



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, MONDAY, NOVEMBER 27, 2017

No. 192

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 28, 2017, at 12 noon.

Senate

MONDAY, NOVEMBER 27, 2017

The Senate met at 4 p.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.

Our Father God, thank You that we see You in the world around us, beholding Your works in the Earth and sea and sky. Your everlasting mercies sustain us, enabling us to borrow our heartbeats from You each day.

Today, be for our lawmakers an abiding and sustaining presence. May they live to serve and honor You, bringing glory to Your Name. Make them patient in debate, charitable in judgment, and slow to anger. Lord, empower them to defend and maintain the right, as they seek justice and freedom for all.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. ERNST). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Dabney Langhorne Friedrich, of California, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be equally divided between the two leaders or their designees.

If no one yields time, the time will be equally divided.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

TAX REFORM

Mr. McCONNELL. Madam President, during the last decade, our complex Tax Code left hard-working families behind and allowed the wealthy and well connected to get ahead. It is so bad that one small business owner in Paducah, KY, recently wrote to my office asking for relief because, as he said, "Taxes are suffocating my company, and me personally."

The pain isn't just being felt in Kentucky. It is an urgent problem nationwide. Families and job creators are

doing their best to get ahead, but too often our Tax Code keeps them from reaching for the American dream. Working families and small businesses in our country deserve better than our outdated Tax Code, and that is what we are trying to deliver.

Tax reform represents the single most important thing we can do right now to spur economic growth, help support good jobs, and boost the middle class. This is our once-in-a-generation opportunity, and we should meet the challenge.

Overhauling our Tax Code can mean more money for small businesses to hire, to invest, and to expand. It can mean families keeping more of what they earn to save for a rainy day or an emergency. This relief can even mean getting one step closer to sending a child to college, buying a new car, or saving more for retirement.

This week, the Senate will continue our years-long effort toward tax reform. Under the leadership of Chairman HATCH, the Senate Finance Committee reported out legislation to replace our noncompetitive, complex, and outdated Tax Code.

Through dozens of hearings, substantial hard work, and an open amendment process, the committee has produced a bill that would prioritize the middle class and small businesses so they can keep more of their hard-earned money.

Our plan doubles the child tax credit, preserves the adoption tax credit, and roughly doubles the standard deduction to reduce how much income is taxed in the first place.

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



Printed on recycled paper.

S7319

Put it all together, and a typical middle-class family of four making a median family income could see a tax break of around \$2,200. As families sit around the table to balance their budgets and plan for the future, this money will make a significant impact.

In addition, our tax reform proposal will provide much needed relief for low- and middle-income families by repealing ObamaCare's individual mandate tax. By ending an unpopular tax from an unworkable law, this plan can help those who need it most.

The bottom line is this: We want to take more money out of Washington's pocket and put more money into the pockets of American families. To accomplish this goal, we will continue to consider the plan under regular order. Every Member will have a chance to offer amendments on the floor, and then we will vote.

There are many places in this legislation where we should all—Republicans and Democrats—be able to agree. For instance, our Democratic colleagues have the opportunity to help us end tax incentives that contribute to American jobs going overseas. That sounds like something our friends across the aisle should support. In fact, many of them have identified those incentives as the fundamental problem in our current Tax Code. This is our chance to put an end to it. I hope they will join us in our effort to help jobs and investments stay right here at home.

I am proud to continue working with my colleague to get this legislation one step closer to the President's desk. Let's keep working together to deliver tax relief for the American people.

Now, Madam President, on another matter. Later today, the Senate will consider two more talented nominees to the Federal judiciary. First, we will vote to confirm the nomination of Dabney Friedrich to serve as district court judge for the District of Columbia.

NOMINATION OF GREGORY KATSAS

Next, we will vote to advance the nomination of an exceptionally well-qualified nominee to the Federal judiciary, Gregory Katsas to serve on the U.S. Court of Appeals for the District of Columbia Circuit. After graduating from Harvard Law School, Mr. Katsas clerked for Judge Edward Becker of the Third Circuit and Justice Clarence Thomas, both on the DC Circuit and on the U.S. Supreme Court. He then joined the litigation group at a prominent law firm focusing on State and Federal appellate litigation, including arguing before the Supreme Court.

In 2001, Mr. Katsas became the Deputy Assistant Attorney General supervising the Justice Department's appellate staff of the Civil Division. The Senate later confirmed him by a voice vote to serve as Assistant Attorney General for the Civil Division, where he was responsible for overseeing hundreds of lawyers and some of the government's most complicated litigation. For his work, he was awarded the Ed-

mund Randolph Award for outstanding service, the highest award given by the Department.

In a letter to the Senate Judiciary Committee, former Attorney General Michael Mukasey expressed his support for Mr. Katsas's nomination. This is what Attorney General Mukasey had to say:

It was my great privilege to work with Greg when he headed the civil division and argued many of the most difficult and challenging cases the Department faced at that time. Greg worked tirelessly to defend the interests of the United States in court, whatever his personal views about them may have been.

Former Attorney General Mukasey, who has also previously served as a Federal district court judge, went on to say that "it is Greg's character, temperament and virtue that most set him apart, and that suit him to serve as a Circuit Judge. There are many smart lawyers in Washington, and probably many nice ones," he concluded, "but I know of no others who have Greg's unique combination of legal skill coupled with humility, integrity, and good judgment."

That high praise was echoed by many of the other officials who knew Mr. Katsas well at the Justice Department. A large group of them wrote to the Senate Judiciary Committee supporting his nomination.

Greg is an exceptionally talented and brilliant fellow lawyer. His commitment to public service and academic qualifications are impeccable. In addition, we can attest to Greg's thoughtfulness, temperament, and character.

Furthermore, a group of distinguished attorneys who have, in their own words, "worked with Greg or litigated against him in the Supreme Court or federal courts of appeals, or are otherwise familiar with his work" penned a letter of support for Mr. Katsas's nomination.

"We hold a broad range of policy and jurisprudential views" they wrote, "but [we] are united in our view, based on our experience and knowledge of Greg's work, that he is highly qualified to serve on the D.C. Circuit."

Once he completed his time at the Department of Justice and returned to private practice, Mr. Katsas continued to impress his colleagues with his legal skill and judgment.

His firm's managing partner wrote a letter, also signed by partners from around the globe, recommending his nomination. Here is what they wrote:

Greg is a truly great legal thinker with a well-earned reputation for integrity, fairness, and respect for others. He has been a brilliant, conscientious advocate—

They continued—

for the firm's clients in the Supreme Court and appellate courts throughout the nation in a wide variety of difficult, high-profile cases.

Mr. Katsas is an impressive individual who is well-qualified to serve on the DC Circuit.

I thank Chairman GRASSLEY, once again, for his outstanding work in

moving President Trump's judicial nominees to the floor. I look forward to confirming the nomination of Ms. Friedrich and advancing the nomination of Mr. Katsas later today.

I urge all of my colleagues to join me in supporting their nominations.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

WELCOMING OUR COLLEAGUES BACK

Mr. SCHUMER. Madam President, I welcome you and the Senator from Texas, and all of our colleagues, back after our Thanksgiving break. I had my parents, 94 and 89, at our Thanksgiving dinner with all of their children and grandchildren and cousins and "thises and thats," so I have a lot to be thankful for. I am blessed to have my mom and dad see their whole family and be so happy about it.

WORK BEFORE THE SENATE

But now, Madam President, we are back, and we have a lot of work to do before the end of the year and precious little time to do it. Funding for the government expires a week from this Friday. Eight hundred thousand Dreamers are waiting to hear whether they can live and work in the only country they have ever known. Almost 9 million children are waiting for us to reauthorize the Children's Health Insurance Program, and millions more are waiting for us to restore funding for community health centers—the most cost-effective, and often only, healthcare lots of people can get.

We also need to fund the cost-sharing program that holds down premiums and out-of-pocket costs for low-income Americans because the administration refuses to do so. Texas, Louisiana, Florida, Puerto Rico, and the U.S. Virgin Islands are desperately in need of additional aid to recover from the natural disaster that God brought on them.

Also, the debt ceiling must be raised again, and in short order.

So we need to come to agreements on all of these issues, and quickly.

To that end, the four leaders will meet with the President tomorrow. Hopefully, we can make progress on an agreement that covers those time-sensitive issues and keeps the government running and working for the American people.

REPUBLICAN TAX PLAN

We could be working on all of these issues this week, but, instead, the majority is pursuing a partisan tax plan at a breakneck pace. Since the Republicans released their first draft of the tax bill a few weeks ago, we have had 1 week of markup in the Senate Finance Committee during which the bill shape-shifted on several occasions.

Aside from the testimony of one representative from the Joint Committee on Taxation, the Senate hasn't heard from any expert witness in a hearing room. Can my colleagues believe that? A major tax bill in front of the American people, changing lives dramatically—no expert witnesses, except the JCT witness. And the bill is likely to change drastically again on the floor of the Senate, with little time for Senators of either party to grapple with the consequences.

The Republicans are moving so fast, the Joint Tax Committee will not have time to produce a full analysis of the economic impact of the bill until after the bill is voted on. Is that backward—or what?

The Republican tax bill will affect every taxpayer and business in America, and my colleagues will not know many of its impacts before they vote on it.

Two things about this bill, however, seem certain. First, it will raise taxes on millions of middle-class families in every State of the Union. Second, it will explode the deficit. Every independent analysis of the Senate tax bill shows that millions of families making under \$200,000 a year will eventually pay more, not less, in taxes under the Republican plan. The most recent Tax Policy Center analysis showed that about 60 percent of middle-class families—those making between \$28,000 and \$155,000—would see a tax increase at the end of the day. Most middle-class families, by the time the 10-year window is up, will see a tax increase of 60 percent, according to the Tax Policy Center.

While middle-class people are struggling—they either get a small decrease in taxes or an increase—folks making over \$1 million a year will get an average tax cut of over \$40,000—more than many Americans make in a whole year.

The tax breaks for individuals all expire; the tax breaks for massive corporations are permanent. Because the individual mandate is repealed, the tax bill would cause 13 million fewer Americans to have health insurance; meanwhile, couples with estates worth over \$11 million get a tax break.

This bill is terrible for the country. It is a massive transfer of wealth to the already wealthy. It would exacerbate inequality and set the middle class back at the worst possible time.

At the same time, it would increase the deficit by \$1.5 trillion, at the very least. Some of my Republican friends are saying that future consequences will extend the middle-class tax breaks that are now set to expire. Well, that would increase the deficit even more significantly. You can't have it both ways. Either the bill socks it to the middle class or it blows a giant hole in the deficit—a "Scylla and Charybdis." No one wants either. The tax bill gives us that awful choice.

Some of my Republican friends say the tax bill will unleash such economic growth that the tax cuts will pay for

themselves and the deficit will evaporate. It is curious to me that those same Republicans are rushing the bill so fast through the Joint Committee on Tax that it will not have time to assess the economic impact. Of course, they are afraid of what it will say. They know it is going to say nothing close to what our Republican optimists are predicting. According to a former JCT economist: "There is good reason to expect the estimate of current legislation will show less than flattering growth affects." So one has to wonder: Are the Republicans afraid that the experts will find that the Republican promises of economic growth are pure fantasy? It sure seems that way.

The majority shouldn't be ramming through such an ill-conceived, backward bill. They shouldn't be breaking all the traditions of this body—busting the deficit, hurting millions of middle-class families—when there is so much potential agreement between our two parties on tax reform. We could come up with a good, bipartisan bill—not through reconciliation, through regular order—and we would all be the prouder for it.

We Democrats want to lower middle-class taxes. We Democrats want to reduce the burdens on small businesses. We Democrats want to encourage companies to locate jobs here instead of shipping them overseas, and we want to do all of these things in a deficit-neutral way. Those thoughts probably have a majority on each side of the aisle. It is a shame that the Republican leadership has chosen reconciliation, which means no regular order, no hearings, no sunlight, and no Democratic input into the bill. If Republicans turn their backs on a deeply flawed approach—and I plead with the handful who haven't committed yet—we can work together on bipartisan tax reform that delivers real relief for everyone in the middle class.

CONSUMER FINANCIAL PROTECTION BUREAU

Madam President, finally, on the matter of the directorship of the CFPB—the Consumer Financial Protection Bureau—there should be no dispute about who is the Acting Director of the agency. The process for succession laid out in Dodd-Frank is clear: Leandra English, not Mick Mulvaney, is the Acting Director of the CFPB.

Let me underscore that point: I was involved when Dodd-Frank was written. The clear intention of Congress was to establish a clear line of succession for the CFPB, separate and apart from the Federal Vacancies Act. I remember; I was here.

The language in question wasn't a part of the House version of Dodd-Frank, but we included it in the Senate version for an explicit purpose. We wanted the CFPB to be an independent agency, free from political considerations of the White House, free of the influence of lobbyists, who we knew would not like that consumers were finally protected in the financial area. We wanted a watchdog whose only job

was to look out for consumers. That was the whole structure of the bill. That is why it has such a unique structure—to shield it from an administration, whoever it would be, that would be influenced by lobbyists.

That is why we expressly stipulated that if the Director were not available, the Acting Director should be the highest ranking member of the CFPB, not whoever the White House believes is in their political interests.

By attempting to install Mr. Mulvaney as the Director, the Trump administration is ignoring the established, proper, legal order of succession that we purposefully put in place, in order to put a fox in charge of the henhouse.

Mr. Mulvaney has, throughout his career, criticized the mission and purpose of the CFPB. The man the President chose for Director of the agency called it a sick, sad joke. He doesn't believe in the agency. He would prefer that it didn't exist. That is not speculation; those are Mulvaney's own words. In 2015, he said: "I don't like the fact that the CFPB exists." The only reason the Trump administration would put Mr. Mulvaney forward for this position would be so that he can rot the agency from the inside.

There is a clear pattern in this administration. Rather than trying to scrap agencies that the administration doesn't like—a tactic that would never fly with Congress or the American people, who know how important these agencies are—the administration will put in charge the people who will undermine them.

To head the Environmental Protection Agency, the Trump administration chose an industry advocate who was against just about every advance in the Clean Air Act and the Clean Water Act.

To head the Department of Energy, the Trump administration nominated someone who called for its abolishment.

To head the Ex-Im Bank, which helps exports throughout this country—new jobs—the Trump administration nominated someone who called for it to be disbanded.

Mr. Mulvaney is only the latest in a long line of Trojan-horse candidates selected by the White House to undermine Federal agencies from within. The CFPB should be led by someone who believes in its mission, someone who is committed to working around the clock on behalf of consumers, not by a part-time Director who clearly disdains the agency. President Trump must nominate a permanent Director, and eventually that person will take charge of the agency, if confirmed. Whoever is nominated must have a demonstrated record of standing up on behalf of consumers. Former Director Cordray and Leandra English fit that mold. Mick Mulvaney certainly does not.

For the interim, the law established under Dodd-Frank dictates that Ms.

English is the Acting Director of the CFPB. The White House should abandon any efforts to circumvent that succession process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CONSUMER FINANCIAL PROTECTION BUREAU AND
TAX REFORM

Mr. CORNYN. Madam President, the Senator from New York is my friend, and we have worked together on a number of occasions, but I must disagree with a number of things he said today.

First of all, the Consumer Financial Protection Bureau was a partisan creation by Democrats during the Obama administration that had virtually no Republican support. What they did is that they created a modern-day emperor, somebody immune from congressional oversight and the appropriations process. Now that Mr. Cordray is leaving, following the election of a Republican President, they are taking exception to the fact that this President has the authority under the law to appoint his successor. Instead, they are insisting that somebody chosen by Mr. Cordray—this modern-day financial emperor—should be able to make a choice and foist that on this administration when, clearly, this administration was elected to office in part in response to the overreach of the previous Obama administration.

This is a perfect example of how nimble my colleague can be with the facts. The fact is that he comes here and complains about the fact that this tax bill we will be taking up is not partisan enough for him, when Senate Democrats have made it clear that they don't want to do anything that would give any credit to this administration or the Republican majority.

Rather than taking the opportunity to find common ground and govern, they, essentially, have taken up the resistance, leaving the results of the election last November basically unresolved, in their minds, at least, even though the American people have clearly moved on and expect this administration, which was elected to office, along with a Republican majority in the House and the Senate, to actually govern.

I remember days and times when, after we had elections, we actually figured out that we needed to govern and weren't focused then on the next campaign. Apparently, our colleagues across the aisle have simply forgotten that. That is the bad news. The good news is that it is not too late for them to change their ways and join us and bring historic tax reform to the American people.

This week, we will be considering the Senate's version—voted out of the Senate Finance Committee last Thursday night—of our Tax Cuts and Jobs Act, which is the first major overhaul of our Nation's Tax Code in more than 30 years. It cuts tax rates across the board, reducing the burden on Amer-

ican job creators and middle-class families alike.

Under our proposal, it has been estimated that folks back in my home State of Texas will see more than 76,000 new jobs created. After-tax income for middle-class families should rise by nearly \$2,600. Now, that may be chump change here inside the beltway; our friends across the aisle may turn their nose up and say: Who would want to do this for \$2,600 additional tax savings. But I can tell you, my 28 million constituents in Texas don't believe that \$2,600 in tax savings for a family of four is chump change. They think of that as ways to increase their take-home pay, improve their standard of living, prepare for retirement, and help their children go to college. That is what that means to them.

This bill will also reduce the tax burden on small businesses and put American companies on a level playing field with their foreign competitors, ultimately growing our economy here at home.

Ironically, we heard some of the same old tired rhetoric in the Finance Committee, where we were talking about corporate giveaways and things like that, only to remind our colleagues on the Senate Finance Committee that they themselves had proposed similar tax cuts for American businesses so they could get more competitive in an international global economy. We had to remind them, after they derided this idea that we would want to be more competitive in the global economy, that it was Barack Obama, in 2011, who called for Democrats and Republicans to come together to cut the corporate tax rate because it was the highest one in the world and it was causing businesses to invest abroad—indeed, to leave the United States to set up their headquarters abroad just to avoid the highest tax rate in the civilized world.

There has been a lot of disinformation and misinformation out there, which I would like to take the opportunity to correct on a couple of accounts.

One major reform we have included in the latest version of our tax reform bill is the repeal of ObamaCare's individual mandate. Make no mistake, the individual mandate penalty is literally a tax on low-income Americans. It is a tax because Chief Justice Roberts and the U.S. Supreme Court called it a tax.

Democrats have made two arguments: first, that repealing this mandate is a tax increase. Only in the parallel universe known as Washington, DC, would cutting the tax be called a tax increase. Second, they said the repeal kicks people off their insurance coverage, which is demonstrably not true.

But let's start with the first argument, that the repeal somehow represents a tax increase on the poor. It is a pretty strange thing to say that eliminating a financial obligation simultaneously entails an additional fis-

cal burden; in other words, that a tax cut is really a tax increase. Only here in the parallel universe of Washington, DC, could that possibly be true. It defies all logic.

What actually happens under our plan is that certain low-income individuals do get a tax cut. If they voluntarily decide not to buy ObamaCare coverage, they will receive an additional tax cut because they will no longer be penalized by their own government for failing to buy an insurance policy they can't afford. It is worth noting that, in 2015, 80 percent of people paying the ObamaCare individual mandate tax made less than \$50,000 each year. Eighty percent made less than \$50,000.

There were 6.7 million people in 2015 alone that paid this additional tax mandate because they couldn't afford to purchase the government-mandated coverage. If the mandate is repealed, these folks would have more money to spend, and they will benefit from income tax rate reductions in addition. If our colleagues across the aisle would work with us, these same people would find more affordable coverage that suited their needs rather than have to buy a one-size-fits-all policy that prices them out of the market. But that is another story.

The second ridiculous argument is one you may recall the minority leader saying shortly before Thanksgiving. He made the statement that we are kicking 13 million people off of their health insurance. But that is just not true, and it doesn't tell the whole story.

First of all, no one is being kicked off of their health insurance coverage. Instead, people will no longer be fined by their own government for not buying government-approved health insurance. That is based on the correct view that people shouldn't be coerced by their very own government to buy something they may not want and can't afford. Like I said, in a more rational world, Democrats and Republicans would work together to come up with an alternative that would provide people with more choices at a better price.

Democrats might say: Well, what about premiums? Will they not rise if the mandate is eliminated and people drop out of the market because of this problem? This is one of the problems created by the Affordable Care Act at its very beginning. But the issue of rising premiums is significant. A recent proposal offered by the senior Senator from Maine, Ms. COLLINS, along with Senators ALEXANDER and MURRAY, would attempt to stabilize the health insurance marketplace. It would reduce the risk for insurance companies by providing funds to insurers for high-risk enrollees. Their bipartisan stabilization proposal would appropriate money for something called cost-sharing reduction subsidies, and these payments could provide short-term certainty to insurers and prevent premiums from rising. In fact, premiums would go down. It has been scored by

the Congressional Budget Office as reducing the deficit by \$3.8 billion over the next 10 years. That is why this proposal deserves our serious consideration, and I hope we will turn to it following our debate and vote on the Senate's tax reform bill.

Apart from the repeal of the mandate, there are other parts of the plan I would like to highlight. One involves another popular myth that certain provisions of our proposal are just disguised corporate welfare. I alluded a minute ago to the hypocrisy of some of our Democratic colleagues, claiming that this is corporate welfare or a giveaway, when they themselves supported a similar provision in previous proposals. This claim is completely and deliberately misleading. As the Wall Street Journal pointed out last week, the irony is that this bill would do more to stop corporate tax gaming than anything done by the Obama administration during the previous 8 years.

First, if we cut corporate taxes, the incentive for companies to game the system and move capital, income, and intellectual property abroad is reduced. The bill institutes a territorial system that also includes so-called base erosion rules. These are safeguards against abuse that prevent companies from shifting domestic income through foreign affiliates to lower tax jurisdictions and then bringing the profits home without paying taxes.

Our Senate bill would impose an effective 10 percent rate on intangible property of U.S. multinationals held overseas. That is on a one-time basis. In return, companies would be able to repatriate their future income from those places tax-free. In other words, they would be taxed once rather than twice. This lower rate will help to prevent the erosion of our corporate tax base and so will other provisions regarding patents and intellectual property, which will prevent the flight of intellectual property abroad and will entice foreign companies to move their patents to the United States, along with the associated economic activity and jobs. In sum, as I said earlier, this bill changes incentives, making it less likely that businesses will try to game the system and move capital to foreign, lower tax jurisdictions.

We need to look at this proposal as a whole—not just one provision in isolation—because you can't judge the merit of the plan without considering it as a whole.

Two days ago, we got a letter from nine world-class experts on tax policy and economics. They sent a letter to Treasury Secretary Steve Mnuchin. In that letter, they praised the plan's objectives to enhance the prospects of both increased economic growth and household incomes—more take-home pay. Not only that, but they said that, based on their analysis, our plan is likely to achieve those objectives, too. The signatories include a former Treasury Secretary, as well as a former Di-

rector of the Congressional Budget Office and distinguished economists from Harvard, Columbia, and Stanford. I think that all agree with the bottom line, which is that the Senate bill cuts taxes for every income group and that it will increase economic growth and keep jobs and American companies here at home, all while making America more competitive.

Those who argue otherwise, I think, are resigned to the status quo, which is a stagnant economy characterized by slow growth and wages that will never rise. That is what we have had for the last 11 years. Under no circumstances should we stand by idly and permit it to continue.

Historically, the United States has seen growth of the economy hover around 3 percent since World War II, but right now it is roughly 1.9 percent. What that slow economic growth means is fewer jobs, lower wages, and less competitiveness for the United States in the global economy. If we get back to 3 percent growth or higher, we can begin to solve multiple problems at once. For example, we can do something about our lackluster defense spending.

It is something the chairman of the Senate Armed Services Committee, Senator MCCAIN, and others—including people like me and the Presiding Officer—care an awful lot about. We have simply tried again and again to cash the peace dividend when there is no peace, when, in the words of Gen. James Clapper, former Director of National Intelligence, he said: 'The array of threats is more profound than he has seen in 50 years in the intelligence service of the United States. We can't spend the amount of money we need to keep America safe to fight our Nation's wars and to defend our shores at home unless we meet that need. We can't do it when our economy doesn't grow. Not only will economic opportunities increase for Americans of all stripes, we will also have additional revenue to address our national debt.'

If we can get our economy growing again, we can actually pay down that debt, but this debt is not a product of tax cuts and defense spending, as some would lead you to believe. It is a symptom of our inability to pass entitlement reform. In other words, we have a spending problem; we don't have an inadequate taxing problem.

Indeed, during the 8 years of the Obama administration, when the national debt doubled, I didn't hear one peep out of our colleagues across the aisle on the national debt. It is refreshing to hear that they are concerned about that, once again, but we have a partial answer to that, which is getting the economy growing again so the Treasury will increase its returns, and we can begin to pay down some of those deficits and debt.

To regain our standing in the world, we need to get our financial house in order. The first step is to pass this tax reform package, which will show our

seriousness and determination in jump-starting our economy as a way to address our fiscal challenges.

I hope our colleagues on both sides of the aisle will join me in supporting the Senate's version of this bill because America's future prosperity partially depends on our ability to get this done. What kind of country do we want? Do we want one that is vibrant and dynamic and full of energy or do we want one that simply putters along? A lot is on the line this week as we debate and vote on the Senate's tax reform bill.

Madam President, I ask unanimous consent to have printed in the RECORD the letter I referred to from nine prominent economists, which was published on November 26 in the Wall Street Journal, called: "How Tax Reform Will Lift the Economy."

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

HOW TAX REFORM WILL LIFT THE ECONOMY
[Editor's note: The following is a Nov. 25 letter to Treasury Secretary Steven Mnuchin]

Dear Mr. Secretary:

The present debate over tax reforms proposed by President Trump's administration and embodied in bills that have passed the House of Representatives and the Senate Finance Committee has raised the basic question of whether the bills are "pro-growth": Would the proposals raise current and future economic activity and generate federal tax revenue that would reduce the "static cost" of the reforms? This letter explains why we believe that the answer to these questions is "yes."

Economists generally think of fundamental tax reform as a set of tax changes that reduces tax distortions on productive activities (for example, business investment and work) and broadens the tax base to reduce tax differences among similarly situated businesses and individuals. Fundamental tax reform should also advance the objectives of fairness and simplification.

The quest for such fundamental tax reform has been pursued by policy makers and economists for decades. Examples include the Tax Reform Act of 1986, proposals for reducing the double taxation of corporate equity by the Treasury Department and the American Law Institute (enacted in part in 2003), the "Growth and Investment Plan" from President George W. Bush's Advisory Panel on Federal Tax Reform, and arguments from President Obama's administration to lower corporate tax rates. The proposals emerging from the House, Senate, and President Trump's administration, fall squarely within this tradition.

REDUCING CORPORATE TAX RATES, AS PROPOSED, WILL INCREASE ECONOMIC ACTIVITY

While the overall House and Senate tax plans contain numerous household and business provisions, we focus on the corporate tax changes, returning to other provisions before concluding. A key concept in this context is the "user cost of capital," which essentially measures the expected cost to firms of making additional investments in equipment. A considerable body of economic research concludes that reductions in the user cost of capital raise output in the short and long run. Several of the proposals that have emerged in the current debate are key to lowering the user cost of capital. For example, expensing, which allows firms to deduct the full cost of investment at the time it is made, lowers the user cost of capital relative to depreciation over time. A lower corporate tax rate also lowers the user cost of

capital, which not only induces U.S. firms to invest more, but also makes it more attractive for both U.S. and foreign multinational corporations to locate investment in the United States.

There is some uncertainty about just how much additional investment is induced by reductions in the cost of capital, but based on an extensive body of scholarly research, many economists believe that a 10% reduction in the cost of capital would lead to a 10% increase in the amount of investment. Simultaneously reducing the corporate tax rate to 20% and moving to immediate expensing of equipment and intangible investment would reduce the user cost by an average of 15%, which would increase the demand for capital by 15%. A conventional approach to economic modeling suggests that such an increase in the capital stock would raise the level of GDP in the long run by just over 4%. If achieved over a decade, the associated increase in the annual rate of GDP growth would be about 0.4% per year. Because the House and Senate bills contemplate expensing only for five years, the increase in capital accumulation would be less, and the gain in the long-run level of GDP would be just over 3%, or 0.3% per year for a decade.

Is this estimate of the growth effect realistic? According to one leading model using an alternative framework, the proposal would increase the U.S. capital stock by between 12% and 19%, which would raise the level of GDP in the long run by between 3% and 5%. Yet another model, this one used in the analysis of the "Growth and Investment Plan" in the 2005 President's Advisory Panel on Federal Tax Reform, found that a business cash-flow tax with expensing and a corporate tax rate of 30% would yield a 20.4% increase in the capital stock in the long run and a 4.8% increase in GDP in the long run. More conservative estimates from the OECD suggest that corporate tax changes alone would raise long-run GDP by 2%. In short, there is a substantial body of research suggesting that fundamental tax reform of the type being proposed would have an important effect on long-run GDP. We view long-run effects of about 3% assuming five years of full expensing, and 4% assuming permanent full expensing, as reasonable estimates.

Another advantage of the corporate rate reduction embodied in the House and Senate Finance bills is that it would lead both U.S. and foreign firms to invest more in the United States. In addition, U.S. multinational firms would face a reduced incentive to shift profits abroad, which would raise federal revenue, all else equal.

In the foregoing analysis, we assumed a revenue-neutral corporate tax change. Deficit financing of part of a reduction in taxes increases federal debt and interest rates, all else equal. For the House and Senate Finance bills, this offset is likely to be modest, given that the United States operates in an international capital market, which means that the impact of changes in interest rates resulting from greater investment demand and government borrowing are likely to be relatively small.

LOWERING INDIVIDUAL TAX RATES ALSO OFFERS GENERALLY POSITIVE ECONOMIC EFFECTS

The House and Senate bills also contemplate a number of individual tax provisions that can affect economic activity and incomes. In recognition of the fact that non-corporate business income is substantial in the United States, both bills would reduce taxation of non-corporate business income and increase the amount of capital expensing allowed. While difficult to quantify, as the bills specify different effective tax rates, these provisions would increase investment and GDP above the level associated with the

corporate tax changes discussed above. Also on the individual side, both the House and Senate bills reduce marginal tax rates on labor income for most taxpayers, increasing the reward for work. Increases in labor supply, in turn, increase taxable income and tax revenues. One should note, however, that some taxpayers would face increases in effective marginal tax rates because of base-broadening features of the bills, such as limits on the federal tax deductibility of state and local income taxes. On balance, though, we believe that the individual tax base broadening embodied in the proposals would enhance economic efficiency by confronting most households with lower marginal tax rates. In addition, fairness would be served by reducing differences in the tax treatment of individuals with similar incomes, and simplification by reducing the number of individuals who itemize for federal tax purposes.

CONFIRMING A PRO-GROWTH OBJECTIVE IS IMPORTANT FOR THE PATH FORWARD

You have consistently stressed that the objective of tax reform should be to enhance prospects for increased economic growth and household incomes. We agree with this objective, which is consistent with the traditional norms of public finance going back to Adam Smith. We believe that the reforms embodied in the House and Senate Finance bills would achieve this objective. The increased growth, in turn, would lead to greater taxable income and federal tax revenues, which would reduce the static cost of lost federal tax revenue from the reform.

We hope these analytical points of support for the growth effects of tax plans being discussed are useful to you and to the Congress as you complete the important economic task of fundamental tax reform. We would be happy to discuss our conclusions with you at your convenience.

Robert J. Barro, Paul M. Warburg Professor of Economics, Harvard University

Michael J. Boskin, Tully M. Friedman Professor of Economics, Stanford University; Chairman of the Council of Economic Advisers under President George H.W. Bush

John Cogan, Leonard and Shirley Ely Senior Fellow, Hoover Institution, Stanford University; Deputy Director of the Office of Management and Budget under President Ronald Reagan

Douglas Holtz-Eakin, President, American Action Forum, former director of the Congressional Budget Office

Glenn Hubbard, Dean and Russell L. Carson Professor of Finance and Economics (Graduate School of Business) and Professor of Economics (Arts and Sciences), Columbia University; Chairman of the Council of Economic Advisers under President George W. Bush

Lawrence B. Lindsey, President and Chief Executive Officer, The Lindsey Group; Director of the National Economic Council under President George W. Bush

Harvey S. Rosen, John L. Weinberg Professor of Economics and Business Policy, Princeton University; Chairman of the Council of Economic Advisers under President George W. Bush

George P. Shultz, Thomas W. and Susan B. Ford Distinguished Fellow, Hoover Institution, Stanford University; Secretary of State under President Ronald Reagan, Secretary of the Treasury under President Richard Nixon

John B. Taylor, Mary and Robert Raymond Professor of Economics, Stanford University; Undersecretary of the Treasury for International Affairs under President George W. Bush

Mr. CORNYN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

NET NEUTRALITY

Mr. MARKEY. Madam President, last year, Chairman Pai, of the Federal Communications Commission, threatened to take a weed whacker to the FCC's net neutrality rules. On December 14, Chairman Pai and the FCC are likely to make good on that promise. Last week, they issued their plan. They are quite proud of it. Chairman Pai is very proud of their plan. They got that done last week. Then, on December 14, they are going to execute their plan to execute the net neutrality rules of our country.

Net neutrality applies the principles of nondiscrimination to the internet world, ensuring that broadband providers—America's internet gatekeepers—do not block, slow down, or prioritize internet traffic. In 2015, the FCC correctly adopted the open internet order, enshrining these net neutrality principles into law, but now net neutrality and the free and open internet—this diverse, dynamic, democratic platform—are under attack.

Here is what Chairman Pai is proposing. No. 1, he would gut the rule against blocking. What does that mean? It means an internet service provider could block any website it wants. It could block something just because it decided to. That includes a website of a competing service or a website with a contrary political view. Whatever they want, they can block. The biggest companies—Comcast, AT&T—they can just block it.

No. 2, Chairman Pai would gut the rule against throttling. What does that mean? That means the internet service provider could slow down any website it wants.

No. 3, Chairman Pai would gut the rule banning paid prioritization. What does that mean in easy-to-understand language? That means the internet service provider could charge websites for an internet fast lane—meaning those websites would load quicker, while websites that can't afford the internet "EZ pass" would be stuck on a gravel path, taking more time to load and frustrating consumers with long buffering times.

No. 4, Chairman Pai would gut the forward-looking general conduct rule. What does that mean in easy-to-understand language? That means whatever discriminatory conduct ISPs think of next in the coming months or years would be perfectly legal.

No. 5, Chairman Pai would create an unregulated interconnection market. What does that mean, an unregulated interconnected market? In plain English, it means the Federal Communications Commission would lose authority to oversee places where the internet service providers connect to the internet and extract fees.

No. 6, Chairman Pai would prevent States and localities from adopting their own net neutrality protections. If you live in Massachusetts or you live in California or you live in Alabama,

your State can't give you any protections. They can't say: Here's how we want the internet to be operating.

What will replace these enforceable net neutrality rules? Nothing. Chairman Pai will leave it to the internet service providers—to the big companies we all subscribe to—to regulate themselves. We will just put them on the honor system. We know the broadband industry—your cable, your wireless or telecommunications provider—cannot regulate themselves. They struggle to even show up on time to install or fix your service. Do we really trust the broadband industry to resist leveraging their internet gatekeeper role and putting their online competitors at an unfair disadvantage? Of course not.

What is Chairman Pai's silver lining in light of gutting all of these rules? He has proposed to keep some transparency rules, requiring the internet service providers—these broadband behemoths—to disclose their practices to consumers. What good is transparency when most Americans have little or no choice for high-speed broadband access? After all, 62 percent of Americans have one choice for high-speed fixed broadband. If a household's only choice for high-speed broadband is transparent about its plans to set up internet fast and slow lanes, the consumer has two choices: accept the internet provider's terms or live without the internet. That is not a real choice at all. People are not going to be living without the internet in the 21st century. You are going to pay whatever that company tells you, you are going to pay.

It is clear that most Americans do not want what the FCC is proposing. A record number of people—over 22 million—made their voices heard at the FCC. Americans know the internet—the world's greatest platform for commerce and communications—is at stake. Consider that, today, essentially every company is an internet company. In 2016, almost half of the venture capital funds invested in this country went toward internet-specific and software companies. That is \$25 billion of investment. To meet America's insatiable demand for broadband internet, U.S. broadband and telecommunications industry companies invested more than \$87 billion in capital expenditures in 2015. That is the highest rate of annual investment in the last 10 years.

We have hit the sweet spot. Investment in broadband and wireless technologies is high. Job creation is high. Venture capital investment in online startups is high. With these net neutrality protections in place, there is no problem that needs fixing, but under Chairman Pai's plan, broadband providers get exactly what they want—an unregulated Wild West where they can set up internet fast and slow lanes.

Chairman Pai proposes to have the FCC completely abdicate its rightful role to oversee telecommunications networks under title II of the Commu-

nications Act. Chairman Pai claims that the FTC—the Federal Trade Commission—provides a sufficient backstop to discriminatory behavior by the big broadband companies. That is simply not true.

Under the Federal Trade Commission regime, the big broadband barons would establish their own net neutrality policies, and if the internet service provider wants to block websites, slow down the competitors' content, or charge innovators and entrepreneurs to reach their customers, they will be free to do so. That is because the Federal Trade Commission can only step in if a broadband provider violates its own net neutrality policies, but what if the internet service provider has a written policy that charges websites for internet fast lanes? There is nothing the Federal Trade Commission can do about it because the broadband baron told you what they are going to do. They were transparent about what they were going to do, but you just have no recourse whatsoever going to the Federal Trade Commission. It is a false promise of protection that Chairman Pai is presenting.

The only way to protect a free and open internet is with strong net neutrality rules of the road, not voluntary guidelines. Chairman Pai's proposal would put the future of a free and open internet in the hands of big corporations and the powerful few at the expense of ordinary consumers all across our country. Our consumers will be tipped upside down and have money shaken out of their pockets because they will not have the protection of net neutrality provisions that are now the law but are soon to be wiped off of the law.

The Trump administration is waging an all-out assault on our core protections: the Affordable Care Act, the Paris climate accord, the Clean Power Plan. Now Trump's Federal Communications Commission has net neutrality in their sights. For all of those who rely on the free and open internet—whether it is for commerce, education, healthcare, entertainment—I urge you all to rise up and create a firestorm of opposition to this assault on net neutrality. This goes to the fundamental principles of nondiscrimination online. This is the greatest engine for commercial job development our country has ever seen. It is the engine for new companies to be started. It is the way in which young people are able to disrupt established companies, to take new concepts that create jobs but also benefit consumers across our country. That is the opportunity this represents, and it is also a powerful force for democracy, for everyone's voice being heard equally. That is what net neutrality is about. That is what the Trump-Chairman Pai Federal Communications Commission is about to end, and that is why we must fight. That is why I am so proud to be standing as part of this effort with our great

ranking member of the Commerce Committee, Senator BILL NELSON from the State of Florida, because this is a fight worth having.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Madam President, one cannot say it much better than the Senator from Massachusetts has said it. Everyone has come to expect a free and open internet—one that does not charge more for certain content and charge less for favorite content. It is supposed to be free. It is supposed to be open. It should be balanced. Hopefully, since it seems that the Pai regime is, in fact, going down this road, there will be immediate lawsuits that will be very time-consuming. At the end of the day, sometime in the future, there may be an opportunity for a legislative solution, but it has to be a balanced solution that protects the right of the public to a free and open internet.

PUERTO RICO RECOVERY EFFORT

Madam President, I want to discuss another issue.

What do you think it would be like to be in your home for 3 months without electricity when all of your home appliances and all of your daily routines have been built around the fact that electricity has provided the power to run your home in the way that you would expect?

Do you know that half of the people of Puerto Rico, 3 months after Hurricane Maria, still do not have electricity? Is it any wonder that 160,000 people—our fellow citizens from Puerto Rico—have now chosen to get on an airplane and go to the State of Florida? Is it any stretch of the imagination that there will not be hundreds of thousands more? They see a land that was devastated by a category 4 hurricane—that verged on a category 5—and that covered the entire island, with remote parts of the island having been completely cut off for 2½ weeks from transportation to get there, except by air, like the town of Utuado, which is up in the mountains, that I visited shortly after the hurricane.

Is it any wonder that people like them are now being very creative and very inventive? There are neighbors helping neighbors. They are all coming together. But they have been without electricity for such a long period of time that the opportunities for jobs are drying up, businesses cannot open, and commerce has slowed. With a \$250 plane ticket, in 2 hours they can be in Florida, and, indeed, that is what has happened—160,000, as of now, just to Florida. How many have gone to New York and to other States? We do not have that calculation, but we expect several hundred thousand more to go.

For all who come here, the island of Puerto Rico is their home. They want to return, but is there going to be a quick resumption of business? In its contracting through the U.S. Army Corps of Engineers, is FEMA going to get the electricity back up? Are there

going to be jobs? Are we going to change the tax law so that Puerto Rico does, in fact, have the incentives that it used to have in the past that had taken pharmaceutical companies there and rum companies there? A lot of those tax incentives have gone away, and we ought to be considering that in this tax bill. We ought to be considering the long-term cost that it is going to take to help restore the island. Until that is done, what do you think people have done? This is exactly what they have done, and they are going to continue to come.

As a result, we have a different problem in a State in which so many of their families already live and where they have been living with relatives. Now it is time for them to be able to have their own families and their own places to live. Yet we do not have the provisions in order to give them the financial support to be able to afford housing. Suppose 300,000 Puerto Ricans go to Florida alone. Do they have the money? Are they able to get jobs right away so that they will have the money for housing? That is why we are going to have to have financial incentives.

That is why, in a bill that was filed last week by this Senator, along with several others, there is a provision—if we can pass this legislation—for HUD, or the Department of Housing and Urban Development, to have the financial wherewithal to then supply housing needs, many times through subsidized housing, in the case of an incident like this hurricane, in which an emergency has occurred and has caused a huge dislocation of people to another State.

Since it is going to be hard to get legislation like this passed in a timely fashion and the need is desperate right now and since the last supplemental emergency appropriation for all of the hurricanes did not include the housing part for the ones who are going to Florida, in the meantime, in this next supplemental that will come just before Christmas—emergency supplemental funding—we will need to provide that.

Then the question will be this: Where, for example, in Central Florida—in the Orlando metro area—will they actually be able to find housing that will be available without their having to drive hundreds of miles to find housing that will be affordable, even with additional assistance? The people who can work this problem out are in the local governments. They are the ones who know best the situation.

As we get ready before Christmas for a final appropriations bill with emergency supplemental funding because of all of the hurricanes, which, indeed, will come—it will just be the next installment of many installments to come in the new year—let us remember that housing is going to be critical for a huge number of people who have been dislocated and have to strike out and find new lives, new jobs, and new places to call home, which clearly means that they will have to have places to call

home, and those are places to live—housing. It is an urgent need, and it is one that is critical. This Congress has to face it before the holidays.

I yield the floor.

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

HEALTHCARE

Mr. BROWN. Mr. President, right now, as we all return from Thanksgiving—some of the American people did not have to work over Thanksgiving weekend, but many, many people in this country do and struggle and continue to work two jobs—and as Congress returns from Thanksgiving, the priorities of this Congress are becoming pretty darned clear to the American people. People want to know the answer to a fundamental question. In this body we all stand up for election every 6 years—in some cases, a little more often—and people fundamentally want to know which side you are on. Are you on their side? Are you on the side of Wall Street or the side of corporations that outsource jobs?

So the question is this: Whose side are you on? The question is this: Are you going to stand with multinational corporations that ship jobs overseas, all to pad their own executives' fat bonus checks? Are you going to stand with banks that rip off consumers or that steal their information and get off scot-free? Maybe some of their executives give their bonuses back, but that is about the only penalty they pay. Are you going to stand with American workers who have been working too hard for too long for too little pay and who are just looking to catch a break? Are you going to stand with children whose parents work two jobs to put food on the table when, unfortunately, both jobs that they work do not pay for health insurance? These are the choices we face.

Right now, the leader of the Senate—the majority leader, who works in that office down the hall, the majority leader back in that office there—negotiates with lobbyists, negotiates healthcare bills, and writes healthcare bills in the back room with drug company lobbyists and insurance lobbyists. Now he has written a tax bill in the back room. We voted on it last week in committee, but it just keeps changing. That is all done in the back room with Senator MCCONNELL, the Republican leader, and his lobbyist friends from corporate America—with the corporate America that ships jobs overseas, with the Wall Street banks that fleece Main Street taxpayers, and with other corporations, which are the drug companies and oil companies and the Koch brothers and all of that. These are the choices that we face. The leaders of the Senate have made it really clear whose side they are on—period.

While the Senate spends its time on a bill to cut taxes for corporations that send jobs overseas—that is the bill that Senator MCCONNELL is negotiating, is writing, is drafting with his lobbyist friends in that office down the hall—

children here in America, pure and simple—there is no other way to say it—are about to be kicked off of their health insurance through the Children's Health Insurance Program. As soon as this week, families of young children are going to get letters in the mail that will bring devastating news—that their children will lose their health insurance—period. There are 209,000 of them who live in my State of Ohio—209,000 of them alone.

This is what this program is. It was founded more than two decades ago. Senator HATCH—I give him credit as chairman of the Finance Committee—doesn't seem as interested, frankly, in this bill today as he was when he started, when he wrote the bill, because it has passed out of his committee, and Senator MCCONNELL is too busy to put this bill on the floor so that we can pass it.

The bill works this way: If there is a family and the parents lose their insurance, as many families do, the children still get insurance. That is why 209,000 children—tens of thousands of families in my State—rely on the Children's Health Insurance Program. But this fall, because this Congress is too busy giving tax cuts to rich people, because this Congress is too busy giving all kinds of breaks to the Nation's banks, because this Congress is too busy doing the bidding of the drug companies and the health insurance companies and the bidding of the oil companies, this Congress let CHIP expire.

States are beginning to run out of money for CHIP. States are preparing to shut down this lifeline for 9 million children in Kansas, Ohio, Florida, and all over the country. Folks in this body—don't forget, we all get our health insurance funded by taxpayers, but we haven't done our job. As a result, families of 209,000 children in Ohio and 9 million children in the United States are going to pay the price.

Think about how devastating it would be to get that letter in the mail. It is already an expensive and stressful time of year. Parents are worried about all kinds of things—higher heating bills, visits to their families for the holidays, the cost of childcare when kids take off from school for the holidays. They are scraping together what they can for gifts. They are already stressed enough. Imagine having to tell your daughter: I am sorry, honey, Santa probably isn't bringing much this year. We won't have any presents under the tree.

You try not to let the child see the worry in your eyes because you are wondering how you are going to afford the debt for regular checkups each year, or God forbid she gets an ear infection or something happens and she needs to go to the doctor. But, oh my gosh, no, we got this letter in the mail that says—and I don't know if the letter will say it this way, but it should—that because Congress failed to do its job—a bunch of elected officials who have insurance paid by taxpayers failed

to do their job to reauthorize and fund this bill so that 209,000 children in Ohio will be protected, as well as 9 million people in the country—Ohio, Arizona, California, Minnesota, and Oregon are all expected to run out of CHIP money by the end of the year, early January. Some States will need to start notifying families right now that they could lose their coverage. Virginia will have to start sending out notices as early as this week. Many other States expect funds to run out the first of the year.

This is not just a few children whom maybe we don't want to think about; this is 9 million children—209,000 children in my State, tens of thousands of children in Kansas, and it is hundreds of thousands of children in Senator NELSON's Florida. These are working families who don't qualify for Medicaid but can't afford private insurance. They are families with two working parents who often aren't lucky enough to work for companies that provide health insurance. They are families with children who have special needs. CHIP helps provide access to specialty providers so the kids are never faced with a situation where their family can't afford the therapy or the expensive prescription drugs they need.

Healthcare for all of our children is something on which we ought to be able to come together, wouldn't you think—especially at the holiday season. Leading into Christmas, wouldn't you think we could agree on that, that we ought to take care of the Children's Health Insurance Program?

There has never been a gap for funding in the CHIP program. It was created in a bipartisan way. Senator Kennedy, who sat over here, Senator Rockefeller, who sat over here, and Senator HATCH, who is still in this body, all worked to create this program.

In those days, Senator HATCH said: "As a nation, as a society, we have a moral responsibility" to ensure our children have healthcare. We have maintained that bipartisanship ever since, until now—until Speaker RYAN and Leader MCCONNELL, who would rather worry about tax cuts for the rich, would rather worry about helping banks keep consumers from having their day in court, would rather worry about helping the Koch brothers and the drug companies. That is way more important than taking care of 209,000 children in Ohio. I guess it is more important for Senator MCCONNELL to go back in that room and write a bill with his lobbyist friends from the Koch brothers, oil companies, drug companies, and Wall Street—all his special interest buddies. He can write a bill for those big tax breaks for those companies but just not get around to taking care of these kids.

Two years ago, with the support of advocates all over the country, we extended funding for CHIP with bipartisan support. We did it for 2 more years. We put kids first in this body,

acted early to extend CHIP so families wouldn't have to worry. This year, in committee—and I give credit to Senator HATCH in this case, as well as Senators PORTMAN, WYDEN, and others. We passed a 5-year extension of CHIP, and almost all my colleagues voted for it, but passing it out of committee and patting ourselves on the back doesn't get the job done.

I ask all my colleagues who sit here—again, with health insurance paid for by taxpayers—for one time this Christmas season to set partisanship aside and actually do the right thing. Let's forget the tax bill for just a few days. Let's forget helping the Wall Street banks for a few days. Let's forget about helping the oil companies and billionaire contributors on whom Senator MCCONNELL and his colleagues rely. Let's forget about that just for a few days, and let's take care of 209,000 children in Ohio and tens of thousands of children in Kansas and 9 million children around the country.

My friend Bill Considine is the CEO of Akron Children's Hospital. He is the longest serving CEO of any children's hospital in the country. He said: "The fact that this reauthorization has been delayed for political reasons, for shallow campaign promises, is inexcusable." I have known Bill Considine for 25 years. I don't know if he is a Republican or a Democrat. Certainly, I don't think he cares much about that. What he cares about is taking care of kids. He says that the fact that we are putting these children and families at risk in the country we live in—there are no words we can use to justify it. He is right. There is no way to justify Congress's negligence. We need to reauthorize the Children's Health Insurance Program this week—now.

CONSUMER FINANCIAL PROTECTION BUREAU

Mr. President, another test we face right now to make it clear to the American people whose side we are on is unfolding at the Consumer Financial Protection Bureau. Our job is to look out for the people we serve, not Wall Street banks and corporations trying to scam consumers. That is why we must protect the independence of the Consumer Financial Protection Bureau.

In 2008, when the big banks crashed the economy, which cost millions of Americans their homes and jobs, it was obvious that no one was looking out for the public. While predatory lenders were getting rich on families who were taking out a second mortgage to make ends meet, the people who were supposed to be looking out for those families were asleep at the switch. That is why we passed the Dodd-Frank Wall Street reform law and created the Consumer Financial Protection Bureau with one mission: to protect consumers, to stand up for bank customers, homeowners, servicemembers and veterans, student loan borrowers and seniors, and all the millions of Americans who, when it comes to the financial marketplace, need somebody on their side.

With these transactions that people do in an increasingly complex financial world, with all the fine print and all the documents people sign to buy a home or get a credit card or sign up for an account with a bank or insurance company, the public needs somebody on their side. They need someone to look out for them who is not obedient to the Wall Street bottom line.

Some in this body have tried to roll back the Dodd-Frank rules that protect taxpayers and homeowners from Wall Street abuses. It is all the more important that Americans have a strong, independent consumer protection bureau on their side.

The Bureau's actions have resulted in \$12 billion in relief for more than 29 million American consumers who had been ripped off by debt collectors, for-profit colleges, and payday lenders. Some were cheated by almost iconic American companies, such as Wells Fargo and Equifax.

The Consumer Financial Protection Bureau has a special Office of Servicemember Affairs run by Holly Petraeus. They took on the payday lenders and car title lenders that targeted servicemembers on military bases across the country. I know firsthand. I know up close how they do that. At Wright-Patterson Air Force Base—the largest single site employer in the State of Ohio, near Dayton—the predators, payday lenders, and financial service predators set up shop right outside the base. They can't set up shop on the base. They prey on people who are a little less sophisticated financially. They don't have a lot of money, they are young, and in many cases, they are servicemembers who aren't paid very well and are already struggling. For somebody who is overseas—they prey on the spouse when the person is overseas. They prey on them, and when they are overseas, they prey on their families.

Even Sheila Bair, a former George W. Bush appointee, was on TV this morning talking about how important this agency's work is to working families.

The Consumer Financial Protection Bureau has been able to do all this because it is not beholden to Wall Street, special interests, and is not beholden to the people in this body. It is strong because it is independent.

The people in this body who want to take away the CFPB say that it is a bureaucracy that is not accountable to anybody. Do you know what they mean? When I hear my friends in the Banking Committee say that the Consumer Financial Protection Bureau is not accountable to anybody, what do they mean? They mean the banks can't influence them, the big Wall Street officials can't influence them, the Members of Congress who shill for the banks can't influence them, and the Members of Congress who front for the big Wall Street firms can't influence them. That is what they mean when they say it is not accountable. The Consumer Financial Protection Bureau

is accountable to the public. It is accountable to the people who get hurt by some of these financial transactions.

A couple of weeks ago, the administration sent the Vice President down here under the cover of night. We know that when the Vice President comes down here to the Senate floor, it is about to be a victory for Wall Street, and that is what happened. The Vice President came here to the Senate floor under the cover of night to overturn a consumer bureau rule that would have guaranteed that hard-working Americans get their day in court when cheated by a big bank. The Vice President comes in and breaks a tie, and consumers lose, but Wall Street wins. Wall Street is indebted to this Vice President.

Now the administration ignores the law and hands over the Consumer Financial Protection Bureau to a person who doesn't even think it should exist. The man they want running this consumer watchdog bureau has said that the agency "is a sick, sad joke." He voted to repeal it.

I guess that is why he thinks he could do this job part time. The President sent a member of his Cabinet who already has a full-time job at the Office of Management and Budget to also run the consumer bureau at the same time. I have never heard of anything quite like that, but he is a reliable Wall Street crony who will do the bidding for Wall Street and do everything he can if he gets the chance to undercut it.

When he says it is a sick, sad joke, it is no joke to the people who have been cheated by Wall Street. It is no joke to the tens of thousands of servicemembers who rely on the consumer bureau to fight for them against bankruptcy. Think about that. Think about these banks that prey on servicemembers—19, 20, 25-year-old men and women who are serving their country. Some of them are overseas. Their spouses are raising the kids, struggling every day on a servicemember's pay. The banks have abused them. Who stood up for them? It wasn't Members of Congress who stood up for them; it was the Consumer Financial Protection Bureau. That is why they are there. It was no joke to the 29 million American consumers who have money in their pockets now because the consumer bureau stood by them. It is no joke that in his first act today, Mulvaney says he wants to put an end to payments to working families who have been cheated by banks and financial institutions.

We need this agency to be able to continue its work fighting back against Wall Street abuses and fighting for the American people. Americans need a full-time cop on the beat with a proven track record of fighting for them, not a part-time Director who has another job in the President's Cabinet—who ever heard of such a thing?—especially since that part-time Director had a reputation when he was in

Congress down the hall. Now that he is in the President's Cabinet, he has a record of working for Wall Street.

In 2016, Candidate Trump said: "[T]his election is a choice between taking our government back from the special interests or surrendering our last scrap of independence to their total and complete control." If President Trump wants to keep that promise, he should take his own advice. He should allow the Consumer Financial Protection Bureau to carry out its mission to protect American consumers, free of Wall Street special interests. You don't drain the swamp by putting a toady from Wall Street into the consumer bureau to do the bidding of Wall Street. It is pretty darn simple.

The President has a chance to stand beside the American people. He told us last year that he would drain the swamp, stand up to special interest groups, and that he would punish Wall Street if Wall Street overreached. He should keep that promise. He should allow the Consumer Financial Protection Bureau to continue doing its work.

Anyone who stands on the side of hard-working Americans should make it clear that they support Deputy Director English as the Acting Director of the Consumer Financial Protection Bureau. It is about whose side you are on. Are you on the side of Wall Street? Are you on the side of the special interests writing tax-cuts-for-the-rich bills in the majority leader's office? Are you for Main Street? Are you for hard-working Americans who show up to work every day and just want an even break and a chance in this country?

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

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

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Friedrich nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—97

Alexander	Cantwell	Cornyn
Baldwin	Capito	Cortez Masto
Barrasso	Cardin	Cotton
Bennet	Carper	Crapo
Blumenthal	Casey	Cruz
Blunt	Cassidy	Daines
Booker	Cochran	Donnelly
Boozman	Collins	Duckworth
Brown	Coons	Durbin
Burr	Corker	Enzi

Ernst	Lankford	Rubio
Feinstein	Leahy	Sasse
Fischer	Lee	Schatz
Flake	Manchin	Schumer
Franken	Markey	Scott
Gardner	McCain	Shaheen
Graham	McCaskill	Shelby
Grassley	McConnell	Stabenow
Harris	Menendez	Strange
Hassan	Merkley	Sullivan
Hatch	Moran	Tester
Heinrich	Murkowski	Thune
Heitkamp	Murphy	Tillis
Heller	Murray	Toomey
Hirono	Nelson	Udall
Hoeven	Paul	Van Hollen
Inhofe	Perdue	Warner
Isakson	Peters	Whitehouse
Johnson	Portman	Wicker
Kaine	Reed	Wyden
Kennedy	Risch	Young
King	Roberts	
Klobuchar	Rounds	

NAYS—3

Gillibrand Sanders Warren

The nomination was confirmed.

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

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Mitch McConnell, Mike Rounds, Chuck Grassley, Richard Burr, Thom Tillis, John Hoeven, Ben Sasse, Roy Blunt, Johnny Isakson, Tom Cotton, Ron Johnson, Mike Lee, James Lankford, Jerry Moran, Lindsey Graham, Roger F. Wicker, Bob Corker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 282 Ex.]

YEAS—52

Alexander	Cornyn	Graham
Barrasso	Cotton	Grassley
Blunt	Crapo	Hatch
Boozman	Cruz	Heller
Burr	Daines	Hoeven
Capito	Enzi	Inhofe
Cassidy	Ernst	Isakson
Cochran	Fischer	Johnson
Collins	Flake	Lankford
Corker	Gardner	Lee

Manchin	Risch	Sullivan
McCain	Roberts	Thune
McConnell	Rounds	Tillis
Moran	Rubio	Toomey
Murkowski	Sasse	Wicker
Paul	Scott	Young
Perdue	Shelby	
Portman	Strange	

NAYS—48

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

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 48.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR TUESDAY, NOVEMBER 28, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon, Tuesday, November 28; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Katsas nomination, then subsequently recess until 4 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30

calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

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

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-59, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Georgia for defense articles and services estimated to cost \$75 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17-59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Georgia.

(ii) Total Estimated Value:
Major Defense Equipment* \$50 million.
Other \$25 million.
Total \$75 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):
Four-hundred ten (410) Javelin Missiles.
Seventy-two (72) Javelin Command Launch Units (CLUs) (includes two (2) Javelin Block 1 CLUs to be used as spares).

Non-MDE: Also included are ten (10) Basic Skills Trainers (BST); up to seventy (70) simulated rounds; United States Government (USG) and contractor technical assistance, transportation, and other related elements of logistics and program support.

(iv) Military Department: Army.

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 17, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Georgia—Javelin Missile and Command Launch Units

The Government of Georgia has requested to purchase four hundred and ten (410) Javelin Missiles, and seventy-two (72) Javelin Command Launch Units (CLUs) (includes two (2) Javelin Block 1 CLUs to be used as spares). Also included are ten (10) Basic

Skills Trainers (BST); up to seventy (70) simulated rounds; U.S. Government and contractor technical assistance; transportation; and other related elements of logistics and program support. The total estimated cost is \$75 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the security of Georgia. The Javelin system will provide Georgia with increased capacity to meet its national defense requirements. Georgia will have no difficulty absorbing this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Raytheon/Lockheed Martin Javelin Joint Venture of Orlando, Florida, and Tucson, Arizona. However, these missiles are being provided from U.S. Army stock and the CLUs will be obtained from on-hand Special Defense Acquisition Fund (SDAF)-purchased stock. There are no known offset agreements proposed in conjunction with this potential sale.

Implementation of this proposed sale will require the assignment of approximately one (1) U.S. Government and two (2) contractor representatives to Georgia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17-59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is considered SENSITIVE. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered sensitive in that the infrared wavelengths could be useful in attempted countermeasure development.

6. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Georgia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Georgia.

GAO OPINION LETTER ON EASTERN INTERIOR RESOURCE MANAGEMENT PLAN

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the U.S. Government Accountability Office, GAO, dated November 15, 2017.

The letter provides notice that the Eastern Interior Resource Management Plan—Eastern Interior Plan—as well as the four resource management plans—RMP—that comprise the Eastern Interior Plan, signed by the Department of the Interior's Bureau of Land Management, and approved in Records of Decision, December 30, 2016, is a rule subject to the Congressional Review Act, CRA, 5 U.S.C. §801 et seq.

I wrote to GAO on April 13, 2017, asking it to determine whether the Eastern Interior Plan, along with the RMPs for the Draanjik Planning Area, the Fortymile Planning Area, the Steese Planning Area, and the White Mountains Planning Area, constitute rules subject to the CRA. In response, as communicated in its letter of November 15, 2017, GAO determined that the Eastern Interior Plan is a rule and does not fall within any of the exceptions provided in the CRA. GAO reached the same conclusion with regard to each of the four RMPs that comprise the Eastern Interior Plan. Accordingly, with this GAO opinion and its publication in the Congressional Record, the Eastern Interior Plan rule, and the rules for each RMP will be subject to a congressional joint resolution of disapproval.

The letter I am now submitting to be printed in the CONGRESSIONAL RECORD is the original document provided by GAO to my office. I will also provide a copy of the GAO letter to the Parliamentarian's office.

For those who may be interested, GAO's determination of the Eastern Interior Plan and the four RMPs can be

accessed at <https://www.gao.gov/assets/690/688420.pdf>.

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

U.S. GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, November 15, 2017.

Subject: Eastern Interior Resource Management Plan.

Hon. LISA MURKOWSKI,
U.S. Senate.

This is a response to your letter requesting our opinion whether the Eastern Interior Resource Management Plan (Eastern Interior Plan), issued on December 30, 2016 by the Bureau of Land Management (BLM) of the Department of the Interior, is a rule under the Congressional Review Act (CRA). The Eastern Interior Plan is comprised of the Resource Management Plans (RMP) for four areas in Alaska: the Draanjik Planning Area, the Fortymile Planning Area, the Steese Planning Area, and the White Mountains Planning Area. You also asked us to decide whether these four underlying RMPs are rules for CRA purposes. For the reasons discussed below, we conclude that the Eastern Interior Plan and the four RMP's are rules under CRA.

BACKGROUND

The Resource Management Plan Process

The Eastern Interior Plan was prepared in accordance with the Federal Land Policy and Management Act of 1976 (FLPMA). The FLPMA, as amended, requires the Bureau of Land Management (BLM) to “develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands” Plans are to “use and observe the principles of multiple use and sustained yield[.]” FLPMA defines “multiple use” to encompass uses such as “recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values[.]” Multiple use management requires balancing various competing uses of land.

All future resource management authorizations and actions, and subsequent more detailed or specific planning, must conform to the approved resource management plan. BLM may amend or revise plans to account for, among other things, new information or changes in circumstances. FLPMA requires BLM to promulgate and follow certain procedures set forth in regulation for the development, amendment, and revision of forest plans. The decision to adopt a land use plan and the rationale for making that decision are made public in a Record of Decision issued pursuant to the National Environmental Policy Act (NEPA).

Below is a brief description of some of the land use and other decisions discussed in each of the four Resource Management Plans (RMP) contained in the Eastern Interior Plan:

White Mountains Planning Area

The White Mountains National Recreation Area comprises over 1 million acres, and had an earlier RMP established in 1986. After analyzing five different alternatives, BLM chose a plan that recommends opening 4,000 acres to new locatable mineral entry and mineral leasing by revocation of public land orders, and identifies lands that are suitable for acquisition, disposal, or retention. The entire area is limited to off-highway vehicles, with snowmobiles permitted in winter months. The plan defers travel management planning to a future rulemaking process to be completed within 5 years.

Steese Planning Area

This planning area comprises about 1.3 million acres, and its RMP replaces an ear-

lier plan approved in 1986. The BLM again considered five alternative plans, and the selected option would designate that 98 percent of the planning area remain closed to mineral leasing and mineral location. A limited off-highway vehicles area designation would be in place for the entire planning area, and a more detailed transportation management plan would be developed within the next 5 years. The Steese Special Recreation Management Area is designated under the Plan, and two Research Natural Areas remain in place.

Fortymile Planning Area

The Fortymile Planning Area comprises nearly 1.9 million acres of land, and the RMP replaces an earlier planning effort approved in 1980. The area includes a Wild and Scenic River designated by statute. Five alternative plans were considered by BLM, and the plan chosen would recommend that 40 percent of the area remain closed to mineral leasing and mineral location, and recommends a new Area of Critical Environmental Concern. A limited off-highway vehicles designation would apply to the entire planning area.

Draanjik Planning Area

This planning area, formerly known as the Upper Black River Area, comprises about 2.4 million acres. There was no prior planning document for this region. After studying five alternative plans, BLM decided, among other things, to designate the Salmon Fork River as an Area of Critical Environmental Concern to protect anadromous fish habitat, bald eagle nesting, and rare plant habitats. The RMP also recommended that 77 percent of the land be closed to mineral leasing and mineral location (previously no mineral leasing or mining claims were allowed). Certain lands near the town of Circle, Alaska, would be available for disposal through exchange and would have limited access to off-highway vehicles; no off-highway vehicles access was designated prior to this planning process.

Congressional Review Act

The CRA, codified at 5 U.S.C. 801–808 (2012), establishes a process for congressional review of agency rules and special expedited procedures whereby the Congress may pass a joint resolution of disapproval to overturn a rule. Congressional review is assisted by the Act's requirement that all federal agencies submit each rule to both Houses of Congress and to the Comptroller General before it can take effect. The report must contain a copy of the rule, “a concise general statement relating to the rule,” and the rule's proposed effective date. In addition, the agency must submit to the Comptroller General a complete copy of the cost-benefit analysis of the rule, if any, and information concerning the agency's actions relevant to specific procedural rulemaking requirements set forth in various statutes and executive orders governing the regulatory process. The agencies (Interior and BLM) did not send a report on the Eastern Interior Plan to Congress or the Comptroller General.

ANALYSIS

On October 23, 2017, we issued an opinion on whether the 2016 Amendment to the Tongass National Forest Land and Resource Management Plan (2016 Tongass Amendment), approved on December 9, 2016, is a rule under CRA. In our Tongass opinion, we analyzed the 2016 Tongass Amendment in light of CRA's definition of a rule, found that it fit within that definition, and concluded that it was a rule for CRA purposes. As explained below, we reach the same conclusion with regard to the Eastern Interior Plan and each of the four RMPs it contains.

The first step in analyzing whether the Eastern Interior Plan is a rule is to look at

how CRA defines a rule. CRA adopts the definition of a rule in section 551 of the Administrative Procedure Act (APA), with three exceptions. The APA defines a rule, in relevant part, as “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.” Thus a rule has three key components: it must (1) be an agency statement, (2) have future effect, and (3) be designed to either implement, interpret, or prescribe law or policy or describe the agency’s organization, procedure, or practice requirements.

First, since the Eastern Interior Plan was issued by BLM, a federal agency, the first part of the definition is met. Second, the Eastern Interior Plan clearly states that it “provide[s] overall direction for management of all resources on BLM-managed lands” within the four planning areas it includes. In three of those areas, it replaces plans implemented 30 or more years ago; and in the fourth area it establishes an initial Management Plan for an area that previously had no approved plan. All four RMPs make recommendations and designate future uses of their respective areas. Therefore, the Plan has future effect and the second part of the definition is also met.

Third, the agency statement must be designed to implement, interpret, or prescribe law or policy. Each of the four RMPs prescribes policies for future use of the areas they cover, such as where mining or off-highway vehicles are permitted; and two of the RMPs identify Areas of Critical Environmental Concern. Each of the RMPs implements the provisions of FLPMA and other applicable statutory and regulatory provisions. Implementation required extensive consultation with parties that have interests in that region through notice and public comment; public hearings; and then an opportunity for the Governor of Alaska to provide final comments. Therefore, the third part of the definition is also met.

As noted above, CRA provides that three types of rules are not subject to its requirements. The three exceptions are for: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. We conclude that these exceptions do not apply.

First, as we determined in our recent Tongass decision, a resource management plan is a rule of general applicability, since it governs all natural resource management activities, all projects approved to take place, and all persons or entities that engage in uses permitted by those projects. Second, the Eastern Regional Plan does not relate to agency management or personnel, since it is concerned with management of uses of the areas it governs by the public rather than management of BLM itself or its personnel. Additionally, as we also concluded in the Tongass decision, when a resource management plan has a substantial effect on non-agency parties, it cannot be considered to be a rule of agency organization, procedure or practice. Because the Eastern Interior Plan designates uses by non-agency parties that may take place in the four areas it governs, it is not a rule of agency organization, procedure or practice.

CONCLUSION

The Eastern Interior Resource Management Plan and the four RMPs it contains are rules subject to the requirements of the CRA.

If you have any questions about this opinion, please contact Robert J. Cramer, Associate General Counsel, at (202) 512-7227.

Sincerely yours,

SUSAN A. POLING,
General Counsel.

USS “JACKSONVILLE”

Mr. NELSON. Mr. President, I would like to recognize the Los Angeles-class attack submarine USS *Jacksonville* prior to her decommissioning. On August 10, the USS *Jacksonville* returned to homeport at Joint Base Pearl Harbor-Hickam after completing her final deployment in the Western Pacific.

The completion of this mission marked the USS *Jacksonville*’s 15th deployment since the ship’s commissioning in May 1981. Over her lifespan, the USS *Jacksonville* has completed two around-the-world cruises, visited ports in nearly every continent, and completed countless critical missions. While assigned to the Enterprise battle group on September 11, 2001, the *Jacksonville* provided critical intelligence support as the Nation prepared to respond to the horrific attacks.

In a tribute to its namesake, the *Jacksonville*’s nickname is “The Bold One,” based on the city of Jacksonville, Florida’s slogan of “The Bold New City of the South.” I am sure the entire city of Jacksonville, with its rich naval tradition, is honored today by this submarine’s legacy, and the outstanding service provided by her crew and their dedication to our great Nation.

Current and former crew will be hosting a reunion this November in Hawaii to say one final good-bye to the USS *Jacksonville*. I invite my colleagues to join me in honoring the boat, her current crew, and all of our Nation’s courageous sailors who have served on board in years past.

PUBLIC HEALTH THANK YOU DAY

Mr. BOOKER. Mr. President, today I wish to express my gratitude for a community of individuals who are unfailing in their commitment to protecting the public health in my home State of New Jersey, across the United States, and abroad. From preventing chronic disease to responding to pandemics, epidemics, and natural disasters, to ensuring our Nation is prepared in the event of bioterrorist attacks, to reducing health disparities in ways that promote access, participation, and opportunity, the extraordinary and diverse contributions of public health professionals have profound impacts on American lives.

The breadth of functions for which public health departments are responsible and the depth of expertise the public health workforce possesses are truly remarkable. Among their many responsibilities include Zika response and awareness; ensuring restaurants, local parks, and other venues are safe and clean; monitoring air and water

quality; tracing and containing disease outbreaks; conducting health screenings; providing health education; investigating potential cancer clusters; fielding questions on everything from animal welfare to newborn screening, and the list goes on.

The importance of public health research and practice is clearly evident as neglected diseases of poverty emerge and spread in the U.S. While these bacterial and parasitic infections primarily affect low- and middle-income countries in Africa, Asia, and Latin America, they are increasingly evident in the U.S. In fact, illnesses including Zika, toxoplasmosis, and Chagas disease have collectively impacted millions of Americans. Despite significant gaps in awareness and resources, our public health workforce has made great strides in monitoring and preventing these diseases; their efforts benefit both Americans and communities across the globe.

Placing a high priority on public health not only improves quality of life, it helps drive economic growth. By preventing disease and promoting healthy behaviors, we can reduce both direct healthcare costs and economic losses due to reduced productivity. The fiscal benefits of public health are clear—according to the American Public Health Association, every dollar we spend on childhood vaccinations saves \$16.50 in future health costs. Additionally, an estimated 75 percent of health spending in the U.S. is related to preventable chronic diseases—investing in community health initiatives that reduce the rates of obesity, heart disease, and diabetes saves both money and lives.

It is with gratitude for their invaluable contributions to the health and security of communities across New Jersey, our Nation, and the world, that I recognize Public Health Thank You Day on Monday, November 20, 2017.

NATIONAL HOSPICE AND PALLIATIVE CARE MONTH AND 40TH ANNIVERSARY OF CAPITAL CARING

Mrs. CAPITO. Mr. President, I would like to take time today to acknowledge that November is National Hospice and Palliative Care Month and to honor Capital Caring, a nonprofit hospice, on its 40th anniversary. In the 12 counties of the Mountain State, the organization is known as West Virginia Caring.

Capital Caring, with its headquarters in Falls Church, VA, provides daily inpatient and home care to thousands of patients and families across the mid-Atlantic region—West Virginia, Virginia, Maryland, and the District of Columbia. Malene Davis, MBA, MSN, RN, CHPN, is president and CEO of Capital Caring. In 2016, she and her team offered hospice care to 6,980 patients and palliative care to an additional 1,892 individuals. In addition, 1,000 people are employed by Capital Caring and West Virginia Caring.

This is a year of milestones for Malene. She is currently serving as

chair of the West Virginia University Alumni Association's national board of directors. As chair, she has proven successful in encouraging her fellow alumni to follow her lead and expand their businesses in the Mountain State.

I thank Malene and her team for all they do to make life more meaningful for people when they are most vulnerable. As National Hospice and Palliative Care Month comes to a close, I would like to honor all of the physicians, nurses, caregivers, and volunteers who provide this valuable patient service under the Medicare Hospice Benefit. As someone who has cared for aging parents, I understand how important the work they do is and how much support and comfort it provides to patients and their families.

RECOGNIZING JAMES WHITCOMB RILEY ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to recognize James Whitcomb Riley Elementary School of New Castle, IN, for being named a 2017 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program recognizes schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among students.

Recognized as an "A" school 11 of the past 12 years, James Whitcomb Riley Elementary has shown its outstanding commitment to high-quality education. Through its core curriculum and extracurricular activities, faculty at Riley work to ensure that each child is receiving the best possible educational experience. As part of that effort, the school's staff communicates regularly with families and partners with community organizations to ensure that students are receiving the resources that they need. In addition, extracurricular opportunities are offered throughout the year and include Spell Bowl and Math Bowl competitions, a science fair, student council, and the National Geographic Bee. Riley students also regularly go out in the community for field trips to learn outside the classroom. Sixth-grade students take an annual trip to Washington, DC, to learn about the Federal Government in our Nation's Capital.

Riley Elementary also puts an emphasis on service and giving back through fundraisers and food drives, instilling in students the importance of a community-focused mindset. Riley students participate in the annual Westminster Food Drive each winter to donate gifts to children at local shelters and abroad. The school also partners with Riley Children's Hospital through "Spirit Week" to connect students with young patients being treated at the hospital.

Riley's students, faculty, and staff work together to ensure every child succeeds, and the faculty partners with parents to encourage family engagement and parent involvement in school-sponsored activities, including a strong parent teacher organization.

I am proud to recognize James Whitcomb Riley Elementary School's principal Nicholas John Middleton, the entire staff, the student body, and their families. The effort, dedication, and value you put into education has led not only to this prestigious recognition, but will benefit you and the New Castle community well into the future.

On behalf of the citizens of Indiana, I congratulate James Whitcomb Riley Elementary School, and I wish the students and staff continued success in the future.

RECOGNIZING PLEASANT VIEW ELEMENTARY SCHOOL

Mr. DONNELLY. Mr. President, today I wish to recognize Pleasant View Elementary School of Zionsville, IN, for being named a 2017 National Blue Ribbon School by the U.S. Department of Education.

Established in 1982, the National Blue Ribbon Schools Program recognizes schools that have demonstrated a vision of educational excellence for all students, regardless of their social or economic background. Since its inception, this program has offered the opportunity for schools in every State to gain recognition for educational accomplishments in closing the achievement gaps among students.

Zionsville's Pleasant View Elementary School serves over 800 students from preschool through fourth grade. In addition to the core curriculum, the school provides many different learning opportunities for students before and after school, including language enrichment, music, and robotics programs. Pleasant View Elementary seeks to tailor instruction to meet students' individual learning styles and provide hands-on learning experiences. Pleasant View prides itself on creating a nurturing and collaborative learning environment where teachers, students, and parents work together so that all students can reach their potential. Teachers are encouraged to come up with new ideas to foster student growth through research-based practices to empower students and help them develop useful life skills. At Pleasant View, teachers understand that education is not one size fits all and that each student has their own unique way to learn.

Pleasant View Elementary maintains a high standard for academic excellence, driven by the success of a rigorous curriculum, innovative instructional practices, and a highly qualified and dedicated staff. Faculty works closely with parents to ensure their children are receiving a quality education. The parent teacher organiza-

tion also creates community and campus events to further enrich students academically and socially. Pleasant View Elementary School's dedication to student achievement and positive atmosphere have been key to its success. The school's staff and families work together to teach and foster values that develop strong character and better the community.

I am proud to recognize Pleasant View Elementary School principal Stacy Smith, the entire staff, the student body, and their families. The effort, dedication, and value you put into education has led not only to this prestigious recognition, but will benefit you and the Zionsville community well into the future.

On behalf of the citizens of Indiana, I congratulate Pleasant View Elementary School, and I wish the students and staff continued success in the future.

ADDITIONAL STATEMENTS

50TH ANNIVERSARY OF THE MONTANA WHEAT AND BARLEY COMMITTEE

• Mr. DAINES. Mr. President, I would like to recognize and congratulate the Montana Wheat and Barley Committee on their 50th anniversary. Agriculture is Montana's No. 1 economic driver, and wheat and barley are the principal grain crops produced in Montana. Established in 1967, the committee works to promote Montana wheat and barley producers, help identify and open markets both at home and abroad, and advance research that helps with crop quality and production. The severe drought and low commodity prices that Montana farmers have faced over the course of the past year have highlighted the importance of these efforts, and I thank all the directors, members, and staff for their years of dedication. •

REMEMBERING FATHER SOLANUS CASEY

• Mr. PETERS. Mr. President, today I wish to recognize cofounder of the Capuchin Soup Kitchen and member of the Capuchin Franciscan Order of Saint Joseph, Father Solanus Casey. Father Casey is the third American-born to be honored with the distinction of Blessed from the Roman Catholic Church, the final step before sainthood.

Born as Bernard Francis Casey on November 25, 1870, Father Casey was raised on a farm in Oak Grove, WI, along the banks of the Mississippi River, with his parents and 15 siblings. At an early age, Father Casey learned diligence, obedience, and piety from his parents, who honored their Irish Catholic faith above all else. At the age of 12, Father Casey attended Saint Patrick Church in Hudson, WI, and felt the call to the priesthood during the lessons for his first Holy Communion.

After working as a logger, prison guard, and streetcar operator, Father

Casey decided to pursue a lifetime of service and entered Saint Francis Seminary in Milwaukee, WI. The next 8 years were a difficult journey toward priesthood for Father Casey as he struggled academically. The seminary officials believed that Father Casey did not have the proper skills to be a priest and suggested he join a religious order: Franciscans, Dominicans, or Jesuits. After praying before a statue of the Blessed Virgin Mary, Father Casey heard the Blessed Mother tell him to "Go to Detroit," home to the Capuchins. In 1897, Father Casey was invested as Capuchin Novice Francis Solanus, named after Saint Francis Solanus of the 17th century. The name seemed fitting as both Father Casey and Saint Francis Solanus loved to play the violin.

After being ordained as a simplex priest in 1904, Father Casey began his ministry in the State of New York, serving three different parishes: Sacred Heart Parish, Our Lady of Sorrow Parish, and Our Lady of Angels Parish. While in New York, Father Casey held numerous positions within the church, including porter. He embraced the task of doorkeeper, welcoming and praying with all visitors and offering simple and candid comfort. Father Casey held weekly services for the sick and quickly became known for his compassion towards all who suffered. He embodied the ultimate spirit of public service by giving 100 percent of himself to the poor, the hungry, and the unloved.

In 1924, Father Casey was appointed to the Saint Bonaventure Monastery in the city of Detroit as a porter, providing soup for the hungry, kind words for the troubled, and a healing touch for the ill. For over 20 years, he brought comfort and hope to people of all religions, earning the recognition as "The Doorkeeper." During the Great Depression, Father Casey helped establish the Capuchin Soup Kitchen in the city of Detroit, which prepared large sandwiches and warm cups of coffee for the hungry and unemployed. Today the Capuchin Soup Kitchen is recognized as one of the most well-known food pantries in the region, serving over 60,000 meals and distributing roughly 250,000 pounds of food a month. During World War II, Father Casey also provided advice and prayers for many families throughout southeast Michigan whose sons and daughters were honorably serving our Nation. Although Father Casey was ordained as a simplex priest, people across the State of Michigan waited in lines in order to speak with him and receive his blessings. Father Casey never fully retired, but rather spent the last decade of his life serving the sick and troubled at Saint Felix Friary in Huntington, IN, until his death in 1957.

In 1995, Father Casey received the title of Venerable from the Roman Catholic Church in recognition of his virtuous life. Father Casey exemplified the theological virtues of the Roman Catholic Church: charity, faith, and

hope. On May 4, 2017, Pope Francis announced that Father Casey would be elevated to the status of Blessed, recognizing his widespread reputation of holiness and intercessory prayer. According to the Roman Catholic Church, a Panamanian woman on a pilgrimage was healed from a genetic skin condition almost instantly, with no scientific explanation, after visiting the tomb of Father Solanus Casey at Saint Bonaventure Monastery in the city of Detroit in 2012. In order to receive the title of Blessed, the Roman Catholic Church investigates reports of exceptional favors received, acclaimed as miraculous or unexplainable. The beatification of Father Casey is the greatest testament to his commitment to those in need and a significant step toward sainthood.

I cannot express enough the impact Father Solanus Casey had on communities across the State of Michigan. The road to sainthood is paved with love and service for Father Casey. He was a beloved Capuchin friar in the city of Detroit credited with miraculous cures and valued for his compassionate counsel. Throughout his life of tireless service, he encouraged countless individuals in the metropolitan Detroit region to address issues of poverty and hunger. I am confident his legacy will continue to inspire others to open the door and be a porter to anyone who knocks.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3109. An act to designate the facility of the United States Postal Service located at 1114 North 2nd Street in Chillicothe, Illinois, as the "Sr. Chief Ryan Owens Post Office Building".

The message also announced that pursuant to 2 U.S.C. 2081, and the order of the House of January 3, 2017, the Speaker appoints the following Member on the part of the House of Representatives to the United States Capitol Preservation Committee: Mrs. COMSTOCK of Virginia.

The message further announced that pursuant to section 5 of the Frederick Douglass Bicentennial Commission Act (Public Law 115-77), the Minority Leader appoints the following Delegate of the House of Representatives to the Frederick Douglass Bicentennial Commission: Ms. NORTON of the District of Columbia; And from private life: Mr. Kenneth B. Morris, Jr. of Orange, California.

At 4:49 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1. An act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

MEASURES REFERRED

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

H.R. 3109. An act to designate the facility of the United States Postal Service located at 1114 North 2nd Street in Chillicothe, Illinois, as the "Sr. Chief Ryan Owens Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1. To provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

H.R. 3210. A bill to require the Director of the National Background Investigations Bureau to submit a report on the backlog of personnel security clearance investigations, and for other purposes (Rept. No. 115-185).

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1425. A bill to reauthorize the Integrated Coastal and Ocean Observation System Act of 2009, and for other purposes (Rept. No. 115-186).

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 Mrs. GILLIBRAND:

S. 2161. A bill to prevent gun trafficking; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 298

At the request of Mr. TESTER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 298, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 322

At the request of Mr. PETERS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 322, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 591

At the request of Mrs. MURRAY, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 591, a bill to expand eligibility for the program of comprehensive assistance for family caregivers of the Department of Veterans Affairs, to expand benefits available to participants under such program, to enhance special compensation for members of the uniformed services who require assistance in everyday life, and for other purposes.

S. 708

At the request of Mr. MARKEY, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 708, a bill to improve the ability of U.S. Customs and Border Protection to interdict fentanyl, other synthetic opioids, and other narcotics and psychoactive substances that are illegally imported into the United States, and for other purposes.

S. 777

At the request of Mr. WYDEN, the name of the Senator from Colorado (Mr. GARDNER) was added as a cosponsor of S. 777, a bill to amend the Internal Revenue Code of 1986 to allow deductions and credits relating to expenditures in connection with marijuana sales conducted in compliance with State law.

S. 1158

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1158, a bill to help prevent acts of genocide and other atrocity crimes, which threaten national and international security, by enhancing United States Government capacities to prevent, mitigate, and respond to such crises.

S. 1169

At the request of Mr. DURBIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1169, a bill to amend title XIX of the Social Security Act to provide States with an option to provide med-

ical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, and for other purposes.

S. 1693

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

S. 1827

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1827, a bill to extend funding for the Children's Health Insurance Program, and for other purposes.

S. 1829

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1829, a bill to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program.

S. 1873

At the request of Mr. BLUMENTHAL, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 1873, a bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes.

S. 1893

At the request of Mr. PERDUE, the name of the Senator from Arizona (Mr. FLAKE) was added as a cosponsor of S. 1893, a bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes.

S. 1945

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1945, a bill to regulate large capacity ammunition feeding devices.

S. 1995

At the request of Mr. RUBIO, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1995, a bill to amend the Small Business Investment Act of 1958 to improve the number of small business investment companies in underlicensed States, and for other purposes.

S. 2038

At the request of Mr. MORAN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2038, a bill to amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes.

S. 2088

At the request of Mrs. FISCHER, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2088, a bill to amend title 10, United States Code, to provide for the issuance of the Gold Star Installation Access Card to the surviving spouse, dependent children, and other next of kin of a member of the Armed Forces who dies while serving on certain active or reserve duty, to ensure that a remarried surviving spouse with dependent children of the deceased member remains eligible for installation benefits to which the surviving spouse was previously eligible, and for other purposes.

S. 2089

At the request of Mr. CASEY, his name was added as a cosponsor of S. 2089, a bill to amend the Older Americans Act of 1965 to provide equal treatment of LGBT older individuals, and for other purposes.

S. 2125

At the request of Mrs. SHAHEEN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 2125, a bill to improve the State response to the opioid abuse crisis.

S. 2132

At the request of Mr. FRANKEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2132, a bill to amend the Internal Revenue Code of 1986 to ensure that working families have access to affordable health insurance coverage.

S. 2136

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2136, a bill to expand the monthly payments that may be eligible for public service loan forgiveness.

S. 2141

At the request of Mrs. GILLIBRAND, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2141, a bill to amend title 10, United States Code, to reform procedures for determinations on disposition of charges and the convening of courts-martial for certain offenses under the Uniform Code of Military Justice, and for other purposes.

S. 2146

At the request of Mr. UDALL, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2146, a bill to extend the full Federal medical assistance percentage to urban Indian organizations.

S. 2148

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 2148, a bill to authorize dedicated domestic terrorism offices within the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation to analyze and

monitor domestic terrorist activity and require the Federal Government to take steps to prevent domestic terrorism.

S. 2159

At the request of Mrs. GILLIBRAND, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 2159, a bill to require covered harassment and covered discrimination awareness and prevention training for Members, officers, employees, interns, fellows, and detailees of Congress within 30 days of employment and annually thereafter, to require a biennial climate survey of Congress, to amend the enforcement process under the Office of Congressional Workplace Rights for covered harassment and covered discrimination complaints, and for other purposes.

S. RES. 291

At the request of Mr. CRUZ, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. Res. 291, a resolution affirming the historical connection of the Jewish people to the ancient and sacred city of Jerusalem and condemning efforts at the United Nations Educational, Scientific, and Cultural Organization (UNESCO) to deny Judaism's millennia-old historical, religious, and cultural ties to Jerusalem.

S. RES. 310

At the request of Mr. CASEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 310, a resolution recognizing the importance of a continued

commitment to ending pediatric AIDS worldwide.

S. RES. 342

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 342, a resolution expressing the sense of the Senate that States, cities, Tribal nations, businesses, and institutions of higher education in the United States should work towards achieving the goals of the Paris Agreement.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent, notwithstanding rule XXII, that at 4 p.m. on Tuesday, November 28, there be 90 minutes of postclosure debate remaining on the Katsas nomination, equally divided between the leaders or their designees.

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

MEASURE READ THE FIRST TIME—H.R. 1

Mr. McCONNELL. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

Mr. McCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ADJOURNMENT UNTIL TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:44 p.m., adjourned until Tuesday, November 28, 2017, at 12 noon.

CONFIRMATION

Executive nomination confirmed by the Senate November 27, 2017:

THE JUDICIARY

DABNEY LANGHORNE FRIEDRICH, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 27, 2017 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATION OF MAJ. GEN. RYAN F. GONSALVES, TO BE LIEUTENANT GENERAL, WHICH WAS SENT TO THE SENATE ON JULY 13, 2017.