska—understanding where it is, how far we have come, and how far we have yet to go when it comes to mapping and to charting.

In 2015, a couple of years ago, I had the honor of attending a celebration back home. It was an event where we celebrated a landmark event—that 57 percent of our land in the State had finally been mapped. That is how young a State Alaska really is. Recognizing that we just do not have accurate mapping in the State, it kind of struck me. For what else do we celebrate 50 percent of completion of anything, except

for us? We were making some progress, and it was worthy of celebration.

As bad as our basic mapping is, the situation is worse offshore in our waters, in the same places where the Washington Territorial Legislature asked for assistance back in 1866.

So 150 years ago, we were asking for assistance with the charting, but after 150 years, just 2.5 percent of the U.S. Arctic has been surveyed to modern standards. Just 2.5 percent of the U.S. Arctic has been surveyed to modern standards. Some 91 percent of the U.S. Arctic has either not been surveyed at all or relies on lead line readings, many of which were taken prior to the Treaty of Cession in 1867.

We talked to the Coast Guard and continue to hear stories about Captain Cook's voyage up to the north. It was actually a voyage on which a relative of mine, John Gore, was with Captain Cook, and they literally would put lead lines over the side of the ship, drop them down, and then recorded the readings.

Again, 91 percent of the U.S. Arctic has either not been surveyed or was surveyed with lead lines, and we are still relying on this data.

The U.S. has been chairing the Arctic Council now for 2 years. As we wrap up our term at the Arctic Council, I fear that we have accomplished much less than I, and many Alaskans, had hoped. It is Alaska that makes the United States an Arctic nation, a fact that was appreciated even at the time this body considered the appropriations for the treaty.

In a letter to the chairman of the House Foreign Affairs Committee in 1868, Joseph Wilson, who was the Commissioner of the General Land Office at the Department of the Interior, relayed the importance of the treaty to the committee, including this:

> It gives her [the United States] also a hold upon the coast of the great circumpolar ocean, the importance of which, as yet imperfectly appreciated in the country, is awakening very great interest in Europe. England, Denmark, Sweden, France, and Germany are contemplating and organizing movements looking to the exploration and occupancy of the unappropriated northern regions of this continent—movements which it becomes us to watch with jealousy, and promptly circumvent.

Think about that statement 150 years ago.

Well, today, Russia, China, India, and a great number of other nations are looking to the Arctic as an emerging region of international significance, and they are seizing the opportunities that we continue to defer there.

I greatly appreciate my colleagues' attention to these issues, particularly the work of my colleague from Maine and the members of the Arctic Caucus, as we work to raise awareness and press administrations to put the same sort of energy and effort into the region that other nations are. They, too, see the importance of the Arctic to our national interest, as Commissioner Wilson did back in 1898.

After noting the importance of the Arctic attributes of Alaska, Commissioner Wilson went on to say:

> Judged from this standpoint alone, and supposing the entire country of Alaska to be a mere polar desert and utterly uninhabitable, the developments of a very few years will show that the acquisition of this territory at the stipulated price is one of the most advantageous arrangements that our diplomacy ever secured.

Think about those words: $7.2 million and the United States has Alaska.

So when Commissioner Wilson said that in a few years it would ''show that the acquisition of this territory at the stipulated price is one of the most advantageous arrangements that our diplomacy ever secured,'' I would suggest, President Trump, this was a deal. We got a great deal with Alaska.

Popular history may refer to ''Seward's folly'' or you hear that when you are reading it in history books, or it is also referred to as America's acquisition of ''Walrussia'' when describing the Treaty of Cession, but that ignores the broad support that the treaty actually had at the time. For example, the editors of the Charleston Daily News Miner recognized this on April 12, 1867:

> As that territory is said to contain the highest mountain in the world, he [Secretary Seward] has provided a fit pinnacle from which the American Eagle can, when the days of good feeling come back, spread itself over the immense country that will then lie peacefully beneath the shadow of its wings.

Indeed, there was opposition to the Treaty of Cession. Two Members of this body even voted against ratifying the treaty, but 37 did vote to ratify. And while the appropriations actually took another year, as appropriations often do, the treaty was largely viewed as a success.

From Alaska's fisheries to its minerals, from its oil and gas resources to its diverse and vibrant cultures, and from its position on important trade routes to its significance to our national security, Alaska's contribution to America has been and continues to be as big as our geography.

We are still a young State. I was actually born in the Territory of Alaska. I am just the sixth Senator to have the honor of serving my State in this body. But while we might be young and small in population, we are very, very rich in spirit.

In his speech on this floor, Senator Sumner said: ''Small beginnings, therefore, are no discouragement to me, and I turn with confidence to the future.''

So I stand before the Senate today grateful for the future that Senator Sumner and Secretary Seward saw for Russian America. They were men of vision who brought a diverse, challenging, rich territory under the wing of the United States. Alaska, I believe, is better for it and so is America.

I appreciate the Senate's indulgence to tell a bit of the story of this day in our national experience and would like to close my remarks as Senator Sumner did on this floor nearly 150 years ago today by quoting him.

> As these extensive possessions, constituting a corner of the continent, pass from the Imperial Government of Russia, they will naturally receive a new name. They will be no longer Russian America. How shall they be called? Clearly, . . . Alaska.

Clearly, Alaska.

Mr. President, as we celebrate the sesquicentennial of Alaska's purchase from Russia, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. PERDUE). The Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:10 p.m., adjourned until Thursday, March 30, 2017, at 9:30 a.m.