



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, TUESDAY, MAY 2, 2017

No. 75

Senate

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

PRAYER

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

Let us pray.

God of love and laughter, we thank You for all of Your benefits. Your mercies to us are new each day. You send the sunshine and the rain. You provide us with seed time and harvest. You protect us from dangers and inspire us with Your abiding presence.

Lord, thank You for providing our lawmakers with the gift of Your peace, even in the midst of life's storms. Supply all their needs from the abundance of Your celestial riches. Transform their gratitude into service to those who must daily experience the pain of privation and despair. Help us all to express our faith in You with deeds of love.

And, Lord, please be with the Larkin family during this season of grief.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

GOVERNMENT FUNDING LEGISLATION

Mr. McCONNELL. Mr. President, yesterday, after months of committee

work and bicameral negotiations, the government funding agreement that abides by the spending caps set in the bipartisan Budget Act of 2015 was filed over in the House. This legislation will promote a number of American and conservative priorities.

It will help to strengthen the border with the largest border security funding increase in a decade.

It will help to strengthen the military with funding for a pay raise for our troops, along with a critically needed downpayment on the long overdue task of rebuilding our military.

It will help to streamline the Federal bureaucracy with the elimination or consolidation of more than 150 government programs and initiatives.

It contains many other conservative wins, too, like freezing funding for the IRS, cutting funding for the EPA, prohibiting funding for President Obama's climate slush fund, and prohibiting a taxpayer bailout of ObamaCare's risk corridors. It maintains the Hyde Amendment, will help veterans, and will fund implementation of the law that shifts control of education back to parents, States, and local school districts.

Additionally, this legislation will provide more of the resources we need to help communities across our country that continue to suffer from the opioid epidemic. It also permanently extends healthcare for thousands of retired coal miners from States like Kentucky—something for which I have fought for a long time and something I was proud to secure in this bill, as we put together the final package.

Each of these measures is included in the funding bill we will take up later this week.

I wish to commend President Trump and his team, including Director Mulvaney, Secretary Mattis, and Secretary Kelly, for quickly identifying national security priorities and working with the Republican Congress to enact some of them. Secretary Mattis

has made clear that rebuilding our military and restoring combat readiness for today and tomorrow will require a multiyear, bipartisan commitment to meet the needs of the force. The additional contingency operations funding provided in this legislation represents an important first step toward meeting that goal.

While this funding bill is the product of bipartisan negotiations, it delivers some important conservative wins, including critical steps forward on defense and border security. Senators should continue reviewing the bill text now so that we can pass it without delay after we receive it from the House.

NOMINATION OF JAY CLAYTON

Mr. McCONNELL. Now, Mr. President, on another matter, Senators voted on a bipartisan basis yesterday to advance Jay Clayton's nomination to the U.S. Securities and Exchange Commission, and soon we will take another vote to confirm him.

As Chairman CRAPO noted at Clayton's confirmation hearing, this nominee has an impressive background. His extensive work in the private sector will serve him well as he looks to strengthen our financial markets, thereby supporting American businesses, boosting job creation, and spurring economic growth. I appreciate Mr. Clayton's willingness to take on this important task, as well as his vision, which he outlined at his hearing, to promote fair and transparent practices at the SEC.

I look forward to his confirmation and to his leadership at this agency.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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



Printed on recycled paper.

S2659

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

GOVERNMENT FUNDING LEGISLATION

Mr. SCHUMER. Mr. President, first, I wish to respond to the President's latest tweets about the bipartisan, bicameral deal we just reached to fund the government through September.

Members of both parties worked very hard to come to this agreement. There was a real spirit of cooperation. I thank Majority Leader McCONNELL and Speaker RYAN and Leader PELOSI, as well as Senators COCHRAN and LEAHY and Congress Members FRELINGHUYSEN and LOWEY, all who worked together often until the wee hours of the morning to make this happen. We all spent a lot of time working on it, and I think we got a very good outcome. So when the President threw cold water on this deal and actually recommended a government shutdown, I was deeply disappointed. Here we saw Democrats and Republicans working together in the best traditions of the Senate, and the President disparages it in a way that is destructive, essentially saying: Let's have a shutdown.

The President has been complaining about the lack of bipartisanship in Washington. Well, this deal is exactly how Washington should work when it is bipartisan. Both parties negotiated and came to an agreement on a piece of legislation we each can support. It is truly a shame that the President is degrading it because he didn't get 100 percent of what he wanted. Bipartisanship is best summed up by the Rolling Stones: You can't always get what you want—or at least everything you want.

THE PRESIDENT'S TAX PLAN

Mr. SCHUMER. On taxes, Mr. President, yesterday, Secretary Mnuchin, in an appearance at the Milken Institute Conference, admitted that the administration plans to go it alone on taxes. He said they are trying to design their proposal to fit into the rules of reconciliation so they need only Republican votes to pass their tax cut.

The message was clear as day. The President is not interested in working with Democrats to craft a proposal that both parties can support. He is just going to pass his plan with Republican votes or not pass it at all. What that means is that the Trump tax plan likely will not have to change much from the 200-word outline that they put out last week, and that means the Trump tax plan will benefit the incredibly wealthy and the special interests while leaving the middle-class, working Americans with crumbs, at best.

We Democrats support tax relief, so long as it is aimed at the middle class and those struggling to get there. Those are the folks who really need the help. College is getting ever more expensive. Take-home pay is being squeezed in so many different directions. The middle class and those working to get there should be able to keep more of what they make, but the Trump tax plan seems designed to benefit his Cabinet and the incredibly wealthy on Wall Street, not Main Street and the middle class.

There are many wealthy people doing very well in America. God bless them. Their lifestyles are getting better every year. Their incomes are getting better every day. They don't need the help, but the middle class does. But in the Trump plan, taxes on the very wealthy and big corporations would go down, while tax deductions that benefit the middle class would go away. For example, President Trump campaigned on getting rid of the carried interest loophole. Instead, his plan keeps the carried interest loophole and creates an even bigger loophole for the wealthiest by allowing the so-called passthrough entities, which include wealthy businessmen like President Trump, to pay just 15 percent. So with this 15-percent passthrough, hedge fund managers, corporate lawyers, and big business CEOs who make millions of dollars every year would pay 15 percent, while their workers will pay 20, 25, 30 percent.

To add insult to injury, the Trump tax plan would repeal the estate tax, a tax on estates only of over \$10 million—very wealthy people. How many of us have a \$10 million estate? And it would result in the 5,200 wealthiest families in America each year—or estates in America—receiving an average \$3 million windfall. While the Trump plan eliminates taxes for the very wealthy, it also eliminates tax breaks that are most beneficial to the middle class, like the State and local deduction. The loss of this deduction for those who use it would cost New Yorkers an average of \$4,500 a year.

The middle class has seen rising expenses and virtually stagnant incomes. They need tax relief, not the loss of key tax deductions that helped put a few more dollars in their pockets. And the biggest danger for the middle class might be what happens after the Trump tax plan gets passed, if that happens.

A tax cut for the wealthy of the size President Trump is proposing would explode the deficit, costing between \$5.5 trillion and \$7 trillion over 10 years, by some estimates. The Republicans might be willing to ignore the debt and deficit now in order to get their tax cut. But make no mistake about it, a few years down the line, they will start howling about the deficit again and say: Oh, we have no choice but to cut Social Security and Medicare to make up for the massive debt they created with their tax cut.

This has been the nefarious goal of the hard right for decades.

In fact, the same story played out during the Bush years. President Bush passed a big tax break, primarily for the wealthy. It racked up debt, and then he pursued deep cuts to the social safety net to try to balance the ledger. He might have gotten it, but Democrats stood in his way. This could be *deja vu* all over again.

In sum, the very wealthy get a huge tax break while the middle class gets very little. And down the road, programs like Social Security and Medicare—so crucial to the middle class—would be endangered.

If this administration wants to pursue such a plan all on their own, that is their choice, but as we saw with healthcare, the go-it-alone approach doesn't guarantee success. What it does guarantee is a very partisan bill that will benefit the very wealthy and the special interests—a bill that I predict will be very, very unpopular with the American people.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The assistant bill clerk read the nomination of Jay Clayton, of New York, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2021.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided in the usual form.

The Senator from Wyoming.

THE PRESIDENT'S FIRST ONE HUNDRED DAYS

Mr. BARRASSO. Mr. President, over the weekend, President Trump celebrated 100 days that he has been in office as President of the United States. Newspapers and magazines and pundits on television were all talking about

what the President has accomplished in those first 100 days.

From what I heard talking to people at home in Wyoming this past weekend, his first 100 days has been a huge success. People tell me that they think America is finally headed in the right direction again. I had a lot of people tell me they feel as if they have actually gotten a new spring in their step as a result of the Presidential election last year and President Trump taking office.

The other day when I was home, I was in line at the gas station behind a guy. A friend of his came and said: Hey, how are you doing? The guy said: Great. We are hiring again.

That is the kind of confidence that is happening all around Wyoming. The polling company Gallup says that it is happening not just in Wyoming but all across the country. For 24 straight weeks, more Americans have been more optimistic than pessimistic about the economy. As soon as Donald Trump was elected President, economic confidence soared, and it has stayed positive ever since. Gallup said that this is the exact opposite of what they had seen in the previous 8 years; that is, during the whole Obama administration, during the entire so-called economic recovery.

In another poll released last week, Gallup said that people are also less worried that they will lose the job they have. They found that American workers are less concerned about being laid off from their job than at any time since Gallup started asking questions way back in 1975. That is more than 40 years ago.

Why are people optimistic now? I think it is because they see that President Trump and the Republicans in Congress are serious about improving the economy. They see that we are serious about giving relief to Americans who have been getting buried under an avalanche of redtape. They see that the President is off to a very fast start in the White House.

Just look at what we have already done to help relieve the burdens on Americans. Congress has rolled back 13 different midnight regulations that President Obama tried to sneak through at the last minute. We struck down a stream buffer rule that was meant to block coal mining. We got rid of a rule that puts Americans at a competitive disadvantage when they are trying to develop energy resources overseas. We got rid of a regulation that took the control of local energy issues away from the State officials; we got rid of that regulation. And we got rid of one of the regulations that gave more control to Washington and less to States. These were regulations that harmed Americans and wiped out American jobs. Now those regulations are gone.

We have more that we can do to roll back terrible regulations like these. I have introduced a resolution to block another damaging rule that has come

out by the Bureau of Land Management, which has to do with the Obama administration rules on methane that is produced at oil and gas wells. The new regulations created confusion by duplicating other rules that were already on the books.

That was the problem with so many of these regulations coming out by the Obama administration as they left office: regulation on top of regulation causing costs and confusion. They added costs that discourage energy production and kill energy jobs.

I hope that we can have a vote on this resolution very soon and get rid of this unnecessary red tape.

As active as Congress has been getting rid of these unfair, last-minute rules, President Trump has been even more active. He has already signed at least 30 Executive orders to help clear a path for the American economy to take off again. He signed a major Executive order promoting American energy independence. This has been an enormous shift away from the Obama-era approach of disruptive regulations, restrictions, and Washington overreach. All of these regulations did more to harm hard-working Americans than they did to actually help the environment. From now on, Washington will be looking for ways to protect our environment while helping our economy to grow.

Just last week, President Trump took another important step to keep his promises. He eased restrictions on drilling for oil and gas in offshore areas, like the Arctic and the Atlantic Oceans. These places have great potential for producing the energy America needs. President Trump is helping to create certainty that those resources will be available if we need them.

President Obama couldn't imagine that it was possible to have responsible energy development in America. President Trump knows differently. He knows it is possible. He knows that American workers can do the job. He knows that America will be stronger because of it. I think that is the kind of thing the American people mean when they tell me that they feel they have a spring in their step.

I can also tell you that this is just the beginning. Remember when President Obama bragged that he had a pen and a phone? Well, President Trump has proved that he has a whole drawer full of pens, and he intends to keep using them to help get the American economy growing again. He wants to hear more people saying that things are great; we are hiring again. That is what the President has been doing, and it is what Congress is doing. These are the kinds of things that will get this country back on track when it comes to our energy policy.

In Wyoming and in much of the country, energy means jobs. Our goal should be to make American energy as clean as we can, as fast as we can without raising costs on American families. All of us should be able to agree on

that. It is time to restore that balance to America's energy policy. President Trump is dedicated to getting that balance right.

Republicans in Congress are dedicated to getting the economy back in gear, and I hope that more Democrats will join us with their ideas and with their support. That is what the American people want, and it is what they voted for. It is why people are confident and why they see better days ahead for this great country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

NATIONAL FLOOD INSURANCE PROGRAM

Mr. KENNEDY. Mr. President, I rise to discuss an issue of extraordinary importance to the people of Louisiana and to many Americans. Yet again, Americans are witnessing a dramatic, rumor-filled guessing game. I am not talking about the latest new release from Netflix, I am talking about the reauthorization of the extremely important National Flood Insurance Program—we call it the NFIP, which I can assure you has played more like an episode of "Veep" than "House of Cards" for the audience that watches it unfold every few years.

I am sorry to say, Congress has repeatedly and consistently mangled the reauthorization of this essential Federal program. In 2010, the NFIP expired four times—not once, not twice but four times, for a total of 53 days, which injected uncertainty throughout a fragile housing market that had just been devastated 2 years previously.

That was inexcusable. Local economies felt the sting of 1,400 home closing delays or cancellations per day that the program was expired. Now, along with many of the program's stakeholders and participants, I believe it is crucial that we avoid this type of congressionally imposed delay.

Congress should extend the program. Let me say that again. Congress should extend the National Flood Insurance Program for a multiyear reauthorization before the September 30 deadline of this year. Our economy demands it. Many Americans may remember when the Biggert-Waters Flood Insurance Reform Act was signed into law in 2012. I was not in the Senate then. I was State Treasurer in Louisiana, but I certainly remember it.

In an effort to bring the program closer to solvency after Superstorm Sandy, policyholders, as a result of Biggert-Waters, saw their premiums quickly rise to "actuarial levels." For policyholders in my home State of Louisiana, this meant unaffordable levels. It doesn't do any good to offer

Americans insurance they cannot afford. That is what Biggert-Waters did, just like the Affordable Care Act.

FEMA's mishandling of Biggert-Waters implementation resulted in truly inaccurate rate hikes that placed the viability of the entire National Flood Insurance Program at risk. I even remember the local news stations in Louisiana, like WWL and WBRZ, broadcasting horror stories of exponential rate hikes as a result of Biggert-Waters, hitting hardest in South Louisiana's middle-class neighborhoods.

Residents of St. Charles Parish and Lafourche Parish—in my State we call our counties parishes. We are the only one in America, only State in America, Louisiana, that does it. We do it right. Everybody else does it wrong. I remember residents of St. Charles Parish and Lafourche Parish sending in copies of their house keys to congressional representatives to give to FEMA because they could not afford the flood insurance.

They were required to carry it. Therefore, they were just going to turn their home over. This was a sign that the government might as well take their homes because the insurance rates were so unaffordable.

In this way, Biggert-Waters also made their homes unsalable. Going forward with the extension of the National Flood Insurance Program, we have to find a way to deal with the solvency of the NFIP that is responsible. At the same time, we cannot move the program from red to black entirely on the backs of policyholders. It just will not work.

What do we need to do? We need to examine how FEMA spends every single dollar of premiums paid by policyholders into the system—every single dollar. We need to find solutions to improve the functionality and efficiency of the National Flood Insurance Program and to ensure that those who are mandated to carry flood insurance actually purchase flood insurance.

It is clear to the policyholders in Louisiana that the NFIP has to do a better job also in one other respect. That is by giving our local officials a seat at the table. It is not written in the Constitution that flood policy and flood mapping has to originate and end with the Federal bureaucracy in Washington, DC.

In fact, flood mapping and flood policy will benefit from having our local officials participate with a seat at the table. Our local levee boards and levee districts in Louisiana, along with the families who have lived on the land being insured for generations, know every single ditch, every single drainage canal from St. Tammany Parish to Terrebonne Parish. The NFIP bureaucrats ought to be asking them for guidance when rewriting flood maps and flood policy, not the other way around.

Instead, our folks only get invited to the dance after all the decisions have been made in Washington, when the

cow is already out of the barn. I believe this is a commonsense principle that ought to be included in legislation to ultimately extend and reform the program: give our local officials who know the land best a seat at the table, not perfunctory, a real seat at the table, to contribute to flood mapping and flood policy. The NFIP will be better for it.

FEMA's mission, as we all know, is to lead America, to prepare for, prevent, respond to, and recover from disaster. That is why FEMA exists. The flood program is an extension of that mission. That is why, when consultants who work for FEMA—I am talking about contractors, I am talking about engineers, I am talking about lawyers, consultants who spend taxpayer money and are paid with taxpayer money working for FEMA, both contractors and subcontractors, if you wish to call them that, with the National Flood Insurance Program's Write Your Own Program, lose focus sometimes in helping flood victims.

Let me say that again. We spend millions of taxpayer dollars through the National Flood Insurance Program paying consultants, contractors, lawyers, engineers to help administer the program and adjust claims. When it works, it is a beautiful thing. When it doesn't work, it is an unmitigated disaster and is unfair to every taxpayer who put up his or her hard-earned money and every policyholder of the National Flood Insurance Program. On occasions it has not worked.

The vast majority of consultants do a fine job, but some don't. Those who have abused the program should be fired. That is why I am introducing a bill. It is called the National Flood Insurance Program Consultant Accountability Act. It is real simple. It will give the FEMA Administrator the authority to fire any consultant, contractor, lawyer, engineer, whomever, who engage in conduct detrimental to the mission of the National Flood Insurance Program.

The bill will be fair. It will have an appeals process to ensure that good consultants are not penalized for being falsely accused, but this is a simple, commonsense reform that frankly should have been put in place years ago. If a consultant commits activity that in the opinion of the FEMA Administrator is detrimental to a program—for example, if he falsifies an engineering report that shows flooding caused the insured's damage, if he falsifies a report to say it didn't cause damage—then that consultant should be fired. This bill is going to give the FEMA Administrator the authority to do it.

I believe the proper tools are not in place to hold government accountants accountable and to throw out bad actors. They are just not. During the Sandy recovery, major media reports claimed several firms actually altered engineering reports tied to flood insurance claims. The altered reports—engineering reports that originally said a

flood caused the insured's damage and therefore the insured should be paid, those engineering reports were altered to say flooding did not contribute to the damage.

These altered reports—intentionally altered—cost families the insurance payments they deserved and delayed their recovery. These were Americans who did the right thing. They bought flood insurance, and because of some consultants working for the NFIP, they were not allowed, at least initially, to recover. Only one engineering company was actually convicted of wrongdoing, but a number participated. Many of those who participated in this tomfoolery are still participating in the program and are still receiving taxpayer funding to contract with FEMA.

On March 14, the head of FEMA's National Flood Insurance Program, Mr. Roy Wright, testified before the Banking Committee, on which I sit. He has testified that he can only fire contractors from participating in the National Flood Insurance Program if they are debarred, disbarred, or criminally convicted. He can't just pick up the phone and correct the situation.

If he sees a consultant misbehaving, not acting in the best interest of the National Flood Insurance Program or the insured or the American taxpayer, he can't do a doggone thing about it, according to Mr. Wright's testimony, unless they are actually criminally convicted or disbarred, if they happen to be a lawyer.

This bill is going to let the FEMA Administrator do something about it. There is nothing like a good firing every now and then to shake up an organization.

The NFIP is responsible for administering insurance payouts for the 29,600 flood insurance claims—30,000 flood insurance claims—in my State submitted for the historic, “once in a thousand years” flood that occurred in Louisiana last August and last March.

FEMA and its consultants and its contractors will be aiding in paying out, I hope, more than \$2.4 billion in taxpayer money. Louisiana's insured and the American taxpayers need to know that these consultants can be trusted and are highly regarded by their peers.

As a member of the Senate Banking Committee, I plan to include this bill and other types of commonsense reforms during the reauthorization process of the National Flood Insurance Program, and I hope to do so on a bipartisan basis.

I encourage my colleagues not to play politics with this legislation. I encourage my colleagues not to play politics with the National Flood Insurance Program. It is central to the success of the American economy.

Let's try to work to avoid partisan battles and develop a National Flood Insurance Program that makes sense for the policyholders and for the American taxpayer.

I am not naive. I know that different coalitions and special interest groups, armed with their lobbyists, descend on the Hill. I hope we won't forget the people back home—in my hometown and in the Presiding Officer's hometown—who will feel the repercussions of our legislative actions with respect to this important program.

I am very much looking forward to working with my colleagues on the Banking Committee to make this a successful reauthorization of the National Flood Insurance Program for the 5.5 million Americans who rely on it.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Arkansas.

CONGRESSIONAL REVIEW ACT

Mr. COTTON. Mr. President, I want to take this opportunity to highlight what I consider an unsung achievement of this administration and this Congress—the slow but steady rollback of the last administration's midnight regulations.

The numbers are impressive. Using the Congressional Review Act, we have repealed 13 regulations so far, which adds up to a \$3.6 billion reduction in regulatory costs. To put it in more human terms, we have saved the American people 4.2 million hours of paperwork, which I can tell you is more than welcome news in Arkansas.

The other thing about these resolutions we have passed is that they are permanent. We haven't simply put these regulations on pause for a future President to revive them with a pen and phone. No, we have outlawed them forever. Any President who wants to reimpose them and their huge costs will have to pass a new law to do so, making the rules we live under and the people who make them accountable to the voters. That is a bit of a foreign concept to the people in Washington these days. But the way I see it, that is all the more reason to celebrate what we have achieved.

I know the other side will say: This is a dark day for America. To hear them tell it, blotting out all these regulations will leave a dark stain on our law books. To them, this rollback is a throwback to a dangerous, rough-and-tumble era—one filled with dirty air, dirty water, and a frighteningly low quality of life. But it just ain't so.

Stop and take a look at the regulations we have repealed, and then ask yourself: Why should Washington decide how we evaluate our teachers? Shouldn't parents, States, and cities do that? Why shouldn't States be able to test for drugs before handing out unemployment insurance? Is that such an unreasonable request? Why are bureaucrats who are sitting in an office thousands of miles away managing our land and wildlife? Shouldn't it be the people who live right there?

Why should Federal bureaucrats be able to override a law duly passed by Congress and signed by the President? Do any of these regulations add much to our quality of life?

Is this really about protecting the public interest? Or is it more about rewarding special interests? In fact, I can understand why liberals are bewildered at the idea that all these rules are hurting jobs, because these rules certainly are creating jobs—for lawyers and lobbyists. If there had been a bill, it would have been called "The American Bar Association Full Employment Act."

That, perhaps, is the real issue here. It is not a question of whether we are going to live under rules. We have rules—plenty of them. The question is this: What kinds of rules are we going to live under? Are we going to pass laws that impose costs on rural America, only to add more wealth to urban America? Are we going to kill blue-collar jobs so we can create more white-collar jobs? Or are we going to pass laws that help all Americans in all walks of life, as we should?

When you look at things this way, I would say we have scored a pretty impressive victory, indeed, over these last 3 months.

I yield the floor.

The PRESIDING OFFICER. The Republican whip.

TRAGEDY AT THE UNIVERSITY OF TEXAS

Mr. CORNYN. Mr. President, first, I would like to offer a brief word on some tragic events that occurred in my State over the last few days.

Yesterday, at the University of Texas in Austin, a man wielding a knife began attacking students on campus. He injured three and tragically killed another. My prayers are with the entire UT community, particularly the friends and families of those injured and the student who lost his life.

This was a senseless act of violence, and it is abhorrent. We don't yet know the details for why this deranged individual acted the way he did. Local officials are still gathering details about the case.

I am grateful to the University of Texas police for quickly apprehending the suspect and stopping further loss of life and injury. I offer them and the rest of the law enforcement community in Austin, around the State, and around the Nation my support as they seek justice and continue to protect, in this instance, one of the State's flagship institutions of higher learning.

DEADLY STORMS IN EAST TEXAS

Mr. President, many are aware that major storms ripped through parts of East Texas, including Van Zandt, Henderson, Rains, and Hopkins Counties, last weekend. On Saturday afternoon and evening, four tornadoes tore through the area, leaving a lot of damage in its wake, particularly in the town of Canton, in Van Zandt County. Dozens of people were injured and taken to the hospital, and, tragically, four people died.

I plan to speak to the mayor of Canton and to Judge Kirkpatrick, the Van Zandt County judge, later today to offer them my condolences but more importantly, perhaps, to offer our help in addition to our prayers.

I know they are working as hard as they can to continue to assess the damage done and to find a way forward to help bring assistance to those most in need.

I am particularly grateful and impressed by the work of local leaders across my great State and around the country who step up at a time of crisis like this and organizations like the American Red Cross, which always seem to show up to offer a helping hand, as well as local schools and churches that have come together to lend a hand in this area during such a difficult time. Some have lost their own homes, vehicles, and, of course, loved ones.

As I said, my thoughts and prayers are with all of them, and I stand ready to work alongside them in this resilient part of my great State as they recover from these deadly storms.

GOVERNMENT FUNDING LEGISLATION

Mr. President, as we all know by now, over the weekend an agreement was finally reached on the funding bill to keep the U.S. Government open and to provide much needed, long-term funding to our Federal agencies.

I am particularly glad we found a way forward. Now, that is not synonymous with saying I like everything in the bill, but a piece of legislation like this is inherently a compromise. Compromise means that usually people on both ends of the negotiation are not entirely happy because they have had to give up something in order to get something. This is the process, and we have to build consensus, even on controversial topics like this funding bill.

The agreed to bill consists of the 11 remaining appropriations bills, with additional funding set aside for our military, disaster relief, and border security. I, for one, have been encouraged to hear folks from both sides of the aisle—Republicans and Democrats alike—make clear that we actually agree more than we disagree when it comes to securing our border.

President Trump has made no secret of his position. He said from the beginning that border security would be a top priority for him. Coming from a border State, as does the Presiding Officer, we all understand particularly well how important this is to our communities along the border but also to our States and to the entire country.

I have been glad to read press reports and hear the minority leader, Senator SCHUMER, among others, talk about how providing more resources to secure our borders is necessary to keep us safe and to stem the tide of illegal drugs, illegal immigration, and contraband entering our country.

In fact, last week, the Senator from New York, the minority leader, said: "Democrats have always been for border security." Well, I was glad to hear him say that.

Last month during the State work period, I had the chance to speak to hundreds of my constituents from all across the State—10 cities in all. Part

of that time was spent visiting with folks who live and work along the U.S.-Mexico border, specifically in Laredo and in the town of Mission, near McAllen.

All along the border, we talked about the significant ties between the United States and Mexico, how Mexico is Texas' largest trading partner, and how Texas farmers, ranchers, and manufacturers rely greatly on trade with our southern neighbor. They pointed out that the U.S. Chamber of Commerce has actually issued a chart that documents that 5 million American jobs depend on binational trade with Mexico. I think most people are unaware of that or don't pay enough attention to the fact that our economies are inextricably tied together.

During my visit to the border, I was fortunate enough to have the chance to talk about our mutual security concerns with Governor Cabeza de Vaca, the Governor of Tamaulipas, a State that shares its northern border with Texas.

I am grateful to Mexican leaders like the Governor and my friend Ambassador Gutierrez, the new Mexican Ambassador to the United States, who share our vision for a more secure border and more robust trade at the same time. They are not mutually exclusive. It is important that we have both—security and trade.

It goes without saying that free trade has been a cornerstone of the economy in Texas, adding billions to our economy annually and bolstering our relationship with our partner to the south. In other words, free-trade agreements, particularly NAFTA, or the North American Free Trade Agreement, are particularly important to many of my State's leading industries, such as agriculture and energy.

As I said, bilateral trade with Mexico supports 5 million jobs across our entire country, and this has led to a vibrant border, from El Paso, out in West Texas, and all the way to Brownsville in the south. Of course, like anything that is 20-plus years old, there is room for it to be updated and improved, and NAFTA is no different. I hope in moving forward that the President will work with us to modernize NAFTA.

As we consider this Omnibus appropriations bill and specifically more resources to enhance security along the border, I think we can all agree that our approach should be twofold: We must devote resources to not only enhance border security but also to fix aging infrastructure at our ports of entry. Fortunately, this bill does exactly that. It contains the most robust border security funding in 10 years, and that includes funding for infrastructure upgrades, increasing technology along the border, and improving TSA screening at airports too.

I am glad we found a way to fund the government and to actually govern while doing more for our national defense and security, particularly security along the border. But let's not lose

sight of the ultimate aim here: Our country needs long-term, sustainable funding for our government, particularly for our national security, so they can plan and prepare in the years ahead, and the stop-start and short-term continuing resolutions or the threat of a government shutdown does not facilitate that sort of planning and preparation. That is how the appropriations process was designed to work best, and that is what I hope we are all working toward—a restoration of the normal appropriations process, with no more of these narratives about shutdowns.

We weren't elected, in my view—certainly not given the majority here in the Senate and in the House, as well as the President in the White House—to shut down the government; we were elected to govern. Yes, governing is hard. It is hard by design. It is hard for anything to navigate the maze of the legislature and this legislative process. It is hard to get people to agree in the House and then the Senate and then to get the signature of the President of the United States. But that is the way our Founding Fathers designed our constitutional system.

I think most of our colleagues in this Chamber would agree that we want to provide more stability, not less. It is important for our economy, if we want to see our economy grow.

I just heard from folks who visited my office. They said the political instability of rules changing from one administration to the next with Executive orders and the like really is a deterrent to investment because they don't know whether the business model they are employing today will be viewed the same way tomorrow with a new administration. So we need to provide more stability by getting back to the consensus-building process that is legislating, and we need to do away with short-term continuing resolutions and funding that actually hurts us strategically.

I know my family and most folks I know take a look at their budget. They consider what they want to do with it, including the things they absolutely have to pay for, and then from there decide if they have anything left for a vacation or if they want to save more or if they need to make an improvement in their home down the road. That is how we responsibly prepare for tomorrow in our personal lives, and governing is no different in that sense. That is how we can do better by the generations coming after us in the Senate—by putting our country on a budget and sticking to it. This bill, while not perfect, is a step in that direction. It complies with the budget caps of the Budget Control Act of 2011, which has kept discretionary spending roughly flat since 2011. That is an amazing accomplishment in many ways.

But if you look at the rest of what Congress does not appropriate—the so-called mandatory or entitlement spending—it has been going up, and it will go up next year 5.5 percent.

The fact is, until we have the courage to come to grips with all of the money the Federal Government spends so we can prioritize it in a fiscally responsible way—we will never adequately fund our military and we will never adequately fund our other national priorities as long as Congress and the White House are left with 70 percent of that spending untouchable because of the politics involved. I hope some day we will have the courage to deal with that.

Mr. President, just a couple other thoughts before I close. I hear people from time to time talk about whether a government shutdown is one of those tactics or tools one might use in a negotiation to actually gain advantage. I happen to think that a government shutdown is basically an abdication of our responsibility, particularly if we are in the majority.

On what basis would we argue to voters: Look, elect me, and I will shut down the government. Our voters, the people who elected Republican majorities in both Houses and elected this President, did not vote for us in order to shut down the government; they voted for us to govern, as hard as it is. As I said a moment ago, it is hard by design. People get frustrated. People don't get everything they want the first time they try to get it. Sometimes people just give up, which is what shutting down the government is—it is giving up.

I hear other people talk about things like the filibuster. It is important to recognize there are basically two types of things we do here in the Senate. One is that we take up the nominations of the President's nominees, as we did with Judge Gorsuch to the Supreme Court. We do that for his Cabinet and the like. Basically, there are two choices there: yes or no.

We have decided together that all of the President's Cabinet nominees and now all of the judges will get an up-or-down vote. So we have eliminated the so-called filibuster, or the 60-vote requirement, when it comes to nominations because you can't offer an amendment to a nomination. You can't shape it in order to try to develop consensus. So I think there is a good argument that we should never have headed down the road of a filibuster of nominees. They need to get a majority vote, and if they do, then they are going to be confirmed.

Legislation is fundamentally different. We have 535 Members of Congress, all of us coming with different experience and different points of view. Again, the Founding Fathers made it hard for us to build sufficient consensus in order for us to govern this big country of ours, some 320 million people. What they understood fundamentally was that the only way that happens is when we are forced to govern by consensus; that is, to build sufficient votes in order to have some stability and durability in the laws we pass. Laws having to do with Medicare and

Social Security were controversial in their day, but there was bipartisan consensus that supported them, and that is why they remain durable to this day.

I have heard people recently—actually since the election and actually as recently as today—say “Well, maybe we ought to do away with the 60-vote cloture requirement,” which is another way of saying “Let’s do away with the filibuster on legislation.” Well, I think I know how Members of the Senate feel about that, by and large. If I am not mistaken, the Senator from Maine, our friend Ms. COLLINS, and others led an effort to get 61 signatures from Senators saying they didn’t believe we should ever do away with the legislative filibuster, and I agree with that. It is very important that in a country as big and diverse as ours, with 535 Members of Congress, that we be forced or strongly encouraged, at least, to build consensus before we pass laws that are going to govern this great and vast country of ours. That is why the cloture requirement or the filibuster requirement is still important. It may be frustrating, it may take longer to get things done, but once we get them done by bipartisan consensus, then they are durable and they will last even beyond the next President and the next administration.

There is another reason it is important to keep the filibuster requirement on legislation. That is because when we are in the minority, as Republicans have been from time to time—when the majority can’t get the 60 votes because there is sufficient dissension and different points of view that deny 60 votes, then legislation can’t pass because we can’t cut off debate under the cloture rule.

I have in my hand a document with 15 examples of bills that our Democratic friends, when they were in the majority, supported but that failed to reach the 60-vote threshold because Republicans were not convinced, and thus cloture was not achieved and the bills were not passed. I can think of tax increases. I can think of card check in the labor law environment. I can think of measures with regard to climate change, which remains politically controversial—not the fact of climate change but, rather, what government should do to respond to it. There are examples like that and others where Republicans, even when we were in the minority, were able to stop and force a more extended conversation, to force greater effort at consensus building before we passed legislation that might have such a dramatic impact on our great country.

Mr. President, I ask unanimous consent that this document be printed in the RECORD at the conclusion of my remarks.

Mr. President, we will continue to debate this appropriations bill this week. My hope is that we will pass it by Thursday and we will move on to our other business. I know the House of

Representatives is revisiting the healthcare bill that will, once passed the House, come to the Senate, and the Senate will have an opportunity to weigh in on that, and then the consensus building will continue until we ultimately get it to the President for his signature.

Shortly behind that is going to be a pro-growth tax reform bill, which is going to be an important element of what we do this year to help get our economy growing and back on track. Again, this is something on which no individual has all the good ideas, and we are going to have to work together to get it done. I think it is very important that we get the funding of the government behind us so we can move on to healthcare reform, so we can move on to tax reform.

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

WHY THE SENATE LEGISLATIVE FILIBUSTER PROTECTS AMERICANS

FIFTEEN EXAMPLES OF DEMOCRATIC BILLS WITH MAJORITY SUPPORT THAT FAILED TO REACH THE 60-VOTE THRESHOLD

S. 3036: Climate Security Act (Cap and Trade)—Vote: 48–36 (Jun. 6, 2008)

S. 3044: Consumer-First Energy Act (Increased taxes on energy producers)—Vote: 51–43 (Jun. 10, 2008)

S. 3268: Stop Excessive Energy Speculation Act (Imposed new regulations on energy trading)—Vote: 50–43 (Jul. 25, 2008)

S. 3816: Creating American Jobs and Ending Offshoring Act (Protectionist trade policies)—Vote: 53–45 (Sept. 28, 2010)

S. 1323: Sense of the Senate regarding the budget (Resolution expressing the need to increase taxes)—Vote: 51–49 (Jul. 13, 2011)

S. 1660: American Jobs Act of 2011 (Democratic stimulus bill/Tax Hike)—Vote: 50–49 (Oct. 11 2011)

S. 2204: Repeal Big Oil Tax Subsidies Act (Raised taxes on energy producers)—Vote: 51–47 (Mar. 29 2012)

S. 2230: Paying a Fair Share Act of 2012 (“Buffet Rule” Tax Hike)—Vote: 56–42 (Apr. 16, 2012)

S. 2237: Small Business Jobs and Tax Relief Act (Democratic stimulus bill/Tax hike)—Vote: 53–44 (Jul. 12, 2012); Vote: 57–41 (Jul. 12 2012)

S. 3369: DISCLOSE Act of 2012 (Political free speech restrictions)—Vote: 51–44 (Jul. 16, 2012); Vote: 53–45 (Jul. 17, 2012)

S. 3364: Bring Home Jobs Act (Raised taxes on American-based global businesses)—Vote: 56–42 (Jul. 19, 2012)

S. 388: American Family Economic Protection Act (Dem. sequester alternative: raised taxes and cut defense spending)—Vote: 51–49 (Feb. 28, 2013)

S. 1845: Emergency Unemployment Compensation Extension Act (Extend length of unemployment benefits, adding billions to the deficit)—Vote: 52–48 (Jan. 14, 2014); Vote: 55–45 (Jan. 14, 2014); Vote: 58–40 (Feb. 6, 2014); Vote: 55–43 (Feb. 6, 2014)

S. 2223: Minimum Wage Fairness Act (Raised the minimum wage to \$10.10)—Vote: 54–42 (Apr. 30, 2014)

S. 2569: Bring Jobs Home Act (Raise taxes on American-based global businesses)—Vote: 54–42 (Jul. 30, 2014)

Mr. CORNYN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN. Mr. President, when he was running for President, Donald Trump laid out a pretty clear vision of how he would deal with Wall Street. He said: “Wall Street has caused tremendous problems for us.” He claimed he wasn’t “going to let Wall Street get away with murder,” and he called out Goldman Sachs as the prime example of a big bank that has too much influence over the political process. That was really powerful stuff.

When Candidate Trump became President Trump, he seemed to forget every scrap of his tough-on-Wall Street talk. Within weeks of taking office, he turned over his administration’s economic agenda to none other than Goldman Sachs. His senior strategist, Steve Bannon, spent half a decade at Goldman Sachs as an investment banker. His National Economic Council Director, Gary Cohn, came directly from Goldman Sachs, where he spent 25 years and rose to become President of the bank. His Secretary of the Treasury, Steve Mnuchin, spent 17 years at Goldman Sachs before leaving to start his own hedge fund, which brings us to Jay Clayton, President Trump’s nominee to run the Securities and Exchange Commission. To be fair, Mr. Clayton never worked at Goldman Sachs, he just worked for Goldman Sachs, taking their money and representing them for years as a lawyer at a major New York City law firm.

So here we are, just over 8 years after Wall Street triggered a financial crisis and brought the economy to its knees, and President Trump has put the Goldman Sachs gang in charge of holding Wall Street accountable. Trump’s betrayal of his campaign promises on Wall Street is shameful, but it is also dangerous, especially when it comes to picking the person to lead the SEC. The SEC is supposed to be the cop on the beat for Wall Street. That is why Congress created it in the 1930s, after fraud and other misconduct on Wall Street led to an enormous stock market crash and the Great Depression. Congress gave the SEC the authority to oversee financial markets and to hold companies and individuals accountable when they defrauded investors.

When the SEC doesn’t do its job, the consequences can be devastating. Look at what happened the last time the SEC was under Republican control in the years leading up to the 2008 crisis. The SEC was asleep at the switch. While Wall Street flooded the market with dangerous securities and lied to investors, the SEC heard nothing, saw nothing, stopped nothing. The Republican-led SEC did nothing. When the whole market blew up, it was ordinary

investors and working families who got asked to bail out Wall Street.

So what kind of SEC Chairman would Mr. Clayton be? Let's start by looking at how he would lead the SEC's enforcement efforts against Wall Street, how he would be as a cop on the beat. Under ethics rules, for the first half of his term, Mr. Clayton cannot participate in any enforcement action that involves one of his former clients. That means he cannot take part in any case against Goldman Sachs. OK. But there is more. Goldman Sachs is just one of his former big bank clients. Mr. Clayton also can't take action against Deutsche Bank or against UBS or against Barclays. These are some of Wall Street's biggest and most egregious repeat offenders, and Mr. Clayton would be barred from enforcing the law against them.

That is not all. Ethics rules also prevent Mr. Clayton from participating in any enforcement case against a party that is represented by his former law firm, Sullivan and Cromwell. Sullivan and Cromwell is a premier Wall Street firm, with a long client list that includes big banks like JPMorgan Chase and the credit rating agency Moody's. That means there will likely be even more cases against top Wall Street firms that Mr. Clayton can't work on.

Here is why that matters so much. For most enforcement actions, it takes a majority vote of the five SEC Commissioners. In other words, it takes three people to advance an enforcement action. In a number of recent cases, the two Democrats have voted for stronger enforcement and the two Republicans have voted against it. If the Chairman can't vote—and Mr. Clayton can't vote if some of the biggest and most disreputable banks are involved—then the Commission is likely to come up short of the necessary three votes. You know what that means. It means the banks walk free. Confirming Mr. Clayton to run the SEC will almost certainly result in weaker enforcement against the major players on Wall Street.

Mr. Clayton is also likely to pursue a Wall Street-friendly agenda when it comes to the SEC's rulemaking responsibilities. When he testified before me and before other members of the Banking Committee, Mr. Clayton refused to commit to completing the rules that Congress asked the SEC to write all the way back in 2010 as part of its postcrisis financial reforms. Mr. Clayton even refused to commit to implementing and enforcing some of the postcrisis rules that the SEC has already finalized and put in place.

I don't have any faith that Mr. Clayton will be the kind of tough, independent leader we need at the SEC. His nomination is just one more broken promise, one more time that Donald Trump has put Wall Street ahead of the interests of the American people. The last time a Republican President led us down this path, it resulted in the worst financial crash of our lifetime. We can't go down that path again.

I will be voting against Mr. Clayton's nomination, and I urge my colleagues to do the same.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. SCOTT. Mr. President, I ask unanimous consent that at 5:20 p.m. today, all postcloture time on the Clayton nomination be considered expired and the Senate proceed to vote on the nomination with no intervening action or debate. I further ask that, if confirmed, the President be immediately notified of the Senate's action and that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECESS

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate stand in recess as under the previous order.

There being no objection, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I rise in opposition to the nomination of Jay Clayton to serve as Chairman of the Securities and Exchange Commission. Americans deserve a Chair who will run the SEC on their behalf, not for the benefit of Wall Street banks and big corporations. Far too many folks in this town have collective amnesia about the costs of the last financial crisis: \$19 trillion lost in household wealth, 8 million jobs lost, more than 15 million foreclosures, hundreds and hundreds of them in the Presiding Officer's and my State.

Those numbers don't seem to get better as time goes by. All over the country, in Ohio and elsewhere, families want strong rules that prevent banks from doing as they please, enriching themselves at the expense of others and then handing the bill to American taxpayers. The most basic duty of the Chair of the SEC is leading his fellow Commissioners through tough issues and policing Wall Street.

Mr. Clayton will fall woefully short. His law firm, his former clients will create a steady stream of conflicts of

interest, forcing him to recuse himself in cases involving former clients for 2 of the 4 years he would serve as Chair.

He will be sitting on the sidelines on potential enforcement actions because of his representation in the work he did prior to being at the SEC. That is not draining the swamp. Goldman Sachs, Deutsche Bank, Royal Bank of Canada, UBS—he will have to recuse himself on all of those cases. That does not sound like someone who will be in there fighting for the American people or working to protect America's financial markets.

It is not a theoretical concern. Former Chair White faced conflicts and recusals in more than four dozen enforcement investigations in her first 2 years. In those cases, big banks, like Bank of America, used those recusals to their advantage when the Commission was deadlocked. That undermines the Commission's authority. That is why I opposed Ms. White for her position—one of the same reasons I am opposing Mr. Clayton. Instead of confirming the same kind of nominees we have had in the past, with dozens of conflicts of interest and recusals, we should be considering someone who actually will work to protect investors.

At his hearing, Mr. Clayton failed to provide clear answers to questions about how he would approach enforcement matters. He gave empty answers about punishing bad actors and individual accountability.

Accounting fraud, selling toxic derivatives, and corporate foreign corruption usually involve senior management and happen because the tone from the top allows it to happen. Mr. Clayton does not see it that way. He spent his career representing—excuse me—protecting Wall Street banks. That history guides his view on how SEC enforcement should work.

According to Mr. Clayton, the SEC should proceed with caution, even before opening an investigation. That is not his job. His job is to open investigations when it looks like there is wrongdoing. He says it would have serious adverse impacts on respondents. He has it totally backward. Not investigating companies that may be committing fraud or other abuses because it might create problems for them—how about the American public?

How about the neighborhood I live in in Cleveland, OH, 44105? That ZIP Code had more foreclosures than any ZIP Code in the United States in 2007. That is partly because of a lack of enforcement at the SEC. I see it up close. I know what that means to our communities. I know what it means to our country.

Acting Chair Piwowar began undermining the SEC's enforcement division in his first month on the job. He reversed steps taken by the two previous Chairs that empowered the SEC's enforcement staff to open and pursue investigations.

I am concerned about Dodd-Frank rules. If he is confirmed, he will have

to answer for the unilateral rollback of final Wall Street reform rules that this acting SEC Chair, Mr. Piwowar, has already undertaken. Wall Street reform rules requiring disclosure of CEO-to-worker pay ratios—all the kinds of things that this Congress overwhelmingly decided Congress should do and the SEC should do.

For years, Congress has funded the SEC below the levels requested, despite more responsibilities and increasing marketplace complexity and sophistication. I am concerned about Mr. Clayton's likely behavior in that regard also.

Last, public service is important. It is valuable. It should not be viewed as a chance to push the favorite policies of big corporations. That is what we have seen too often in this town.

This nominee, Mr. Clayton, who comes from Wall Street, who is part of Wall Street, we know from past experience will protect Wall Street at the SEC—the wrong thing to do. From his background, his answers to the questions in the committee's hearing and questions for the record, I am not convinced that Mr. Clayton comes close to being the best person for the job. I will oppose his nomination.

The PRESIDING OFFICER. The Senator from South Dakota.

AGRICULTURE

Mr. THUNE. Mr. President, the past 8 years have been tough on Americans. Despite the fact that the recession officially ended in June of 2009, the economy never really rebounded. President Obama presided over the weakest economic recovery in 60 years. His Presidency was characterized by poor economic growth, a dearth of jobs and opportunities, and almost nonexistent wage increases.

In 2016, the economy grew at a dismal 1.6 percent, far below the level of growth displayed by a healthy economy. Typically 3 to 3½ percent is the average, going back to World War II. The GDP report for the first quarter of this year underscored the need to implement the kind of pro-growth policies that were lacking during the Obama years. Republicans in Congress and the White House have already acted to repeal a number of burdensome Obama regulations that were foisted onto the American people near the end of his Presidency. We plan to keep up our efforts.

Getting rid of unnecessary regulations will go a long way toward freeing up businesses to grow and create jobs and put more money in Americans' pockets. Of course, repealing burdensome regulations is just one of the things we need to get our economy healthy again. Fixing our broken Tax Code is another. As a member of the tax-writing Senate Finance Committee, I will be introducing tax reform legislation in the near future, targeted primarily for Main Street businesses that pay taxes at the individual rate.

I am looking forward to working on comprehensive tax reform with Chair-

man HATCH and the rest of my colleagues on the Finance Committee as we move forward this year. It is critical that passthrough businesses, which are the main focus of my bill, are not left behind in this effort.

Today, I want to talk about spurring growth in a specific sector of our economy, one that is very important to my home state; that is, the agricultural sector. Like so many other Americans, farmers and ranchers in South Dakota and across the country have had a rough time of it over the past few years. Market prices for farm and ranch products have been on a steady decline since 2013, and net farm income has dropped substantially as a result of that. Worse, there is little expectation that prices will improve over the next few years, which means farmers' and ranchers' incomes are likely to continue to decrease.

Farmers are struggling to repay their debts. Between 2014 and 2016, the delinquency rates on farm non-real estate loans more than doubled. Delinquencies on farm real estate loans rose from \$1.18 billion in 2014 to \$1.66 billion in 2016. While these numbers are not all-time highs, the increases are disturbing and show no signs of reversing any time soon.

Farming and ranching are not just careers in South Dakota; they are a way of life, one that connects communities and families to the land and one generation to the next. Nearly 3,000 South Dakota farm families have been honored as operating century farms, meaning the same family has operated at least 80 acres of that farm for 100 years or more. But in today's weak agricultural economy, many families are afraid they will be the ones to lose the farm or ranch that has been in their family for generations. That would be a loss not just for them but for our country.

Few of us understand the sacrifices that go into this way of life. When we pick up a gallon of milk or a loaf of bread at the grocery store, we don't think of the farmer who rose long before the Sun and finished his day long after the Sun had set. Our country is made stronger by the hard work, fierce dedication, and unconquerable spirit of America's farmers.

We need to make a concerted effort to help farmers meet the challenges they are facing right now so that America can continue to help feed the world and Americans can continue to have access to the home-grown products they depend upon.

So how do we do that? One thing we can do that would immediately improve agricultural prices would be to quickly negotiate new bilateral trade agreements. Agriculture is heavily dependent upon trade, and in today's economic climate, we cannot afford to have our agricultural exports restricted by inadequate trade policies.

U.S. farmers have lost ground internationally. Our current share of the global grain market is just 30 percent,

down from 65 percent in the mid-1970s. We need to take steps to level the playing field for American farmers and ranchers so they can be more competitive internationally. I have encouraged the President to start by negotiating a bilateral trade agreement with Japan.

Japan is one of our most important trading partners, but U.S. farmers too often face hefty tariffs on the products they sell in Japan. U.S. negotiators made important progress toward reducing these barriers during the Trans-Pacific Partnership negotiations.

We need to build on the work they did and negotiate a bilateral agreement with Japan as soon as possible. This would benefit a wide variety of American producers, including South Dakota beef producers who currently face a massive 38.5-percent tariff on the beef they sell in Japan.

Trade agreements would help tremendously, but there is more we need to do to ensure the long-term sustainability of production agriculture in the United States.

Every 5 years, Congress has the opportunity to reset Federal farm policy when it passes the farm bill. The current farm bill expires in 2018, and it is not too early to start the drafting process for the next bill.

I served on the Agriculture Committee in the House and now serve on the Senate Agriculture Committee under the strong leadership of my friend from Kansas, Chairmanship PAT ROBERTS. I will be working on my fourth farm bill, and I take this responsibility very seriously.

I spend a lot of time talking to farmers and ranchers while I am back home in South Dakota, and I have been developing legislation based on the feedback they give me about Federal programs. I have already introduced two key proposals that I hope will be part of the final farm bill that we pass next year, and I will be introducing several more farm bill legislative proposals this year.

All farmers are familiar with the Conservation Reserve Program, or CRP, which provides incentives for farmers to take environmentally sensitive land out of production for 10 to 15 years. But a lot of farmers have told me that they don't want to retire portions of their land for a decade or more. To address this, I am proposing a new program that would reduce operating costs by providing a modest rental payment and increasing crop insurance premium discounts.

The program I am proposing, the Soil Health and Income Protection Program, would provide a new, short-term option for farmers that would allow them to take their worst performing cropland out of production for 3 to 5 years, instead of the 10 to 15 years required by CRP rules. This program would result in improved soil health and reduced crop insurance costs, and it would provide beneficial areas for wildlife while also improving the bottom line for participating farms.

The other key proposal I have introduced would make a number of revisions and management improvements to the CRP program and other U.S. Department of Agriculture easement programs.

CRP plays a very significant role in South Dakota's economy, as it provides a major portion of the habitat for the Chinese ringneck pheasant, which brings more than \$250 million each year to my State's rural areas, towns, and cities. Unfortunately, farmers have spent years frustrated by some of the ways the Department of Agriculture has managed this program.

We need to make sure that Federal farm programs don't discourage farmers and ranchers from participating, especially in times like these, when these programs are sorely needed to provide valuable safety net assistance and to help protect soil and water.

My conservation program legislation addresses major concerns that farmers have with CRP and other USDA conservation programs by allowing commonsense use and management of land enrolled in these programs, which improves these programs for farmers and at the same time saves taxpayers' money.

My legislation also expands the CRP acreage cap by 25 percent and uses historical acreage averages to make sure CRP will be available in States that have used it and that need it the most. Above all, the acres enrolled in CRP and other easement programs must be effectively used and managed to maximize their usefulness and effectiveness for land and water conservation and wildlife, and I will work to make that happen.

In addition, both of my legislative proposals contain provisions to provide additional support to young, beginning, and socially disadvantaged farmers and ranchers, as well as to military veterans. We need to ensure that young and beginning farmers and ranchers and others have opportunities to succeed, especially now, when even seasoned farmers are struggling.

Along with trade agreements and the farm bill, there are other things we can do to help farmers and ranchers and small businesses. This year, we plan to take up major reform of our broken, bloated Tax Code. Making sure that we consider the needs of farmers and ranchers during this debate will be one of my priorities.

We can also help farmers and ranchers by removing burdensome government regulations that do little to help the environment but force farmers to spend untold hours and dollars on compliance.

One example of this kind of burdensome regulation is the so-called waters of the United States rule, something with which every farmer and rancher is familiar. This EPA regulation improperly used the Clean Water Act to justify expanding the EPA's regulatory authority to waters like small wetlands, creeks, stock ponds, and ditches.

The rule specifically targeted the Prairie Pothole Region, which covers five States, including nearly all of eastern South Dakota. I am grateful that the President chose to protect farmers and ranchers by announcing a review of this rule in February of this year.

We could further support American farmers by removing yet another unnecessary regulatory hurdle, and that is the Reid vapor pressure regulation, which restricts the sale of E15 fuel during the summer driving season.

Providing a waiver for E15, as enjoyed by other fuels, is a bipartisan, no-cost way to roll back regulation and grant consumers real choice at the pumps, as well as to help our farmers.

Our Nation and the world depend on American farmers and ranchers. We need to make sure they can sustain their operations and continue to efficiently feed America and the world.

I look forward to continuing our work on tax, trade, regulatory, and farm bill policies that support farmers and ranchers in South Dakota and throughout our country.

When agriculture does well, I would argue, our national economy does well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

MONTANA AG SUMMIT

Mr. DAINES. Mr. President, I have some good news from Montana. A week ago yesterday, the U.S. Senate voted to confirm former Georgia Governor Sonny Perdue to be our next Secretary of Agriculture. When we met prior to his confirmation hearing, Secretary Perdue and I discussed Montana ag and the need to expand agricultural access to foreign markets. I know he will prioritize the ag industry during his time in office, and I am pleased to share that I will be hosting the Secretary in Montana for the Montana Ag Summit that is going to be held in Great Falls at the end of this month.

Back in March, during the Secretary's confirmation hearing, I extended an invitation to join us in Montana's Golden Triangle as we discuss the issue of strengthening international relationships for Montana's agriculture. The Golden Triangle is where my great-great-grandmother homesteaded as she moved from Minnesota—a Norwegian immigrant—to Montana.

At the Ag Summit, we will showcase the technological advancements that are changing the way we produce crops and livestock, promote the next generation of ag producers, and discuss the challenges ag producers face as a result of our Federal policies and regulations. The Montana Ag Summit will bring together leaders from across the agricul-

tural industry to hear from our keynote speakers, which include Secretary Perdue and my colleague and friend and the chairman of the U.S. Senate Ag Committee, Senator PAT ROBERTS from Kansas. Nothing takes the place of hearing directly from Montanans and seeing our great State with your own eyes.

I have been a strong advocate for Montana ag since coming to Washington, DC, and it is a privilege to serve as Montana's only representative on the U.S. Senate Ag Committee. Whenever I get the chance, I talk about Montana's ag industry and advocate for regulation reform and for additional opportunities for our ag producers to compete on a level playing field.

Another critical issue for farmers and ranchers in Montana and around the Nation is opening up more market opportunities for the ag industry. In fact, earlier this past month, 38 of my colleagues and I wrote to President Trump asking him to prioritize reopening China's markets to U.S. beef in his discussions with Chinese President Xi Jinping. China is Montana's third leading trade partner after Canada and South Korea.

It is important to remember that 95 percent of the world's consumers live outside of the United States. While the Chinese ban on U.S. beef imports was lifted last fall, more needs to be done to actually see U.S. beef on the shelves of Chinese grocery stores. You see, China is the second largest beef import market in the world.

I can say it was an honor to personally present some of Miles City's famous and finest beef to Chinese Premier Li Keqiang from Fred Wacker's ranch out of Miles City. I will get Montana beef in China if I have to take it over myself.

Montana's No. 1 industry and economic driver is agriculture. With over 27,000 farms in the State, Montana ag is nearly \$5 billion strong. By the way, Montana is now the leading pulse crop producer in the Nation.

Last week, President Trump unveiled his tax reform plan, which, among many proposals, includes a full repeal of the death tax—a full, permanent repeal of the death tax. This is a tax that directly impacts many Montana farm and ranch families. In fact, I heard a story from a Montana rancher a couple of weeks ago of his having the sudden, unexpected passing of his mother and his father. It is a multigenerational ranch operation in Montana that had a huge tax liability—in the millions of dollars—that it had to pay to the IRS because of the death tax.

I have been calling for a repeal of the death tax since I first came to Washington, DC—one of the most immoral taxes on the books—because I understand how these taxes can cause family farms and family ranches to break up and to be sold off.

The bottom line is this. You cannot feed a nation without farmers and

ranchers, and you cannot have opportunity economies without actual opportunities to meet the needs of not only our State, of not only our Nation but of the world.

As the U.S. Congress and the Trump administration continue to work together, I am excited to see that ag is a priority. I look forward to working with my colleagues in the U.S. Senate, as well as in the Trump administration, to advance policies and solutions to the barriers that our Nation's ag producers face, and I really look forward to the upcoming Montana Ag Summit in Great Falls later this month.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. MENENDEZ. Mr. President, I rise today to speak in opposition to the confirmation of Jay Clayton as Chair of the U.S. Securities and Exchange Commission.

Just 100 days into the Trump administration, the truth is becoming crystal clear to the American people: There is no "America first" policy, and there certainly is no "middle class first" policy. There is just one policy, and that is a "Wall Street first" policy. It is a policy designed to steer even more wealth and more power to those who are plenty wealthy and plenty powerful, a policy built on the misguided view that our economy does better when banks do as they please, when CEOs receive runaway pay, and when bigger profits never translate into bigger paychecks for workers. That is why we have seen no Executive orders designed to hold big banks accountable, no Executive orders designed to protect borrowers from abusive student loan companies, no Executive orders helping more workers save for retirement. Instead, we see the administration rolling back protections for consumers and students and seniors, actively exploring how to put taxpayers back on the hook for Wall Street's recklessness, and ordering oversight agencies to, quite simply, conduct less oversight.

There is no greater example of the Trump administration's "Wall Street first" policy than its decision to nominate Jay Clayton as the Chair of the Securities and Exchange Commission.

The SEC is our Federal Government's cop on the Wall Street beat. And let's remember why we have a Securities and Exchange Commission and why it needs to be the cop on the beat. In 1929, the stock market crashed, and our Nation was sent into a deep and devastating depression. That is why President Franklin Roosevelt signed financial reforms into law aimed at curbing rampant speculation and risky behav-

ior on Wall Street, and the creation of the Securities and Exchange Commission was one of those reforms.

The SEC was designed to enact safeguards and promote fairness in our markets, to protect investors and prosecute fraud, and to ensure that our businesses have access to capital so they can grow and create jobs. When we have a watchdog ensuring that everyone plays by the rules, risk is more distributed, markets are more stable, and capital is more available.

The American people know all too well what happens when we take our eyes off of Wall Street. Not even a decade has passed since the worst financial collapse in 80 years put taxpayers on the line for billions of dollars—billions of dollars—in bailouts.

In the years leading up to the crash, our regulators, including the SEC, turned a blind eye to excessive risk-taking and corporate misconduct. We needed a cop on the beat, but instead we had a regulator asleep at the switch. As a result, we suffered a crisis that cost 8.5 million Americans their jobs and 10 million Americans their homes—8.5 million Americans their jobs and 10 million Americans their homes—a crisis that destroyed \$19 trillion in household wealth and left small businesses devastated nationwide, a crisis that sank local and State governments into a sea of red ink. And, of course, it left us with the great recession. It took us years to dig this economy out of that ditch. Now, after all we have been through, is it really time to go easier on Wall Street?

Since the financial crisis, the SEC has been instrumental in reshaping the rules of the road and holding corporation wrongdoers accountable. Now, less than a decade since that devastating crisis, this administration wants to give the keys to the castle to one of Wall Street's most loyal guardians.

We need someone at the helm willing to root out bad behavior in our financial sector, but Mr. Clayton is not that someone. He is no expert in enforcing the law. Indeed, Mr. Clayton has made a career out of fighting the SEC and other financial regulators on behalf of Wall Street's biggest institutions. His resume is built around defending Wall Street's most notorious offenders from ever being held accountable.

Let me again remind my colleagues that the SEC was not created to be Wall Street's support group in Washington. Investors and the American public at large deserve an SEC Chair who will fight to hold firms accountable, who will prosecute misconduct and wrongdoing, and who will improve investor protections. Mr. Clayton has not met that burden.

There are three reasons why I am concerned that an SEC led by Mr. Clayton would be an SEC that bends the rules for corporations and ignores the needs of hard-working Americans.

First is Mr. Clayton's singular focus on corporate bottom lines. When asked to lay out his vision for the agency,

Mr. Clayton offered no path to preventing another financial crisis. He provided no commitment to strengthening the agency's enforcement abilities, and he callously overlooked investor protections. Mr. Clayton failed to give an iota of support to anything other than boosting corporate bottom lines. He spoke exclusively about reducing compliance and registration costs for companies, and that is all fine, but not at the expense of critical investor protections and of healthy, stable, and fair markets for the economy at large.

Let's remember why this is important. Without strong protections and disclosures, we will sacrifice investor confidence. And when we sacrifice investor confidence, less capital will flow through our markets. When less capital flows through markets, businesses will struggle to grow and to innovate. In other words, a stable and fair financial sector is vital to our economy as a whole.

My second concern involves Mr. Clayton's potential conflicts of interest. Mr. Clayton has spent his entire career representing big players on Wall Street before, during, and after the crisis. His work has undoubtedly produced many conflicts of interest. As a result, Mr. Clayton will be forced to sit out of numerous important decisions integral to the role of the SEC Chair. This is a problem because the SEC currently has just two Commissioners. The absence of Mr. Clayton could very well undermine the agency's ability to prosecute wrongdoing on Wall Street.

Finally, I was alarmed by Mr. Clayton's refusal to answer any questions of substance during his confirmation hearing.

When asked if he would implement congressionally mandated rules, like the provision I wrote into Dodd-Frank requiring corporations to disclose how much money CEOs make in comparison to their employees, Mr. Clayton gave no straight answer.

When asked if he would fairly consider the 1.2 million comments—the greatest number of comments ever received on any SEC rulemaking process by the SEC—urging that companies disclose their political spending, Mr. Clayton gave no straight answer.

Finally, when asked if he would restore the subpoena power of the SEC attorneys so that they can initiate investigations, Mr. Clayton showed his true colors. When it comes to enforcement at the SEC, he said we had to be "mindful that even the commencement of an investigation can have significant adverse impacts" on public companies. So instead of explaining his vision as SEC's Chair and the SEC's role as a cop on the beat, he said the agency should consider a company's bottom line before investigating potential wrongdoing. This, to me, is in essence what defines this nominee's approach and this administration's approach: Wall Street profits that prevail over Main Street protections, no matter the risks

posed to the American people. It is precisely this kind of thinking that made our system too vulnerable to a financial crisis of epic proportions.

Given Mr. Clayton's inability and refusal to answer basic questions about important issues—like whether he would restore the authority of the Securities and Exchange Enforcement Division or implement the CEO-to-worker pay ratio rule mandated by Congress or require disclosure of corporate political spending—1.2 million citizen comments, the greatest in the history of the SEC—or ensure that retail investors receive advice that is in their best interests—I can't help but conclude that Mr. Clayton appears best suited to continue representing Wall Street rather than to working on behalf of the American people.

The President's nomination of Mr. Clayton is a bow to Wall Street and a cold shoulder to hard-working, middle-class families. I will not be voting for his confirmation.

Mr. President, I yield the floor.

Mr. REED. Mr. President, I rise in opposition to the nomination of Jay Clayton to be Chairman of the Securities and Exchange Commission, SEC.

Mr. Clayton has achieved great personal success as a corporate attorney, where for years he represented some of our Nation's largest financial institutions, such as Bear Stearns, Lehman Brothers, and Goldman Sachs. Personal success is not the same as being willing to safeguard the interests of all who participate in and rely on our capital markets, especially working-class Americans, as I believe a good SEC Chairman must. Based on Mr. Clayton's testimony and his answers to my questions and those of my colleagues on the Banking Committee, I am unable to support his confirmation.

As more and more working-class Americans know, pensions are becoming rarer, and more American families, assuming they even have extra money to spare from their paychecks, must invest in securities to save for retirement or send their kids to college. The integrity and efficiency of our capital markets then are not only of great importance to the megabanks and tycoon investors, but also to working-class Americans.

It is therefore in all of our interests to have strong and vigilant Federal financial regulators who can help ensure we avoid another financial crisis. While the megabanks have bounced back after staring into the abyss, the last financial crisis, which began in the Bush administration, had devastating consequences on working-class Americans, too many of whom lost their jobs, their nest eggs, and their homes. While the Dow Jones Industrial Average has recovered, the impacts are still felt by too many in Rhode Island and throughout the country.

While it is vitally important to help small businesses raise capital and grow their companies by actually creating jobs here in the United States, it is

also equally essential that we have a strong cop on the beat that upholds and improves the integrity of our capital markets.

Initially, I was encouraged to read in Mr. Clayton's testimony before the Senate Banking Committee that "there is zero room for bad actors in our capital markets" and that "I am 100 percent committed to rooting out any fraud and shady practices in our financial system."

During his confirmation hearing, I asked Mr. Clayton if he would support my bipartisan legislation with Senator GRASSLEY that would deter fraud by increasing the statutory limits on civil monetary penalties. Our legislation responds to former SEC Chair Mary Shapiro's statement that "the Commission's statutory authority to obtain civil monetary penalties with appropriate deterrent effect is limited in many circumstances." In his response to me, Mr. Clayton said, "I am very willing to take a look at the issue and work with you on it and give you my views after I've been better educated on it." I accepted this response for the time being and wrote to Mr. Clayton after the hearing to ask for his thoughts on this matter now that he had time to study the issue.

He responded: "As a general matter, I believe that the effective empowerment and functioning of the SEC Enforcement Division are fundamental to the fair and efficient functioning of our markets and the protection of investors. Under existing law, the Commission has the authority to seek civil monetary penalties in a number of circumstances. I would not want the Division or Commission to be unnecessarily or inappropriately constrained in pursuing civil monetary penalties, which can serve an important deterrent effect in appropriate circumstances. If confirmed as Chair, I will work with my fellow Commissioners and the Enforcement Division staff to enforce the law as it is written, including with respect to civil monetary penalties. I also would be willing to engage with Congress regarding any changes to the SEC's statutory authority to seek monetary penalties that Congress deems appropriate."

I am glad Mr. Clayton agrees that penalties can serve as deterrents, and I appreciate the fact that Mr. Clayton would not want the SEC to be "unnecessarily or inappropriately constrained in pursuing civil monetary penalties." Indeed, what appears to be constraining the SEC in part is exactly what former Chair Schapiro said, that penalty limits are not high enough to serve as effective deterrents. Given this, I do not understand Mr. Clayton's hesitation in clearly supporting my bipartisan legislation with Senator GRASSLEY. This does not sound like a 100 percent commitment to "rooting out any fraud and shady practices in our financial system."

This is just one example, but based on a review of his record and his re-

sponses to the committee's questions, I am not confident Mr. Clayton will vigorously work to protect all investors, in the same way as he throughout his career has defended the interests of his corporate and megabank clients, particularly when those interests may come into conflict, as we know they will. In my opinion, there should be no question of an SEC chairman's willingness to stand up and fight for working-class Americans and mom-and-pop investors.

Indeed, as Senator BROWN, the ranking member of the Senate Banking Committee, has stated himself, "it's not the first time we've seen a nominee like Mr. Clayton. I was concerned about Mary Jo White's conflicts and corporate law background. She was conflicted in dozens of high-profile cases, and then a month after stepping down as Chair, she returned to her old law firm. As a lawyer might say—that's bad precedent."

What we need is a strong SEC Chair that will vigorously protect and defend the interests of all American investors. I hope he proves me wrong, but based on the record before me, I am not convinced Mr. Clayton is up to this task, and therefore, I cannot vote to confirm him.

Mr. VAN HOLLEN. Mr. President, I oppose the confirmation of Jay Clayton to be a member of the Securities and Exchange Commission.

When the stock market crashed in 1929, public confidence in the markets plummeted as well. Investors large and small lost their life's savings. Congress responded with laws to help rebuild public faith in the markets. Thus in the wake of the Great Depression, Congress created the Securities and Exchange Commission to protect investors and maintain fair, orderly, and efficient markets.

Congress designed the SEC to see that investors and the markets have reliable information and clear rules for honest dealing. The SEC's job is to make sure that brokers, dealers, and exchanges put investors' interests first. The SEC ensures that companies offering securities for investment tell the public the truth about their businesses, the securities they are selling, and the risks involved.

Congress took pains to create the SEC to have some distance from Wall Street. The law provides that no Commissioner can engage in any business or employment other than serving as Commissioner. The law prohibits any Commissioner from participating in any stock transactions of a type that the Commission regulates.

Mr. Clayton has extensive experience working in capital markets. He has represented a long list of financial firms. His numerous conflicts may make him captive to the industry that President Trump nominated him to police. One of his better-known clients is Goldman Sachs. The Department of Justice found that Goldman Sachs falsely assured investors that sound

mortgages backed securities that Goldman sold, when Goldman knew that these securities were full of mortgages that were likely to fail.

During his confirmation hearing, I asked Mr. Clayton about Goldman Sachs' \$5 billion settlement with the Department of Justice. I asked Mr. Clayton if he felt that Goldman Sachs had been engaged in shady practices, but Mr. Clayton said only that he felt the case stood on its own. I cannot comprehend why Mr. Clayton demurred on this topic. We should all be able to agree that if a firm pays \$5 billion in a settlement, it was engaged in shady practices, to say the least.

During Mr. Clayton's confirmation hearing, he said that he is "100 percent committed to rooting out any fraud and shady practices in our financial system." If he is confirmed, I hope he stands by that pledge.

The SEC, investors, and the American people need an independent voice. They need a politically independent voice, as well as a voice that can be independent enough to make tough enforcement decisions about the financial firms it regulates. I have serious doubts that Mr. Clayton can be that voice; thus I oppose his nomination.

The PRESIDING OFFICER. The Senator from Virginia.

GOVERNMENT FUNDING LEGISLATION

Mr. KAINE. Mr. President, I rise to talk about the short-term budget resolution we will be voting on within the next couple of days and a quote the President made this morning.

The bipartisan agreement we are going to tackle on the floor to extend the Federal budget past the CR deadline through the end of September is salutary. It is salutary because the two Houses worked together to find an agreement.

I can see things in the agreement I like, and I can see things in the agreement I don't like. That is the nature of budget agreements. My principal disappointment with the agreement is that we should have done it in December. I will actually give credit to my Senate colleagues on both sides of the aisle. We were ready to do this deal in December. The Appropriations Committees in both Houses had met. We were ready to do a deal that would then give everybody in government—but, more importantly, all of our citizens and all of our businesses—some certainty about what would happen between that vote in December and the end of the fiscal year, September 30.

The incoming administration, not yet in office, dispatched the Vice President and others to the Hill and said: Don't do a budget. Don't do the omnibus bill. We want to have the ability to work on it ourselves.

I think this was against the better judgment of both sides in the Senate. A decision was made: We won't do an omnibus bill in December. We recessed on the 10th. We had plenty of time to get work done. Instead, we would do a CR through April 28.

I think my colleagues were right to want to do it in December. Nevertheless, we put everybody through the hoops of this: Is there going to be a shutdown, or what are we going to do?

Now, apparently, we will have a deal. We will discuss it, and I hope we will vote in favor of it.

We could have gotten the same deal in December. We would have given people more certainty. They could have adjusted. We could have not frightened people about a shutdown and done other productive work. Nevertheless, we have a deal which I plan to support.

But I was very interested this morning—very interested and, I will be blunt, very disturbed—with the President's words. At 8:07 this morning, he put out a tweet about the deal, about a bipartisan deal reached by two Republican Houses, with Democrats included—as we ought to be, because we represent a lot of the American public. This is the quote:

Either elect more Republican Senators in 2018 or change the rules now to 51%. Our country needs a good "shutdown" in September to fix mess!

So what I want to talk about today is whether there is a good shutdown of the government of the United States—whether there is such a thing as a good shutdown. Is it right for the President of the United States to hope for a good shutdown of the government of the greatest Nation on Earth?

I can't imagine that a CEO—any CEO we would admire—would call for a shutdown of his own company. That is what President Trump now is. He is the Commander in Chief and the Chief Executive of the government of the greatest Nation on Earth. He apparently believes there could be a good shutdown of this government in September.

I want to take us back to the fall of 2013. In the fall of 2013, the government was shut down for about 16 days in October. It was my first year as a Senator. That was bad. It was bad in Virginia, a State with 170,000 Federal employees, who didn't know whether or not there would be work to do, when they would return to work, or whether they would be paid for those days. It was bad for veterans whose claims to get a disability benefit were already too backed up and who couldn't get their calls and questions answered. It was bad for veterans whose requests for medical appointments were already too backed up and, in the uncertainty of a shutdown, they didn't know when they would be resolved. It was in October, which is the high season of tourism in Virginia. It was bad for one of my smallest communities, Accomack County, on the Eastern Shore of Virginia, which is adjacent to the Chincoteague National Seashore. They count on October tourism as a huge part of their local economy, but when the Federal parks shut down, it was bad for their economy. It was bad for economies near Shenandoah National Park to have that park shut down in the heart of fall leaf season, which is

the time they count on to help their small businesses succeed. It was bad for people on military bases, when DOD civilians were being furloughed—civilians like nurses at hospitals, and childcare workers who provide childcare to military families on military bases. They didn't know when they would be reopening. I see nothing good about a shutdown of the Government of the United States.

In fact, it was the first Republican President in the address at Gettysburg who said: The question that we always have to grapple with is whether government by, of, and for the people shall perish from the Earth. I think the answer to that question is that it should not perish from the Earth—not for a year, not for a month, not for a week, not for a day, not for an hour. There should not be a shutdown of the government of the United States. There is no such thing as a good shutdown.

So I just wanted to come to the floor today and be very, very blunt. On behalf of anybody in Virginia and in this country who is afraid of how a government shutdown could impact them or their communities; on behalf of troops, veterans, military families, and members of our Department of Defense who keep us safe every day; on behalf of veterans who fought for this country and who need the Federal Government to cut the backlog on disability claims or medical appointments at the VA; on behalf of every senior citizen or disabled person who has a case awaiting resolution by Social Security or Medicare or CMS; on behalf of 170,000 Federal employees living in Virginia and the people and communities they serve; on behalf of cities and counties around Virginia that rely on Federal support for infrastructure projects, economic development assistance, opioid prevention efforts, export promotion, and so many other critical programs; on behalf of Virginians struggling with disease and illness who pray for lifesaving cures developed through federally funded medical research; on behalf of our dynamic businesses and all of their workers, who need certainty from Washington in order to create jobs and expand the economy; on behalf of Virginia students and families who rely on Head Start Programs or rely on federally funded work study programs so they can work their way through college; on behalf of all Virginians and all Americans who deserve to have clean water, breathable air, beautiful open space, safe food and drugs, violence-free communities, a functional immigration system, and protection from cyber threats; and on behalf of the reputation of this Nation and the values that we proudly claim as American values, I will do anything and everything in my power as a U.S. Senator to stop any Trump shutdown, to stop any good shutdown of the government of the greatest Nation on this Earth, either now or during September or during the remainder of his term. I call on all of my colleagues to take a similar pledge.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SPACE WEATHER RESEARCH AND FORECASTING ACT

Mr. PETERS. Mr. President, I rise today to ask for Senate approval of legislation that I sponsored, along with my friend and colleague from across the aisle, Senator CORY GARDNER of Colorado.

Earlier this year, we introduced the Space Weather Research and Forecasting Act with Senators Booker, Wicker, and Klobuchar, and it went on to pass unanimously by the full Senate Committee on Commerce, Science, and Transportation in January.

Space weather, which includes solar flares and coronal mass ejections caused by the constantly changing conditions in the Sun's magnetic fields, regularly hurls ionized gas toward the Earth. This can potentially devastate our infrastructure and significantly disrupt our economy. The chances of Earth being hit by a severe space weather event are roughly the same as a magnitude 8 earthquake striking the United States, but the impact to our way of life would be absolutely catastrophic.

According to NASA, Earth was narrowly missed by a large space weather event in 2012, which could have resulted in a worst-case scenario impact to Earth. A report by Lloyd's of London estimates that a worst-case scenario space weather event could cost up to \$2.6 trillion and impact as many as 40 million people by causing outages at electric utilities, disrupting GPS communication networks, and forcing airlines to reroute air traffic.

The potential disruption to these critical sectors of our economy makes space weather a threat we must understand better. Scientists across the globe, including in my home State of Michigan, are working to improve our understanding of space weather and how outputs from the Sun interact with the Earth's magnetic field and atmosphere. For years, NASA, NOAA, the National Science Foundation, and the Department of Defense have funded this critical research.

The work of scientists and engineers at these agencies and universities across the country will help us better predict solar events and improve our ability to protect the infrastructure of the United States. But as we increasingly realize the magnitude of this threat, we need national leadership to focus our resources, coordinate planning, and prepare for space weather events.

This bipartisan legislation sets national priorities to increase and improve space weather observations,

science, and forecasting abilities. This research will improve our efforts to predict and to mitigate the effects of space weather events on Earth and in space.

Space weather is not science fiction. If we don't prepare ourselves, the impact could be catastrophic. But by learning to make better predictions, issue more effective warnings, and take precautions for when that inevitable day comes to pass, we can prevent space weather from wreaking costly havoc or disrupting our daily lives.

It is imperative that we invest in science and technologies to better understand space weather. It is imperative that we act on that knowledge and understanding to protect our critical infrastructure. It is, therefore, imperative that we move quickly to sign into law the Space Weather Research and Forecasting Act.

As in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 29, S. 141.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 141) to improve understanding and forecasting of space weather events, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Space Weather Research and Forecasting Act".

SEC. 2. SPACE WEATHER.

(a) IN GENERAL.—Subtitle VI of title 51, United States Code, is amended by adding after chapter 605 the following:

"CHAPTER 607—SPACE WEATHER

"60701. Space weather.

"60702. Observations and forecasting.

"60703. Research and technology.

"60704. Space weather data.

"§ 60701. Space weather

"(a) FINDINGS.—Congress makes the following findings:

"(1) Space weather events pose a significant threat to humans working in the space environment and to modern technological systems.

"(2) The effects of severe space weather events on the electric power grid, satellites and satellite communications and information, airline operations, astronauts living and working in space, and space-based position, navigation, and timing systems could have significant societal, economic, national security, and health impacts.

"(3) Earth and space observations provide crucial data necessary to predict and warn about space weather events.

"(4) Clear roles and accountability of Federal departments and agencies are critical for an efficient and effective response to threats posed by space weather.

"(5) In October 2015, the National Science and Technology Council published a National Space Weather Strategy and a National Space Weather Action Plan seeking to integrate national space weather efforts and add new capabilities to meet increasing demand for space weather information.

"(b) FEDERAL AGENCY ROLES.—

"(1) FINDINGS.—Congress finds that—

"(A) the National Oceanic and Atmospheric Administration provides operational space weather forecasting and monitoring for civil applications, maintains ground and space-based

assets to provide observations needed for forecasting, prediction, and warnings, and develops requirements for space weather forecasting technologies and science;

"(B) the Department of Defense provides operational space weather forecasting, monitoring, and research for the department's unique missions and applications;

"(C) the National Aeronautics and Space Administration provides increased understanding of the fundamental physics of the Sun-Earth system through space-based observations and modeling, develops new space-based technologies and missions, and monitors space weather for NASA's space missions;

"(D) the National Science Foundation provides increased understanding of the Sun-Earth system through ground-based measurements, technologies, and modeling;

"(E) the Department of the Interior collects, distributes, and archives operational ground-based magnetometer data in the United States and its territories, and works with the international community to improve global geophysical monitoring and develops crustal conductivity models to assess and mitigate risk from space weather induced electric ground currents; and

"(F) the Federal Aviation Administration provides operational requirements for space weather services in support of aviation and for coordination of these requirements with the International Civil Aviation Organization, integrates space weather data and products into the Next Generation Air Transportation System, and conducts real-time monitoring of the charged particle radiation environment to protect the health and safety of crew and passengers during space weather events.

"(2) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—The Director of the Office of Science and Technology Policy shall—

"(A) coordinate the development and implementation of Federal Government activities to improve the Nation's ability to prepare, avoid, mitigate, respond to, and recover from potentially devastating impacts of space weather events; and

"(B) coordinate the activities of the space weather interagency working group established under subsection (c).

"(c) SPACE WEATHER INTERAGENCY WORKING GROUP.—In order to continue coordination of executive branch efforts to understand, prepare, coordinate, and plan for space weather, the National Science and Technology Council shall establish an interagency working group on space weather.

"(d) MEMBERSHIP.—In order to understand and respond to the adverse effects of space weather, the interagency working group established under subsection (c) shall leverage capabilities across participating Federal agencies, including—

"(1) the National Oceanic and Atmospheric Administration;

"(2) the National Aeronautics and Space Administration;

"(3) the National Science Foundation;

"(4) the Department of Defense;

"(5) the Department of the Interior;

"(6) the Department of Homeland Security;

"(7) the Department of Energy;

"(8) the Department of Transportation, including the Federal Aviation Administration; and

"(9) the Department of State.

"(e) INTERAGENCY AGREEMENTS.—

"(1) SENSE OF CONGRESS.—It is the sense of Congress that the interagency collaboration between the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration on terrestrial weather observations provides—

“(A) an effective mechanism for improving weather and climate data collection while avoiding unnecessary duplication of capabilities across Federal agencies; and

“(B) an agency collaboration model that could benefit space weather observations.

“(2) **INTERAGENCY AGREEMENTS.**—The Administrator of the National Aeronautics and Space Administration and the Administrator of the National Oceanic and Atmospheric Administration shall enter into one or more interagency agreements providing for cooperation and collaboration in the development of space weather spacecraft, instruments, and technologies in accordance with this chapter.

“§60702. Observations and forecasting

“(a) **POLICY.**—It is the policy of the United States to establish and sustain a baseline capability for space weather observations.

“(b) **INTEGRATED STRATEGY.**—

“(1) **IN GENERAL.**—The Director of the Office of Science and Technology Policy, in coordination with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, and the Secretary of Defense, and in consultation with the academic and commercial communities, shall develop an integrated strategy for solar and solar wind observations beyond the lifetime of current assets, that considers—

“(A) the provision of solar wind measurements and other measurements essential to space weather forecasting; and

“(B) the provision of solar and space weather measurements important for scientific purposes.

“(2) **CONSIDERATIONS.**—In developing the strategy under paragraph (1), the Director of the Office of Science and Technology Policy shall consider small satellite options, hosted payloads, commercial options, international options, and prize authority.

“(c) **CRITICAL OBSERVATIONS.**—In order to sustain current space-based observational capabilities, the Administrator of the National Aeronautics and Space Administration shall—

“(1) in cooperation with the European Space Agency, maintain operations of the Solar and Heliospheric Observatory/Large Angle and Spectrometric Coronagraph (referred to in this section as ‘SOHO/LASCO’) for as long as the satellite continues to deliver quality observations; and

“(2) prioritize the reception of LASCO data.

“(d) **ADDITIONAL CAPABILITY FOR SOLAR IMAGING.**—

“(1) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration shall secure reliable secondary capability for near real-time coronal mass ejection imagery.

“(2) **OPTIONS.**—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration, shall develop options to build and deploy one or more instruments for near real-time coronal mass ejection imagery.

“(3) **CONSIDERATIONS.**—In developing options under paragraph (2), the Administrator of the National Oceanic and Atmospheric Administration shall consider commercial solutions, prize authority, academic and international partnerships, microsatellites, ground-based instruments, and opportunities to deploy the instrument or instruments as a secondary payload on an upcoming planned launch.

“(4) **COSTS.**—In implementing paragraph (1), the Administrator of the National Oceanic and Atmospheric Administration shall prioritize a cost-effective solution.

“(5) **OPERATIONAL PLANNING.**—The Administrator of the National Oceanic and Atmospheric Administration shall develop an operational contingency plan to provide continuous space

weather forecasting in the event of a SOHO/LASCO failure.

“(6) **BRIEFING.**—Not later than 120 days after the date of enactment of the Space Weather Research and Forecasting Act, the Administrator of the National Oceanic and Atmospheric Administration shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on the options for building and deploying the instrument or instruments described in paragraph (2) and the operational contingency plan developed under paragraph (5).

“(e) **FOLLOW-ON SPACE-BASED OBSERVATIONS.**—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Secretary of Defense, shall develop requirements and a plan for follow-on space-based observations for operational purposes, in accordance with the integrated strategy developed under subsection (b).

“(f) **REPORT.**—Not later than 180 days after the date of enactment of the Space Weather Research and Forecasting Act, the Director of the Office of Science and Technology Policy shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the integrated strategy under subsection (b), including the plans for follow-on space-based observations under subsection (e).

“(g) **GROUND-BASED OBSERVATIONS.**—The National Science Foundation, the Air Force, and where practicable in support of the Air Force, the Navy shall each—

“(1) maintain and improve, as necessary and advisable, ground-based observations of the Sun in order to help meet the priorities identified in section 60703(a); and

“(2) provide space weather data by means of its set of ground-based facilities, including radars, lidars, magnetometers, radio receivers, aurora and airglow imagers, spectrometers, interferometers, and solar observatories.

“(h) **GROUND-BASED OBSERVATIONS DATA.**—The National Science Foundation shall—

“(1) provide key data streams from the platforms described in subsection (g) for research and to support space weather model development;

“(2) develop experimental models for scientific purposes; and

“(3) support the transition of the experimental models to operations where appropriate.

“§60703. Research and technology

“(a) **USER NEEDS.**—

“(1) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Air Force, and where practicable in support of the Air Force, the Secretary of the Navy, in conjunction with the heads of other relevant Federal agencies, shall conduct a comprehensive survey to identify and prioritize the needs of space weather forecast users, including space weather data and space weather forecast data needed to improve services and inform research priorities and technology needs.

“(2) **CONTENTS.**—In conducting the comprehensive survey under paragraph (1), the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Air Force, and where practicable in support of the Air Force, the Secretary of the Navy, at a minimum, shall—

“(A) consider the goals for forecast lead time, accuracy, coverage, timeliness, data rate, and data quality for space weather observations;

“(B) identify opportunities to address the needs identified under paragraph (1) through collaborations with academia, the private sector, and the international community;

“(C) identify opportunities for new technologies and instrumentation to address the needs identified under paragraph (1); and

“(D) publish a report on the findings under subparagraphs (A) through (C).

“(3) **PUBLICATION.**—Not later than 1 year after the date of enactment of the Space Weather Research and Forecasting Act, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Air Force, and where practicable in support of the Air Force, the Secretary of the Navy, shall—

“(A) make the results of the comprehensive survey publicly available; and

“(B) notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives of the publication under subparagraph (A).

“(b) **RESEARCH ACTIVITIES.**—

“(1) **BASIC RESEARCH.**—The Director of the National Science Foundation, Administrator of the National Aeronautics and Space Administration, and Secretary of Defense shall continue to carry out basic research activities on heliophysics, geospace science, and space weather and support competitive, merit-based, peer-reviewed proposals for research, modeling, and monitoring of space weather and its impacts, including science goals outlined in Solar and Space Physics Decadal surveys conducted by the National Academy of Sciences.

“(2) **MULTIDISCIPLINARY RESEARCH.**—

“(A) **FINDINGS.**—Congress finds that the multidisciplinary nature of solar and space physics creates funding challenges that require coordination across scientific disciplines and Federal agencies.

“(B) **MULTIDISCIPLINARY RESEARCH.**—The Director of the National Science Foundation, the Administrator of the National Oceanic and Atmospheric Administration, and the Administrator of the National Aeronautics and Space Administration shall pursue multidisciplinary research in subjects that further our understanding of solar physics, space physics, and space weather.

“(C) **SENSE OF CONGRESS.**—It is the sense of Congress that the Administrator of the National Aeronautics and Space Administration and Director of the National Science Foundation should support competitively awarded Heliophysics Science Centers.

“(c) **SCIENCE MISSIONS.**—The Administrator of the National Aeronautics and Space Administration shall seek to implement missions that meet the science objectives identified in Solar and Space Physics Decadal surveys conducted by the National Academy of Sciences.

“(d) **RESEARCH TO OPERATIONS.**—

“(1) **IN GENERAL.**—The Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Administrator of the National Oceanic and Atmospheric Administration, the Secretary of the Air Force, and where practicable in support of the Air Force, the Secretary of the Navy, shall—

“(A) develop a formal mechanism to transition National Aeronautics and Space Administration, National Science Foundation, Air Force, and Navy research findings, models, and capabilities, as appropriate, to National Oceanic and Atmospheric Administration and Department of Defense space weather operational forecasting centers; and

“(B) enhance coordination between research modeling centers and forecasting centers.

“(2) **OPERATIONAL NEEDS.**—The Administrator of the National Oceanic and Atmospheric Administration and the Secretary of Defense, in coordination with the Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation, shall develop a formal mechanism to communicate the operational needs of space weather forecasters to the research community.

“(e) **TECHNOLOGY DEVELOPMENT.**—

“(1) **FINDINGS.**—Congress finds that observations and measurements closer to the Sun and advanced instrumentation would provide for

more advanced warning of space weather disturbances (as defined in section 3 of the Space Weather Research and Forecasting Act).

“(2) **TECHNOLOGY AND INSTRUMENTATION DEVELOPMENT.**—The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall support the development of technologies and instrumentation to improve space weather forecasting lead-time and accuracy to meet the needs identified by the Administrator of the National Oceanic and Atmospheric Administration.

“§60704. Space weather data

“(a) **IN GENERAL.**—The Administrator of the National Aeronautics and Space Administration and the Director of the National Science Foundation shall—

“(1) make space weather related data obtained for scientific research purposes available to space weather forecasters and operations centers; and

“(2) support model development and model applications to space weather forecasting.

“(b) **RESEARCH.**—The Administrator of the National Oceanic and Atmospheric Administration shall make space weather related data obtained from operational forecasting available for scientific research.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **REPEAL OF SECTION 809.**—Section 809 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18388) and the item relating to that section in the table of contents under section 1(b) of that Act (124 Stat. 2806) are repealed.

(2) **TABLE OF CHAPTERS.**—The table of chapters of title 51, United States Code, is amended by adding after the item relating to chapter 605 the following:

“607. Space weather 60701”.

SEC. 3. SPACE WEATHER METRICS.

(a) **DEFINITIONS.**—In this section:

(1) **SPACE WEATHER DISTURBANCE.**—The term “space weather disturbance” includes geo-electric fields, ionizing radiation, ionospheric disturbances, solar radio bursts, and upper atmospheric expansion.

(2) **SPACE WEATHER BENCHMARK.**—The term “space weather benchmark” means the physical characteristics and conditions describing the nature, frequency, and intensity of space weather disturbances.

(b) **BENCHMARKS.**—

(1) **PRELIMINARY.**—Not later than 90 days after the date of enactment of this Act, the Space Weather Interagency Working Group, established under section 60701 of title 51, United States Code, in consultation with academic and commercial experts, shall—

(A) assess existing data, the historical record, models, and peer-reviewed studies on space weather; and

(B) develop preliminary benchmarks, based on current scientific understanding and the historical record, for measuring solar disturbances.

(2) **FINAL.**—Not later than 18 months after the date the preliminary benchmarks are developed under paragraph (1), the Space Weather Interagency Working Group shall publish final benchmarks.

(3) **REVIEW.**—The Administrator of the National Aeronautics and Space Administration shall contract with the National Academy of Sciences to review the benchmarks established under paragraph (2).

(4) **REVISIONS.**—The Space Weather Interagency Working Group shall update and revise the final benchmarks under paragraph (2), as necessary, based on—

(A) the results of the review under paragraph (3);

(B) any significant new data or advances in scientific understanding that become available; or

(C) the evolving needs of entities impacted by solar disturbances.

SEC. 4. PROTECTION OF CRITICAL INFRASTRUCTURE.

(a) **IN GENERAL.**—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the heads of other relevant Federal agencies, shall provide information about space weather hazards to the Secretary of Homeland Security for purposes of this section.

(b) **CRITICAL INFRASTRUCTURE.**—The Secretary of Homeland Security, in consultation with sector-specific agencies, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other relevant agencies, shall—

(1) include, in meeting national critical infrastructure reporting requirements, an assessment of the vulnerability of critical infrastructure to space weather events, as described by the space weather benchmarks under section 3; and

(2) support critical infrastructure providers in managing the risks and impacts associated with space weather.

(c) **PROHIBITION ON NEW REGULATORY AUTHORITY.**—Nothing in subsection (b) may be construed to grant the Secretary of Homeland Security any authority to promulgate regulations that was not in effect on the day before the date of enactment of this Act.

(d) **DEFINITION OF SECTOR-SPECIFIC AGENCY.**—In this section, the term “sector-specific agency” has the meaning given the term in Presidential Policy Directive-21 of February 12, 2013 (Critical Infrastructure Security and Resilience), or any successor.

SEC. 5. PROTECTION OF NATIONAL SECURITY ASSETS.

(a) **IN GENERAL.**—The National Security Council, in consultation with the Office of the Director of National Intelligence, the Secretary of Defense, and the heads of other relevant Federal agencies, shall—

(1) assess the vulnerability of the national security community to space weather events, as described by the space weather benchmarks under section 3; and

(2) develop national security mechanisms to protect national security assets from space weather threats.

(b) **COOPERATION.**—The Secretary of Defense, in consultation with the heads of other relevant Federal agencies, shall provide information about space weather hazards to the National Security Council, Director of National Intelligence, and heads of Defense Agencies for purposes of this section.

SEC. 6. ENSURING THE SAFETY OF CIVIL AVIATION.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration, in consultation with the heads of other relevant Federal agencies, shall—

(1) assess the safety implications and vulnerability of the national airspace system by space weather events, as described by the space weather benchmarks under section 3;

(2) assess methods to mitigate the safety implications and effects of space weather on aviation communication systems, aircraft navigation systems, satellite and ground-based navigation systems, and potential health effects of radiation exposure; and

(3) assess options for incorporating space weather into operational training for pilots, cabin crew, dispatchers, air traffic controllers, meteorologists, and engineers.

(b) **SPACE WEATHER COMMUNICATION.**—The Administrator of the Federal Aviation Administration, in consultation with the heads of other relevant Federal agencies, shall develop methods to increase the interaction between the aviation community and the space weather research and service provider community.

Mr. PETERS. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be considered and agreed to; that the

bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 141), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. PETERS. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. STRANGE). The clerk will call the roll. The senior assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR—Continued

NATIONAL CHARTER SCHOOLS WEEK

Mr. ALEXANDER. Mr. President, I am here today to celebrate the 18th Annual National Charter Schools Week and thank the students, parents, and teachers from charter schools across the United States for their ongoing contributions to education. Senator BENNET of Colorado and I introduced a resolution marking this event, which the Senate approved yesterday.

Let me tell you my favorite story about charter schools. It was 24 years ago, 1992. I was in my last month as U.S. Secretary of Education, and as my last official act, I wrote a letter to every school superintendent in the country asking them to consider replicating the early success of the State of Minnesota in creating charter schools. There were about a dozen of them then, and they were created by the Democratic-Farmer-Labor Party of Minnesota. That was consistent with what President George H.W. Bush and I had been encouraging, which was what we called start-from-scratch schools—schools that gave teachers more freedom and parents more choices. We thought that could improve education in the country and might lead to what we call new American schools.

The first charter schools were created in the State of Minnesota nearly a quarter of a century ago, led by the Democratic-Farmer-Labor Party, and there were about a dozen of them. Since then, there has been broad bipartisan, mainstream support for charter schools.

Let's remember that charter schools are public schools. They are simply public schools which are freer from government rules, Federal rules, State rules, and union rules and which give teachers more freedom to teach the children who are presented to them and parents more freedom to choose those public schools.

Some of those who supported the creation of charter schools include Albert Shanker, the late head of the American Federation of Teachers. In 1997, President Clinton said: We need 3,000 charter schools by the year 2002. George W. Bush, in the No Child Left Behind legislation, supported charter schools. President Obama was a strong supporter of charter schools while he was in office. His first U.S. Secretary of Education, Arne Duncan, called himself a “strong supporter” of charter schools. President Obama’s second U.S. Education Secretary, John King, founded a charter school and ran a system of charter schools. Secretary Betsy DeVos, the current Secretary of Education, has spent most of her life as a strong supporter of charter schools. In 1994, 1998, 2001, and 2015, the U.S. Congress supported charter schools by large margins and in a bipartisan manner. Over 44 States and the District of Columbia have created an environment through their laws for charter schools.

In 30 years, public charter schools have grown from a dozen in Minnesota to more than 6,900 today. Today, charter schools are serving over 3.1 million students. Over 6 percent of all public school students in America today now attend charter schools, and another 1 million students are on waiting lists for charter schools. This past year saw an estimated enrollment increase of over 200,000 students, representing a 7-percent growth in just one school year.

Over half of the students served by these institutions are eligible for free or reduced-priced lunches, over half are students of color, and 17 percent are limited English proficient—all higher percentages than those served in traditional public schools.

As I said earlier, charter schools are about freedom for teachers, choices for parents, and more and better opportunities for students. Charter schools enable people. They enable parents to help their children get a real opportunity by choosing better schools or at least schools that fit them better and help them succeed. They enable students to learn and succeed. They enable teachers to succeed by giving them the freedom to use their first-hand knowledge. They enable administrators to succeed by ending bureaucratic mandates and giving them a chance to use their own good judgment.

In amending the No Child Left Behind Act, which we called the Every Student Succeeds Act, we made a number of changes to strengthen and expand the Federal Charter Schools Program, which since 1994 has given grants to States to start new charter schools.

ESSA, as we call it, made improvements to that program to ensure that those funds are used as effectively as possible to increase the number of high-quality charter schools. Specifically, ESSA invests more Federal funds in the replication and expansion of high-quality charter schools with a proven record of success, while still

giving States the flexibility to invest in innovative new methods. ESSA continues Federal support for nonprofit organizations which help charter schools find suitable facilities, while also encouraging States to assist charter schools in this task.

Now these hard-working and creative educators who are seeking to open charter schools have greater flexibility in how they use Federal startup funds—for example, by allowing them to use the funds for transportation or facilities improvement, if that is what they decide is the best use of those funds for their children and their community.

Finally, the Every Student Succeeds Act encourages States to provide charter schools with the support they need to be successful and to hold them accountable when they fail to demonstrate positive results.

Charter schools are public schools stripped of many Federal, State, and union rules and constraints that are placed on traditional public schools. The money the State would ordinarily spend on the district school follows each child to the charter school instead.

Across Tennessee, more than 30,000 students now have that same opportunity to attend one of 107 charter schools, and they are thriving as a result. A recent study by Stanford University found that on average, Tennessee students attending charter schools gained the equivalent of 86 additional days of instruction in reading and 72 additional days of instruction in math each year than did students attending traditional district schools. In other words, they make almost a year and a half’s worth of progress in a single school year.

More than 80 percent of students attending charter schools in Tennessee are low income, and more than 94 percent are African American or Hispanic. In other words, charter schools in Tennessee are making a difference for those students who have traditionally been least well-served by our Nation’s public schools. That is a worthy event to celebrate in this 18th annual National Charter Schools Week, to celebrate how charter schools have grown from a dozen start-from-scratch schools in the State of Minnesota 25 years ago to more than 6,900 today.

I thank the Presiding Officer.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. SCHATZ. Mr. President, Scott Pruitt, Mike Flynn, Betsy DeVos—there is a pattern here. This administration keeps choosing people who seem like the wrong fit to run their

agency, and now we are about to add Jay Clayton to the list.

He is different in a lot of ways. I met with him. He is a good person. He is a sensible person desiring to be a public servant, and he is a very smart lawyer. But he is not the right candidate to lead the SEC because it is on the frontlines of making sure that Wall Street follows the rules. And that is the No. 1 issue here because Mr. Clayton has too many ties to the industry that he would be in charge of overseeing.

Wall Street is full of his friends and business contacts, and there is nothing wrong with that, generally. We need lawyers in the securities industry. We need honorable people who help companies to do an IPO, but that doesn’t mean that individual is appropriate to be in charge of the SEC and in charge of reining in Wall Street. That causes the problem.

I do not question Mr. Clayton’s integrity. I have no doubt that he is a good person. But how can we say that the best person to hold Wall Street in check is someone with strong ties to the big banks, someone who has built his career there, who very well may go back to his old law firm in a few years?

I talked with Mr. Clayton at his confirmation hearing about whether he would go back to Wall Street after his time at the SEC ended, and he said he couldn’t rule it out. That is just one of several concerns that I have. If we look at Mr. Clayton’s statements about the SEC, it is clear that he is not the right person to be the cop on the Wall Street beat.

He has talked about “monitoring” the financial sector; that is the word he used—“monitoring.” But the United States does not need someone to “monitor” Wall Street. We need someone who will aggressively enforce the rules, to make sure we don’t have a repeat of 2008, when the big banks made so many bad and reckless decisions that our economy failed.

We have a very short memory in Washington about what happened to our country less than 10 years ago, but the rest of the country remembers. There are far too many communities still working to recover from the great recession.

Now is not the time to walk back the small steps toward progress we have made in protecting the economy from bad actors on Wall Street. But I am afraid this is what could happen under this administration, including if Mr. Clayton should be confirmed.

In his confirmation hearing, he said he wants to lighten the penalties companies face when they get into trouble with the SEC, and that is not something I can support. We cannot expect big banks and investment firms to play by the rules when they know they can pay a small fine and keep behaving badly as a cost of doing business. Regulation and enforcement has a cost, but that cost is meant to put the burden on the actors who are causing the problem

instead of allowing the burden to fall on the rest of us—to fall on American families.

The cost is there, one way or the other. The question is, Who should pay it?

Even if the Senate disagrees on enforcement and regulation, I hope we can agree that conflicts of interest have gone too far. This administration has diminished the meaning of public service in the context of conflicts of interest. Instead of looking out for conflicts of interest, it has leaned into them. Instead of protecting the country from corruption, it is putting our country in real danger. And at some point, it is up to the Senate to be a Senate—to do something. We have to decide where to draw the line. How long do we let this go on?

I am a “no” on Mr. Clayton’s nomination. I urge all Senators who care about ending conflicts of interest and putting a tough cop on the Wall Street beat to join me and vote no on this nomination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today in support of Mr. Jay Clayton, who has been nominated to serve on the U.S. Securities and Exchange Commission.

On January 4, 2017, then President-elect Trump announced his intention to nominate Jay Clayton to be the next chairman of the SEC. He noted that “Jay Clayton is a highly talented expert on many aspects of financial and regulatory law, and he will ensure our financial institutions can thrive and create jobs while playing by the rules.”

This sentiment was proven by Mr. Clayton’s testimony and interactions during his nomination hearing. In fact, he passed out of the Banking Committee by a vote of 15-to-8, with bipartisan support.

Mr. Clayton is a highly regarded and exceptionally qualified candidate. As a partner at a prominent law firm, he built a reputation as a highly skilled financial markets expert, representing clients of all types and sizes, both domestically and internationally. He has also invested in a younger generation of lawyers, passing on his knowledge as an adjunct professor at the University of Pennsylvania.

Throughout the nomination process, Mr. Clayton has proved his dedication to unbiased and fair conduct.

Mr. Clayton’s comments, experience, and actions provide me with confidence that he will lead the SEC with the highest integrity and effectiveness.

The SEC has an important three-part mission: to protect investors, maintain fair, orderly, and efficient markets, and to facilitate capital formation. At his nomination hearing, Mr. Clayton echoed the importance of the SEC’s mission and how the SEC can do more to ensure that our markets remain the envy of the world.

Although the United States capital markets remain the most robust in the

world, they have been challenged by competition from abroad. During his hearing, Mr. Clayton observed that our capital markets have become less attractive to businesses than they ever have been before. Capital markets drive innovation and job creation, and access to them is the lifeblood of our economy.

The JOBS Act helped revitalize primary markets, and both Congress and the SEC should continue to find ways to help companies go public and allow investors to share in their successes. Mr. Clayton pledged to do just that. He committed to working with his fellow Commissioners, with SEC staff, with Congress, and with the President to support and defend our capital markets.

Mr. Clayton also repeatedly committed at his nomination hearing that he would protect investors. He stated that he is “100 percent committed to rooting out any fraud and shady practices in our financial system.”

During the Banking Committee’s hearings on Mr. Clayton, some raised the concern that he previously represented many firms on Wall Street and that he would continue to look out for their best interests. He appropriately responded by pledging to the American people that he will show no favoritism to anyone and maintain a high degree of transparency.

Given Mr. Clayton’s strong qualifications and his pledge to work to improve capital formation and uphold investor protections, I urge my colleagues to support his nomination. Congress and the SEC, led by Mr. Clayton and the American people, can ensure that the U.S. financial system and markets remain the preferred destination for investors throughout the world. I urge all of my colleagues to vote yes on the nomination of Mr. Jay Clayton.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. 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.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 5 minutes and delay the vote until 5:25 p.m., until the completion of my remarks.

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

Mr. BROWN. Mr. President, I appreciate the Presiding Officer’s forbearance and also the cooperation always of the chairman of the Banking Committee, Senator CRAPO. We had a good hearing today on reinsurance and on European Union issues on insurance regulation. I appreciated the work we were able to do there and the work we are doing on Russian sanctions, which is increasingly important, as we see, as the clear links between Russia and the

American elections are becoming clearer. The links are becoming clearer and clearer to Senators in both parties.

I rise in opposition to the nomination of Jay Clayton to the Securities and Exchange Commission. We have seen this movie before, where we nominate someone to chair the Securities and Exchange Commission who starts off almost handcuffed with their hands behind their back because he has—as did his predecessor—far too many conflicts of interest, far too many demands for recusal, far too many cases he has worked on.

We hear of a President who talks about draining the swamp, who wants regulators and people in Washington who don’t have conflicts of interest and who can look at this in a fairminded, clear-eyed way. Instead, we see a White House that is full of Goldman Sachs former officials. In fact, the White House on some days looks like a retreat of Goldman Sachs executives. That is a long way from clearing the swamp.

What we are seeing in the case of Mr. Clayton—and we had a good meeting with him, and I thought his testimony was pretty good—is that he is smart, he is educated, he knows these issues well, but he is going to have to recuse himself because of conflicts with UBS, Deutsche Bank, and Goldman Sachs. He has worked on so many of these cases as a Wall Street lawyer for so many years that at this Securities and Exchange Commission—where the President still hasn’t appointed a Democrat, which really he is supposed to do but hasn’t seemed to have gotten around to it—that we are going to see all kinds of opportunities for mischief, we are going to see all kinds of delays and tie votes, and we will see an inability for the SEC to operate when they should.

I oppose the confirmation of Jay Clayton. I think he is capable, but he will not serve this country well. He will not keep corporations and, especially, banks honest on all kinds of corporate governance issues. He will not be as supportive of the investor public because of these recusals and conflicts that he faces. I think it is a bad idea, again. I opposed the previous Democratic nominee for this job because she had far too many recusals and conflicts that she had to do. I think this is a mistake to do this again.

I ask my colleagues to vote no, to oppose the confirmation of Jay Clayton to the Securities and Exchange Commission.

I yield back my time.

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

Mr. BROWN. 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN) is necessarily absent.

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

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 118 Ex.]

YEAS—61

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

NAYS—37

Baldwin	Gillibrand	Peters
Blumenthal	Harris	Reed
Booker	Hassan	Sanders
Brown	Heinrich	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Stabenow
Casey	Klobuchar	Udall
Coons	Leahy	Van Hollen
Cortez Masto	Markey	Warren
Donnelly	Menendez	Whitehouse
Duckworth	Merkley	Wyden
Feinstein	Murphy	
Franken	Murray	

NOT VOTING—2

Durbin	Isakson
--------	---------

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

● Mr. DURBIN. Mr. President, I was necessarily absent for the votes on the nomination of Jay Clayton to be a Member of the Securities and Exchange Commission, Executive Calendar No. 36.

On vote No. 118, had I been present, I would have voted nay on the confirmation of the Clayton nomination, Executive Calendar No. 36.●

75TH ANNIVERSARY OF EXECUTIVE ORDER 9066

Mr. WYDEN. Mr. President, May 6, 2017, marks a 75-year-old moral stain on Oregon's history. On this day in 1942, the city of Portland was declared free of all Japanese Americans.

As part of the Nation's response to the bombing of Pearl Harbor, President Franklin Roosevelt issued Executive Order 9066 in February 1942. In doing so, the President authorized the removal of anybody deemed "threatening." The President's action was based in fear and prejudice rather than any actual threat, and many Japanese Americans paid the price as innocent people were separated from their families and traumatized.

The United States would ultimately incarcerate more than 120,000 U.S. citizens and lawful permanent residents of Japanese ancestry. The Federal Government deemed Japanese Americans who lived on the west coast a "threat," putting my State of Oregon on the frontlines of this injustice.

Forced out of their homes and businesses, many of Oregon's Japanese American families moved into the animal stalls of what was then the Pacific International Livestock and Exposition Center in north Portland. Eventually, a total of 3,700 men, women, and children from Oregon and parts of Washington were held at the center. These families were later sent off with thousands of other Japanese Americans to quickly erected camps across the United States.

Despite the anti-Japanese fever burning across the United States, thousands of Japanese Americans were serving valiantly on the battlefields of Europe. We throw around the word "patriot" a lot these days, but I can't think of a more patriotic story than those Japanese Americans who signed up to defend the same country that had locked up their families.

Units like the famed 442nd and men like my friend and former colleague Senator Dan Inouye displayed an exceptional degree of courage and valor abroad. Back home, Japanese American civil rights leaders like Minoru Yasui and Fred Korematsu were challenging the prejudices that led to Executive Order 9066, the internment, and other injustices faced by Japanese Americans and permanent residents.

As the son of Jewish parents who fled Nazi Germany, I feel especially compelled today to remind my colleagues and my countrymen of this dark chapter in our Nation's history. It is especially important to recall this history today because it seems some Americans have slipped back into an era of fear-mongering, bigotry, and hate.

I have seen countless expressions of kindness and decency in my years representing Oregon, which is why I have faith that people across our State and the country will continue to stand up and say "no more." That is why I also want to honor the truly courageous Japanese Americans and others who

fought the pain and fear caused by Executive Order 9066. They were on the right side of the argument then and now.

Finally, I would like to recognize the Oregon Nikkei Endowment for all its work to bring us together to reflect on this day. Thank you to all the partners who have and will continue to fight for the rights of every American. I stand with them in solidarity today and always.

TRIBUTE TO HENSON MOORE

Mr. CASSIDY. Mr. President, Today I wish to honor Congressman Henson Moore and recognize his years of service, including his leadership on the Battle of New Orleans Bicentennial Commission.

Raised in Hackberry, LA, Henson moved to Baton Rouge where he graduated from Baton Rouge High School and later Louisiana State University, LSU. He also received his law degree in 1965 and master's degree in 1973 from LSU. Henson honorably served in the Army from 1965 to 1967 and, in 1974, was elected to Congress where he represented Louisiana's Sixth Congressional District for 12 years.

In 1987, Henson was named commissioner of the Panama Canal Consultative Committee by President Reagan. In 1989, he was named Deputy Secretary at the Department of Energy and, in 1992, was named White House Deputy Chief of Staff for President George H.W. Bush.

Following his retirement as president and CEO of American Forest and Paper Association in 2006, Henson and his wife, Carolyn, returned to Baton Rouge.

Henson's public service and involvement with numerous for-profit and nonprofit boards has earned him many noteworthy honors and awards, among them the Secretary Gold Medal, U.S. Department of Energy, induction into the Louisiana Political Hall of Fame, induction into the LSU Alumni Association Hall of Distinction, and the chancellor's Sesquicentennial Service Award. More recently, he was honored as the 2011 LSU Alumnus of the Year. Henson also served as chairman of the Forever LSU Campaign, the most successful fundraising effort in the university's history, and in 2014 was named chairman of the Battle of New Orleans Bicentennial Commission.

Fought on January 8, 1815, the Battle of New Orleans was the final major battle of the War of 1812 and a decisive victory for the United States. As chairman of the Bicentennial Commission, Henson planned and ran a number of activities throughout the New Orleans area. The commission and chairman were all volunteers; they received no money in exchange for their work, and there was no State money used for this commission. In his address on the bicentennial, Henson joked, "When the Legislature created the Bicentennial Commission, it had the foresight to

provide no money and no staff but a lot of obstruction." The bicentennial commission was tasked with commemorating a significant moment in both U.S. and Louisiana history. Under Henson Moore's leadership, that mission was achieved.

I would like to honor and congratulate Henson for his work on both the bicentennial commission and for his service to our country and the State of Louisiana.

TRIBUTE TO DR. GEORGE E. KELLER II

Mrs. CAPITO. Mr. President, it is my honor today to recognize Dr. George E. Keller II for his outstanding achievements in the areas of engineering, innovation, and leadership. Dr. Keller was born and raised in Charleston, WV, and has a bachelor's degree from Virginia Polytechnic Institute and a master's degree and Ph.D. in chemical engineering from Pennsylvania State University. Dr. Keller's wisdom is evidenced in his personal life as he has been married to his wife, Judy Keller, for decades, allowing for his legacy to live on through his many children and grandchildren.

Dr. Keller served as a lecturer in President Eisenhower's "Atoms for Peace Program" in Chemical and Nuclear Engineering from 1958 to 1959. He went on to have an illustrious and highly accomplished 36-year career at the Union Carbide Corporation in research and development at the South Charleston Technical Center and achieved national and international accolades for pioneering contribution in separation science, reaction engineering, catalysis, and novel process technology development.

After retiring from the Union Carbide Corporation, Dr. Keller became the cofounder and vice president of New Carbon, LLC, with the purpose of commercializing various aspects of the WVU Chemical Engineering Department's coal to advanced carbon products programs. Dr. Keller also inspired leadership under the BIDCO organization for local economic development, which ultimately led to the birth of the Mid-Atlantic Technology Research & Innovation Center, MATRIC, Inc., in 2003. Dr. Keller served as MATRIC vice chairman until 2014, as well as MATRIC's chief engineer. He currently serves on the MATRIC board of directors and continues service as the company's chief engineer.

In 1988, Dr. Keller was elected to the National Academy of Engineering, NARE, for his invention and insightful analysis of novel separation processes. Recently, Dr. Keller was recognized as "one of the nation's top 100 chemical engineers of the modern era" by the premier industry association, the American Institute of Chemical Engineers, AIChE.

He is a recipient of many prestigious awards including the Chemical Pioneer Award by the American Institute of

Chemists for his breakthrough work in long-range hydrocarbon technology, as well as the Institute Lecture Award, the Clarence Gerhold Award, and the Institute Award for Excellence in Industrial Gases Technology, all awarded by the AIChE. The Chemical Engineering Magazine awarded Dr. Keller's team with the Kirkpatrick Honor Award for the most innovative chemical technology successfully commercialized in the world: development of highly efficient pressure-swing parametric pumping for gas-gas separations. Pennsylvania State University also awarded Dr. Keller with the Outstanding Engineering Alumnus Award in 1989.

Dr. George Keller has coauthored and edited more than 35 publications in refereed journals and is the coauthor of two major books in the area of industrial separations. He also holds 21 U.S. patents in key technologies. Dr. Keller has lectured at more than 30 universities around the world and has served as chairman for many prestigious international conferences. At West Virginia University, Dr. Keller serves as chair of the visiting committee of the College of Engineering and Mineral Resources, as well as a longtime member of the visiting committees of several chemical engineering departments at WVU, Virginia Tech, Penn State, University of Wisconsin, University of Texas, and University of Virginia. He has also served on the National Research Council's board on chemical science and technology, BCST, and as an adjunct professor of chemical engineering at WVU and Virginia Tech.

In addition to Dr. George Keller's many awards, honors, and service, he also has an abundance of major technical accomplishments. Dr. Keller was a pioneer in discovering ways for converting methane to hydrocarbon feedstock for the chemical industry and was awarded by the American Institute of Chemists for doing so.

When Dr. Keller joined Union Carbide in 1961, he was a trailblazer in implementing amongst the first computer-controlled pilot plants in the industry worldwide. Under his leadership, the separations and process fundamentals skill center developed such disparate processes as the most advanced technology for producing oxygen via miniature adsorption units in the homes of people with severe lung problems in the 1970s, creating a better and longer life for countless millions around the world, and the world's largest commercial pervaporation facility in the 1990s.

Dr. Keller's personal expertise in membranes, adsorption, distillation, and extraction operations has resulted in reducing the generation of process wastes, developing more cost-effective ways to treat industrial waste streams, and, in some cases, resulted in recovery of valuable coproducts from traditional waste streams. In addition to his Carbide contributions, Dr. Keller has also worked on several next-generation technologies for carbon capture from

fossil fuel combustion. His work in this area will be impactful for years to come, especially in industries touched by the development of shale gas in the United States.

Dr. Keller has recruited exceptional, diverse talent to WV and to Union Carbide, including over 100 of the world's premier doctoral-level engineers and scientists. He has served and continues to serve as an excellent mentor to countless individuals. In turn, this aspect of Dr. Keller's efforts paid exceptionally rich dividends to Union Carbide and West Virginia in developing and sustaining a world-class, market-driven, R&D technical center at South Charleston for many decades. This culture still lives on today at MATRIC. The company is a growing multidivisional company with long-term strategy leveraging both market opportunity and its own internal expertise. It is noteworthy that MATRIC has delivered more than \$95 million to the West Virginia economy that would never have existed without exceptional leaders like George Keller.

It is with great respect that I ask my colleagues in the U.S. Senate to recognize the accomplishments and dedication of Dr. George E. Keller II. Dr. Keller is an excellent example of perseverance and commitment to innovation, enhancing the lives of others and inspiring the next generation of scientists and engineers.

ADDITIONAL STATEMENTS

TRIBUTE TO DAVID HOLT

● Mr. KING. Mr. President, today I wish to recognize David Holt, who has been a town manager in Maine since 1976, serving four communities.

In 1999, David received the Linc Stackpole Manager of the Year Award, chosen by his peers in the Maine Town and City Managers Association in recognition of his exemplary leadership qualities, professional ethics, and commitment to public service. Over the past 40 years, David has been a mentor, trusted adviser, and role model to many younger managers.

David was raised in rural western Maine, the son of a farmer. This upbringing instilled a strong work ethic in him at a young age and an appreciation for preserving the natural environment, as well as empathy for the hard-working people of Maine. He has a strong intellect, a keen sense of humor, and is gifted writer, chronicling his life and times in his book of autobiographical short stories "Man about Town."

He got involved in local government early by being elected as the youngest member of the board of selectmen in his hometown of Greenwood at the age of 18. His interest in public service was kindled by this experience, and he later attended the University of Maine where he received a degree in public management.

David served as the first town manager of the town of Princeton. While

there, he developed an airport by receiving grants to move the historic train station to be reused as a terminal building. These efforts resulted in the establishment of regular air service with a local carrier, promoting economic development and easy access to the area by sportsmen. He enlisted the Maine National Guard to do their summer training session in Princeton, and with the work of hundreds of military personnel with heavy equipment, a new mile-long major access road to the airport from Route 1 was completed in just 2 weeks.

While serving in the town of Dexter, he prepared successful applications to the Community Development Block Grant Program that resulted in the renovation of the entire downtown area by adding new decorative streetlights, improved sidewalks, better drainage, and related road work. This effort revitalized the downtown area and spurred private investment in the Main Street buildings.

In the town of Standish, he worked extensively on the growth management plan, which established a roadmap for future community development.

In the town of Norway, where he has served for the past 28 years, David has worked diligently to ensure that the town stays in sound financial condition, as well as keeping the Main Street economically and culturally vibrant. He instituted a sidewalk building program that has resulted in Norway becoming one of Maine's most walkable communities. Perhaps his crowning achievements were the successful grant application and efforts to save the town's historic opera house. David will be long remembered in all the towns he has served for his commitment to community betterment and his forward-thinking positive management style.●

RECOGNIZING FIN FUN MERMAID TAILS

● Mr. RISCH. Mr. President, the American dream is alive and well today. Entrepreneurs across this country are innovators, leaders, and visionaries who exemplify many of the characteristics that make this country great. Idaho's small businesses and the entrepreneurs behind them share a dedication to producing the highest quality products and services. Hard work, dedication, and passion are among some of the other traits that successful entrepreneurs share, whether they be from Idaho or anywhere else in our great country. All of these qualities are on display in this month's Small Business of the Month. As chairman of the Senate Committee on Small Business and Entrepreneurship, it is my pleasure to recognize Fin Fun Mermaid Tails as the Senate Small Business of the Month for May 2017.

Fin Fun got its start in 2009 when its founder, Karen Browning, was asked by her granddaughter to design and make a mermaid tail. Even with over 50

years of experience sewing, she was not sure she could complete her granddaughter's request. With some creativity and ingenuity, Mrs. Browning designed the mermaid fins out of spandex swimsuit material and a rigid body for the fin. The design proved so popular that, when Emily and her sister, Sarah, swam with the fins on at the local pool, all their friends asked where they could get a tail of their own. Mrs. Browning began selling the product on eBay and Etsy in 2010. With demand increasing, Mrs. Browning's sons, Eric and Steve Browning, returned to Idaho to run the Fin Fun business. Sales of Fin Fun products increased dramatically since its opening, from selling 200 mermaid tails per month in 2011 to more than 500,000 in 2016.

Fin Fun offers a number of products including their famous mermaid tails, patented Monofin, swimwear, animal blankets, pool toys, and other accessories. In 2012, Eric and Steve Browning took over the day-to-day operations of the company as the founders Jerry and Karen went on a mission for their church. In 2015, Fin Fun purchased a 10,000-square-foot building located on the Lewisville Highway, where the company continues to grow. In that same year, Fin Fun was highlighted by various media outlets, including the Wall Street Journal. In 2016, the company was named to Inc. 500's fastest growing companies list, as the 119th fastest growing company with 3,000 percent growth over a 3-year period. Through the leadership of Eric and Steve Browning and the success of Fin Fun, the company has created more than 75 full-time and part-time jobs within the Idaho Falls area.

As a family-run business, Fin Fun continues to set an example by donating a percentage of its profits to more than 18 charitable organizations annually, in addition to providing employment and support to the local community. Fin Fun is the manifestation of the entrepreneurial spirit that epitomizes the essence of the great State of Idaho. I would like to extend my sincerest congratulations to the employees and owners of Fin Fun Mermaid for being selected as the May 2017 Small Business of the Month. You make our great State proud, and I look forward to watching your continued growth and success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, 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 which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:02 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 496. An act to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform".

The enrolled bill was subsequently signed by the President pro tempore (Mr. HATCH).

At 11:43 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 657. An act to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes.

H.R. 910. An act to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes.

H.R. 1242. An act to establish the 400 Years of African-American History Commission, and for other purposes.

H.R. 1312. An act to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act.

H.R. 1366. An act to amend the Investment Company Act of 1940 to terminate an exemption for companies located in Puerto Rico, the Virgin Islands, and any other possession of the United States.

MEASURES REFERRED

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

H.R. 657. An act to amend title 5, United States Code, to extend certain protections against prohibited personnel practices, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 910. An act to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1312. An act to amend the Small Business Investment Incentive Act of 1980 to require an annual review by the Securities and Exchange Commission of the annual government-business forum on capital formation that is held pursuant to such Act; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 2, 2017, she had presented to the President of the United States the following enrolled bill:

S. 496. An act to repeal the rule issued by the Federal Highway Administration and the Federal Transit Administration entitled "Metropolitan Planning Organization Coordination and Planning Area Reform".

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CRAPO (for himself, Mr. BLUMENTHAL, Mr. MURPHY, Mr. CASSIDY, and Mr. ALEXANDER):

S. 1001. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. MORAN (for himself, Mr. TESTER, Ms. HEITKAMP, and Mr. TILLIS):

S. 1002. A bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. CASEY):

S. 1003. A bill to amend title XIX of the Social Security Act to add standards for drug compendia for physician use for purposes of Medicaid payment for certain drugs, and for other purposes; to the Committee on Finance.

By Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mrs. CAPITO, Mr. YOUNG, and Ms. HASSAN):

S. 1004. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to support innovative approaches to career and technical education and redesign the high school experience for students by providing students with equitable access to rigorous, engaging, and relevant real world education through partnerships with business and industry and higher education that prepare students to graduate from high school and enroll into postsecondary education without the need for remediation and with the ability to use knowledge to solve complex problems, think critically, communicate effectively, collaborate with others, and develop academic mindsets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 1005. A bill to amend the Internal Revenue Code of 1986 to modernize the tax treatment of derivatives and their underlying investments, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Ms. BALDWIN, Mr. BOOKER, Mr. BENNET, Mr. BLUMENTHAL, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Ms. CORTEZ MASTO, Mr. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. HASSAN, Mr. HEINRICH, Ms. HEITKAMP, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PETERS, Mr. REED, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 1006. A bill to prohibit discrimination on the basis of sex, gender identity, and sexual

orientation, and for other purposes; to the Committee on the Judiciary.

By Mr. GARDNER (for himself, Mr. HATCH, Mr. HELLER, Mr. SULLIVAN, and Mr. DAINES):

S. 1007. A bill to require the Secretary of the Interior to develop a strategy to relocate the headquarters of the Bureau of Land Management from Washington, DC, to a western State in a manner that will save the maximum amount of taxpayer money practicable, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GARDNER (for himself, Mr. MERKLEY, Mr. ALEXANDER, Mr. HATCH, Mr. ISAKSON, Mr. LEE, Mr. JOHNSON, Ms. BALDWIN, and Mr. WARNER):

S. 1008. A bill to amend the Controlled Substances Act to exclude cannabidiol and cannabidiol-rich plants from the definition of marijuana, and for other purposes; to the Committee on the Judiciary.

By Mr. KING (for himself and Mr. FRANKEN):

S. 1009. A bill to amend the Natural Gas Act to require the Federal Energy Regulatory Commission and the Secretary of Energy to consider certain factors in making a public interest determination under that Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. LEAHY, and Mr. HATCH):

S. 1010. A bill to amend title 17, United States Code, to provide additional responsibilities for the Register of Copyrights, and for other purposes; to the Committee on Rules and Administration.

By Mr. CORNYN (for himself, Mr. RUBIO, Mr. PORTMAN, Mr. WARNER, Mr. BLUMENTHAL, and Mr. COONS):

S. 1011. A bill to prevent the Iranian Islamic Revolutionary Guard Corps from using Mahan Air for material support for terrorist activities; to the Committee on Foreign Relations.

By Mr. UDALL (for himself and Mr. HEINRICH):

S. 1012. A bill to provide for drought preparedness measures in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WICKER (for himself and Mr. COONS):

S. Res. 149. A resolution supporting the goals and ideals of World Malaria Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 54

At the request of Mr. BOOKER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 54, a bill to prohibit the creation of an immigration-related registry program that classifies people on the basis of religion, race, age, gender, ethnicity, national origin, nationality, or citizenship.

S. 66

At the request of Mr. HELLER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 66, a bill to amend title 10, United

States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 139

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 139, a bill to implement the use of Rapid DNA instruments to inform decisions about pretrial release or detention and their conditions, to solve and prevent violent crimes and other crimes, to exonerate the innocent, to prevent DNA analysis backlogs, and for other purposes.

S. 200

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 200, a bill to prohibit the conduct of a first-use nuclear strike absent a declaration of war by Congress.

S. 236

At the request of Mr. WYDEN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 352

At the request of Mr. CORKER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 352, a bill to award a Congressional Gold Medal to Master Sergeant Rodrick "Roddie" Edmonds in recognition of his heroic actions during World War II.

S. 482

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 563

At the request of Mr. HELLER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 563, a bill to amend the Flood Disaster Protection Act of 1973 to require that certain buildings and personal property be covered by flood insurance, and for other purposes.

S. 593

At the request of Mr. BENNET, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 593, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 662

At the request of Mr. BLUMENTHAL, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator

from Delaware (Mr. COONS), the Senator from Massachusetts (Ms. WARREN), the Senator from Vermont (Mr. LEAHY), the Senator from Minnesota (Mr. FRANKEN) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 662, a bill to provide incentives for hate crime reporting, grants for State-run hate crime hotlines, a Federal private right of action for victims of hate crimes, and additional penalties for individuals convicted under the Matthew Shephard and James Byrd, Jr. Hate Crimes Prevention Act.

S. 682

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 682, a bill to amend title 31, United States Code, to require the Secretary of the Treasury to provide for the purchase of paper United States savings bonds with tax refunds.

S. 722

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 722, a bill to impose sanctions with respect to Iran in relation to Iran's ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes.

S. 733

At the request of Ms. MURKOWSKI, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 733, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 766

At the request of Mr. MANCHIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 766, a bill to amend titles 10 and 32, United States Code, to improve and enhance authorities relating to the employment, use, status, and benefits of military technicians (dual status), and for other purposes.

S. 819

At the request of Mrs. MURRAY, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 819, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 978

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 978, a bill to direct the Secretary of Education to establish an award program recognizing excellence exhibited by public school system employees providing services to students in prekindergarten through higher education.

S. 992

At the request of Mr. MCCAIN, the names of the Senator from Kansas (Mr.

MORAN) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 992, a bill to direct the Secretary of Veterans Affairs to conduct an independent review of the deaths of certain veterans by suicide, and for other purposes.

S.J. RES. 40

At the request of Mr. MURPHY, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S.J. Res. 40, a joint resolution to provide limitations on the transfer of air-to-ground munitions from the United States to Saudi Arabia.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself, Mr. PORTMAN, Ms. BALDWIN, Mrs. CAPITO, Mr. YOUNG, and Ms. HASSAN):

S. 1004. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to support innovative approaches to career and technical education and redesign the high school experience for students by providing students with equitable access to rigorous, engaging, and relevant real world education through partnerships with business and industry and higher education that prepare students to graduate from high school and enroll into postsecondary education without the need for remediation and with the ability to use knowledge to solve complex problems, think critically, communicate effectively, collaborate with others, and develop academic mindsets; to the Committee on Health, Education, Labor, and Pensions.

Mr. KAINE. Mr. President. In today's increasingly competitive global market, it is more important than ever that students develop the right skills and knowledge to succeed in postsecondary education and enter the workforce. Our nation's future depends on providing students with an engaging experience that is relevant to the workforce and integrates partnerships with industry and higher education. Unfortunately, many high schools currently lack these opportunities, leaving students unprepared for 21st century careers. In fact, nearly 80 percent of college instructors and 60 percent of employers indicate that public high schools fall short in preparing students for postsecondary education.

The cornerstone of high-quality career and technical education, CTE, is a strong focus on academics. The National Research Center for Career and Technical Education conducted a four-year longitudinal study in three states and found that students participating in CTE programs or career pathways outperformed their peers on the number of credits they earned in science, technology, engineering and math, STEM, and AP classes. These students also earned higher grade point averages in their CTE classes. Nonetheless, CTE

is often overlooked in discussions on increasing relevancy and rigor in our nation's schools.

That is why I am introducing with my colleagues, Senators PORTMAN, BALDWIN, CAPITO, and YOUNG, the CTE Excellence and Equity Act. This bipartisan legislation supports funding for innovation in career and technical education to help redesign the high school experience for historically underserved students. The bill would support the integration of rigorous academics with CTE in courses. It would also authorize grants to partnerships among school districts, employers, and institutions of higher education in Virginia and other states that help students earn industry recognized credentials or credit toward a postsecondary degree or certificate. The bill also places an emphasis on understanding the relevance of coursework in the context of a future career by placing an emphasis on teaching workplace skills through job shadowing, internships, and apprenticeships. Preparing our students for the careers of tomorrow puts them in the pipeline for the good-paying jobs that are the future of our workforce.

CTE programs are critical components to every student's education. I am pleased to be introducing this bipartisan legislation to strengthen CTE programs in high school so that students are better prepared for postsecondary studies and the workforce. I hope that my colleagues consider this legislation as we move to reauthorize the Carl D. Perkins CTE Act.

By Mr. GRASSLEY (for himself, Mrs. FEINSTEIN, Mr. LEAHY, and Mr. HATCH):

S. 1010. A bill to amend title 17, United States Code, to provide additional responsibilities for the Register of Copyrights, and for other purposes; to the Committee on Rules and Administration.

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

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

S. 1010

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Register of Copyrights Selection and Accountability Act of 2017".

SEC. 2. REGISTER OF COPYRIGHTS.

(a) AMENDMENTS.—Section 701 of title 17, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) All administrative" and inserting the following:

"(a) REGISTER AND DIRECTOR.—

"(1) IN GENERAL.—All administrative";

(B) by striking "director" and inserting "Director";

(C) by inserting after the first sentence the following: "The Register of Copyrights shall be a citizen of the United States with a professional background and experience in copyright law, shall be capable of identifying and supervising a Chief Information Officer or

other similar official responsible for managing modern information technology systems, and shall be appointed by the President from the individuals recommended under paragraph (6), by and with the advice and consent of the Senate.”; and

(D) in the last sentence, by striking “shall be appointed” and all that follows through “and shall act” and inserting “shall act”;

(2) in subsection (b), by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and adjusting the margins accordingly;

(3) by redesignating subsection (b) as paragraph (2), and adjusting the margins accordingly;

(4) in paragraph (2), as so redesignated, by inserting “DUTIES.—” before “In addition”;

(5) by inserting after paragraph (2) the following:

“(3) OATH.—The Register of Copyrights shall, before taking office, take an oath to discharge faithfully the duties of the Copyright Office described in paragraph (2).

“(4) REMOVAL.—

“(A) IN GENERAL.—The Register of Copyrights may be removed from office by the President.

“(B) NOTIFICATION.—The President shall provide notification to both Houses of Congress of a removal under subparagraph (A).

“(5) TERM OF OFFICE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Register of Copyrights—

“(i) shall be appointed for a term of 10 years; and

“(ii) may serve until a successor is appointed, confirmed, and taken the oath of office.

“(B) LIMITATION.—The Register of Copyrights may not continue to serve after the date on which Congress adjourns sine die after the date on which the 10-year period described in subparagraph (A)(i) ends.

“(C) REAPPOINTMENT.—An individual appointed to the position of Register of Copyrights, by and with the advice and consent of the Senate, may be reappointed to that position in accordance with the requirements of this section.

“(6) PANEL FOR REGISTER OF COPYRIGHTS RECOMMENDATIONS.—There is established a panel to recommend a list of at least 3 individuals to the President for appointment as the Register of Copyrights. The panel shall be composed of the following:

“(A) The Speaker of the House of Representatives.

“(B) The President pro tempore of the Senate.

“(C) The majority and minority leaders of the House of Representatives and the Senate.

“(D) The Librarian of Congress.”;

(6) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(7) in subsection (b), as so redesignated, by inserting “SEAL.—” before “The Register”;

(8) in subsection (c), as so redesignated, by inserting “ANNUAL REPORT.—” before “The Register”;

(9) in subsection (d), as so redesignated, by inserting “APPLICABILITY OF TITLE 5.—” before “Except as provided”; and

(10) in subsection (e), as so redesignated, by inserting “COMPENSATION.—” before “The Register”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to any vacancy for the Register of Copyrights after January 1, 2017. If a Register of Copyrights is appointed during the period beginning on January 1, 2017 and ending on the day before the date of the enactment of this Act, that Register shall meet the requirements of the amendments made by this Act or shall be replaced in accordance with such amendments.

SEC. 3. CONSTRUCTION.

Nothing in this Act may be construed to impact the mandatory deposit requirements in title 17, United States Code.

By Mr. CORNYN (for himself, Mr. RUBIO, Mr. PORTMAN, Mr. WARNER, Mr. BLUMENTHAL, and Mr. COONS):

S. 1011. A bill to prevent the Iranian Islamic Revolutionary Guard Corps from using Mahan Air for material support for terrorist activities; to the Committee on Foreign Relations.

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

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

S. 1011

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Mahan Air and Terrorism Prevention Act of 2017”.

SEC. 2. REPORT ON AIRPORTS USED BY MAHAN AIR.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter through 2020, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report that includes—

(1) a list of all airports at which aircraft owned or controlled by Mahan Air have landed during the 2 years preceding the submission of the report; and

(2) for each such airport—

(A) an assessment of whether aircraft owned or controlled by Mahan Air continue to conduct operations at that airport;

(B) an assessment of whether any of the landings of aircraft owned or controlled by Mahan Air were necessitated by an emergency situation;

(C) a determination regarding whether additional security measures should be imposed on flights to the United States that originate from that airport; and

(D) an explanation of the rationale for that determination.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION OF LIST.—The list required by subsection (a)(1) shall be publicly and prominently posted on the website of the Department of Homeland Security on the date on which the report required by subsection (a) is submitted to Congress.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 149—SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. WICKER (for himself and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 149

Whereas April 25 of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing coun-

tries, despite being preventable and treatable;

Whereas fighting malaria is in the national interest of the United States because reducing the risk of malaria protects members of the Armed Forces and other people of the United States serving overseas in malaria-endemic regions, and reducing malaria deaths helps to lower risks of instability in less developed countries;

Whereas United States support for efforts to fight malaria—

(1) is in the diplomatic and moral interests of the United States;

(2) generates goodwill toward the United States; and

(3) highlights the values of the people of the United States through the work of governmental, nongovernmental, and faith-based organizations of the United States;

Whereas, in 2015, 91 countries and areas had ongoing malaria transmissions;

Whereas nearly ½ of the population of the world is at risk for malaria, with sub-Saharan African carrying a disproportionately high burden, with 90 percent of malaria cases and 92 percent of malaria deaths in the world;

Whereas young children and pregnant women are particularly vulnerable to, and disproportionately affected by, malaria;

Whereas malaria greatly affects the health of children, since children under the age of 5 account for an estimated 70 percent of malaria deaths each year;

Whereas the World Malaria Report 2016 by the World Health Organization states that, in 2015, approximately 429,000 people died of malaria, which is a 50-percent decrease since 2000;

Whereas the United States Government has played a leading role in the recent progress made toward reducing the global burden of malaria, particularly through the President's Malaria Initiative and the contribution of the United States to the Global Fund to Fight AIDS, Tuberculosis, and Malaria; and

Whereas the United States Government is pursuing a comprehensive approach to ending malaria deaths through the President's Malaria Initiative, which is led by the United States Agency for International Development and implemented with assistance from the Centers for Disease Control and Prevention, the Department of State, the Department of Health and Human Services, the National Institutes of Health, the Department of Defense, and private sector entities; Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Malaria Day;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria morbidity, mortality, and prevalence, particularly through the efforts of the President's Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) recognizes the goals, priorities, and authorities to combat malaria set forth in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293; 122 Stat. 2918);

(6) supports continued leadership by the United States in bilateral, multilateral, and private sector efforts to combat malaria and to work with developing countries to create

long-term strategies to increase ownership over malaria programs; and

(7) encourages other members of the international community to sustain and increase their support for, and financial contributions to, efforts to combat malaria worldwide.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCOTT. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, May 2, 2017, at 9:30 a.m.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, May 2, 2017, at 10 a.m. to conduct a hearing entitled "Examining the U.S.-EU Covered Agreement."

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Senate Committee on Energy and Natural Resources is authorized to meet during the session of the Senate in order to hold a hearing on Tuesday, May 2, 2017, at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON FOREIGN RELATIONS

The Senate Select Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, May 2, 2017, at 10 a.m., to hold a hearing entitled "Nominations."

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, May 2, 2017, at 10:30 a.m., in room SD-226 of the Dirksen Senate Office Building.

COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, May 2, 2017, at 2 p.m.

MODERNIZING GOVERNMENT TRAVEL ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 40, H.R. 274.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 274) to provide for reimbursement for the use of modern travel services by Federal employees traveling on official Government business, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be

considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 274) was ordered to a third reading, was read the third time, and passed.

DHS SAVE ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 41, H.R. 366.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 366) to amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

H.R. 366

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Stop Asset and Vehicle Excess Act" or the "DHS SAVE Act".

SEC. 2. DHS VEHICLE FLEETS.

Section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341) is amended—

(1) in subsection (a)(5), by inserting "vehicle fleets (under subsection (c))" after "equipment,";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) VEHICLE FLEETS.—

"(1) IN GENERAL.—In carrying out responsibilities regarding vehicle fleets pursuant to subsection (a)(5), the Under Secretary for Management shall be responsible for overseeing and managing vehicle fleets throughout the Department. The Under Secretary shall also be responsible for the following:

"(A) Ensuring that components are in compliance with Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) relating to fleet management and use of vehicles from home to work.

"(B) Developing and distributing a standardized vehicle allocation methodology and fleet management plan for components to use to determine optimal fleet size in accordance with paragraph (4).

"(C) Ensuring that components formally document fleet management decisions.

"(D) Approving component fleet management plans, vehicle leases, and vehicle acquisitions.

"(2) COMPONENT RESPONSIBILITIES.—

"(A) IN GENERAL.—Component heads—

"(i) shall—

"(I) comply with Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) relating to fleet management and use of vehicles from home to work;

"(II) ensure that data related to fleet management is accurate and reliable;

"(III) use such data to develop a vehicle allocation tool derived by using the standardized vehicle allocation methodology provided by the Under Secretary for Management to determine the optimal fleet size for the next fiscal year and a fleet management plan; and

"(IV) use vehicle allocation methodologies and fleet management plans to develop annual requests for funding to support vehicle fleets pursuant to paragraph (6); and

"(ii) may not, except as provided in subparagraph (B), lease or acquire new vehicles or replace existing vehicles without prior approval from the Under Secretary for Management pursuant to paragraph (5)(B).

"(B) EXCEPTION REGARDING CERTAIN LEASING AND ACQUISITIONS.—If exigent circumstances warrant such, a component head may lease or acquire a new vehicle or replace an existing vehicle without prior approval from the Under Secretary for Management. If under such exigent circumstances a component head so leases, acquires, or replaces a vehicle, such component head shall provide to the Under Secretary an explanation of such circumstances.

"(3) ONGOING OVERSIGHT.—

"(A) QUARTERLY MONITORING.—In accordance with paragraph (4), the Under Secretary for Management shall collect, on a quarterly basis, information regarding component vehicle fleets, including information on fleet size, composition, cost, and vehicle utilization.

"(B) AUTOMATED INFORMATION.—The Under Secretary for Management shall seek to achieve a capability to collect, on a quarterly basis, automated information regarding component vehicle fleets, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles.

"(C) MONITORING.—The Under Secretary for Management shall track and monitor component information provided pursuant to subparagraph (A) and, as appropriate, subparagraph (B), to ensure that component vehicle fleets are the optimal fleet size and cost effective. The Under Secretary shall use such information to inform the annual component fleet analyses referred to in paragraph (4).

"(4) ANNUAL REVIEW OF COMPONENT FLEET ANALYSES.—

"(A) IN GENERAL.—To determine the optimal fleet size and associated resources needed for each fiscal year beginning with fiscal year 2018, component heads shall annually submit to the Under Secretary for Management a vehicle allocation tool and fleet management plan using information described in paragraph (3)(A). Such tools and plans may be submitted in classified form if a component head determines that such is necessary to protect operations or mission requirements.

"(B) VEHICLE ALLOCATION TOOL.—Component heads shall develop a vehicle allocation tool in accordance with subclause (III) of paragraph (2)(A)(i) that includes an analysis of the following:

"(i) Vehicle utilization data, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles, in accordance with such paragraph.

"(ii) The role of vehicle fleets in supporting mission requirements for each component.

"(iii) Any other information determined relevant by such component heads.

"(C) FLEET MANAGEMENT PLANS.—Component heads shall use information described in subparagraph (B) to develop a fleet management plan for each such component. Such

fleet management plans shall include the following:

“(i) A plan for how each such component may achieve optimal fleet size determined by the vehicle allocation tool required under such subparagraph, including the elimination of excess vehicles in accordance with paragraph (5), if applicable.

“(ii) A cost benefit analysis supporting such plan.

“(iii) A schedule each such component will follow to obtain optimal fleet size.

“(iv) Any other information determined relevant by component heads.

“(D) REVIEW.—The Under Secretary for Management shall review and make a determination on the results of each component's vehicle allocation tool and fleet management plan under this paragraph to ensure each such component's vehicle fleets are the optimal fleet size and that components are in compliance with applicable Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) pursuant to paragraph (2) relating to fleet management and use of vehicles from home to work. The Under Secretary shall use such tools and plans when reviewing annual component requests for vehicle fleet funding in accordance with paragraph (6).

“(5) GUIDANCE TO DEVELOP FLEET MANAGEMENT PLANS.—The Under Secretary for Management shall provide guidance, pursuant to paragraph (1)(B), on how component heads may achieve optimal fleet size in accordance with paragraph (4), including processes for the following:

“(A) Leasing or acquiring additional vehicles or replacing existing vehicles, if determined necessary.

“(B) Disposing of excess vehicles that the Under Secretary determines should not be reallocated under subparagraph (C).

“(C) Reallocating excess vehicles to other components that may need temporary or long-term use of additional vehicles.

“(6) ANNUAL REVIEW OF VEHICLE FLEET FUNDING REQUESTS.—As part of the annual budget process, the Under Secretary for Management shall review and make determinations regarding annual component requests for funding for vehicle fleets. If component heads have not taken steps in furtherance of achieving optimal fleet size in the prior fiscal year pursuant to paragraphs (4) and (5), the Under Secretary shall provide rescission recommendations to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives and the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such component vehicle fleets.

“(7) ACCOUNTABILITY FOR VEHICLE FLEET MANAGEMENT.—

“(A) PROHIBITION ON CERTAIN NEW VEHICLE LEASES AND ACQUISITIONS.—The Under Secretary for Management and component heads may not approve in any fiscal year beginning with fiscal year 2019 a vehicle lease, acquisition, or replacement request if such component heads did not comply in the prior fiscal year with paragraph (4).

“(B) PROHIBITION ON CERTAIN PERFORMANCE COMPENSATION.—No Department official with vehicle fleet management responsibilities may receive annual performance compensation in pay in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

“(C) PROHIBITION ON CERTAIN CAR SERVICES.—Notwithstanding any other provision of law, no senior executive service official of the Department whose office has a vehicle fleet may receive access to a car service in

any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

“(8) MOTOR POOL.—

“(A) IN GENERAL.—The Under Secretary for Management may determine the feasibility of operating a vehicle motor pool to permit components to share vehicles as necessary to support mission requirements to reduce the number of excess vehicles in the Department.

“(B) REQUIREMENTS.—The determination of feasibility of operating a vehicle motor pool under subparagraph (A) shall—

“(i) include—

“(I) regions in the United States in which multiple components with vehicle fleets are located in proximity to one another, or a significant number of employees with authorization to use vehicles are located; and

“(II) law enforcement vehicles;

“(ii) cover the National Capital Region; and

“(iii) take into account different mission requirements.

“(C) REPORT.—The Secretary shall include in the Department's next annual performance report required under current law the results of the determination under this paragraph.

“(9) DEFINITIONS.—In this subsection:

“(A) COMPONENT HEAD.—The term ‘component head’ means the head of any component of the Department with a vehicle fleet.

“(B) EXCESS VEHICLE.—The term ‘excess vehicle’ means any vehicle that is not essential to support mission requirements of a component.

“(C) OPTIMAL FLEET SIZE.—The term ‘optimal fleet size’ means, with respect to a particular component, the appropriate number of vehicles to support mission requirements of such component.

“(D) VEHICLE FLEET.—The term ‘vehicle fleet’ means all owned, commercially leased, or Government-leased vehicles of the Department or of a component of the Department, as the case may be, including vehicles used for law enforcement and other purposes.”.

[SEC. 3. GAO REPORT AND INSPECTOR GENERAL REVIEW.]

(a) GAO REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the following:

(1) The status of efforts at achieving a capability to collect automated information as required under subsection (c)(3) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by section 2 of this Act, and any challenges that remain with respect to achieving the capability to collect, assess, and report vehicle fleet (as such term is defined in subsection (c)(9) of such section 701) data for the purpose of determining vehicle utilization.

(2) The extent to which the Under Secretary for Management has identified and addressed any relevant security concerns, including cybersecurity risks, related to such automation.

(3) The extent to which the Under Secretary collects, assesses, and reports on vehicle fleet event data recorder data.

(b) INSPECTOR GENERAL REVIEW.—The Inspector General of the Department of Homeland Security shall—

(1) review implementation of subsection (c)(4) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by section 2 of this Act, for fiscal years 2018 and 2020, and shall provide, upon request, to the Committee on Homeland Security of the House of Representatives and the Committee on

Homeland Security and Governmental Affairs of the Senate information regarding any such review; and

(2) submit to the committees specified in paragraph (1) a report, not later than 6 months after completion of the second review required under such paragraph, regarding the effectiveness of such subsection with respect to cost avoidance, savings realized, and component operations.】

SEC. 3. INSPECTOR GENERAL REVIEW.

The Inspector General of the Department of Homeland Security shall—

(1) conduct a review of the implementation of subsection (c)(4) of section 701 of the Homeland Security Act of 2002 (6 U.S.C. 341), as added by section 2 of this Act, for fiscal year 2019, which shall include analysis of the effectiveness of such subsection (c)(4) with respect to cost avoidance, savings realized, and component operations; and

(2) provide, upon request, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives information regarding the review required under paragraph (1).

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendments be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 366), as amended, was passed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL SAFE DIGGING MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 137.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 137) supporting the goals and ideals of National Safe Digging Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of April 24, 2017, under “Submitted Resolutions.”)

SUPPORTING THE GOALS AND
IDEALS OF WORLD MALARIA DAY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 149, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 149) supporting the goals and ideals of World Malaria Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. I know of no further debate on the measure.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 149) was agreed to.

Mr. McCONNELL. I ask unanimous consent that the preamble be agreed to and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, MAY 3,
2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, May 3; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, we expect to have a rollcall vote on the motion to proceed to H.J. Res. 66, the States' savings CRA resolution of disapproval, between 10:30 and 11 a.m. tomorrow morning.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

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

There being no objection, the Senate, at 5:59 p.m., adjourned until Wednesday, May 3, 2017, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

MARSHALL BILLINGSLEA, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE DANIEL L. GLASER.

EXECUTIVE OFFICE OF THE PRESIDENT

RUSSELL VOUGHT, OF VIRGINIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE BRIAN C. DEESE.

CONFIRMATION

Executive nomination confirmed by the Senate May 2, 2017:

SECURITIES AND EXCHANGE COMMISSION

JAY CLAYTON, OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2021.