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Senate

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

PRAYER

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

Let us pray.

Our Father in Heaven, we trust You to direct our lives. You are holy, ruling in the Heavens.

Keep our lawmakers faithful to You as You use them to accomplish Your purposes. May they hear the groans of the poor, the cries of the helpless, and the moans of the oppressed.

Help our Senators to cause justice to roll down like waters and righteousness like a mighty stream. Give them the wisdom to find in You a refuge in turbulent times, remembering that You will never abandon those who seek You. Grant them the greatness of being on Your side, doing Your will on Earth, even as it is done in Heaven.

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. COTTON). The majority leader is recognized.

TAX CUTS AND JOBS ACT

Mr. McCONNELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 1) entitled "An Act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCONNELL. Mr. President, last week, Senators answered the call of our constituents by voting to overhaul our complex and outdated Federal Tax Code.

We seized the opportunity to spur economic growth, to help create jobs right here at home, and to take more money out of Washington's pocket and put more money into the pockets of hard-working American families.

Our bill also helps to provide for the country's energy security by further developing Alaska's oil and gas potential in an environmentally responsible way, and it delivers relief to low- and middle-income Americans by repealing ObamaCare's individual mandate tax.

I would like to once again thank every one of my colleagues who supported this once-in-a-generation effort to make our Tax Code work for the middle class and to help them get ahead.

Since the beginning of this process, we said that tax reform would be done through regular order and an open process. That is exactly what has happened.

Under Chairman HATCH's leadership, the Senate Finance Committee hosted dozens of hearings over multiple years and a full committee markup. Members on both sides of the aisle had a chance to offer amendments both in committee and on the floor. We considered numerous amendments and, when it came time to vote, the Senate approved the bill. This has been a years-long process to deliver tax reform. We have come a long way, and we still have more work ahead of us.

Earlier this week, our colleagues in the House voted to work with Members of the Senate to produce a final bill to

send to the President's desk. Later today, the Senate will do the same. We will vote to join our colleagues in a conference to finish our work on tax reform. The American people deserve taxes that are lower, simpler, and fairer. By voting for a conference, we will be one step closer to getting it done.

I look forward to voting to send our legislation to conference later today.

FUNDING THE GOVERNMENT

Mr. President, now on another matter, with the cooperation of our colleagues, Congress will pass a short-term continuing resolution before the end of the week. Once the House passes a continuing resolution, the Senate will have a chance to consider it as well.

By sending this short-term funding provision to the President for his signature, we will ensure that the government remains open while bipartisan discussions continue with our colleagues in Congress and the White House on a long-term funding solution.

In the meantime, it is important to recognize that this bill doesn't have any contentious provisions. We should all support it. A vote for this short-term measure will help maintain our military, it will continue the important work of Federal agencies, and it will provide States with certainty to continue funding the Children's Health Insurance Program until a bipartisan CHIP reauthorization agreement is finalized.

When the House sends us the short-term continuing resolution later this week, I urge all of my colleagues to join me in voting for it. That way, we can continue the critical operations of the Federal Government while we work to finalize a long-term solution.

RESERVATION OF LEADER TIME

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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



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The senior assistant legislative clerk proceeded to call the roll.

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

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

DACA

Mr. KAINE. Mr. President, I rise today to talk about Dreamers in Virginia. Congress is engaged in a discussion about many topics in December, one of which is what to do about the DACA Program. A couple of months ago, President Trump said he was going to terminate the DACA Executive order of President Obama in 6 months. That would be in early March, unless Congress found a resolution.

I am gratified that many of us are having discussions about what that resolution might be. In particular, I want to acknowledge that 35 House Republicans yesterday signed on to a letter that was led by Virginia Representative SCOTT TAYLOR, from the Hampton Roads area, saying: We need to fix this, and we need to fix this by the end of the year.

I want these discussions to continue. In Virginia, there are about 13,500 Dreamers. I want to tell a few of their stories and why Virginia is a better State because of them and why, I think, the Nation is a better country because of the hundreds of thousands of Dreamers who are contributing to the diverse richness of this country. Let me talk about a few of the Virginia Dreamers I have met in the last few months.

The first is the pretty astounding story of Gloria Oduoye. Gloria is a child of parents who are Nigerian. She was born in England, and her parents brought her to the United States when she was 1 year old. Her dad is a doctor and came to practice medicine and work on a work visa, but then her dad became ill and could no longer work. As a result, the work visa expired. Gloria then became undocumented when her father's visa expired.

Gloria was not aware that she was undocumented until she was about to start college, and her parents had to tell her the full story. Gloria is a remarkable, remarkable young woman. She went to Wesleyan College on a scholarship and graduated. Then, she enrolled at William & Mary Law School.

Gloria is scheduled to graduate this month. When she does, she will be the first DACA student to get a law degree in Virginia and only the fourth DACA recipient in the United States to get a law degree. She is bound and determined. She said: I am going to be the first undocumented student to get a law degree in Virginia, and I am going to be the first undocumented lawyer in Virginia, and I am going to be the first undocumented judge in Virginia.

She is very, very focused upon her studies. She has been very involved with the National Black Law Students Association, the Immigration Law and

Service Society, and the Virginia Intercollegiate Immigrants' Association for the last 3 years.

I have had a chance to meet Gloria. She is a tremendous, tremendous young lady. That is Gloria.

Andreas Magnusson is in Richmond. He has an unusual story. Andreas is Swedish. He is a Swedish-born music producer and mixer. His parents brought him to the United States when he was 2 years old. This is the only home that he has ever known. His career in the music industry has blossomed in the United States, where with his first band he sold over 50,000 records, and he has toured the United States and other countries. Currently, he works out of his house in Richmond, where I live, and he has a recording studio, and he has sold a combined 1.5 million records through the span of his youthful music career.

The United States is his home. Richmond is his home. It is where his career is, and it is where his family lives. His mother, his stepfather, and his two half brothers are all American citizens. Andreas, Swedish born, is a Dreamer.

For fun, he is branching out from music to, I guess, demonstrate the Swedish-Virginian talent for barbecues. Now he is into barbecue competitions in Virginia, and he wants to enter more competitions in the future.

Neither Gloria nor Andreas are the typical snapshot you might think of when you think of a Dreamer; one a Nigerian lawyer and one a Swedish music producer.

Bruna Cardosa, whose friends call her Mel, is from Hampton, VA, in the Tidewater area. She works with children and family services issues. She is a DACA recipient. Her whole goal is to use her education to do social work. She also would like to combine her social work background and degree with a future degree in law to help immigrants like herself. She works for a nonprofit that focuses on mental health needs.

I think we all know how significant mental health needs are in the country and how many people have never been diagnosed or, if they get diagnosed, they don't get treatment. This is an important issue, and the organization she works for helps people to make sure they can find the financial support they need to access the mental healthcare they need.

Before she worked with this family services agency, she formed a coalition called I-CAUSE with other DACA recipients in Hampton Roads to help undocumented students be able to afford higher education. She has received numerous scholarships, honors, and awards that have allowed her to pursue her higher education and, specifically, she was a recipient of the Hispanic Scholarship Fund, to get her social work degree.

With her academic success and her passion to help others, Brunna is exactly the kind of Virginian we love to celebrate because she is a person of accom-

plishment who is taking her own skills and not just benefiting herself but benefiting others. That is as Virginian and American a value as there is.

The fourth student I will mention is somebody I have come to know a little bit, Giancarla Rojas. Giancarla is a DACA recipient here in the Northern Virginia area. She came to America a decade ago to be reunited with her parents, whom she had not seen for 7 years.

In an article in the Washington Post that highlighted her particular story, Giancarla said that she spoke only Spanish when she came here and that the way she and her father perfected their English was by riding in the car and singing Beatles songs and Chicago songs. The Presiding Officer is too young to remember the band Chicago. This is a geezer-style band. Yet it is interesting to think of somebody from Central America coming and deciding, with her dad, that she will listen and sing to geezer rock on the radio as a way of learning English. I don't think the Beatles gave her an English accent, by the way, but it did teach her to speak English quite well.

The article mentioned that when she came to the United States, even the most simple homework assignments were virtually impossible for her. She had to study so hard to succeed—much harder than others—because of the language difficulties, but, very quickly, she was not just doing well, she was in honors classes, and she wanted others to succeed. As in the other stories that I have mentioned, she has made a passion of assisting others to do what she has done—to learn English, to prepare for citizenship tests.

She was prompted to advocate for Dreamers when a school counselor told her: Sorry for you. College is not an option because you will have to pay out-of-State tuition. Her family couldn't afford it. Instead, when the counselor told her that, she decided to join a lawsuit, and the lawsuit led to Virginia's offering in-state tuition to those who were living here and paying taxes and succeeding like Giancarla.

She maintained her high GPA. She earned admission to Radford University, a wonderful university in southwestern Virginia. She was the first Dreamer to be accepted at Radford. She was given a full scholarship, and she graduated with a bachelor's degree in international economics in May of 2016. She is determined and committed to serving her community just like the other 13,500 Dreamers in Virginia.

This is a very important issue. After saying that the Dreamers are great kids and that they had "nothing to worry about with me," I was disappointed when the President said: I am going to terminate the program in 6 months. I viewed it as a little bit of a broken promise. Yet there was something in that announcement that, frankly, I think we have to grapple with, which is that no Executive action is as good as a statutory fix. An Executive action can be changed by this

President or that. So, even though I supported President Obama's DACA Executive order, I recognized that it was not the same as a statutory fix.

We do need Congress to act on this. I was proud to have been one of nearly 70 Members of this body in June of 2013 to have voted for a comprehensive immigration reform bill that included the Dream Act—a permanent statutory solution for these Dreamers. We need to find that permanent solution. The dialogue that we are having about the Dream Act is championed by Senator DURBIN and is cosponsored by many, including me. It is bipartisan and has the cosponsorship of LINDSEY GRAHAM. There is also the BRIDGE Act, which has been proposed by Republican Members, which also tries to solve the Dreamer issue, as well as the letter in the House that I mentioned the other day.

It seems as though we are in the time in which we are having this discussion in seriousness, and we are on the path to finding a permanent solution. We need to do this. These families are law-abiding, tax-paying, hard-working, setting-example kinds of families. You will find them serving in the military and starting businesses and succeeding as these young people are, whom I have described.

This is a season in which we have a lot on our plate. We have budgetary issues, and we have the CHIP insurance program for kids. We have a lot on our plate between now and when we adjourn for the holidays at the end of the month. This is an issue that we can solve, and I am heartened to see the discussion reaching a boil. I am heartened to see bipartisan support for these Dreamers, but I am not surprised because, when you read their stories, you will see why their cases are compelling and why not just Members of this body and the House but also the American public strongly support a permanent resolution.

I encourage my colleagues to do this. Let's do it soon. We will be proud of ourselves if we do, and we will be able to be proud of the accomplishments of the young people like those whom I have described.

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

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

TRIBUTE TO RICH HEFFRON

Mr. COONS. Mr. President, I rise today to offer a tribute to a friend, a leader, and one-of-a-kind, Rich Heffron.

My colleagues in the Delaware congressional delegation—Senator CARPER and Congresswoman BLUNT ROCH-ESTER—join me in congratulating Rich Heffron on his long record of service to

Delaware. Rich will soon be retiring as the president of the Delaware State Chamber of Commerce, and I wanted to take the time today to honor his many contributions not just to Delaware's business community but to our legal, educational, and governmental communities, to all of Delaware.

Rich moved from Philadelphia to Wilmington back in 1971, attending Delaware Law School and serving as an intern for then-Senator Joe Biden. Rich later functioned as finance director for Joe Biden's 1978 senatorial campaign. Rich's career took off in 1985 when he started as a special assistant and top aide to then-Wilmington mayor Dan Frawley. Mayor Frawley wisely recognized Rich's business acumen and promoted him to director of the Department of Real Estate and Housing in 1987. There, Rich helped establish the Wilmington Housing Partnership and became one of Mayor Frawley's most trusted advisers, a key part of his "kitchen cabinet."

Rich later departed Wilmington city government in 1992 to embark on his journey with the Delaware State Chamber of Commerce, where he would serve for more than a quarter of a century. Mayor Frawley was sad to lose Rich but recognized his great value to our entire State through the chamber. "If I were the president of the state chamber, I would want to be able to communicate across political lines, across community and business lines," then-Mayor Frawley said. "Rich has demonstrated that reach that goes beyond partisan."

At the State chamber, Rich managed the government affairs department and was the organization's chief advocate for Federal, State, and local issues, and it was in this role that I first met him. Under Rich's great and lasting leadership, the State chamber has been a strong organization, representing the business community on a very wide range of issues. He expanded the chamber's advocacy role across the State and recently helped guide the modernization of the Coastal Zone Act and advocated for the creation of the Delaware Prosperity Partnership to help Delaware's economic development for the future.

His insight was and still is frequently sought after in many policy areas, including government fiscal and tax policy, healthcare issues, land use management, and workers' compensation. Rich's depth of knowledge has been a resource for everyone who has spoken with him. His weekly emails, webcasts, and television and radio appearances are insightful, informative, and engaging. In short, he has long had his finger on the pulse of Delaware.

Throughout his tenure at the chamber, Rich has served on many boards and commissions, and I will mention just a few: the Governor's Workers Compensation Advisory Commission, the Workers Compensation Health Care Advisory Panel, and the Delaware Health Care Commission.

Rich also made educating the next generation of Delawareans of all backgrounds a priority as an adjunct faculty member teaching business and political science at Delaware Technical and Community College and at Wilmington University.

Rich's opinions, his style, and his voice have been sought out for nearly 30 years by business leaders, elected officials, and Delawareans alike up and down our State, and all those who got to know Rich Heffron got to know him as a friend.

Our Governor, John Carney, had this to say about Rich just the other day:

Rich exemplifies the Delaware Way. He has great relationships with legislators and elected officials on both sides of the aisle. He takes a long-term approach to issues rather than an ideological or short-term approach because he realizes we are here to work together and get something done that will benefit our state. We owe Rich an incredible debt of gratitude for what he has done for the Delaware State Chamber of Commerce, for what he's done to support job creation for Delawareans, and for what he has done to improve the Great State of Delaware.

Former Delaware State representative Bobby Byrd, a longtime friend and former coworker of Rich's, also spoke of his long career of service to our community. Bobby Byrd said:

Not only has Rich been a lifelong Democratic Party activist, he has also been a very competent advocate for Delaware's business community. He is truly an example of the Delaware Way.

Although Rich is now retiring, his voice and his counsel will never be far away, and, in retirement, his Temple Owls sports teams will be just a bit closer.

I personally wanted to say to Rich my great thanks for the many ways in which you have encouraged and advised and supported me in the 8 years I worked in the private sector in manufacturing and the 10 years I served in county government and now in my 7 years here in the Senate.

Many in this body find it hard to understand when Senator CARPER and I talk about this Delaware Way, where we all work together and find ways to solve problems, but the idea that a Democratic Party activist is the long-serving and well-regarded head of our State chamber of commerce is just one small example of that Delaware Way.

Rich, no one has been a better, more trusted source of advice to business leaders, community leaders, and political leaders alike than you.

It is appropriate that this is the eve of Delaware Day, when almost 230 years to the day tomorrow, the brave Delaware delegates, risking their lives and everything they had, met at the Golden Fleece Tavern in Dover, DE, and unanimously voted to make Delaware the first State to ratify our Constitution. Tonight, we will celebrate again our annual Taste of Delaware event in honor of Delaware Day.

Tonight, Rich, we will toast you at our seventh annual Taste of Delaware event, an event that wouldn't be possible without you and the State chamber's unyielding support. The Taste of

Delaware event is a great example of what it means to bring people together from across our State, from our three counties, from north and south, and to travel to Washington and share with all of our colleagues here in the Senate some of what makes Delaware special.

Rich, you and your team have created a wonderful Washington tradition, attracting literally thousands of guests and dozens of Delaware's culinary staples to celebrate the First State here in the Nation's Capital. And, Rich, you yourself have been the best example I could provide to my colleagues of what it is that makes Delaware so special.

You will be missed, Rich, in your role at the State chamber, and I wish you and Colleen and your family all the best in your well-deserved years of retirement.

Thank you.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING AL HILL, JR.

Mr. CORNYN. Mr. President, I would like to begin my comments today by offering my condolences to the family of my friend, Al Hill, Jr. Al was the oldest grandson of the legendary Texas oilman H.L. Hunt, and he passed away last Saturday.

Al was many things to many people. We shared in common as alumnus the fact that we both went to Trinity University, but the difference between us is that Al was a star tennis player and I was not. He later popularized the sport as president of World Championship Tennis. During the rest of his career following his education, he worked in the energy industry, was a commercial real estate developer, and most of us knew him as a prominent philanthropist, along with the entire Hill family.

Al positively impacted the lives of more people than I can count, including mine, and I simply want to say how much we will miss him.

SAFER PROGRAM REAUTHORIZATION ACT

Mr. President, the second person I would like to talk about today, and the focus of my remarks, is a Texas woman named Lavinia Masters. Lavinia is not famous in a sense, but she is near and dear to my heart because of her courage.

When Lavinia was 13 years old, she was sexually assaulted at knifepoint by a man who broke into her family's home. Her parents were sleeping upstairs and immediately called the police.

Lavinia was taken to the hospital in Dallas, where a forensic exam was performed and DNA evidence was collected in a rape kit, but then it sat there. The evidence sat around for 20

years untested, believe it or not. When other victims of sexual assault had similar forensic exams performed, their rape kits were added to Lavinia's, warehoused, not tested, and eventually a backlog began.

More than two decades later, in 2005, Lavinia's rapist had not yet been identified. She calls the frustration and anxiety of having to wait year after year "pouring salt on the wound." She didn't know who the rapist was, and she didn't know if he was still around or whether her life was even in jeopardy.

One day, Lavinia saw a TV commercial about a new initiative to clear backlogged rape kits. She called the Dallas Police Department, and, fortunately, officers reopened her case. Soon thereafter, her untested rape kit was located. When it was finally tested, it turned up a DNA match for her perpetrator. Well, the rapist was already in jail for other crimes he had committed, but because of the statute of limitations—which bars prosecuting somebody after a certain period of time—she couldn't even press charges, which is a shame.

This case, and Lavinia's courage in coming forward and letting us talk about her case, demonstrates the importance of testing these rape kits. It is important not only because the power of DNA testing will allow you to identify whom the perpetrator was, but it will also allow you to exonerate or exclude somebody whose DNA does not match that in the rape kit.

All of this illustrates problems inherent in untested rape kits that lie in storage lockers and laboratory counters across this country. These kits contain forensic evidence with the potential to solve a crime. As Lavinia's case demonstrates, frequently, people who commit sexual assault don't just do it once; they are serial offenders, and they will keep going until they are caught.

Unfortunately, in Lavinia's case, because of the 20-year interval from the time she was assaulted, it is unknowable how many times her assailant committed similar acts of sexual violence against other people before he was finally stopped.

These rape kits contain forensic evidence with the potential to solve a crime, to put a rapist behind bars, and to provide victims with closure and vindication, and society with justice. The good news is, we have made great strides in recent years—not only in my State but the United States—in dealing with this problem.

One recent report from the Department of Public Safety indicates that there are still more than 2,000 kits that remain untested in Texas. That is unacceptable, but nationally the problem is even much bigger, with as many as 175,000 rape kits that haven't been analyzed. In other words, Lavinia Masters is not alone. She is joined by other Texas women, courageous women, like Carol Bart, who came forward with her

story to help other women and potential victims avoid their fate.

Their cases are why the bill I authored earlier this year is so important. It is called the SAFER Program Reauthorization Act. SAFER is an acronym for Sexual Assault Forensic Evidence Reporting. Victims of sexual assault—scarred by painful memories and physical trauma—can't afford to wait for more efficient procedures and funding that is easier to come by. They need their stories to be heard and the evidence tested.

My bill reauthorizes a program that was created in 2013, which has helped law enforcement reduce the national rape kit backlog. There are many jurisdictions like the city of Houston, for example, which, a few years ago, took this on their own and didn't wait around for the Federal Government or additional funding. It was just amazing how many hits they got on these untested rape kits that matched up to other reported crimes as well. It allowed them to solve not only unsolved sexual assault cases but other crimes by putting people at the scene of the crime who claimed to be somewhere else, for example.

My bill reauthorizes this program created in 2013, which has helped law enforcement reduce the national rape kit backlog. I am happy to have the support of my friend and colleague Representative TED POE, who is cosponsoring the bill in the House. The original legislation bears the name of the Debbie Smith Act, the name of another brave woman who stepped up and used her personal tragedy for good. We named the Debbie Smith Act after her. It allowed us to then use Federal funds and make them available to test untested rape kits. Actually, that original legislation improved it to 35 percent and required 7 percent of them to be used as audits on existing rape kit programs. The problem is, when we started, we didn't even know how many untested rape kits there were because there was no audit program, and much of the funds that were being used for the Debbie Smith Act were being used for administrative or other purposes and not to test rape kits. These audits are important. They have had the potential to uncover thousands more untested rape kits across the United States, each with evidence to be used to bring criminals to justice.

The reauthorization I sponsored goes one step further than the original legislation. It also ensures that pediatric forensic nurses are eligible for training so, once they complete it, they are better equipped to respond promptly and appropriately to children suffering from abuse.

Finally, this bill extends the sunset provision of the SAFER Program, which will ensure the longevity of our program with a proven history of success. I am grateful this SAFER Act has enjoyed the support of a broad range of bipartisan supporters in this Chamber, including the senior Senator from Minnesota and the Senators from Nevada

and Colorado, each of whom are original cosponsors.

Here is the problem. This bill has now passed the Senate but is waiting for action in the House. It is December, and we know the clock is ticking. It is imperative that the House act to reauthorize this program before the end of the year. While I am confident it will, time is running out. We need to make sure this money is allocated for the SAFER Program for the new year and that not only the testing continues but the audits continue so we can find other rape kits, like those of Carol Bart and Lavinia Masters, that need to be tested, perhaps sitting on an evidence locker shelf somewhere in a police department.

This week, a coalition of advocacy groups and law enforcement agencies called for the House to pass the SAFER Program Reauthorization Act in a timely fashion. They said the promise of SAFER has yet to be fully realized. They pointed out that the Nation is at a reckoning point when it comes to sexual assault and harassment. They are absolutely right. We have reached a critical turning point.

Today, as more and more survivors reach out to report these life-altering crimes, it is certainly not the time to let authorization for SAFER lapse. Fortunately, I know and these law enforcement and victim rights groups know that our colleagues in the House share their beliefs. Like I said, I know we are going to get this done, but time is running out, and I hope our colleagues in the House will take up this legislation—which has no controversy at all associated with it—and get it passed and get it to the President.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, Moody's Investors Service is one of America's credit rating agencies. It is not an environmental organization. It doesn't have any activity in the debate over climate change. That is not what it does. What Moody's does is to analyze the ability of companies and government agencies that issue debt to meet those debt obligations. These Moody's ratings matter because they determine the interest rates that States, counties, municipalities, and companies must pay.

There was some interesting news last week. Moody's declared it is time for cities, counties, and States along our coasts—Alaska is an example of a State with a lot of coast—to wake up to the growing risk of climate change. Moody's has adopted credit indicators

“to assess the exposure and overall susceptibility of U.S. States to the physical effects of climate change.”

The managing director said this:

What we want people to realize is: If you're exposed, we know that. We're going to ask questions about what you're doing to mitigate that exposure.

Moody's looked particularly at coasts and at the share of a State's economic activity generated by its coasts and coastal communities. It counts the amount of homes built on flood plains, and the risk of extreme weather damage in that State or community as a share of the State's economy. “That is taken into your credit ratings,” Moody's said.

It makes sense, obviously. Communities that face rising seas that face heavier storms, that face increased flood damage will bear greater costs of mitigation and repair. If property values drop as a result, so does revenue. Moody's realizes that investors need to take that information into account in analyzing bonds. So it is going into the Moody's ratings.

Think about that. The truth of climate science has gone beyond the warnings of scientists, which we ought to have heeded a long time ago. You have outstanding scientists at the University of Alaska who are studying ocean acidification, sea level changes, all of that—and we probably would have listened to those scientists but for the influence of the fossil fuel industry here. The truth of climate science has gone beyond the warnings of government agencies, national laboratories, and our military services—warnings which have been there for a long time and which we also ought to have heeded and probably would have but for the political influence of the fossil fuel industry. It has even gone beyond the warnings of our coastal States and communities and the coastal regulators, even beyond the warnings of the insurance and reinsurance industries—all of which we have refused to heed to placate the fossil fuel lobbyists—but now the financial referees who score credit risk are baking climate change risks into the assessment of coastal communities' credit-worthiness.

Moody's is not going to assess this risk just in blue States. Coastal communities in every corner of the country—in blue States and red States, alike—are facing climate change risk to their citizens and their economies. Let's take a look at North Carolina.

I visited North Carolina in 2014 to see the effects of climate change along our southeast coast. The problems I saw there bore a striking resemblance to what is happening in our shorefront towns in Rhode Island. The coastal folks who I met in North Carolina were every bit as concerned as coastal Rhode Islanders.

I visited the marine science facility at Pivers Island, where scientists from Duke University, the University of North Carolina, North Carolina State, East Carolina State, and NOAA are all

studying sea level rise and other effects of climate change. I met with the North Carolina Coastal Federation at their coastal education center in Wilmington, where a bipartisan group was united in concern over the exposure of their coastal communities to rising seas and fiercer storms. I flew out over the Outer Banks to see where sea level rise is slowly swallowing and relocating them.

The Outer Banks were formed millennia ago by the interaction of seas and sand. They are dynamic barriers that move with tides and storms. According to the U.S. Geological Survey, “the Outer Banks, particularly the ocean side, have always been hazardous places for man.” Nevertheless, they have become permanent homes to over 30,000 people, and they attract over \$1 billion of tourist spending in that county.

According to a recent comprehensive article by InsideClimate News and The Weather Channel, one beach near East Seagull Drive in Nags Head “has been eroding at about six feet per year”—six feet per year. Rapid erosion threatens shorefront homes and brings the ocean ever closer to major roads and infrastructure. State engineers scramble to keep Outer Banks roads and bridges open and to rebuild them stronger and higher. This isn't just a North Carolina issue. This is a story familiar to many coastal communities.

A Union of Concerned Scientists study reports that sea level rise is doubling the number of communities along the coast facing what the study calls “chronic inundations and possible retreat” in the next 20 years.

GAO, which we depend on for a great many things here, recently reported that coastal areas face particularly high financial risks—hence the Moody's decision—and that annual coastal property losses from sea level rise and increased storms would run into the billions of dollars every year in the short run, reaching over \$50 billion every year by late century. Every year it will be over \$50 billion in loss to coastal properties if we don't pay attention.

GAO referenced a report that estimated a total of “\$5 trillion in economic costs to coastal property from climate change through 2100”—\$5 trillion in economic costs to our coastal communities.

That is a story that Rhode Islanders see coming at us as well. Our barrier beach communities like Matunuck Beach and Green Hill in South Kingstown see rapid erosion.

The top photo here from North Carolina shows one of the two remaining homes at East Seagull Drive in Nags Head, the site I talked about. You can see that there is an exposed septic tank where all the sand has been washed off of, and you can see that there is limited beach left. At high tide, that house is over water.

On the bottom is a strikingly similar picture of houses in Green Hill, RI.

This photo was taken after the April 2007 nor'easter that tore through New England. This family's septic tank is also exposed from the sand that has been removed all around it, and the pilings here are keeping the home above the water. By 2009, this home got repaired, but it had to be moved back from the seashore and up a dune bank. You can only move back so far from rising seas before you start bumping into people's property behind you.

My predecessor, Senator John Chafee, who was once the chairman of our Environment and Public Works Committee, owned a family house in Matunuck, RI, where I remember swimming as a young man. The Chafee house is now completely gone, lost to rising seas.

Rhode Island's coast took a real lashing in 2012's Superstorm Sandy. These images are from Matunuck, where Sandy's storm surge wiped away beaches and exposed shorefront houses to the raw power of the sea.

The historic Browning Cottages up here were family homes for generations. Two of those historic homes had to be demolished. The third could be relocated inland. You can see from these shoreline maps the retreat of the shore to sea level rise and what it has done to these beachfront communities. Here in Nags Head, these little red squares are all where houses used to be that the sea moved in on, and they couldn't move backward. They had to be demolished and moved away. Only two remain—these two.

As you can see by the old shorelines, not that long ago coastal homes had yards of beach in front of them that is now lost. Storms, as well as sea level rise, can change all of that.

If you look at this Rhode Island map, you can see the steady loss of beach along this shore. But it tells two stories. Not only is it the story of the gradual loss of beach to rising seas, but it is also the story of the sudden devastation that a storm can wreak. This red line is how far the beach got pushed back in the hurricane of 1938. One big storm just scoured that beach clean. Now we are back behind that. Here is the 2014 line in blue.

If you look at this site on Google right now, you can see that it has gone even further back. Along Matunuck and the coastline, this is an establishment called the Ocean Mist. You can have a great time in the Ocean Mist. It is a great place.

Not very long ago, you could walk out the front of the Ocean Mist and down onto the beach, and you could walk dozens of yards across beach where people play volleyball and took the sun and hung out before they got to the sea. This is the Ocean Mist today. It has had to be propped up on pilings as the sea comes underneath it.

North Carolina and the Federal Government are having to spend millions of dollars replenishing the Outer Banks' beaches. The State now has to nourish more than 100 miles of beach

compared to just a dozen miles it worried about a few decades ago.

Western Carolina University has tallied up more than \$300 million spent by the State on beach nourishment from 2007 to 2016. Another \$64 million is expected to be spent by local government near Nags Head this year and \$48 million more in 2018. Nationwide, we spend about \$3.1 billion on beach nourishment.

EcoRI reports that Rhode Island lost about 90,000 cubic yards of beach sand just from Superstorm Sandy. Over \$3 million of Federal funding had to be used to help rebuild those Matunuck beaches after the storm.

Beach nourishment, seawalls, bulkheads, and rock armaments—you name it—are all temporary stopgaps that must eventually yield to rising seas. As this happens, there will be a constant drain out of local treasuries as communities have to spend more and more to keep up with the rising seas, and there will be a gradual loss of revenue into local treasuries as valuable oceanfront properties that pay local property taxes are lost. That is why Moody's is starting to score this issue in coastal communities.

One solution that coastal communities can come up with is to ignore this. In 2010, North Carolina's Coastal Resource Commission Science Panel on coastal hazards recommended that a sea level rise of 1 meter—39 inches—be adopted as the amount of anticipated rise by 2100. That was back in 2010. Since then, data compiled and analyzed by NOAA shows that that number was way too low, that the worst case potential for sea level rise on those shores is about twice that—2 meters of sea level rise.

Here is what the Raleigh News & Observer reported: The State "adopted a 30-year forecast that figures the rise at 8 inches." The odds of that coming true are virtually nil.

Ask Moody's how credible that estimate is in face of the evidence. Moody's is going to be going there and looking at this stuff, and they are not going to buy phony-baloney assertions that you are only going to see 8 inches of sea level rise when NOAA is predicting 2 meters. They are going to be rated on not being ready because they are not responding to the obvious science.

Climate denial works in politics because of the massive political influence of the fossil fuel industry, but it really is not going to matter to Moody's assessors.

In Rhode Island, our Coastal Resources Management Council is now planning for a worst case scenario of 9 to 12 vertical feet of sea level rise along our shores by the end of the century—9 to 12 vertical feet. Colleagues may want me to laugh that off and say: No, it is too inconvenient to talk about that; it really ticks off our fossil fuel friends. I will never, ever ignore this. I can't ignore this, and we as a body should not ignore this. No amount of

beach nourishment will protect Rhode Island from that.

At 10 feet, we will lose 36 square miles of extremely valuable shorefront land—people's homes, people's businesses, the marinas and fishing piers that people depend on. That is 36 square miles lost because we can't say no to the fossil fuel industry around here.

We must act on climate change now to give coastal States any chance to avoid these worst case scenarios. We have to help coastal communities plan for the changes we can't avoid.

A recent report from Texas A&M and Rice University researchers highlights what they called—get this—the "growing disconnect between the 100-year FEMA floodplain and the location of actual flood losses" and, again, the "growing consensus over the inability of the FEMA-derived floodplains to capture actual loss."

On average, about a quarter of insured flood losses occur outside the map's flood plains, and in some cases, more than 50 percent of flood losses occur outside of what the maps said would be flooded areas. With bad mapping, we are leaving local communities at a terrible handicap.

We go back to that GAO report quantifying those coastal risks. It notes: "Given the potential magnitude of climate change and the lead time needed to adapt, preparing for these impacts now may reduce the need for more costly steps in the decades to come." But it also points out that "the Federal Government does not have governmentwide strategic planning efforts in place to manage what it called "significant climate risks before they become Federal fiscal exposures." The Federal Government does not have governmentwide strategic planning efforts in place.

We have to give local communities better support. Bad maps and no planning is not support. Our coastal homes, our coastal economies, and our coastal heritage are all at stake, and bad maps and no planning aren't meeting those responsibilities.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator for Maryland.

Mr. CARDIN. Mr. President, I take this time to talk about the pending business, which is the tax proposal going into a conference committee between the House and the Senate. As I am sure the American people now know, at 2 a.m., on early Saturday morning, the Senate passed its version of tax reform. The House had already done that. We were working on a House bill. Now the motion before us is to take that bill and send it to a conference. We would be better off sending it back to committee so that we could have public hearings and understand what we are voting on, rather than sending it to the conference committee.

I hope, though, that we will take advantage of the conference to deal with

the three fundamental flaws that were included in both the House and Senate bills. First was the process that was used that did not allow us to really know what we were doing. As a result, it is my understanding there are numerous provisions in both the House and Senate bills that will not work and will require changes.

Secondly, we professed to want to do this to help middle-income families, but, in reality, both the House and the Senate bills hurt middle-income families. I hope that will be corrected in conference.

Third—and there is no dispute about this whatsoever—the House bill and Senate bill will add anywhere between \$1 trillion to \$2 trillion to the deficit of this country. We shouldn't be deficit-financing a tax reform bill.

Let me first talk very briefly about process. Let's not repeat the mistakes that we made. It is outrageous that late Friday night we got a 500-plus page amendment to the pending bill and tried to read it, but we couldn't even read the handwritten changes that were put in the margins, and then we were asked to vote on that later in the evening. That process is just not befitting the U.S. Senate, and it is not befitting a democratic process in which we have an opportunity to read and understand, and the public has an opportunity for input, before we attempt to modify and change dramatically the Tax Code of this country.

So I hope that the conference committee will have a very open process, that there will be opportunities for input, and that we all will understand what is being done.

Secondly, it is critically important that this bill be corrected so that it really does help middle-income families. This bill doesn't do that. It provides massive tax cuts for the wealthy and significant cuts in business taxes, which are made permanent, while the relief given to middle-income families is temporary, and many middle income families will end up paying more in taxes. The House bill and the Senate bill have that fatal flaw.

One of the premises here is that if we give businesses big tax cuts, they are going to take those tax cuts and give workers higher wages. That just doesn't happen. There have been significant profits by American companies, but we have seen in too many of those cases that those profits have gone to buybacks, their stock, and to increase the value for their shareholders. It is their right to do that. But we shouldn't be pretending that we are going to be cutting taxes to help workers of these companies when, in reality, their first priority is going to be the shareholders and increasing the value of their stock.

We need to make sure that this bill, at the end of the day, will help middle-income families, and that is our focus, not the House bill or the Senate bill that focuses on our most wealthy taxpayers and the business community

rather than focusing on middle-income families.

Then, third, the deficit—and I find this unconscionable. I will just lay this out. I find it unconscionable, when we have worked to say that the deficit is hurting our country and we need to work together to rein in the debt of America, yet we find the Republican Party prepared to acknowledge a \$1.5 trillion deficit in their budget instructions. In reality, if this bill were to become law as passed by the U.S. Senate, it would increase the deficit by \$2 trillion if we extend all the tax provisions, and even if we accept dynamic scorekeeping, which is changing the rules—\$1 trillion of deficit. So under any of the assumptions, we are adding to the debt. That is just plain wrong. If our priority is to recognize that our debt is something that is wrong for our children and grandchildren, that we are wealthy enough today to pay our own expenses, then we must make sure that the bill that returns from a conference committee does not add one penny to the deficit. That should be a commitment that we are all ready and willing to make.

Let me also bring up a couple of other issues that I hope the conference committee will consider. The Senate bill includes the elimination of the required coverage under the Affordable Care Act. What does that mean? Well, it means that when it is fully implemented, 13 million Americans aren't going to have health coverage. That is what it means. It means that we are going to again see an increase in those who use the emergency rooms of our hospitals as their primary care centers because they have no health insurance. It means that people will be entering our healthcare system in a more costly way because they are not going to get preventive healthcare, because they don't have health insurance to cover preventive healthcare. It means that we are going to see a lot of people who can't afford their healthcare because they don't have health insurance.

Before the Affordable Care Act, we know that healthcare costs were the No. 1 reason for bankruptcy. We will see personal bankruptcies increase. And guess what. We are going to see uncompensated care go up. When uncompensated care goes up, guess who pays the bill? All of us do through higher premiums. It is called cost shifting.

Why is that in this tax reform bill? Do my colleagues want to know the reason? Because it gets scored as a savings by the Congressional Budget Office and the Joint Committee on Taxation. It is a savings because we are going to be spending less money in health subsidies, in the Medicaid Program. It cuts the Medicaid Program.

This is a phony savings from the point of view of our Tax Code, but guess what the Senate did with that savings. They used it to make permanent the tax cuts for businesses. In other words, they spent the savings in

the Tax Code to help corporations with permanent tax changes, and individuals didn't get that.

Well, I hope the conference will correct that by eliminating this health provision from the Tax Code. It shouldn't be in this bill. It is wrong on policy and it is wrong on process and it is wrong on fiscal responsibility. I hope, for all of those reasons, that provision will be eliminated.

Then, the bill passed by the Senate includes another provision that shouldn't be in a tax reform bill; that is, opening up Alaska to drilling. First of all, the policy is wrong. We should protect this pristine area of our Nation. Secondly, we don't need more sites for fossil fuels. We know that our future is in renewables; our future is in a more carbon-friendly environment. So from that point of view, it makes no sense. Then, on process, putting it in this bill makes no sense at all. So I hope my colleagues will correct that mistake that is in the Senate bill.

Then, both the House and Senate bills still have an assault on State and local governments in so many different ways. We make it so much more difficult for State and local governments to handle the problems in our communities. I was speaking to the mayor of Baltimore this week about our problems with public safety. I know the challenges our Maryland General Assembly will face in January, in dealing with transportation infrastructure, in dealing with public education, in dealing with the challenges of our environment. All of those issues are going to be more difficult for the State of Maryland and all of our States and all of our local governments and our municipalities to be able to handle if either the House or the Senate bill becomes law. But to add insult to injury, we then take away the State and local tax deduction so that county taxpayers and State taxpayers, who are the same people who are paying Federal taxes, will have to pay a tax on a tax.

Senator WYDEN brought to my attention something that is pretty fundamental. With the first income tax that was passed by the U.S. Congress, the deduction they allowed was for State and local taxes. Of course, the Constitution had to be amended, and the States had to consent to the amendment, and that is how we got the income tax. It was a fundamental decision made that under Federalism and respect for the different levels of government, we wouldn't impose a tax on a tax. Now, over 150 years later, we are talking about removing that deduction. That is outrageous from the point of view of the Constitution and the principles of the Constitution on Federalism.

There are also some consequences that I am sure my colleagues haven't thought about as to what impact that is going to have on property values, what impact that is going to have on a lot of other issues; they haven't thought that out. But it is just wrong from a policy point of view.

There are many provisions in the House bill that are not in the Senate bill, but now that we are going to conference, we have to be concerned about them. Are we going to restrict what individuals can deduct for medical expenses? That is in the House bill. So if you are a family that happens to have a child that has severe medical needs, are we now going to say that we are not going to allow them to deduct those costs that they have to pay for out-of-pocket?

The House bill contains restrictions on the deduction of education costs for those who have student loans. Are we going to make it more expensive for families to be able to afford higher education? It is already too expensive. Are we going to increase that cost?

We also have a restriction in the House bill that deals with mortgage interest deductions. I have already talked about the impact of the Senate bill and the House bill have on SALT—that State and local tax deductions have on the value of real estate, but when we restrict the deductions on mortgage interest, it has an even more dramatic impact on property values.

So there is a lot of work that is going to have to be done in conference. As I said, the best way to proceed is to send this bill back to the committee. Let's have open public hearings. Let's work together.

I know my colleagues on both sides of the aisle. I have worked with my Democratic and Republican colleagues, and I know that when we work together, we produce some really great results. It is not hard for Democrats and Republicans to work together on the Tax Code, because we share the same goal. We know our Tax Code needs to be reformed. We know that there are burdens in our Tax Code that need to be eased. I honestly believe that Democrats and Republicans believe we shouldn't be adding to the debt, and we should be helping middle-income families. So it seems to me that this is not a heavy lift for Democrats and Republicans to come together in order to write the right tax bill for this country.

So I hope we take advantage of this opportunity, as we have a new look at the Tax Code, to deal with the fundamental flaws that are in both the House and Senate bills. I am not terribly optimistic because I know what the House and Senate have already passed. But I urge all of my colleagues to find a way that we can really fix our Tax Code, help middle-income families, and certainly not add to the deficit of this country. That should be the mutual desire of all Members of the U.S. Senate.

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

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

Mr. BENNET. Mr. President, just this morning, a newspaper here on the Hill had an article with the headline "Experts find tax plan riddled with glitches." That is because, without a single hearing on the legislation, last week the majority rushed through a complete overhaul of America's Tax Code for the first time in 31 years, and we never had the opportunity to have full consideration of the merits of the proposal. We have now discovered that they have even screwed up the research and development tax credit, which is something American businesses rely on every single day.

This process, I am sad to say, was no accident. Had we had time to digest and debate this bill in the full light of day, it would have never withstood public scrutiny. My hope is that over the coming week or so, when the American public can actually see what is in this bill, it will not withstand their scrutiny.

Instead of making an honest case to the people, which they deserve, the proponents of this bill have sold this legislation not based on what is actually in this bill but with falsehood after falsehood.

First, they claim that the tax cuts wouldn't benefit the wealthiest Americans. Last week in Missouri, President Trump said:

This is going to cost me a fortune. . . . This is not good for me.

That was entirely consistent with a conversation that I was part of—which has also been reported publicly, so I am not revealing any confidences—when the President called in from Asia to a room full of Senators and said that this tax bill is so bad for the rich, that he had to throw in the estate tax on top of it in order to give wealthy Americans something, and he continues to perpetuate this myth in front of the American people.

The reality is that under this plan, the 572,000 taxpayers in America who are fortunate enough to make \$1 million or more will have an average tax cut of \$59,000. By 2027, 62 percent of the benefits in this plan will go to the top 1 percent—those with an income level of over \$2 million. As I said on the floor last week, we are borrowing \$34 billion from our children to give to the approximately 500,000 taxpayers in America who are lucky enough to earn more than \$1 million.

The point I want to make today is, that claim is false.

They also say that this plan is focused on the middle class. Last week, President Trump said: "The beating heart of our plan is a tax cut for working families." Under this plan, in the first and best year—and when I say "best year," this means the year that the tables look the best for the Republican argument, for the sponsors of the bill. Every year after that, it gets worse. The 90 million taxpayers in America who make \$50,000 or less will

get an average tax cut of \$160 a year. That is what they will get on average. Millions of middle-class taxpayers, under this bill, will actually see a tax increase if this law passes, and that number will grow over time. So it is not true that this is a middle-class plan. This is a tax cut for the wealthiest Americans masquerading as a middle-class tax plan.

They have passed around a few crumbs to the middle class and said: You should be satisfied with this. We promise you that you will benefit from the trickle-down benefits of the massive tax cut we are paying for by borrowing from our children.

The next thing they say is, we will supercharge economic growth, and that will lead to more jobs and higher wages. But today corporations are sitting on record amounts of cash. The highest income Americans are earning a larger share of income than at any point since 1928, right before this country fell into the Great Depression.

I was in business for a long time, and I believe in our capitalist system. I believe that people who do well and are successful are living the American dream. But the argument that these businesses and high-income households need a tax cut just doesn't add up.

On the other hand, most Americans have not had a pay raise in a generation, even as the cost of housing, healthcare, childcare, and higher education climb ever out of reach every year. Helping these Americans is not only the right thing to do, but if you want to jump-start the economy—these are the customers who shop at businesses—this bill does nothing to address their needs.

Bank of America recently surveyed companies to ask what they would do with their tax cuts. A vast majority said they would use the money to pay down their debt and buy back shares. At least corporate America is being honest about what they will do with this bill, unlike politicians in Washington. Neither of that does much for workers. Maybe that is why, in the full glare of the TV lights—again, you can't make it up. It is not fake news. When President Trump's top economic adviser, just before we were having a vote on this bill, asked a room full of CEOs to raise their hands if they plan to reinvest the tax cuts, hardly any did. He asked, why aren't hands up? According to Goldman Sachs, the effect on economic growth in 2020 and beyond "looks minimal and could actually be slightly negative."

Fourth and finally—and this is the one that is in some ways most galling—they claim the tax cuts will pay for themselves. They said that in 2001 when George Bush first cut taxes, that it would pay for itself. It is exactly the same rhetoric we are hearing today—no difference. Some of the people are different. Some of the people are the same. Guess what. In 2001, after those cuts, the deficit rose. Then they cut taxes again in 2003, and the deficit rose.

I remind us all that when George Bush became President, Bill Clinton had left behind not a deficit but a surplus—a \$5.6 trillion surplus projected over 10 years.

Every credible analyst who has looked at this bill has said these tax cuts will not pay for themselves. In the face of that history and in the face of the experts, they continue to maintain that they will pay for themselves.

It seems to me that if you think the best thing we can do with this money and the best thing we can do to deal with this massive deficit is to cut taxes for the wealthiest people in America, you should pay for it. Pay for it. We can't get the Children's Health Insurance Program passed—which is a drop in the bucket compared to this—because it has been hard to find a pay-for. We can't get the disaster assistance that so many of our States need because it is so hard to pay for. If you have conviction that this really is going to do what you are going to say it is going to do, pay for it. Don't borrow the money for this.

If we are actually going to borrow \$1.4 trillion from our children, then it would seem to me that we should have the decency to at least invest in their future.

It seems Washington has the money to spend \$83 billion to cut taxes on estates worth over \$11 million—which is what they call the death tax, which now applies to estates worth over \$1 million—but it can't lift a finger to do something about the fact that today in America, just 9 out of 100 kids born into poverty will complete college.

We apparently have the money to give the wealthiest Americans a \$59,000 tax cut, but we don't have the money to extend reliable high-speed broadband to rural America, which would cost about \$40 billion—less than 3 percent of the entire cost of the bill.

Apparently, Washington has the money to borrow \$1.4 trillion from our children, but we don't have \$8 billion to pay for the Children's Health Insurance Program, which covers 9 million kids and pregnant women who cannot afford private health insurance.

We care enough, it seems, about special interest carve-outs that we made in the dead of night as a way of passing this tax bill by getting this vote based on that tax break and this vote based on that tax break, but we cannot lift a finger to tackle the opioid epidemic ripping across our country and claiming 50,000 lives a year.

Every year I come to Washington and hear from my colleagues on the other side that we don't have the money to prevent forest fires across the West, to keep rural schools open, or to find \$400 million for the Arkansas Valley Conduit and bring clean drinking water to some of the poorest counties in Colorado. Now, they have spent \$1.4 trillion not to invest in the health and opportunity of our communities but to fritter it away on tax cuts for the wealthiest Americans. If Republicans pass this

flawed, partisan, budget-busting bill, do not ever, ever let them say to you that we don't have the money to tackle the challenges that are most meaningful to our communities.

We should have passed a bipartisan bill to begin with. We could have crafted a bipartisan bill. I believe the corporate rate is too high and isn't competitive. I believe that. I know there are people on the other side who, like Senator MARCO RUBIO and Senator LEE, believe we should increase the child tax credit for middle-class families and for families who are poor.

We had an opportunity, if we were faithful to the rhetoric I heard around this place for years, to actually remove special interest loopholes, focus on the middle class, and not add to our debt. For years, on the corporate side, I have heard people say we are going to broaden the base and reduce the rate. Instead, we are lowering the rate without cleaning up the code. A once-in-a-generation opportunity, after 31 years, and we say, you know what, we are going to leave those loopholes in place, and we are going to lower the rate. Forget about broadening the base.

The same thing is true on the individual side. It is adding complexity to our code. All this stuff that they are doing on these passthroughs is going to add complexity and require more accountants and more lawyers for people to fill out their tax return. This is all as a result of the majority wanting to go it alone. When you don't look for votes from the other side, it means you are going to be stuck with the most extreme wing of your party. When you don't have to make a compromise because you are reaching across the aisle, it means the people who are the most absolutist on your side get their way. That is what happened here.

Furthermore, there are no hard decisions made in this bill. This is another example of Washington, unlike county commissioners, city council people, superintendents, mayors, and Governors, who actually have to make hard choices year in and year out to make their budgets work—this place always finds the path of least resistance. Forget about broadening the base and closing loopholes. We are going to give you a tax cut because it is easier.

I really hope that over the next week, the American people learn what is in this bill. If they do, I think we will have the chance to defeat it and then pass a bipartisan bill, which actually cleans up the code, lowers the corporate rates to make it more competitive, and enhances the child tax credit to give the American people who work for a living a tax cut.

Do you know what else we could do? We could invest in our infrastructure to create American jobs here and be able to help ensure this generation of Americans does what previous generations of Americans have done, which is to invest in the next generation, to make sure they have more opportunity, not less. This bill is the worst

of all worlds from the perspective of the high school students I met with before I came to the floor. Not only are we not investing in them, we are borrowing the money from them. This is no different than any one of us living in a house and sticking our kids with the mortgage. That is what is happening as a result of this bill, and we should defeat it.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

COMPOUND MOTION

Mr. MCCONNELL. Mr. President, I move that the Senate insist on its amendment, agree to the request of the House for a conference, and authorize the Chair to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The motion is pending.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the vote on the pending compound motion occur at 3 p.m. today; further, that if the motion is agreed to, Senators KING and STABENOW each be recognized to offer a motion to instruct conferees, and that the Senate vote on the motions in the order listed with no intervening action or debate; further, that there be 2 minutes of debate between each vote, equally divided in the usual form; finally, I ask that following disposition of the Stabenow motion, the Senate stand in recess until 5:10 p.m. to accommodate an all-Members briefing.

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

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, about a year ago, the American people voted for fundamental change in this country, and, last week, Republicans in the Senate continued to deliver. We passed a plan to give Americans substantial tax relief. This legislation is exactly what people were asking for last November, and it is exactly what this country needs now.

Because of this Republican plan, people will be able to keep a lot more of their hard-earned money. They are going to find that their taxes will be simpler and fairer. They are going to see our economy getting stronger and healthier. That is good news for our country, and it is, certainly, good news for the American people. This legislation was an important promise that Republicans made, and it is a promise that Republicans have kept. It is just the latest Republican accomplishment that is helping Americans.

Another thing that the Republicans are providing is tremendous relief from Washington regulations. I think that a lot of people lost track of exactly how much damage the Democrats and the Obama administration did to the American economy. The Obama administration added 285 major regulations during the course of the previous administration. Every one of them imposed a burden on Americans. The total cost of these rules was \$122 billion per year. That was both the direct cost

in terms of money and also counting the time needed to fill out the paperwork that was created by these excessive rules. Twenty-one of these rules were actually finalized after the 2016 Presidential election. That is after the American people spoke and said that they wanted change. Yet President Obama went straight on with piling more regulations onto the backs of the American people.

One of the first things that Republicans in Congress did this year was to start striking down unnecessary, burdensome, costly regulations from the Obama years. Republicans wiped 15 of these major rules off the books. Major rules are rules that cost over \$100 million in terms of the compliance cost, the actual cost, and the time cost. That is going to save Americans as much as \$36 billion over time.

One of these rules was an important part of President Obama's war on coal. It was called the stream buffer rule. It was designed to shut down a lot of the coal mining that is going on in this country. It would have destroyed up to a third of the coal mining jobs in America. So we passed a congressional resolution that protected coal mining jobs and protected American energy independence. We struck down 14 regulations like this one in the first few months of this year.

In October, Republicans blocked a 15th rule. This was the new regulation from the Consumer Financial Protection Bureau. The rule was written during the Obama administration, and Obama appointees at the agency finalized it last summer. This is the agency that has been in the news recently because it has been so out of control. Republicans in Congress had to step in and get rid of an unnecessary rule that was really, in my opinion, just a payoff by the Democrats to trial lawyers.

Republicans have saved Americans \$36 billion by getting rid of rules and regulations. Democrats, on the other hand, have cost the American people \$122 billion a year in costs due to rules and regulations.

Republicans in the Senate also took a major step in this tax relief legislation by repealing the ObamaCare insurance mandate. This takes ObamaCare from being a mandatory program to being a voluntary program. It is going to save a lot of Americans a lot of money. In 2015, there were over 6.7 million Americans who paid this tax. The average tax penalty for the American people this past year was \$700. It is a big deal to give American families relief from that tax burden. It is also a big part of rolling back this idea that Washington knows best what works all across the country. The ObamaCare insurance mandate is more than a tax, and the damage it does is more than just the paperwork and money that people have to pay. It is an outrageous and unfair requirement that people have to buy something that isn't right for them and their family but the government says they have to buy it.

When Republicans struck down this mandate, we gave people back the freedom they had to decide for themselves and to make their own choices.

The Republicans in Congress have been very busy saving Americans from the burdens and injustices of these Obama regulations. I can state that we have a very strong ally in the Trump administration, because President Trump has been the deregulator in chief. Since his very first day in office, he has been rolling back the regulations that have constrained people over the previous 8 years. He froze action on nearly 2,000 Obama administration rules that hadn't taken effect yet. He wrote a new rule for his administration—when one new rule comes in, two go out. In other words, for every significant new regulation, his administration would offset it by getting rid of two other rules. That is how to make a difference in Washington. That is how the President was able to remove 860 ineffective, duplicative, and obsolete regulations in just his first 6 months in office. That is a very big difference from what the Democrats in Washington did, and we have already started seeing the results.

The American economy has created 2 million jobs since President Trump was elected a little over 1 year ago. Our economy grew at a rate of 3.3 percent last quarter. The unemployment rate dropped to 4.1 percent. Last Friday, the Washington Post had two items on one page. The first stated that consumer spending had increased in October and incomes grew. The article said: "The October rise indicates that consumer spending, which accounts for 70 percent of economic activity, began the fourth quarter with healthy momentum."

The second article, appearing on the same day in Washington Post, Friday, noted that weekly applications for unemployment aid fell for the week. It said that when the number of unemployment applications are low like this, it is a sign that hiring is healthy. It is a sign that employers are confident enough to keep workers on the payroll.

During the Obama years, Washington Democrats piled all of these regulations onto the economy. Because of them, economists said they had expected future growth to be around 1.8 percent. President Trump and the Republicans in Congress are cutting the regulations, and the economy is growing at 3 percent. That is the kind of change that is possible under Republican pro-growth policies.

That is why we are confident that we are on the right track. It is why we are confident that the economy is going to continue to accelerate under the tax relief we passed this past week. It is why we are confident that America will continue to thrive when we give people relief from the Washington regulations and start to unwind the redtape. That is what the American people voted for a little over a year ago. That is what Republicans are delivering in Congress and in the White House.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

DACA

Mr. REED. Mr. President, I rise today to join my colleagues in reminding all of our Members, but particularly our friends on the other side of the aisle and the Administration, that there is a very real human cost for each day we delay taking corrective action on President Trump's unnecessary decision to end the Deferred Action for Childhood Arrivals Program, or DACA.

There was no need for the Trump administration to create this crisis. There was no reason to throw nearly 800,000 Dreamers and their families into such uncertainty. Yet the President—despite the fact that most Americans from both political parties support a solution for the Dreamers—decided that he needed to overturn this initiative for little more reason than the fact that it was put in place by President Obama. These young people, who are American in every way but on paper, may be uprooted and moved to countries that are totally foreign to them. Yes, their parents broke the rules to bring them here as children, but their departure now will be our loss. These are the basic economic facts and common sense. Moreover, these young people have become our classmates, neighbors and coworkers, the parents of our children's friends and an undeniable part of our American community.

I thank many of my colleagues who spoke eloquently here to put names and faces to the young people who are affected by this crisis. I would like to associate myself with their remarks. I have also had an opportunity to meet with Dreamers in Rhode Island who were brave enough to share their stories with me and with my staff. I hope to meet more of them, but I can state that these are exactly the kind of hard-working young people who we should be encouraging to put down roots in our communities.

Skeptics should know the facts. Dreamers have been subjected to deep scrutiny. They faced background checks by immigration officials, they have paid significant fees, and they have followed the rules. It is simply untenable to continue to delay a resolution of their status in our country any longer. Indeed, too many of my colleagues seem to be in no hurry to reach a meaningful agreement on passing the bipartisan Dream Act. This has been an effort that has been led by Members on both sides of the aisle because many—unfortunately, not enough yet—on both sides of the aisle believe that these young people are American in their values and in their commitment to this country. They will contribute to this country. They already are.

There seems to be this illusion that we have until March 5, the official end date for DACA, to continue to try to

fix this problem. There are others who seem to believe that this crisis, which was prompted by President Trump's decision, is an opportunity to gain concessions in other areas. This approach of waiting to try to game the crisis is wrong. It is certainly wrong for the young people who are waiting nervously—in fact, “nervously” is too mild a term—to determine whether they can stay and contribute to this great country, as they are already doing.

We have an opportunity, but we have to take it quickly to ensure that these young men and women can find a way to stay in this country and contribute to this country. It remains my sincere hope that my colleagues will come to the table in good faith to pass the bipartisan Dream Act. Again, let me state that there are Members on both sides who recognize that these young people are making great contributions to the country, and this is the only country they have known. Many of them were infants when they were brought here. They are American in every way except on paper.

We need to make progress on this. We don't have until March. We have to do this as quickly as possible.

I yield the floor.

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

MR. WYDEN. Mr. President and colleagues, the Republican tax plan is now racing to completion in secrecy and shame. Republicans are finishing it in secret because it is a shameful scheme the American people overwhelmingly oppose.

Today the Senate is going to debate whether to go to conference with the House to resolve the differences between the two plans that the Republicans have passed on a wholly partisan basis. Not a single Democrat in the House and not a single Democrat in the Senate is in support of this bill. I think it is clear that the conference committee that will meet in the days ahead is nothing more than theater. It is not going to be an honest debate in the light of day. There will not be an honest debate that the American people can listen to on the prospect of \$10 trillion worth of tax policy changes that will reach into corners of every part of this country and every household in America.

The truth is, Republicans from the other body and the Senate are hashing out differences right now—right now, behind closed doors. They are packing the bill with even more goodies, even more loopholes for the well connected and special interests. There is no telling what swamp creatures have crawled up to Capitol Hill to get their fingers on this bill at the eleventh hour. The basic proposition on offer is this: taking money and healthcare away from middle-class Americans to pay for tax cuts for the multinational corporations, the powerful, and the well connected. That proposition isn't going to change. Apparently, now the Trump administration is calling for

more speed and even more secrecy, just so the President can claim a victory and Republicans in Congress can appease megadonors, who made it clear they are frustrated by a sputtering agenda.

What unfolded here last week is a black mark on this storied institution of the Senate. It was the climax of a process marred by recklessness and partisanship. This took place after 17 moderate Democratic Senators tried again last week, while the Senate still had the opportunity, to have a bipartisan plan. Well, I renewed my plan, my ideas—the only two bipartisan Federal income tax reform bills in decades, written by senior Republicans and moderate Senators. Bipartisan plans were discussed yet again last week before the Senate took off on this reckless course.

Senators did come to the floor last Wednesday and Thursday prepared for a debate, but it was cut short by the partisan reconciliation process—just 20 hours, evenly divided between the two sides. Wednesday turned into Thursday, and there was no final Republican bill. Then Thursday became Friday, and still Republicans had their plan hidden in the shadows. Then on late Friday—late Friday, well after dark—I was handed, personally, a new version of a 500-page bill by a key official in the Republican caucus who said: Here is the bill.

There was no opportunity for review or debate. The distinguished majority leader had said to me personally during the course of the afternoon, when I was asking every 30 minutes, that there would be plenty of time—plenty of time—to review the bill. Not only was there not plenty of time, there was essentially no time, and it reached a point as we heard from our colleagues last week, that notes on technical material were scribbled into the margins.

We had questions about education provisions that seemed to benefit one academic institution. There are plenty of them that are deserving in Oregon and Pennsylvania, but this would seem to benefit just one. Special interest handouts were air dropped right up, apparently, to the very last minute, with huge giveaways to oil companies and hedge funds. The unintelligible lines became a metaphor for what this whole debate was all about—haphazard work that not a schoolteacher in America would give a passing grade to, if some kind of work product like that was submitted to them.

Of course, this is what the majority party here, the Senate Republicans, said was a full and honest debate. The technical term here is “regular order,” but the fact is, those \$10 trillion of tax changes were made in secret. When the bill that was brought to the floor finally appeared, it was clear that Republicans had played “hide the ball” with their tax plan until the very last minute.

There was not a single hearing on the specifics of the legislation. I heard so

many times in the debate that there were 70 hearings. My colleagues on the other side of the aisle, I wish I had a nickel for every time I heard that there were 70 hearings. There was not one single hearing—not one—on the specific provisions of that legislation. There was no bipartisan input. No Member of this body can possibly claim to have read everything before they voted.

Now the recklessness continues. Republicans are sticking with the con job on the middle class as they work out the differences between their two plans, again, behind closed doors. Whatever product comes out of these negotiations is still going to raise taxes on millions of middle-class Americans and drive a dagger into the heart of the Affordable Care Act. Why? To pay for yet more handouts to faceless, multinational corporations. There are still going to be bigger tax cuts for those multinational corporations that ship jobs overseas than there will be for those businesses that create red, white, and blue jobs here at home.

What ought to cause even more alarm for Americans over the coming weeks are the special interest goodies that are still being packed in—the handouts nobody yet knows anything about.

Down on K Street, they seem to be licking their chops as they read the bill the Republicans wrote so quickly and carelessly. It looks to me like a whole flock of tax lawyers are scheming and planning their next moves.

According to reports, the big sticking point in the negotiations between Republicans isn't about how you are going to help middle-class families or how you are going to protect healthcare, they are debating whether the corporate handouts ought to get bigger. They are already slashing the corporate rate down to 20 percent, and now they are debating whether corporations should actually be required to pay it.

I note that in both of the tax plans I put together that were bipartisan, written with two conservative Republican Senators close to the majority leader, during all of those talks, we didn't hear about corporations saying they had to have a tax rate of 20 percent.

The American people do not want this plan to become law. I heard that this past weekend. I had two town meetings in communities where Hillary Clinton had a lot of support and in communities where Donald Trump had a lot of support, and I am telling you this tax cut bill is unpopular all over. It is hard to write a tax cut bill that is unpopular, but somehow Senate Republicans actually managed to do it. That is what I heard in townhalls and when I met with folks last weekend at Fred Meyer, our iconic store. We heard it all over. I can promise every Member of this body the American people have a sense of what is coming now.

The Republican deficit hawks who flew away when the proposition of a

\$1.5 trillion budget-busting tax bill came up, they are going to come flying back. They will be flying over the horizon, returning. There is already a whole lot of frightening Republican talk about the fiscal crisis facing our country, exploding deficits, spending run amok. In fact, Republicans haven't even waited for this tax plan to become law to crack out the fiscal crisis talking points. We hear all the talk, the President at rallies and talking on national television about entitlement reform. It is a whole lot of focus group-tested code for cutting the safety net, the lifeline programs for the vulnerable: Medicaid, Social Security, Medicare, the anti-hunger programs. That sure looks like what is next on the slash-and-burn to-do list.

Here in the Congress, the Speaker said a few weeks ago we have a lot of work to do in cutting spending. Ways and Means Chairman BRADY talked about welfare reform and tackling the entitlements. The Freedom Caucus, the far right folks in the Freedom Caucus, are using the tax bill to lock in promises on spending cuts and the safety net programs, and nobody knows yet what secret guarantees they have been given.

Last week, as Republicans were getting ready to spend a trillion and a half dollars on handouts to corporations—just put your arms around that for a moment, Mr. President—I heard for years in the Finance Committee and the Budget Committee about how Republicans want to be fiscally minded and tight with a dollar. Right away, out of the gate, they said we will spend a trillion and a half dollars in handouts to corporations—corporations already awash in money. What we heard is the leadership of the other side of the aisle saying we are already spending ourselves into bankruptcy, and they were blasting what they called liberal programs for the poor.

The chairman of our committee, whom I admire greatly, said: When it comes to helping the vulnerable, we don't have the money anymore. We don't have the money anymore for the vulnerable, but somehow we can borrow billions of dollars to have a \$1.5 trillion handout to multinational corporations awash in money? It sure indicates to me some out-of-whack priorities.

Then we heard our colleague from Pennsylvania, Senator TOOMEY, say on the floor that there wasn't a secret plan to cut Medicare and Medicaid and Social Security. I give my colleague from Pennsylvania credit for his honesty because he is right about one thing. They are not keeping this tax plan a secret. Republicans are talking about the tax plan and the prospect of these entitlement cuts now in the open. The tax plan may be secret, but the plans for cutting entitlements are going to be right out in the open.

Colleagues, I want to close with this. I heard this weekend, and I hear at every stop I make, that the people of

this country do not want this partisan tax plan to become law. They understand what is happening now. The working people and the middle class are being forced to pay for handouts to multinational corporations; that the Republican plan puts the interests of the politically connected above the interests of hard-working American families. I believe the American people are going to stand up and fight against any fear-mongering attack launched by the so-called deficit hawks who, as they come flying back, are clearly looking at cutting Medicare, Medicaid, anti-hunger, and anti-poverty programs.

It is not too late. It is not too late while this process continues between the House and the Senate to change course. Instead of going to a sham conference—a sham conference that is little more than diversionary theater—there could be a real and bipartisan debate on a tax plan that would give every American a chance to get ahead.

I have been particularly struck by my conversations with our former colleague Senator Bill Bradley of New Jersey. He calls almost every few days because he, along with President Reagan, were the authors of the last bipartisan plan. I am particularly struck by how he describes when Democrats and Republicans came together. Bill Bradley, former Knicks celebrity all over the country, he would fly all over the United States to meet with colleagues like the distinguished Presiding Officer from North Carolina. He would fly all over. Now, we can't get Republicans to walk down the corridor of the Dirksen building to have a conversation about how we ought to have a chance to give everybody a good tax plan so everybody in America can get ahead. That is what I sought to do with Republican colleagues, former Senators Gregg and Coats, who are plenty conservative.

So it is not too late for my Republican colleagues to do an about-face and say we can do better than this. I don't, for the life of me, understand why we can't have Republicans and Democrats, on the basis of the overwhelming unpopularity of this bill, now say we can do better than this and change course.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. 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. BLUNT. Mr. President, last week I came to the floor to talk about why we needed to pass the Tax Cuts and Jobs Act. I am proud to say that the Senate has passed that bill. I expect the Senate to move to conference with the House this week, and I am confident that the final bill will be an even better bill than the bill passed by ei-

ther the House or Senate. More importantly, I am confident that it will get us on track for real tax relief for working families, and we will have this bill on the President's desk by the end of this year.

Last week when the bill passed, I said that it isn't just about changing the trajectory of our economy, it is about changing the future we hand to our kids and our grandkids. I really think that is what this bill will do.

There is a lot of talk in Washington about things that, frankly, will never turn out to be the facts—maybe they are the alternative facts—but one thing I think will happen is that working families will see, in one of their first paychecks next year, that this tax bill and these tax cuts really affect them. Whatever your paycheck is—reflected in what you start getting paid on January 1—in virtually every case, working families are going to have more take-home pay, and those numbers are pretty big.

A few weeks ago, I was at Patriot Machine in St. Charles, MO, and spoke to the employees who work there. The one thing they were concerned about was, what does this mean to me? What does this mean to my family? What is my take-home pay going to look like next year?

Mr. President, you and I said many times during this debate that the two things we were committed to were more take-home pay immediately by taking less out of it and even more take-home pay in the future by doing things that make our economy more competitive and make that paycheck bigger to start with.

Middle-class families, working-class families, and this country have lost a lot of ground with the slow growth we have had and the almost no growth in some years we have had in the past 10 years. We need better jobs, we need higher wages, and we need the government to let people take home more of what they earn.

This bill will allow them to do that. It will double the standard deduction. That is the deduction that is about \$6,000, and suddenly it is \$12,000, and for a couple, it is \$24,000. You start the tax process on something the size of a postcard by deducting that \$12,000 or that \$24,000 off what your W-2 forms say.

The Senate bill doubles the child tax credit, so you go from a thousand to another thousand, and you take that credit off your tax obligation.

Ninety percent of the people are going to fill out their taxes just that way. It is a form that you may not even have to turn over to sign the bottom and say, here is what I need to send back; here is what my tax obligation is.

Helping families has been and continues to be at the heart of what this whole debate should be about—at one end, more take-home pay, and at another end, more competition that allows us to have better jobs to start with.

I am absolutely convinced that the United States of America has more money on the sidelines right now than ever before in the history of the country and more money overseas because of our barriers to bringing money back, because our Tax Code didn't really anticipate international competition in the way that it has developed. It has more money that wants to come back than ever before. Those things are going to make a difference to the security that our country has and the access to the world marketplace. We couldn't be better located to compete all over the world than we are now.

Those things, along with what has happened in the effort to stop the regulatory overreach and the effort to put people on judicial benches who are going to rule based on what the law says—this tax bill on top of that, with capital coming in to our economy, is going to make a big difference. It will help mainstream businesses that want to reinvest, innovate, expand, create jobs. That is going to happen with this bill.

This bill came through the regular order process. It came through a committee that knew how to defend it. Every Senator had the opportunity to offer any amendment they wanted to offer to improve the final product.

American families have been stuck with a broken tax code for the last couple of decades, and that is going to end when the President signs this bill into law. We shouldn't have to wait any longer. We need to get this done this year, and we can.

FUNDING OUR MILITARY

Mr. President, I want to talk a little bit about another bill that we passed for the 56th consecutive time. There are a lot of things that Congress doesn't manage to get to every year, but the No. 1 priority of the Federal Government is to defend the country, and we show that in how we prioritize that authorization bill that gives those who serve in uniform the very best possible opportunity to serve us and serve us safely.

Senator MCCAIN would be the first to say that we have fallen behind in the last 8 years in what we need to be doing to maintain the advantage that we always want our troops to have, and, of course, he is right. He and Senator REED brought a bill to the floor, and that bill was passed into law. That will make a big difference in our obligation to provide for the common defense.

When we send men and women in uniform into harm's way, we never want that to be a fair fight. We want to give every possible advantage—a training advantage, an equipment advantage, an intelligence advantage—to the people we have asked to defend us.

In the next few weeks, as we appropriate the money to do what the authorization bill calls for, we are going to see a step-up in a way that has not happened in 8 years now and will happen, I am convinced, this year. This bill meets that responsibility.

I want to talk about a provision in that bill that I think particularly is reflective of the families who serve.

The strength of our military is in the families of our military. Somebody said to me not too long ago: We generally in the military recruit single young adults, and we retire men and women with families. Those families who become part of this process—soldiers, sailors, airmen, and marines, during the time they serve—provide the real backbone of our military strength. They have a million responsibilities when somebody in that family deploys. They look at the holidays we are now in the middle of different from the way most other families look at the holidays. The person who is there keeping the family together when somebody deploys often—more and more of the time now—has their own career. They are paying the bills. They are keeping the kids in school. They are facing, for the most part, the challenges that so many single parents face today, but these are single parents based on one of the two partners in that team being deployed somewhere else. They have to do these things while they are worried about the person they care so much about who is in harm's way. Then when that part of their life is over, they become a family supporting a veteran and whatever challenges that veteran has from their service.

So the bill we passed this year demonstrates our appreciation for our military families by including the Military Family Stability Act. This is a bill I introduced with Senator GILLIBRAND. That act provides for more flexibility for military families. It allows military families, for the first time, to meet one of the challenges they have when every 2 or 3 years they get a new assignment.

If you are trying to stay because your spouse needs to finish a job or your kids need to finish a school year, that is really not part of the process anymore, but it now can be. We have a provision in law now that allows families to meet the challenges of a child finishing or starting a school year when their family thinks they should or a spouse completing a job or starting a job based on their schedule rather than the military's schedule. This will help people stay in the military. It rewards the support that families give to the military. It allows the family to either move early or to remain at their current duty station for up to 6 months while their spouse begins a new assignment or while their spouse stays a little longer behind to complete that assignment. The spouse has to assume the responsibility for how they take care of themselves in that interim, but the money follows the family or stays with the family.

Right now, we have said to the family who wants to deal with that timing in a different way: Well, you can move early, but you have to pay to move early, or you can stay later, but you have to pay to stay later.

I have talked to so many people in the military, who have had a career in the military, who have stories to tell about the reasons they have left or the reasons they have almost left—because we just didn't have this reasonable ability for a work purpose or an education purpose or kids or spouses, either one—one woman we had in as a witness on this was finishing her Ph.D., and she needed to go a little earlier to get the semester started. Teaching as a graduate assistant, she needed to get there a little early to get the semester started. I think she was told at the time: Well, if you get a divorce from your husband, we will see that you relocate, but as long as you are married, you are going to have to go when he goes. And he didn't go at the time they were told he was going to go. All those things can be much easier dealt with now, and fortunately that is now part of our law.

I want to once again thank Chairman MCCAIN particularly and Samantha Clark on his staff, who worked so hard to finalize this provision.

TRIBUTE TO CAPTAIN SAM BURKE

Mr. President, I also would like to recognize an individual who has been absolutely vital to my work on the National Defense Authorization Act, my work on the Defense Appropriations Subcommittee, and really the overall national security issues we deal with. Capt. Sam Burke, our military detailee, has been with us for the last year. I think this has been a benefit for him, but I know it has been a benefit for us. Sam is a proud Missourian. I have had a number of military detailees. He is the first Missourian we have had. He is a military detailee who has been absolutely instrumental in the Military Family Stability Act and has brought his experience to our office. Sam was instrumental in helping us finish that act.

Sam has been with us a year. His parents still live in Charleston, MO. His father, Jim Burke, is a fourth-generation farmer in Mississippi County. His mother, Jeanne, is a special education teacher who retired recently. Sam's brother, Evin, is carrying on the farming tradition and works with his father as a fifth-generation farmer.

As you would imagine, Sam was raised the right way, with strong Missouri values, but those Missouri values were, I am sure, definitely enhanced by the effect of the U.S. Naval Academy, where Sam went to school and graduated in 2010. He has deployed to Okinawa, Japan, been in support of multiple exercises throughout Southeast Asia, including Cambodia and Thailand. He has been a real resource for us. He has provided an important perspective on a number of foreign policy issues, ranging from Colombia, to Australia, to Russia, to the Balkans. He has been a great help on veterans issues and a tremendous asset to our office from day one.

I wish Captain Burke all the best in the next chapter of his military career.

I thank his fiancée, Sarah, and all his family and friends who support him for the sacrifices he has made serving the country and will continue to make. He is a first-class marine, a consummate professional, and an exceptional individual. We are going to miss him, but the country is going to continue to benefit from his service.

For Sam Burke and all those who serve, we are grateful. For the hard-working families in America, I think we are taking a right step with the tax act, just as we took the right step for military families with the Military Family Stability Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Mr. President, I enjoyed hearing the remarks of my fellow Senator from Missouri. I wish Sam well in his next deployment as a military liaison, and I thank him, as well, for serving our country.

CHILDREN'S HEALTH INSURANCE PROGRAM

I come to the floor today to talk about tax reform and its benefits for middle-class families across this Nation. First I wish to highlight a program that is critical to these families, especially children; that is, the State Children's Health Insurance Program or, as it is referred to across the Nation, CHIP.

For more than 20 years—and really since the very beginning, when I first began serving in the West Virginia House of Delegates—CHIP was one of the first programs for which I became a strong champion. That is because I understood how critical it was then for families in West Virginia and how critical it is now.

When I was in the State legislature in the nineties, I served on the committee charged with creating and implementing the State Children's Health Insurance Program.

My voting record on this issue has been very clear. As a Member of the House of Representatives and now in the U.S. Senate, I have voted numerous times to fund and expand the CHIP program.

In my State of West Virginia—a smaller State—22,000 children are in the West Virginia CHIP program. That includes over 10,000 families. It is essential for these working families. It is essential that we recognize that some working families are unable to get insurance. Maybe they can get it for the person who is working, or the spouse, but a lot of times it is prohibitive to get insurance for the children at the same time. That is where CHIP comes in. It is preventive. It is for sickness and illness. It has really helped to improve the health of our young people in the State of West Virginia.

I was pleased that the bill passed out of the Finance Committee with strong bipartisan support, and I want to thank them for their efforts.

I have also spoken with Leader McCONNELL, and he is very favorable about the need to reach a solution for

this by year's end. Thousands of West Virginia families and children who rely on this program need to know that it is going to be there. We know we are running up against a funding deadline and expiration; we have already passed the expiration date.

So I look forward to working together with Members of the Senate on both sides of the aisle to reauthorize CHIP and the CHIP program as soon as possible. That will be a good Christmas present.

Mr. President, another issue I wish to speak about is a policy that I think will greatly benefit families in West Virginia and across this Nation; that is, the Tax Cuts and Jobs Act that we passed last week. I was very proud to vote for that—proud because I understand what this legislation can mean to the working families and so many people in our States. Today, I would like to explain exactly why I did vote for the bill.

First I wish to speak about the 83 percent of West Virginia families who file and don't use itemization. They file the short form. For those families—83 percent of those filers—that is double the standard deduction, double the child tax credit, which means significant tax savings.

I voted for the bill because it cuts taxes for folks in all income brackets. These are the people who are tired of Washington telling them how to spend their hard-working dollars or, even yet, Washington spending their hard-working dollars for them. Now we are telling these hard-working men and women that they can keep more of their own dollars to make those decisions. They can decide how to spend it. This is not a novel idea, but I think a very welcome increase in our tax dollars coming home. They will be welcomed by every individual family. So whether they are spending it on something that helps them today or tomorrow or whether they are saving for the future, let's let them make that decision. The point is that decision should be theirs.

I also voted for this bill because it helps American businesses of all sizes. It will empower our small businesses to grow and thrive. We had a small business that came to Capitol Hill last week from the Eastern Panhandle. Many of them had different reasons as to why this was going to help their small businesses. Yes, a tax cut means more money for them to invest in their own business and is a big positive for many of them. But one particular small business owner said: Do you know what I really want? I want more time with my family, more time to devote to my family and my church. So while I am an owner of a small business and devote all of my time to the small business, give me the time back that it takes me to comply with the U.S. Tax Code. Simplify this, and give me that time to devote to my family and my church.

I also feel that not just small businesses are going to grow, but it is also

going to help men and women have more job opportunities and higher wages. When it comes to our larger businesses and corporations, it makes them more competitive. Even in a small State like mine, 50 percent of our private workforce works in a larger—well, actually works for a small business; I think it is 30 percent who work for a larger corporation. But as that corporation becomes more competitive globally and our products become more competitive, the result of that is going to be higher wages, more sales, more jobs, more opportunities, more expansion into our State and not beyond our borders.

I voted for this bill last week because it gives our economy a big boost. I challenge anybody who is watching this closely or feels in their family or in their State budget or in their personal budget—who says that this country's economy is growing fast enough or is robust enough or everybody is benefiting. We know that is not the case. We see it in our towns.

I live in a relatively small area. Communities in my State of West Virginia and across this country have been forced to deal with the consequences of a struggling economy—shuttered stores, closing schools, falling real estate prices. This is what happens when everything contracts or stays so stagnant. It has really affected many aspects of our lives. I voted for this tax bill because I am just not OK with that.

I am not OK with standing still. If you are standing still, you are losing. We need to move this economy forward. We need to make it work for everybody. So, basically, I have had enough.

The Tax Cuts and Jobs Act represents a new direction for America—one that provides hope, prosperity, and a chance to really turn things around for a lot of people.

Of course, as with many legislative accomplishments of this magnitude, concerns have been raised from some of those who feel differently. That is what a conference committee is about. We hear concerns. We have heard them from our constituents, and I am sure the House has heard them from their constituents. That is what the conference committee is all about. I have been raising the ones that I have heard in West Virginia to my friends who are going to be a part of the conference process.

So, as I have said many times, this is a significant moment for our country. I believe we haven't done major tax reform in 31 years. It is well past time. It will provide a significant opportunity, and it requires big and bold action. We do a lot of little things around here that help people, and those are great. But it is rare that we can do something big and bold that is going to help so many people in this country.

Let me go back to my statistics. Eighty-three percent of the people in West Virginia file without itemization.

They are going to be getting a doubling of the standard deduction, a doubling of the child tax credit—a tax cut, tax relief. Keep the money; make the decisions in your own family. It is predicted because of the simplification factor that that number of 83 percent will actually rise in many States, mine included.

I think this big and bold action we are about to embark on is something we can look at with great pride. I ask my colleagues on both sides to sincerely look at this and join us in our efforts to provide tax relief, tax reform, tax cuts, and an economic boost to our country—which we so desperately need.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I am pleased to follow my esteemed colleague from West Virginia. I wish to join her in her comments and emphasize what she emphasized so well—that this really is all about hard-working taxpayers across this country, not just in terms of making sure they keep more of their hard-earned dollars after taxes but making sure that their wages and income go up. Over the last decade, we have seen real stagnation in terms of wages and income. So as we work on this tax package, we want to make sure that across all income groups, we see real tax relief.

The other aspect of this bill is that it is pro-growth. It is about stimulating investment across this country by entrepreneurs, by innovators, by small companies—and, with big companies, bringing money from overseas back home to America, to create jobs in America. As we create those jobs, that competition for labor pushes wages and salaries higher. So it really is a two-for. It is about real tax relief for hard-working Americans, and it is about making sure that their wages and income go up.

These are just some of the estimates that have been put forward so far as to the impact that this tax relief package will have. According to the Council of Economic Advisers, there will be \$4,000 in higher wages. So that is what I am talking about. It is not just tax relief; it is about higher wages. For an average family of four—median income, average family of four—there will be a savings of \$2,200 in taxes. That is from the nonpartisan Tax Foundation.

So it is the combination of both of those things: higher wages, lower taxes.

It comes from creating more jobs. The estimate is, again from the Council of Economic Advisers, almost 1 million more jobs. It is those jobs that not only create opportunity, but that competition for workers is what pushes those wages higher.

Also, a 3.7-percent larger economy—that larger economy is a very important consideration, as well, because by growing the base, even with lower taxes, you generate more revenue,

more revenue for the government to invest in our priorities and to reduce the debt and deficit over time. Of course, we have to find savings where we can, but at the same time we have to have economic growth to address debt and the deficit, and that is exactly what we create, not just through tax relief but the combination of tax relief and the regulatory relief that we have done through the course of this year. It is that regulatory relief and that tax relief that really empower our small businesses across the country, which are really the backbone of our economy. We are talking farmers, ranchers, small businesses of all kinds. We are talking entrepreneurs. We are talking innovators. We are talking about the job creators in this country, creating more jobs and opportunity, and the wage earners and the workers benefiting through lower taxes and higher wages.

This next chart shows that the tax relief really comes across all income groups. That is something that obviously has been discussed, and that is what we are doing here. We are making sure that across every single income group, there is a tax cut. So the effort is to focus on lower income, middle-income workers, but to make sure that there is tax relief across all groups.

The way we focus on lower income workers is by increasing the standard deduction. We more than double the standard deduction from about \$6,000 today to \$12,000 for an individual. So for a married couple, that is \$24,000. For a single individual who has dependents whom he or she is taking care of, whether those are children or maybe a parent or a relative, it is \$18,000 for an individual.

Now, with that higher standard deduction, we will find that 9 out of 10 people will not itemize. They will not itemize. That means their tax return will be one page. They can complete it on one page. It is simple, easy, and then they can send it in.

That is 9 out of 10 filers with this new higher standard deduction. It not only makes sure we provide relief to low- and middle-income taxpayers, but it makes it much simpler to fill out that tax return.

At the same time, we keep other deductions and exemptions that are very important to people. For example, the child tax credit is doubled. The child tax credit goes from \$1,000 to \$2,000. We are doubling the child tax credit. To help with college, we make sure people can open a 529 savings account so they can save money for college and for the education of their young people.

Businesses will be encouraged to provide paid family and medical leave by receiving a tax credit to partially offset the pay of an employee who is caring for a child or a family member.

Other important deductions that we continue—the mortgage interest deduction. That is very important. We continue the deductibility of the mortgage interest on your home. We continue

that very important and very popular tax deduction. We continue the deductibility of charitable contributions. For charitable organizations that need those contributions to continue to fund their important activities, we continue that tax deductibility. We continue the child and dependent tax care credit, the adoption tax credit, the earned-income tax credit to help families with children, working families with children. We continue the 401(k) retirement deduction. That was one that had been discussed, and there was concern expressed that that might be reduced, and we didn't. We continue the deductibility of medical expenses. For example, seniors or others who may have a lot of medical expenses can continue to deduct the cost of those medical expenses.

In all these cases, we have worked very hard to make it simpler and to make sure that for low- and middle-income workers, we are providing that tax relief.

This next chart goes to what we call passthroughs. As I mentioned earlier, the heart and soul of our economy are small businesses. We want to make sure that we are providing tax relief for small businesses across this country so that they can invest, create more jobs, and hire more workers.

For larger businesses or businesses that are multinational, what we are doing is making our Tax Code competitive. What that does is that creates an incentive for the larger companies to bring capital back home that is currently overseas, invest it in America, and create jobs in America. That is called repatriation.

Leading economists estimate that there is more than \$2.5 trillion that U.S. corporations have overseas that they would bring back home, bring back to America with this tax relief, and invest in America. That is all about them building plants at home, creating jobs at home, creating American jobs, rather than investing somewhere else in the world. That not only creates jobs and more opportunity—again, that push for higher wages and income—it also brings back revenue that helps pay for this tax cut for the individuals and for smaller companies as well. When they come back and invest here, that generates tax revenue in America rather than somewhere else, in some other country.

We want the larger multinationals to come back and invest in America. For our smaller companies, our passthroughs, we want to make sure they have the ability, through regulatory relief and tax relief, to expand and grow their businesses. That is what you see here.

With the work we have done for small businesses across every income group, small businesses are getting a tax break. The reason it is done across income groups is that passthroughs are taxed at the individual level. So whether it is a sub S corporation or a partnership or a limited liability partnership or a limited liability corporation,

the income earned by those small businesses is passed through to the owners and the investors, and then it is taxed at that individual level. So what we show is, across the board, those small businesses are keeping more of their money so they can put it in plant and equipment rather than send it to the Federal Government.

I am going to go through some of the things that we have either kept or added for small businesses, particularly some, for example, in the ag area, which is very important to my State, but things that we have kept that really help all small businesses. They include, first, lowering the rate. We start by lowering the rate. Across every income group, we lower that tax rate.

The House plan has four different tax rates. We have seven different tax rates, which compares to the seven that we have right now, but we drop them all. We reduce each one of those rates. That is important to understand because that is the objective. We want to make sure that tax relief is provided across the board.

There has been some discussion about, well, does that create more complexity in terms of having seven different tax rates the way we do today? Really, it doesn't. The complexity in determining what you have to pay in taxes comes from calculating your taxable income. That is what we have greatly simplified, as I described earlier. By keeping the seven tax rates, we make sure we provide an income break across every different income group, every different business group. Again, this is about providing tax relief. It starts with lowering, obviously, those rates for businesses.

We also provide other very important incentives for investment. Remember, this is about pro-growth investment to grow the economy and increase wages. One of those is expensing. That is very important. When a business puts out cash to invest in plant and equipment, they are out those dollars. If they can't deduct that expense up front, it is a lot harder for them to make that expenditure.

For the first 5 years, we provide full expensing. That is incredibly important. Whether it is a farm in my State of North Dakota or a small business in my colleague's State of North Carolina, if they can write off that expense—that plant, cattle, equipment, whether it is new farm machinery or any kind of business equipment—then they are able to make that investment and grow their business.

We not only provide that full expensing for the first 5 years—with a step-down over the next 4—on a permanent basis, we keep section 179 expensing, which is a very popular investment incentive for small business. That ensures that small businesses can expense up to \$1 million a year in plant and equipment, and it doesn't start phasing out until they get over \$2.5 million in expenditures. On a permanent ongoing basis, that provides incredible cer-

tainty for the millions of small businesses across this country to keep investing—buying new plants, new equipment, growing their business—and that is the absolute backbone of our economy and job creation.

Those are the kinds of provisions that make such a huge difference for our companies and that we have included in this tax relief package.

Where are we in the process? We have moved our bill through the Senate. The House has moved their bill through the House. Now we are headed for conference. We need to continue to work to get the best possible product and pass it on the floor, and our objective is to get that done before the end of the year.

This process is important. I am going to mention a couple of things in closing here that show the importance of this process—moving it through the Senate, moving it through the House, and working in conference committee to get the very best product we can for the American people.

For example, as we have moved this package through Senate, one of the things we added that I think is incredibly important is that you can deduct up to \$10,000 in property tax. On your homestead, if you have property taxes up to \$10,000, we have now included that in the Senate package. That is a very popular deduction that is important to many people. We added it in the Senate. The House has it. This is going to come out of conference and include that property tax deduction. I think it is very important and very helpful to getting a good tax relief package.

Another one that I worked on directly is making sure that car dealers and implement dealers—these are small businesses across the country—can continue to deduct the interest on their floor plan. So for their cars on the lot, the inventory that you go and look at when you buy a car, or, if they are in the ag business, the tractors and the equipment they have—they can deduct that interest. That is incredibly important for them to be able to do business. That has been added as we have advanced this package.

Another provision is IC-DISC. It sounds complicated, but it is simply an incentive for companies that will export. Big companies do a pretty good job of exporting, and they have a lot of ways to do it, but for small companies, when they are making product in our country and are trying to send it to Australia or somewhere else, that is a tough proposition. We give them help through that IC-DISC program. Again, that is another example of how we targeted some of these tax deductions to small businesses or kept some of these programs that really help small businesses and, again, make this package as pro-growth as we possibly can.

At the end of the day, it is about keeping more of your hard-earned dollars after taxes, but it is also about growing this economy. Growing this economy is the rising tide that lifts all

boats. That is what we are about. We can sit here and not do something like that and say: OK, business as usual. That is not what the American people want. The American people sent us here to make changes, real changes that are going to help us grow our economy, create more jobs, and create more opportunity; that are going to do more for border security; that are going to strengthen our military and strengthen law enforcement, the rule of law in this country; that are going to improve our healthcare. So these are the kinds of things we have to get done. These are the kinds of things the American people have sent us here and said: Hey, we need to get going on these things. That is exactly what we are doing.

I certainly call on all of our colleagues on both sides of the aisle to join together and get this done, get this tax relief done for the American people, and get it done before the year end.

With that, I will defer to my esteemed colleague from North Carolina.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Carolina.

Mr. TILLIS. Mr. President, the tax cuts we passed last week—whether they are in North Carolina or North Dakota, working families are going to benefit from them. Over the course of the next days and weeks that we negotiate with the House on a final package that will go to the President, we are going to hear all kinds of interesting claims made on the Senate floor.

I was presiding, Mr. President, before you relieved me from the Chair, and I heard one of the speeches we are going to hear several times—we passed this tax bill so that we can actually now cut support for people who need the government safety net. That sounds absurd. It sounds absurd on several levels. No. 1, it is not a very kind thing to do. No. 2, it is not a very wise thing to do.

Let me put in another claim. I can try to put them together. They are saying that we are passing a tax increase on working families in America. What they forget is the dot, dot, dot—maybe 7 or 8 years from now if we decide to raise taxes. Highly unlikely. But in the here and now and next year, after this tax bill gets passed, working families are going to get a tax cut.

How on Earth can you look at a standard deduction doubling—we are going from \$6,000 to \$12,000 per individual and \$24,000 per family. What does the standard deduction mean? Some people may not understand it. It is pretty simple. That standard deduction means that money isn't going to get taxed. So we are increasing the number of people who will not pay taxes.

One of the brackets we haven't talked about, and I think we should, is the number of people who go to a zero tax bracket under the Senate plan and, to a large extent, under the House plan. Then we talk about the child tax

credit. Now let's talk about a working mother, a single mom with a child. The first \$12,000 isn't going to be taxed, and then another \$2,000 per child would not be taxed before you would even be subject to tax. That is the reality of this plan. It is not an increase in taxes.

Those who oppose this plan are trying to talk about a hypothetical possibility 7 or 8 years from now that I don't believe is going to happen. One of the reasons why I believe it is highly unlikely to happen is because we are going to have economic growth from this tax plan.

The way you get economic growth—you also have to recognize that in the United States, we have the highest corporate tax rate in the world. When people are trying to set up shop today, they don't have to necessarily set up shop in the United States to do business in the United States; they go to the lowest cost jurisdiction. I don't fault a business for doing that. When I am confronted with maybe the desire to set up a business in, say, North Carolina or somewhere else in the United States, if it is going to cost me substantially more, of course I am going to make the business decision to go where I have the most resources necessary to produce the product or service that I want to provide.

By cutting corporate taxes and by cutting what we call the passthrough tax, which is handling all businesses, whether they are a C corporation or a passthrough entity—I won't get into the details, but they are the two different ways businesses set up to pay their taxes. By lowering that tax burden on businesses, we are going to see economic growth.

After the tax cuts are put into place, we are immediately going to see a reduction in the tax burden for working families. That is going to be from the increases in deductions and the lowering of the tax burden. Over time, we are going to see additional money going into the pockets of working families, because I firmly believe that through economic activity, we are going to see an upward increase in wages. We are going to see median incomes go up. We are going to see people lifted out of poverty. The reason I believe that is because we have done it in North Carolina. We were roundly criticized—the same way people did on this floor—when I was serving in the State legislature, and we delivered on a promise we made if we got a majority in the State of North Carolina. We went on to decrease the tax burden on businesses and decrease the tax burden on individuals, and we have seen our income to the State go up—more money, more resources in the State to do good things for people in North Carolina. One of the good things we do is continue to lower the tax burden because our economy is growing at rates it has not seen in decades in North Carolina. That is what is going to happen in the United States.

It also provides us with resources to help those who truly need help. The

other argument that suddenly we are going to pay for this tax cut by harming people on Medicare and Medicaid is absurd. All of us here have mothers and fathers, aunts and uncles, maybe brothers and sisters who rely on Medicare, Medicaid, and Social Security as their primary source of income. How anybody can come to this floor and say that I am going to tell my 85-year-old mother—Mom, I am sorry if you are watching this because I know you hate it when I mention your age—who relies on Medicare and relies on Social Security that we are going to come to this Chamber and betray that trust and break that promise that we made to them is absurd.

Are we talking about things we can do so I can make a promise to these pages when they get old someday—I know it is hard for you to imagine you are going to get old someday, but you will. What we are talking about is making sure that we can fulfill that promise for the generations who have not yet relied on Medicare and Social Security. If we don't act, we are going to harm the very people whom other people in this Chamber profess to be helping.

We have a fiscal crisis out there that we have to deal with, but it has no connection to what we are trying to do with tax reform. People say we passed the tax reform bill so that we can harm other people and pay for the tax cuts through cuts to our entitlement programs or safety net programs. It is not happening. We justified this tax package based on what we believe to be economic growth. This tax bill will be funded through economic growth. This tax bill will be funded by more people making higher wages, more businesses being successful and hiring other people, and the United States being more competitive on the global stage. That is how we pay for this tax package.

Again, I speak from a bit of experience because we did tax reform over the last 5 years in North Carolina. It wasn't perfect. That is why we came back and made some changes after we realized there were some unintended consequences, which is the last thing I will talk about.

We are now going into what they call conference. Today, what you are observing is a period of time that we have to pass through in the Chamber before we can vote to go to conference. When we go to conference, it means that the House and the Senate will get together and we will try to work out our differences. One of the things we have to do is work out some things that we have identified that may be unintended consequences of the bill, to make sure that we minimize any negative impact that wasn't thought through until we can begin to work through some of the models. That is going to happen. I think the conferencing process will produce a better bill.

But more than anything else, we need to recognize that it is time to deliver on a promise we made to the

American people. We need to be the Congress that, for the first time in over 30 years, actually delivers on the promise of reducing the tax burden and getting the economy back on track—the way it hasn't been for quite some time.

That is why I am proud to have voted for the tax plan. That is why I will be proud to vote for the plan that goes to the President's desk. That is why I will be proud to stand in this Chamber, just a couple of years from now, and demonstrate that the courage we are displaying by moving forward with this bill is going to produce a result for the American people that benefits every single person all across the socioeconomic spectrum.

I appreciate the opportunity to tell the American people again: Don't necessarily believe everything that is going to be said in this Chamber in the next couple of days or couple of weeks. American people, don't be afraid when you hear that one or the other party is working hard so we can harm people who rely on our safety net. Don't believe it. It is not true. Don't believe that we have decided that it was a great political strategy to raise taxes 7 years from now. Don't believe that it is an immediate tax increase, because that is empirically untrue.

Believe that we are doing everything we can to fulfill our promise, and believe that, if we do this, everybody in the United States is going to benefit. We are going to be a stronger nation. We are going to be a more competitive Nation, and we are going to have a point in time in Congress when we actually came here and did what we said we were going to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

DACA

Mr. DURBIN. Mr. President, 16 years ago I introduced the DREAM Act. The idea behind the legislation was that if you were brought here to America as a child by your parents, you are undocumented, you grew up in this country, you don't have a serious criminal record, and you have completed school, you deserve a chance to earn your way into legal status into America. You had nothing to say about the decision of your family to come here. You have grown up in this country. If you want to be a part of our future, you should be given a chance. It was a pretty basic idea. It has been debated for a long time.

President Barack Obama stepped up and said: Since we haven't passed that law, I will create something called DACA, or Deferred Action for Childhood Arrivals.

Under that Executive order, the people I just described can be protected

from being deported for 2 years at a time. They have to go through a criminal background check, they have to pay a \$500 fee, and they get the temporary ability to live in the United States without fear of being deported and to work in this country.

Well, 780,000 young people came forward and signed up and went on with their lives—going to school, getting jobs, becoming part of America. DACA-eligible people joined our military. They weren't American citizens, but 900 of them joined our military, willing to sacrifice their lives in defense of a country which doesn't legally recognize them as lawful immigrants. Some 20,000 of them became teachers in schools all across the United States. Most of them are students, who are working because they can't qualify for Federal assistance to go to school, and there are some amazing stories.

So there they were kind of in limbo—half here, half not here—uncertain about their future, but with the protection of that Executive order. President Trump came in and said: It is over. As of September 5, he ended this DACA protection—saying, prospectively, that the final day for it is March 5, 2018—for 780,000 people. The President then said to Congress: Now, do something. Pass a law. Take care of these people.

Well, 3 months have passed and we have done nothing—nothing. In fact, we have done little or nothing on the floor of the Senate for the last several months. We haven't done this, and it is still unresolved as to whether or not they are going to have a chance to be a part of America's future or for young people like them to have a similar chance—unresolved.

We have to do something about that and we have to do it soon because every day 120 of these young people lose their protection under DACA. That is almost 1,000 a week. So far, 10,000 of them have fallen out of protection under DACA.

What does it mean under practical terms? First, it is the fear of being deported. You are no longer protected. You are undocumented in America. You can be deported: A knock on the door, and you are gone.

Do these young people know that? Of course they do. I see them every weekend. I sit down with them. They are emotionally distraught over the possibility of their lives ending as they know it—being deported to countries they have never been to before, facing languages they don't know.

Think about that possibility. You are 18 or 19 years old, and now you are being deported back to Bolivia, where you have never been. You may not speak Spanish very well, but now you are going to be tossed back into Bolivia where you came from.

So now the question is this: What will we do about this? Will Congress act or wait?

Some voices on the floor of the Senate have said: Well, let's try to get around to this next year. Well, you cer-

tainly can't look at the floor of the Senate today, or virtually any day, and say we are so swamped with work we just can't take this up. Of course we can, and we should.

I want to salute my Republican colleagues, a number of whom have stepped up and said: Let's sit down and work this out once and for all. These young people deserve a chance. Let's give them that chance. Their stories are nothing short of inspiring.

This is Yuriana Aguilar. Yuriana Aguilar was 5 years old when her family brought her here from Mexico. She grew up near Fresno, CA, where she was quite a good student. She was in the top 1 percent of her high school class and graduated as valedictorian. She was involved in a lot of activities, was a member of the high school Junior ROTC Program, volunteered at retirement homes, and, with a group called Tree Fresno, planted trees in her community.

She first learned about her immigration status when she was a senior in high school. She thought she was OK. She learned she was wrong. She tried to apply for financial aid, and they said: You are not documented. You are not legally in America. She came here at the age of 5, and she learned about it much later in life.

She didn't give up. She just said: This can't be the end of my story. She was accepted at the University of California, Merced. She majored in biological science, made the dean's list every semester, and was on the chancellor's honor list.

She conducted research in marine biology, as well as in atherosclerosis. Excuse me, Yuriana, if I messed that up; I am a liberal arts lawyer. It looks like that. It is the question of the buildup of fat, cholesterol, and other substances in arteries. She continued her community service, volunteered for the Boys and Girls Club, for a local hospital, and with the church's Sunday school program.

After she graduated, she couldn't pursue her dream of becoming a scientist because she was undocumented, but she didn't give up. She said: This can't be it. So she volunteered at a research lab, where she wasn't going to get paid but where she was able to continue studying and learning.

Then, President Obama created DACA, the Executive order I referred to, in 2012. Because of that, she was allowed to apply to the University of California, Merced, for the Ph.D. program in quantitative and systems biology. Her research focused on sudden cardiac death, the leading cause of natural death in the United States.

Last year, Yuriana became the first undocumented person at the University of California, Merced, to receive a Ph.D. Listen to what the dean of the School of Natural Sciences said:

Yuriana's work is stunning, and it will have significant impact on our knowledge of the workings of the heart at the cellular level. The potential benefit of her research in cardiac care is enormous.

She is now a postdoctoral fellow and instructor at Rush University Medical Center in Chicago, a city I am honored to represent. I was just with her last week. This is a picture of her in her lab.

She continues her research on heart health, thanks to DACA, but it is coming to an end. President Trump has ended the program that allows her to stay and study in the United States of America.

She is not going to give up, she says. She wants to bring her medical knowledge and expertise back to the Central Valley in California, where she grew up. During her childhood, she saw how people's financial situations often determined their healthcare. She wants to establish a research-based hospital to make sure that the same top quality healthcare is available even for lower income families.

She sent me a letter. She told me about the day that DACA was announced. She was in a research lab doing what she loves to do. She had a human heart in her hand that was beating with an artificial valve outside the body, and when she saw the news, she cried. She said: "I'm finally out of the shadows."

So can she wait? Should she leave? Those are the basic questions we face. Should we do something now? Should we roll up our sleeves, Democrats and Republicans, and solve this problem? Should there be any doubt that we want Yuriana to stay in the United States and continue this amazing research?

Of course, we do. Here we are, trying to attract foreigners to come study in the United States on the mere chance that they will turn out to be as productive as this young lady with her Ph.D. is going to be. She made it through American schools. She beat the odds when it came to college and graduate degrees, without her having the help of government loans. She is a pretty determined young woman. Her determination is not only going to mean that she has an opportunity for a great life; it is an opportunity to make the lives of so many of us better.

This is a simple issue of justice and fairness. That is what is at the heart of it. People come to the floor and want to make this about so many other issues in the immigration system. Can I tell you this? Our immigration system is a mess. It is broken down. It has so many problems. I know. I sat for 6 months and drew up a comprehensive immigration bill with my fellow Republican and Democratic colleagues. We passed it in the Senate, and the House wouldn't even consider it. Our immigration system is broken.

Please do not put on Yuriana's shoulders the responsibility of fixing every part of our immigration system. Give her the chance that she needs to make America a better nation. Give her the justice that she deserves through her hard work and determination. That is what this comes down to. If we make

the Dream Act the law of the land, young people like Yuriana can prove that they can work their way into legal status, work their way into citizenship, and become valuable parts of America's future.

Please, to my colleagues on both sides of the aisle, let's roll up our sleeves and do what we were sent to do—solve problems, pass laws, and make sure that we set the stage for America to be a better nation in years to come.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

Mr. KING. Mr. President, a little bit later this afternoon, I am going to be offering a motion to instruct conferees in connection with the tax bill that may be one of the most simple, straightforward motions ever offered in this body.

I will read it in its entirety: We move that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill, H.R. 1, be instructed to insist that the final conference report not increase the Federal budget deficit for the period of the fiscal years 2018 through 2027.

It could not be more straightforward: Don't increase the budget deficit. Why? This chart basically tells the story.

We are headed, literally, into uncharted territory with regard to our national debt. It is a threat to this country. It is a threat to our national security. It is a threat to every man, woman, and, especially, to every child, because they are the people who are going to have to pay this debt.

This is the history of our debt, in constant dollars, going all the way back to the Revolutionary War, and it tells a very powerful story.

At the very beginning of our country, in 1790, we incurred a big piece of debt to pay for the Revolutionary War. They paid it off. There was another mountain of debt to pay for the Civil War. It was paid off. The debt goes up again to pay for World War I, and it was paid off. Then it goes up for the Great Depression and then to a peak in World War II.

What happened after World War II?

As we all know, World War II was fought—our country was defended, and victory was achieved—by something that has been called the “greatest generation,” and the “greatest generation” paid its bills. It paid off the debt from World War II. It went down in the seventies and then back up again in the eighties. Here is where we are today. The bill that was passed in the dead of night, early on Saturday morning, adds \$1.5 trillion to that debt—\$1.5 trillion.

We are adding to the debt at a time of low unemployment, enormous growth in the stock market, and a relatively strong economy. It is not perfect, by any means, but compared to where we were 5 or 6 years ago, we are in positive territory on the economy. That is when you should pay down debt, not add to it unnecessarily.

If we were in a crisis, if we were in a recession, if we were in a conflict that required immediate mobilization, that is when you would want to add to the debt. That is what you borrow for. We are borrowing to pay park rangers' salaries, and we are borrowing to pay for the ordinary operation of government. Now we are borrowing to give major tax cuts during a time of relatively positive economic growth. I know that it is not as high as it should be and as high as we want it to be, but this bill we passed, which is going to add to the debt, is not going to do much of anything to assist us with growth.

The analysis of the Joint Committee on Taxation is that it will add eight-tenths of 1 percent to GDP growth in 10 years. That is almost immeasurable. It doesn't come close, by the way, for paying for itself. It doesn't come close—maybe 15 or 20 percent. By the way, that is an interesting number because all of the studies that I have seen about tax cuts and their effects on economic growth indicate that they do about 20 percent of their cost. The other 80 percent is eaten by our kids.

It is unethical what we are doing. If 5-year-olds knew what we were doing and could vote, we would all be out of a job because they are the ones who are going to have to pay this bill. You see this mountain climbing, and it doesn't take a lot of imagination to see that we are going to be higher than at World War II in a matter of a few years, added to by this bill that we just passed the other night. It is unconscionable. It is unnecessary.

If, indeed, we were going to expand the economy by 3 or 4 percent a year and everybody were to say that that was what we were going for, then, maybe—OK?—3 percent a year times 10 is 30 percent growth. We are talking about eight-tenths of 1 percent over 10 years—not per year, over 10 years. My motion is very, very simple: Don't come back with a bill that adds to the deficit.

There are lots of ways that we can do tax reform. There are lots of ways that we can cut corporate taxes and make ourselves more competitive. We can do offshore tax cuts. There is a lot of ability to do this without hammering the deficit. In fact, I understand that, as of this morning, we improved the finances of this bill by mistake to the tune of \$389 billion—a mistake in the bill that we passed—because we did it so fast that nobody knew what was in it. I have a new rule. The faster a bill goes through the Congress, the worse it is, and I think that is what we have seen in this case.

We can deal with tax reform. We can increase our competitiveness. We can get our taxes aligned, particularly our business taxes, with the rest of the world without loading this debt onto our children. A tax cut, when all you are doing is borrowing to fill the hole, is not a cut. It is a shift of the tax from you to your kids.

You are on your deathbed. You are lying there, and you say to your chil-

dren: Come on over. I will give you my last words.

They go over, and they are listening. They want wisdom.

What you say is this: Here is the credit card. We had a great trip to Acapulco. You can pay for it.

That is not responsible. Nobody would do that. Yet that is exactly what we are doing in this bill. It is wrong, and it is not necessary.

I think one of the questions that we are going to have to ask and answer and that we are going to see—it is going to play out—is what companies are going to do with this newfound income when the taxes are cut dramatically from 35 percent to 20 percent. Is that money going to go into new plants and equipment? Is it going to go into wages? Is it going to increase people's wages and productivity? Is it going to go into stock buybacks, which raise the values of the stocks? That is great for the owners, but it doesn't do a thing for the workers, and it doesn't do much for the U.S. economy.

Again, my motion could not be more straightforward and simple: Work on the tax bill in conference, but I think that you are going to have a hard time making a good bill out of it. Whatever you do, come back with something that is deficit-neutral. By the way, that is where this discussion started.

Last January, the leadership in both Houses and in both parties was talking about deficit-neutral tax reform. Somewhere along the way, it became: Let's break the bank; let's add new debt for our kids; let's create a situation in which we are not going to have any slack when we need it. No business would run this way, and it is wrong for us to try to run the country this way.

I am going to make this motion. Many of my colleagues on both sides of the aisle have been talking to me and to the country for years about the dangers of the deficit. Suddenly, I predict, if this bill becomes law, at about the time the ink is dry, they are going to say: Oh, my Lord. We have a deficit. Look at that. I didn't know that. We are going to have to cut spending. We are going to have to cut Medicare, Medicaid, and Social Security because we have this huge deficit.

We don't have to add to it and make it worse in this tax bill.

That is what is really bothering me, because the very people who have been talking to me and to whom I have been listening for 20 years about how serious the deficit is, I was fool enough to believe. I think it is a serious problem, and I think we need to address it, but this is the opposite of addressing it. We are making it worse at the very time that we should be talking about paying down the debt, not adding to it.

We can do better. The American people expect more of us. We can do better, and I believe and deeply hope that we will come to our senses and do better in connection with this bill.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, I want to express strong support for Senator KING's motion and for the argument that he is making about the debt. I couldn't agree more.

I also rise to speak on my motion to instruct, which I will be offering in just a few moments, to direct the conference committee for this bill to add a provision that would return the corporate tax rate to its current levels if wages do not increase by at least \$4,000. That is the promise that has been made over and over to working men and women—that these cuts that are being made and changes that are being made will result in at least \$4,000 in increased wages, in people's pockets. I think they have the right to know that the majority means that when they say it and to make sure that that is written into the final bill.

The reason for this motion is very clear. As I indicated, Republicans have promised American families an increase in incomes of \$4,000, \$7,000, even \$9,000. I think that is great, and I would strongly support that. There is no evidence that this approach will do that, and, so far, there has not been a willingness to put language in to guarantee that that is what will happen for middle-class working men and women.

President Trump has called this bill, in his words, a "great, big, beautiful Christmas present" for the American people. I would argue that, in reality, at this point, it is a great, big, beautiful Christmas present for the wealthiest 1 percent. As for middle-class families, not so much—it is more like a lump of coal.

It keeps a loophole that let's corporations write off their expenses when they ship jobs overseas, but if you move from one end of the country to Michigan for a great new job, you cannot write off your moving expenses. Big businesses can keep deducting their State and local taxes, but, sorry, middle-class families: You can only deduct a small portion of your State and local taxes. When they talk about making it simpler and closing loopholes, none of that is in this bill. In fact, oil companies will enjoy a brand new \$4 billion offshore tax loophole. Meanwhile, 87 million American households that earn less than \$200,000 a year will get a tax increase. I will say that again: 87 million American households that earn less than \$200,000 will get a tax increase. Health insurance premiums would go up 10 percent and keep going up, while 13 million fewer people will have health insurance coverage. If that is what is considered a great big beautiful Christmas present, I would imagine Michigan families would say: No, I will keep the gift receipt and take it back to the store.

Treasury Secretary Steve Mnuchin said: "On the personal side, middle-income families are getting cuts and rich people are getting very little cuts."

Unfortunately, when added all up, he was very tricky. He said on the personal tax side, but when adding it all

up together, all of these proposals together mean that folks like Secretary Mnuchin and others in the Cabinet in their income brackets will be the real winners.

White House Budget Director Mick Mulvaney is making promises too. He said: "The White House, the President, is not going to sign a bill that raises taxes on the middle class, period."

I assume, then, that means he will not sign this bill.

Mr. President, I ask unanimous consent for 1 minute more.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. STABENOW. Thank you.

The White House also promised the average American family would get a \$4,000 raise in the tax plan. That is why I am here. What I am saying to the folks in Michigan is, the proof is in your paycheck.

That is what this motion is all about. If my Republican colleagues are serious about putting more money in the pockets of the middle class, which I want to do, I urge them to support this motion. We need to make sure that if folks are going to be promised at least \$4,000 more in their wages, they get it.

This motion would say, these new tax cuts only go forward if people get their \$4,000. The proof is in their paycheck. That is what this motion is about, and if my colleagues really believe what they are saying and what the President has said, they will support this motion to make sure that guarantee is there for middle-class families.

I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The question is on agreeing to the compound motion.

Mr. CORNYN. 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—51

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

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

NAYS—47

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

NOT VOTING—2

Alexander Franken

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

MOTION TO INSTRUCT

Mr. KING. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Maine [Mr. KING] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill H.R. 1 be instructed to insist that the final conference report not increase the Federal budget deficit for the period of fiscal years 2018 through 2027.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on the motion.

The Senator from Maine.

Mr. KING. Mr. President, this could not be a more simple motion. It simply says to the conferees to bring us back a tax bill that is deficit-neutral. It can be done. It should be done.

We are in a period now where we have no business adding to the Federal deficit. We know this bill will add at least \$1 trillion to the deficit—probably more—if the middle-class tax cuts are extended, as everyone expects they will be. This is a burden we are placing on our children and our grandchildren. We are giving ourselves a tax cut and letting them pay for it. I believe that is wrong. It is bad policy.

We are also utilizing whatever slack we have, as far as debt goes, now, when we are in relatively good times, and we will not have it available when we have a problem, such as a recession or some kind of—heaven forbid—attack on our country.

The motion is very simple. This is a time when we should be paying down debt and not adding to it. If our children—if our 5-year-olds—knew what we were doing in this bill and could vote, we would be out of a job.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, I ask for our colleagues to vote no on the motion to instruct, unless you happen to believe that 2 percent and below growth is the new normal for the American economy, and we have nowhere to go but down as a country; that people don't react to incentives to keep more of what they earn and businesses invest more in jobs and in pay that people can take home and spend to enhance their standard of living; and unless you are satisfied with the fact that companies are incentivized to keep earnings abroad and not bring them back home and invest in pay and jobs here in America. If you believe there is no better, brighter future for the American people, yes, vote for the King motion to instruct.

If you believe we can and will do better under this bill, vote no.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

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

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—48

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

NAYS—50

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

NOT VOTING—2

Alexander

Franken

The motion was rejected.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Michigan.

MOTION TO INSTRUCT

Ms. STABENOW. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Michigan [Ms. STABENOW] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill H.R. 1 be instructed to insist that the final conference report includes a provision causing the corporate tax rate to revert to 35 percent in the event that real average household wages do not increase by at least \$4,000 by 2020 as a result of the enactment of the bill.

Ms. STABENOW. Mr. President, I am making a motion to instruct the conferees with language at the desk to put in place a guarantee that middle-class families will receive the raises my Republican colleagues are promising them. In other words, for people watching all of this, the proof is in your paycheck.

This motion would direct the conference committee for this bill to add a provision that would return the corporate tax rate to its current rate if wages do not increase by at least \$4,000. The President has said they will. Our Republican colleagues—we saw posters all last week saying at least \$4,000; in fact, we have heard as much as \$9,000.

This is important for families because corporate profits are already at record highs and wages are at record lows. If people are really going to get \$4,000 more in their pocket in wage increases, colleagues across the aisle should be willing to vote for this guarantee. The proof is in their paycheck.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, the United States has the highest corporate tax rate in the industrialized world. We are simply noncompetitive, which is why businesses are moving out of America, overseas, to lower taxed countries. If our colleagues on the other side of the aisle think that is a good idea, then they ought to vote with the distinguished Senator from Michigan, but we think it is a terrible idea to ship American jobs and American investment overseas.

We happen to agree, by the way, with Barrack Obama's 2011 State of the Union Message as well as the positions taken by the distinguished ranking member of the Senate Finance Committee, Senator WYDEN, and the Democratic leader, Senator SCHUMER. We need to get back in the game, become more competitive, and all Americans will benefit from that.

We urge the Congress to maintain the current competitive corporate rate.

I yield the floor.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—2

Alexander

Franken

The motion was rejected.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 5:10 p.m.

Thereupon, the Senate, at 4:29 p.m., recessed until 5:10 p.m. and reassembled when called to order by the Presiding Officer (Mr. LEE).

TAX CUTS AND JOBS ACT— Continued

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that Senators RUBIO and BOOKER be recognized to make motions to instruct and that their motions be the only motions in order remaining; further, that there be up to 10 minutes of debate on the motions concurrently, and upon the use or yielding back of time on the motions, all remaining time on the House message be expired, and the Senate vote on

the Rubio and Booker motions to instruct in the order listed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Florida.

MOTION TO INSTRUCT

Mr. RUBIO. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from Florida [Mr. RUBIO] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to insist that any conference report shall increase the refundable per-child tax credit to no less than \$2,000 and that the credit be expanded to benefit more low-wage parents.

Mr. RUBIO. Mr. President, this has to do with the child tax credit. We had a debate about it last week. I want to explain to everybody why it is so important that we continue to focus on it. Irrespective of whether we agree with the final outcome and whether the numbers were high enough in the Senate bill—and I continue to believe they were not—they are significantly better than the House position on this matter. I want to explain why.

The loss of the personal exemption hits middle-income families to the tune of about \$600. That has to be made up for. If you add to that the fact that over the last 15 years because of inflation, the value of the child tax credit has declined by over \$300, that leads you to the conclusion that the break-even point for a child tax credit that deals with the middle-income family hit and the erosion of the value of the credit due to inflation brings you to \$1,900. As a result, if you wanted to actually help families be better off than they are today, which is the goal of tax reform, the \$2,000 amount in the Senate bill is basically the break-even point, plus \$100. The House, unfortunately, in their bill only calls for \$1,600.

The first part of this motion to instruct is to ensure that the increase in the child tax credit, to our conferees instructing, be no less. Maybe it is more, but it can be no less than the \$2,000 that is in the Senate bill.

The second part, which was the topic of our debate, is the impact on low-income workers or workers in the lower part of the income scale—firefighters, teachers, police officers, construction workers, welders, home health aides. These are working people, the backbone of our country, the people who have suffered the most over the last 25 or 30 years, as the economy has made some people very profitable but left far too many American workers behind. Their anxieties, their daily concerns, the challenges they are facing really underpin a lot of the anxiety in our country, both electoral, political, and economic. Their primary tax liability is the payroll tax. If you make \$40,000 a

year, the biggest chunk of the taxes you pay is the payroll tax.

By the way, when I hear people say that people making \$40,000 or \$30,000 a year don't pay taxes, they are wrong. They pay taxes. They take money out of your paycheck. They paid a tax. It is irrelevant whether it is a payroll tax or an income tax. Those are taxes. When I hear people say that, it is offensive. Working people across the income scale pay taxes. Unfortunately, that is not recognized in a lot of the debates that are going on here about working people.

One of the things the Senate bill does do is it lowers the threshold upon which the tax credit begins to apply from \$3,000 to \$2,500. Again, not nearly enough, but it is certainly better than the House position. We can't regress on that point.

The second part of this instruction is, it asks the conferees to ensure that the final bill expands benefits so more low-income, low-wage parents and workers will be able to benefit from the child tax credit.

I remain surprised that there is not more consensus to support the reality that we need to do more to help working people in this country, and the child tax credit is one of the best tools to do it. I hope that what comes back from the conference committee is as good as or better than what we put out in the Senate. If it is worse, there are going to be problems.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

MOTION TO INSTRUCT

Mr. BOOKER. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BOOKER] moves that the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on H.R. 1 be instructed to insist that the final conference report does not contain any provisions that would increase the number of individuals who do not have health insurance or increase health insurance premiums.

Mr. BOOKER. Mr. President, my motion to instruct the Senate conferees would simply insist that the final conference report does not increase the number of individuals who do not have health insurance and does not increase health insurance premiums.

It has been stated on this floor by my colleagues on this side of the aisle that this bill is a blow to our deficit, that it is a blow to our budget, and that it is going to hurt families, particularly in States like mine, with the elimination of the State and local tax deductions. We also know that it could be a bill that could literally threaten the lives of Americans as well.

The nonpartisan Congressional Budget Office has said that it will increase premium costs by 10 percent and cause 13 million people to lose their cov-

erage, increase premiums and hurt people.

We know that this bill as it is currently written threatens Americans who rely on Medicaid, including children, people with disabilities, and seniors in nursing homes, because of the bill's potential to impact a State's ability to access funds for its Medicaid Program—again, the State and local tax deductions.

It is also going to possibly trigger cuts to Medicare. Because the bill that passed the Senate would possibly add \$1.5 trillion to the deficit, it could trigger automatic cuts to government programs, including an annual cut of \$25 billion to Medicare. A cut that size will significantly limit Medicare beneficiaries' access to essential health services in everything from cancer screenings to chemotherapy.

I urge my colleagues to support my motion. The Senate conferees must insist that the final conference report of this harmful bill at the very least does not contain any provision that would increase the number of Americans who do not have health insurance or that would increase health premiums for already cash-strapped American citizens.

Thank you.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent to speak for 1 minute in opposition.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TOOMEY. Mr. President, this harkens back to a moment earlier in this debate when the Senator from Oregon, the ranking member of the Finance Committee, described the repeal of the individual mandate as driving a stake through the heart of ObamaCare. Think of what a confession this is by our colleagues on the other side of what a disaster ObamaCare is—that it is dead, that it is done if people are not forced against their wishes to purchase a product that does not suit their families' needs and/or that they cannot afford. What kind of business model—what kind of person?—could possibly justify having to force people to buy its product? This is not only an egregious affront to any sense of personal freedom, but it is proof positive that this doesn't work.

There is another aspect to this as well, and that is that the tax that we impose on people who cannot afford these ObamaCare plans but that they are forced to buy is a regressive tax that falls wildly disproportionately on lower and middle-income folks. In my State of Pennsylvania, 83 percent of the families who are hit with this tax live in households that earn less than \$50,000.

I urge my colleagues to reject this motion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BOOKER. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

VOTE ON MOTION TO INSTRUCT

The question is on agreeing to the motion by the Senator from Florida.

The motion was agreed to.

VOTE ON MOTION TO INSTRUCT

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from New Jersey.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) is necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—47

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

NAYS—51

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

NOT VOTING—2

Alexander	Franken
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The motion was rejected.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

CHIP AND COMMUNITY HEALTH CENTERS

Ms. STABENOW. Mr. President, I am coming to the floor again to focus on the fact that the clock is ticking for families in Michigan and across the country—men and women, children, older people, younger people who use the community health centers, as well as those who have their children covered under the Children's Health Insurance Program. The Federal funding for those programs stopped September 30—67 days ago. We have had votes. We have had bills. We have had nominations come before us. There have been divisiveness and controversy. It would be wonderful if we could stop for 1 day and do something that has bipartisan support.

The fact is that CHIP covers 9 million children, and 100,000 of those are in Michigan. We passed a bill out of the Finance Committee in September. I want to laud our chairman, Senator HATCH, and our ranking member, Senator WYDEN. It was a bipartisan bill. There was only one "no" vote. We reported it out. I assumed we would want to get this done before September 30, when the funding ran out.

Instead, here we wait, 67 days later. There are 9 million children at risk because of this inaction—100,000 children in Michigan.

The truth is that today, thanks to CHIP and thanks to a variety of healthcare efforts across the country, 97 percent of the children in our country have access to a doctor. In Michigan, it is actually higher; it is 97 percent of our children. So if a child has juvenile diabetes, if they have a cancer or asthma or just fall out of a tree and break their arm or have bronchitis or the flu, whatever it is that is happening to children, parents have the peace of mind under the MICHild Program to know that they can take their child to a doctor whom they have a relationship with and who knows their children, instead of going to the emergency room.

We also know that emergency rooms are the most expensive way to provide care. They are necessary. They are important for emergencies but not for the daily routines of life, when someone could be seeing a doctor. It costs more; uncompensated care costs more, and when someone uses the emergency room when they could be seeing a doctor, then everyone else pays for that with their insurance rates going up.

So MICHild in Michigan and the Children's Health Insurance Program across the country work. They save money. They save lives. In fact, as soon as January, in Michigan, families are going to start to get notices that the funding will go away, that the medical care will go away. It is not a great way to start the new year: Merry Christmas. Happy New Year. Your child is not going to be able to go see their doctor anymore. We don't have to have that happen because we have strong bipartisan support for this.

It is the same thing with community health centers. Twenty-five million people are able to see a doctor or a nurse and get the care they need through a community health center in their community. There are 300,000 veterans who are able to see a doctor through a community health center, and there are 7.5 million children as well.

In Michigan, our health centers are all over the State. We have some 260 different clinics around Michigan that serve 681,000 people and, again, almost 13,000 veterans. Starting in January, they are going to begin to lose funding at different times—some in February, some in March, some in April—because of local funding streams. But starting in January, in Michigan, health centers are not going to have the funding they need. The majority of their funding—70 percent of their funding—comes through the program that expired September 30, and we know that this also doesn't have to happen.

My friend Senator ROY BLUNT and I have put in legislation. We have a letter signed by 70 Members—not 7—70 Members of this body, over two-thirds of this body signing a letter supporting the continuation of community health centers. Yet we can't get that brought up either.

We thought the original plan was to bring up CHIP, the Children's Health Insurance Program, and include community health centers with it, and get that done before September 30. The clock is ticking every single day, and it has not been done. Folks may be trying to hold it hostage politically for some reason or trying to work on some deal at the end of the year. In the meantime, families are worrying, men and women are worrying, and veterans are worrying about what is going to happen, whether or not they are going to continue to get their healthcare.

Let me go back to where I started. Today is 67 days, and tomorrow it will be 68 days since the funding for two healthcare programs that have had broad bipartisan support over the years and broad bipartisan support today—67 days since that funding has stopped.

I would like to close with a story from a gentleman named Darin, whose life was changed by one of Michigan's community health centers. He shared his story with me.

Darin was an unemployed truck-driver when he moved to Jackson, MI, 4 years ago. He hadn't seen a doctor for a decade, and, in his words, he was "a complete mess." He had diabetes, congestive heart failure, and he had no energy. He needed an oxygen tank to walk. He started seeing Dr. Roy at the Center for Family Health, which is a great health clinic in Jackson. He told her he didn't want to just be stable; he wanted to get better. So they went to work so that he could get back on his feet and get back to work.

Darin got his diabetes under control. He improved his lung function, got rid of the oxygen tank, and quit his pain pills. Darin said:

I went from being . . . hardly able to move to where I feel like I can do almost anything. Dr. Roy saw me at my lowest, and she has seen me improve so much that she celebrates with me. Dr. Roy kicked me in the seat of the pants, and I will always thank her for it.

Darin got his kick in the seat of the pants, and, Mr. President, with all due respect, I believe Members of this body could use one too.

There are 25 million people who count on community health centers for their care—their children's care, the care of their moms and dads. There are 9 million children who are covered under the Children's Health Insurance Program. They have been waiting and worrying for long enough; 67 days is long enough. I am hopeful that there will be a sense of urgency from colleagues to get this done.

Thank you.

I yield the floor.

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

TAX CUTS AND JOBS BILL

Mr. HATCH. Mr. President, last week, the Senate came another step closer to providing real tax relief to the middle class and providing a much needed boost to our economy. Yes, I am talking about the passage of the Tax Cuts and Jobs Act.

That bill spent years in the making. As my chief legislative focus for many years, tax reform is not some off-the-cuff effort. No, we have been researching, holding dozens of hearings, commissioning bipartisan working groups, and working with our friends on the other side of the Capitol and down the street at the White House for some time now.

This bill is going to put another \$2,200 in the pockets of the average American family. This bill is going to boost the economy. It is going to grow jobs and finally help end the wage stagnation we have been faced with for years.

This bill is going to unleash the American spirit, bringing businesses back home where they started and encouraging other businesses to both come from abroad, as well as to grow from within. Once again, America will be open for business.

I have not been alone in this process though, not by a long shot. In fact, tax reform has been a priority for many of my colleagues, including some who are no longer serving. I am talking, of course, about people like Congressman Dave Camp and Senator Max Baucus, who did a lot to move this effort forward. I feel gratified to have been here and to have worked with my colleagues to get this far.

As efforts this year began in earnest, we set out to build on the work of our former colleagues and to give low- and middle-income Americans some much needed relief and to give our country an opportunity to compete in the global economy. Our bill will do that, but as we all know, these great reforms are

not quite yet promised to the American people. There is still work to do as we work to iron out our differences with the House and make sure every section of this bill is ready to be eased into law or passed into law.

That said, I think we deserve to celebrate a little bit and, more importantly, to thank everyone for their work to get us to this point. So many people—both in and out of Congress—have worked hard to get us this far, and I want to express my appreciation for their efforts. Of course, I can't thank everyone in a single floor speech, but I do want to thank some who may be within earshot of this Chamber.

First and foremost, I need to thank Secretary Mnuchin and Director Cohn for their commitment to this effort and their help in getting it done. It is good to finally have an administration that is willing to lead out on tax reform. I also want to thank the distinguished majority leader who also did so much to secure the details of the bill and shepherd it through the Senate. Furthermore, I want to thank Chairman BRADY and Speaker RYAN over in the House of Representatives, as well. They, too, have been great partners and leaders in this endeavor.

I also need to thank the staff from the leader's office, including Sharon Soderstrom, Brandon Dunn, Antonio Ferrier, Hazen Marshall, Erica Soares, Terry Van Doren, Don Stewart, and Jane Lee.

Of course, I want to thank the Members of the Senate Finance Committee who put in countless days, weeks, and months in preparing this legislation and helping to get it passed. All of our majority Members contributed greatly to this process, and I am most grateful.

I also want to thank the tax legislative assistants from each of the committee members who helped to craft this bill; namely, Chris Allen, Sam Beaver, Joseph Boddicker, Chris Conlin, Shay Hawkins, Randy Herndon, Bart Massey, Monica McGuire, Mike Quickel, Zachary Rudisill, Andrew Siracuse, Robert Sneed, Derek Theurer, and Mark Warren, all of whom did an outstanding job in helping us to produce this bill.

I also thank the committee's legislative directors: Charles Cogar, Ken Flanz, Chris Gillott, Brad Grantz, Amber Kirchhoefer, Kurt Kovarik, Jessica McBride, Sarah Paul, Landon Stropko, Jay Sulzmann, Stephen Tausend, Pam Thiessen, and Christopher Toppings.

In addition to all of the Senators and staff on the Finance Committee, I need to thank some others. As we all know, this process has been a joint effort with our friends on the Budget Committee. I need to thank Senator ENZI, once again, for his leadership on that committee to give us the reconciliation instruction that made this all possible. Additionally, I would like to thank members of his staff, including Joe Brenckle, Jim Neill, Betsy McDonnell,

Matt Giroux, Paul Vinovich, Becky Cole, Eric Ueland, Thomas Fueller, and the rest of the Budget Committee team.

Closer to home, I thank the staff of the Finance Committee, who have done so much of the heavy lifting here. I need to single out Mark Prater, my chief tax counsel, who has served the committee for decades, and whose knowledge and expertise on these matters is recognized by everyone here and by pretty much everyone everywhere else. I also express my thanks to the rest of my committee tax staff: Jennifer Acuna, Tony Coughlan, Christopher Hanna, Alex Monie, Eric Oman, Marty Pippins, Preston Rutledge, and Nick Wyatt.

Additionally, I need to thank my staff director, Jay Khosla, who quarterbacked the staff through this whole ordeal and who has spent many years with me as we have laid the groundwork and started construction on this undertaking. I want to thank the other members of my senior team as well, including Matt Hoffmann, Jeff Wrase, Julia Lawless, Jennifer Kuskowski, Chris Armstrong, and Bryan Hickman. I need to thank the communications staff on the committee: Katie Niederee, Nicole Hager, and Joshua Blume.

I also need to thank a couple of former staff members: Chris Campbell, my former staff director, who worked for years on this effort. While he is now at Treasury, I am sure he is celebrating right now along with us. I would also like to give a thank-you to Jim Lyons, my tax counsel, who, unfortunately, passed away a little over a year ago. He contributed greatly to this effort for a number of years, and his steady presence has definitely been missed.

Other bodies deserve our thanks as well. Tom Barthold and his team at the Joint Committee on Taxation made themselves available at all hours to help us get this bill written and ready to pass, as did the staff at the legislative counsel's office, led by Mark McGunagle and Jim Fransen, as well as those who work with Elizabeth MacDonough in the Parliamentarian's office.

I am so grateful to all of you for your sacrifices and talents that have allowed us to craft this impressive package.

Unfortunately, though, there are too many people to thank in a single floor speech. So, please, let me express my gratitude to the countless individuals who have helped in this endeavor over the years. This would not have been possible without you.

Before I close, I would like to reiterate that we are not yet there though. I know I will not rest and that I can count on the rest of you to keep going until we have this over the finish line. We are so close to finally giving the American people the Tax Code, and, in turn, the economic growth not only they but their children and grandchildren deserve. It is my solemn commitment to keep working and get this done for all of us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

BIPARTISAN CONGRESSIONAL OVERSIGHT

Mr. GRASSLEY. Mr. President, I have been doing oversight of the executive branch for a very long time. I have done it as ranking member, I have done it as chairman, I have done it when my party held the White House, and I have done it when the other party held the White House.

Earlier this year, I stood up for the rights of my Democratic colleagues to do oversight of the Trump administration, even while they are in the minority. I did it because it was the right thing to do. Lots of people give lip service to the notion of bipartisan oversight, but very few actually practice it. It is tough. You have to be willing to work with colleagues in the other party to ask tough questions of your own political allies.

You can't just ask. If you actually want answers, you have to follow through. True bipartisan oversight is impossible unless it is a two-way street. If Democrats are unwilling to ask hard questions and force answers from their own political allies, then there is simply no way to move forward together in good faith. Both sides need to be committed to getting the whole story—not just the half they think helps their side. Regardless of whether my Democratic colleagues join me, I am interested in that whole story.

There are two major controversies plaguing the credibility of the Justice Department and the FBI right now. On the one hand, the Trump-Russia investigation, and then on the other hand, the handling of the Clinton investigation. Any congressional oversight related to either one of these topics is not credible without also examining the other.

Both cases were active during last year's campaign. Both cases have been linked to the firing of the FBI Director. I have been trying to explain this to my Democratic colleagues for months. The political reality is, half of the country thinks our law enforcement establishment gave Hillary Clinton and her aides a pass. These questions go to the heart of the integrity of our Federal law enforcement and justice system.

They are not going to go away just because Clinton lost the election. The independent inspector general at the Justice Department certainly isn't ignoring that issue. Democrats and Republicans in Congress have asked the inspector general to look into a host of issues involving the handling of the Clinton investigation during the campaign. His hard work has already uncovered some pretty disturbing information.

Over the past week, the press has reported that an FBI agent was removed from the special counsel's team and de-

moted at the FBI due to—what do you think—political bias. The agent was at the very center of both of these high-profile investigations. High-ranking FBI agent Peter Strzok reportedly used his work phone to send anti-Trump and pro-Clinton text messages to another FBI agent with whom he was having an illicit and immoral relationship.

This man was the Deputy Assistant Director for the FBI's Counterintelligence Division. He worked on the investigation of former Secretary of State Hillary Clinton's use of a private server to conduct—what do you think—official business.

According to news reports and according to documents, it looks like he also helped draft Comey's controversial public statement ending that case of Hillary Clinton and emails. Specifically, he apparently edited out language that suggested legal jeopardy for Clinton. Press reports state he opened the FBI's investigation of allegations of collusion between the Trump campaign and Russia. It has been reported that he was one of the two FBI agents who interviewed former National Security Advisor Michael Flynn.

Can you imagine if the shoe were on the other foot? What if a high-ranking FBI official got caught expressing pro-Trump political bias on his work phone while leading what is supposed to be a professional, objective, and non-partisan search for the truth? Why, of course, if that were happening, Democrats would go ballistic, and they would have every right to go ballistic.

This man held a crucial position of public trust, charged with protecting this country from counterintelligence threats. He was a key part of Director Comey's Clinton investigation and his Russia investigation. I have been saying for months that these two cases are forever linked. You cannot separate them.

The same people in the same agency handled both cases at the same time, and now a huge segment of the American people have no faith that these cases were treated, as they should be, impartially. I don't blame the American people.

It is interesting that before he was fired, FBI Director Comey lectured our Judiciary Committee and lectured the public about how the men and women of the FBI "don't give a rip about politics."

I believe that for most of the hard-working, rank-and-file FBI agents, that is absolutely true. Their jobs normally don't involve controversial political questions, and their own political views aren't relevant because they are professionals.

But no human is perfect, and no organization is immune from error. It does no good for the leaders of the FBI to pretend that its senior management is above all reproach, that they would never show any improper political bias, and that they would never make mistakes.

The only way to protect against bias or misconduct is to recognize that it

exists and to confront it, not to hide it from Congress and the American people.

The law and the facts, whatever they are, should guide the work of the FBI and the Justice Department. If politics infected the Department's decisions during a hotly contested national political campaign, we would have to look at it. That is true whether it occurred in the Clinton case, or in the Trump-Russia case, or if it included both.

Anyone claiming to do bipartisan oversight of the executive branch has to examine both. Ignoring either half of this story simply will not be credible with the other half of the country.

Everyone thought Hillary Clinton was going to be President—everyone. The perception of a huge segment of the public is that the whole Washington establishment worked overtime to get her name cleared before the Democratic Convention last summer. The FBI even called its case "Mid Year Exam."

Director Comey testified that the former Attorney General refused even to name the FBI's work and investigation. That is how political it became. It was really the Attorney General who was at that time insisting on calling it not an investigation but "a matter"—m-a-t-t-e-r—whatever that means.

We have learned that Director Comey started drafting his exoneration statement long before the investigation was done. It looks like there was a rush to clear her. It looks like the fix was in. I know Democrats don't want to hear that. They only want to talk about Trump.

There is a double standard here in the way they desperately want to go after the President but ignore all other potential wrongdoing in the previous administration. It stinks to high heaven.

But Democrats have visions of impeachment dancing in their heads. Rather than reserve judgment and carefully examine the facts—all of the facts—they are jumping to all sorts of conclusions.

The Judiciary Committee has an obligation to do a deep dive into the firing of James Comey and both of the two controversial political investigations that preceded it. Unfortunately, the Democrats are preventing any truly bipartisan path forward. They appear to be assuming the conclusion at the outset.

They complain publicly, and they complain privately that I am not doing enough to investigate "obstruction of justice," but "obstruction of justice" is a legal term of art. It is a conclusion, not evidence. That is not how I conduct my investigations.

I do not make my conclusions first and try to shoehorn the facts to fit my conclusions. I try to get the facts and then go where those facts lead.

Let's consider examples of where investigations have uncovered facts that point to "obstruction."

Bill Clinton and Richard Nixon both lied to investigators. That is obstruction, and that behavior got one of them impeached and forced the other to resign.

We also recently learned that Hillary Clinton's lawyers used a program called BleachBit to delete 33,000 emails under subpoena by the House of Representatives.

Now, those government records—and they are government records—can never be recovered. Those facts certainly look like obstruction, but we don't have all of the facts here yet.

So far, I have seen no credible evidence that President Trump has told anyone to lie. I also have seen no credible evidence that he or his aides have destroyed records being sought by investigators.

Many people firmly believe that the President fired the FBI Director in order to improperly halt an investigation of Lieutenant General Flynn.

Now, I am not only willing but I am eager to delve deeply into all of the circumstances surrounding Director Comey's removal, but to claim at the outset that his removal was obstruction of justice puts the cart before the horse.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by the well-known liberal law professor Alan Dershowitz.

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

[From The Boston Globe, Dec. 5, 2017]

SENATOR DIANNE FEINSTEIN MAY BE
PROVOKING A CONSTITUTIONAL CONFLICT
(By Alan M. Dershowitz)

Senator Dianne Feinstein may be provoking a constitutional conflict between the legislative and executive branches of our government. The California Democrat has said that Congress is investigating whether President Trump engaged in obstruction of justice by firing FBI Director James Comey and taking other actions to halt the Russian investigation.

Feinstein said: "I think what we're beginning to see is the putting together of a case of obstruction of justice. I think we see this in the indictments—the four indictments and pleas that have just taken place.

"And I see it, most importantly, in what happened with the firing of Director Comey, and it is my belief that that is directly because he did not agree to lift the cloud of the Russia investigation, that's obstruction of justice."

No, it isn't.

Feinstein does not seem to understand that under our constitutional system of separation of powers, the president cannot be charged with a crime for merely exercising his authority under Article 2 of the Constitution. This authority includes firing the director of the FBI, for whatever reason or no reason. It also includes the authority to tell prosecutors who to prosecute and who not to. A president's motives may not be the basis for a criminal charge. Nor is it proper to psychoanalyze the president in a search for possible evil motives. All presidents act out of mixed motives, including self-aggrandizement, political advantage, partisan benefit, and personal pique.

Consider, for example, President Barack Obama's benighted decision, as a lame duck,

to tie the hands of his successor by unilaterally changing the longstanding American policy with regard to the United Nations condemnation of Israel. The president, over the objection of many members of Congress and most Americans, instructed his UN ambassador not to veto a Security Council Resolution that declared the Western Wall, the Jewish Quarter of Jerusalem, and the access roads to Hebrew University and Hadassah Medical Center hospital, to be illegally occupied territory. Why did Obama exercise his authority in so pernicious a manner? I believe, and many Americans believe, that he did it out of spite and pique: to get even with Prime Minister Benjamin Netanyahu. If I am right, and I am sure that this was at least one of his motivating considerations, could he be charged with a crime for abusing his authority for personal vengeance? Of course not. We can condemn him, as I and others have. But we must all acknowledge that he had the authority to do what he did, regardless of his bad motives.

Ironically, it was the effort of the Trump administration to prevent the lame-duck president from tying the hands of the president-elect, by not vetoing the UN resolution, that formed the basis for the lying charge levied against General Michael Flynn. For whatever reason, Flynn lied—but what he lied about was entirely lawful.

Trump would have been within his constitutional authority to pardon Flynn, as Flynn hoped he would do. That would have kept him from cooperating with the special counsel and becoming a government witness. Had the president done that, he would have acted entirely lawfully, as President George H.W. Bush did when he pardoned Caspar Weinberger in order to stop the Iran-Contra investigation. Although special prosecutor Lawrence Walsh complained bitterly that the Bush presidential pardon had the intent and effect of completely closing down his investigation, no one suggested that Bush had committed the crime of obstruction of justice. Why? Because that was Bush and this is Trump—a pure ad hominem distinction that should be given no weight by the law.

It would do violence to our constitutional separation of powers if a president could be charged with a crime simply for exercising his constitutional authority. Checks and balances do not include the power to criminalize—through the vague obstruction of justice statute—presidential actions authorized by Article 2. Both Presidents Richard Nixon and Bill Clinton were accused of obstruction of justice, but in both cases they were accused of going well beyond the mere exercise of their constitutional authority. Nixon was accused of telling subordinates to lie to the FBI, paying hush money to potential witnesses, and destroying evidence. Clinton was accused of trying to get witnesses, such as Monica Lewinsky, to lie. These charges constitute acts—independent crimes—that go well beyond a presidential authority. Trump has not been accused of any acts that would independently constitute crimes. The entire case against him, as outlined by Feinstein, consists of constitutionally authorized acts that were well within the president's authority under Article 2. That is an enormous and consequential difference under our system of separation of powers.

So, until and unless there is proof that Trump has committed an independent criminal act—beyond acts that are within his constitutional prerogative—it would be unconstitutional to charge him with obstruction of justice, regardless of what Feinstein and others believe his motive may have been.

Mr. GRASSLEY. Now, Professor Dershowitz is not a fan of Donald

Trump, and he and I probably would not agree on many issues, generally speaking.

The title of his article is "Senator Dianne Feinstein may be provoking a constitutional conflict." Professor Dershowitz strongly disagrees with the ranking member's statement on "Meet the Press" the weekend that Comey was fired: "... directly because he did not agree to lift the cloud of the Russia investigation, that's obstruction of justice."

This is how Professor Dershowitz replied:

No, it isn't. ... under our constitutional system of separation of powers, the president cannot be charged with a crime for merely exercising his authority under Article 2 of the Constitution. This authority includes firing the director of the FBI, for whatever reason or no reason.

That is not to say that the President can engage in illegal conduct. But the professor's point, as I understand it, is that when a President takes an action that is within the scope of clear constitutional authority and discretion, it should be a political question not a criminal one.

The Judiciary Committee still needs to investigate the circumstances surrounding Comey's firing and the Flynn investigation. Those facts may have nothing to do with the obstruction but could still provide important insight about the potential reforms of how the FBI and the Justice Department operate.

For example, he explains how President Trump could have halted any investigation of Flynn if he really wanted to. This is what the professor says:

Trump would have been within his constitutional authority to pardon Flynn, as Flynn hoped he would do. That would have kept him from cooperating with the special counsel and becoming a government witness. Had the president done that, he would have acted entirely lawfully, as President George H.W. Bush did when he pardoned Caspar Weinberger in order to stop the Iran-Contra investigation. Although special prosecutor Lawrence Walsh complained bitterly that the Bush presidential pardon had the intent and effect of completely closing down his investigation, no one suggested that Bush had committed the crime of obstruction of justice.

Then, finally, Professor Dershowitz explains what real obstruction looks like and how it is different from a President's merely exercising his constitutional authority. So I, once again, quote the professor:

Both Presidents Richard Nixon and Bill Clinton were accused of obstruction of justice, but in both cases they were accused of going well beyond the mere exercise of their constitutional authority. Nixon was accused of telling subordinates to lie to the FBI, paying hush money to potential witnesses, and destroying evidence. Clinton was accused of trying to get witnesses, such as Monica Lewinsky, to lie. These charges constituted acts—independent crimes—that go well beyond presidential authority. Trump has not been accused of any facts that would independently constitute crimes. The entire case against him, as outlined by Feinstein, consists of constitutionally authorized acts that

were well within the president's authority under Article 2. That is an enormous and consequential difference under our system of separation of powers.

But our constitutional system of checks and balances is too important to throw it aside when it isn't politically convenient. You don't have to be a Trump fan to worry about the consequences of taking shortcuts in going after your political opponents. That is why bipartisan investigations are so very valuable.

When it works, a bipartisan inquiry can provide comfort that all angles have been explored and explored thoroughly.

But it takes two to tango, as they say.

Earlier this year, Ranking Member FEINSTEIN expressed concerns about reports that former Attorney General Lynch asked Director Comey to downplay the FBI's investigation as merely, a "matter" instead of using the term "investigation" during the campaign. Yet, since then, the ranking member has told me plainly that she will not join in any oversight of the FBI's Clinton email investigation.

Even on Trump-Russia oversight, where we have been able to cooperate a great deal, there have been similar problems.

First, all year, I have wanted to learn more about the origins of the dossier that largely kick-started the FBI's investigation of the Trump campaign.

In July, the ranking member joined me in a bipartisan letter seeking voluntary cooperation from the firm that produced the dossier. The dossier was based largely on Russian sources within Russia and was put together by a former British spy. It made salacious and unverified claims about Trump. The company responsible for producing it—Fusion GPS—was uncooperative.

In response to our bipartisan request, it dumped on the committee about 32,000 pages of press clippings and 8,000 pages that were entirely blank. Since then, it has provided zero additional documents.

The founder of Fusion GPS initially indicated that he would rely on his Fifth Amendment right against self-incrimination rather than testify at the committee hearing in July. He later agreed to a private staff interview but refused to answer dozens of key questions.

I would like to compel him to answer questions and compel him to provide the documents that Senator FEINSTEIN and I both asked him in July to provide voluntarily, but under our committee rules, I don't have the authority to do that on my own.

Why would Democrats not want to follow up and get the documents from Fusion GPS that we already asked for together—in other words, in a bipartisan way? Do they not want to know more about how this company put together its anti-Trump dossier from Russian Government sources?

Well, in light of recent news, the resistance from Democrats to this line of

Trump/Russia inquiry is now a little more understandable. It turns out that the Clinton campaign and the Democratic National Committee are the ones that paid Fusion GPS for the information they gathered from Russian Government sources.

I don't know whether the ranking member or her staff knew the facts earlier this year when I was trying to persuade her to do bipartisan followup work with Fusion GPS, but I do know that unless both sides are willing to ask tough questions no matter where the facts lead, there can be no bipartisan oversight.

We have learned that the Democratic National Committee paid for an anti-Trump dossier based on information from Russian Government sources. Second, we have learned that the inspector general uncovered evidence of partisan bias by a senior FBI official at the center of both the Clinton and the Trump-Russia investigations, which led to his dismissal from the Mueller team.

Before that news broke, back in October of this year, I wrote to the FBI official requesting voluntary cooperation and a private transcribed interview with the committee. The ranking member did not sign that letter. The committee has received no letter in reply. We are still waiting for documents from the FBI about his and other officials' participation in the draft Comey statement.

The FBI should comply voluntarily, but if they don't, I would issue a subpoena to require that the documents be provided and that the witness sit for a deposition. However, under our committee rules, I don't have the authority to do that without support from the ranking member.

Finally, I have long had concerns that the scope of the FBI Clinton investigation was artificially narrow. Recent revelations about these text messages showing political bias only heighten these concerns.

In recent Federal court rulings, the FBI said that the scope of the investigation was limited in two ways. First, it was limited to two issues dealing with the handling of classified information. Second, the scope of the FBI review was limited to the time when former Secretary Clinton was at the State Department. But what if there was evidence of crime not related to the mishandling of classified information? What if the facts showed some obstruction such as intentional destruction of documents after she was Secretary of State? Why exclude those topics from the scope of the inquiry? Who made those decisions? Why were those decisions made? Was there any political bias in those decisions? Certain areas should not be declared off limits beforehand in an investigation. An investigation should go—common sense—where the facts take it.

In multiple letters to the FBI last year, I raised concerns about the scope of the FBI investigation. I asked Direc-

tor Comey back in May of 2016 whether the Justice Department had improperly narrowed the scope of the investigation to look at the mishandling of classified information and ignore other important legal issues. I wish to quote from that letter:

If federal records on the private server were hidden or destroyed, then there may have been a violation of 18 USC Section 2071, which prohibits concealing or destroying such Federal records.

If any of the deleted emails were responsive to Congressional inquiries or to agency inquiries, such as ones from the State Department Inspector General, then there may have been violations of 18 USC Sections 1505 and 1519, respectively.

Later in my letter, I specifically asked whether the Justice Department limited the FBI's investigation in any way.

Then-Director Comey eventually responded months later. He claimed that the FBI did investigate whether the unlawful obstruction of Federal records occurred. But an FBI agent said under penalty of perjury that the FBI investigation did not include destruction of Federal records. So which is it? Who is telling the truth? The FBI agent who signed the affidavit, or is Mr. Comey right? Did the FBI really examine whether Secretary Clinton and her associates used the server to avoid Federal records retention requirements, or did Mr. Comey simply pay lipservice to that concern and focus only on classification issues?

Understanding what really happened is incredibly important, and let me tell my colleagues why. During the course of the FBI's investigation, it recovered thousands of work-related emails that were not turned over to the State Department by Secretary Clinton. The FBI also recovered work-related emails that Secretary Clinton and her associates apparently deleted. All of this is clear evidence of alienation of Federal records. Indeed, even the FBI's now-public investigative files show that the FBI had knowledge that Federal records were deleted.

The FBI's interview summary of Secretary Clinton said that she was asked about "a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015." I am going to repeat that. She was asked about "a PRN work ticket, which referenced a conference call among PRN, Kendall, and Mills on March 31, 2015." PRN stands for Platte River Networks, the company that administered Secretary Clinton's nongovernment server. Kendall is David Kendall, her lawyer. Mills is Cheryl Mills, her former Chief of Staff at the State Department.

Paul Combetta, the administrator of her server, was also on the conference call and was interviewed multiple times by the FBI. He admitted that he lied to the FBI in his initial interviews and got immunity from the FBI in exchange for agreeing to tell them the truth. According to the summary of that interview, Mr. Combetta deleted Secretary Clinton's email archives on March 31, 2015.

So we have a conference call with Secretary Clinton's attorneys on March 31, 2015, and on that very same day, her emails are deleted by someone who was on that conference call, using special BleachBit software. The emails were State Department records under subpoena by Congress.

What did the FBI do to investigate this apparent obstruction? According to affidavits filed in Federal court, absolutely nothing. The FBI focused only on the handling of classified information. Maybe now we know why.

Recently released FBI records show that by May 2, 2016, Mr. Comey sent around a draft of his statement exonerating Secretary Clinton. The FBI interview with Mr. Combetta hadn't even happened yet. The exoneration statement was already in progress before the key witness had coughed up the truth about deleting Federal records under subpoena by Congress.

Did the FBI look at obstruction in the Clinton case? Mr. Comey said the FBI looked very hard at obstruction, but that is hard to believe. Director Comey began drafting an exoneration statement in April or early May of 2016. That is months before he publicly announced that he would not recommend charges on July 5, 2016.

According to the testimony of senior FBI officials, Comey began drafting his statement early because the FBI knew where the investigation was headed. That is according to testimony of senior FBI officials. But at that point, the FBI had not yet interviewed 17 witnesses. That ought to be understood. They hadn't yet interviewed 17 witnesses. And one of those witnesses—can you believe it—was Secretary Clinton. Others included her closest aides and associates. How can you possibly know where an investigation is headed without interviewing the main witnesses and the subject of the investigation?

Maybe none of this raises any concerns for Democrats, but it should. The American people deserve to have the whole story. Congress and the public have a right to understand whether the fix was in from the very beginning. If so, then it must take steps to make sure it never happens again.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO WALLACE "WALLY" MATTISON

Mr. LEAHY. Mr. President, Vermonters have a legacy of service unmatched in the Nation. While new generations carry on this tradition, we continue to owe so much to the bravery of those men and women who

served in the past. One of the members of this distinguished community is Wallace "Wally" Mattison, a native of Bennington, VT. Mr. Mattison served in the famed 29th Infantry Division, 115th Regiment as a light machine gunner. He fought on the frontlines in Normandy and throughout Europe from 1943 to 1945, during which time he was wounded. His commitment unwavering, he returned to service after his recovery.

Our State and Nation have praised Mr. Mattison's essential contributions, but the recognition of his service extends beyond our shores. Earlier this month, France, a country Mr. Mattison helped liberate from Nazi control, awarded him with their highest civil and military distinction: the Legion of Honor. With the receipt of this award, he joins an exclusive group that includes Dwight Eisenhower, Douglas MacArthur, and select others who have served and sacrificed on behalf of the citizens of France.

It is impossible to fully express the gratitude I feel for Mr. Mattison's service. Vermonters, Americans, and citizens of the world owe him a debt that cannot be repaid with words or awards. We can, however, share these stories of bravery and sacrifice. That is why today I would like to pay tribute to Wallace "Wally" Mattison, and I ask unanimous consent that a Bennington Banner article highlighting his past service and recent receipt of the Legion of Honor, entitled, "To us, you are a true hero," be printed in the RECORD.

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

[From the Bennington Banner, Nov. 23, 2017.

TO US, YOU ARE A TRUE HERO

(By Derek Carson)

For his service in France in World War II, Wallace "Wally" Mattison has been presented with France's highest civil and military distinction.

Mattison, a resident of Pownal and native of Bennington, was honored on Wednesday by Valery Freland, the Consul General of France in Boston. The ceremony took place at the Vermont Veterans Home. Mattison was incorporated into the 29th infantry division, 115th regiment in 1943, and served as a light machine gunner on the front lines of the Normandy invasion before participating in the Battles of Saint Lo and the Battle for Brest, during the latter of which he was shot while advancing on a German garrison. The bullet barely missed his spine. Upon his recovery in 1945, he continued to serve, participating in the capture of several German cities. He later served as a captain and acting chief of the Bennington Police Department.

Col. Al Faxon, chief operating officer of the Veterans Home, said that there had not been a Legion of Honor ceremony at the home during his tenure there, and he knew of no other recipients from Bennington. Freland said that Mattison was one of fewer than 10 Legion of Honor recipients this year in his district, which covers all of New England.

The French Legion of Honor was established by Napoleon Bonaparte in 1802. Mattison was honored as a chevalier, or knight, of the order. American recipients of the honor include many who have served

France or the ideals it upholds, including Dwight Eisenhower, Douglas MacArthur, and the U.S. Military Academy at West Point as an institution. Today, there are about 93,000 members of the order around the world.

"It's such an honor to have this ceremony in our home," said Faxon. "Without our French allies, we probably would not have won the American Revolution . . . The French aided the colonists by providing military personnel, armaments, and loans. King Louis XVI approved financial assistance to the American colonists only four days after Benjamin Franklin and his comrades requested it. Could you imagine getting a bank loan in four days today?"

"If you see the king, tell him we said thank you," joked Faxon to Freland.

During the ceremony, Mattison was surrounded by several generations of his family. At first, he was determined to keep a straight face throughout, but after hearing words of praise from Faxon, State Rep. Mary Morrissey, U.S. Sens. Patrick Leahy and Bernie Sanders, U.S. Rep. Peter Welch, and Gov. Phil Scott, he finally broke down and began to cry. "You people," he said, "are too good to me." When Faxon offered him the opportunity to say a few more words, Mattison declined.

"The Mattison family has a long and proud history of dedicated service," said Morrissey. "It was just several months ago that we were honoring Wally's brother Erwin for his 60 years of service with the Bennington Fire Department. Today we honor Wally, a purple heart recipient, for his brave and honorable World War II military service in France."

"Wally's service-above-self model is well-documented, both by his military service to our country and then for his 40 years of service for our community, county, and state, as a police officer who rose through the ranks to become a captain and acting police chief," she said.

Morrissey also read the letters from Governor and U.S. Congressional delegation, who she said all expressed their heartfelt regret that they were unable to attend. Leahy asked that a flag be flown over the U.S. Capitol in Mattison's honor: That flag was presented to Mattison, after being folded in the ceremonial fashion by Faxon and Lieutenant Junior Grade Daniel Tift.

Mattison will be honored by the Vermont State Legislature when it returns in January.

Finally, the time came for Freland to present Mattison with the award. Flanked by the U.S. and French flags, the consul general quoted French President Emmanuel Macron's words earlier this year, when he said, "It is a privilege to be speaking here before you today and I know who I owe that to. I owe it to all those who, a little over 70 years ago, rose up against a barbaric regime which seized my country, France. I owe it to the nations who heard the cry of these resistance fighters and who sent their children, from America, Africa, Oceania and Asia, to French shores to help."

"They did not all know what France was, but they knew that defeat for France also meant the defeat of the ideals that they shared, that they were proud of and for which they were willing to die. They knew that their freedom and their values depended on the freedom of other men and women living thousands of kilometers from them."

After Freland had finished reciting the lengthy list of honors and awards Mattison had received throughout his military career, Mattison added, "I got a good conduct medal, too!"

"We remember the ultimate sacrifice made by so many of your comrades, who are now laid to rest in France," said Freland to Mattison. "I know you are very modest, but to us, you are a true hero."

TRIBUTE TO REIDUN NUQUIST

Mr. LEAHY. Mr. President, the question would be suitable for the game show "Jeopardy:" Name the oldest long-distance hiking trail in the United States. Answer: What is the Long Trail?

The 272-mile trail that runs the spine of the Green Mountains in my home State of Vermont was built over the course of two decades, from 1910 to 1930, and has provided countless hikers with spectacular climbs and remote camping in the decades that followed. No hiker's pack would be complete on the journey without a small pocket reference book simply known as the Long Trail Guide, a bible of sorts for these backwoods adventurers.

The guide was first published by the Green Mountain Club, the steward of the Long Trail, in 1917 and has since been revised 27 times. So when the club recently decided to chronicle 100 years of Long Trail Guide history to mark the anniversary, they turned to a very experienced hiker and a dedicated volunteer to take on the job: Reidun Nuquist.

I have had the pleasure of knowing Reidun and her husband, Andrew, for many years. They reside in my hometown of Montpelier, and like so many other Vermonters, they share a deep respect and appreciation for the natural wonders that make Vermont such a special place to live. They also share a generosity of spirit, dedicating much of their spare time to preserving our natural habitat and helping maintain the Long Trail for generations to come.

I was very pleased to read about Reidun's latest effort in a recent edition of the Vermont publication *Seven Days*, and I ask unanimous consent that the article be printed in the RECORD.

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

REIDUN NUQUIST NAVIGATES A CENTURY OF
LONG TRAIL GUIDES
(By James Tabor)

In November 1944, an American soldier fighting in Europe wrote this in a letter home:

"I keep a worn out 1935 edition of the Guide Book in my foot locker to always remind me of what I'm fighting for."

That "Guide Book" just happened to be the Long Trail Guide, and the GI's words hint at how important these little tomes have been over the years, in so many ways to so many people. The plural "tomes" is appropriate here; while most people think of the guide as a book, there have been, in fact, 28 versions, all published by the Green Mountain Club, beginning with the first in 1917 and culminating in this year's Centennial Edition.

As that homesick soldier's note suggested, over the decades these volumes have achieved significance far beyond that of mere guidebooks, for two good reasons. One is that, as the number of weekenders who become (or aspire to become) end-to-enders signifies, the Long Trail is not just a trail. Hiking it is a coming-of-age accomplishment, a badge of honor, a bucket-list item, a family bonder and more. The other reason is that

the inspiration, dedication and perspiration of the guides' editors and contributors have resulted in the kind of quality that labors of love generally produce.

Such longevity and excellence, the current GMC leadership realized, shouldn't go unchronicled.

"With the 100th anniversary edition, it became clear that the history of the guide had not been told and that this was the perfect opportunity to do so," GMC executive director Mike DeBonis said in a telephone interview.

That decision might have been simple, but finding an author was another story. Any candidate would have to be an expert and diligent researcher. "This would not be an easy book to research or to write," DeBonis explained. "Because not all the backstory is written down in one place, it would require reading all the old guides, as well as finding and digging through archives and interviewing past editors and contributors."

Another consideration: One little book about a lot of other little books could have significant yawner potential. The author of this little book would have to be creative.

As it turned out, though, the perfect candidate was near at hand: Reidun Nuquist, a Norwegian-turned-Vermont, devoted outdoorswoman and longtime GMC devotee. And she had long been a contributor to the Long Trail guides.

Now 77, Nuquist immigrated to the U.S. in 1963 after marrying Andrew Nuquist, a past GMC president. The couple moved to Montpelier in 1970, and Reidun enjoyed a career as a librarian for the Vermont Historical Society and the University of Vermont's Bailey/Howe Library. She and Andy have one son, a fiftysomething Bostonian who inherited his parents' passion for the outdoors in general and hiking in particular.

Nuquist's own affinity for the Long Trail and the GMC produced, as DeBonis noted, "a tremendously strong connection to club history." In addition to being a Long Trailer herself—one who has hiked the trail end to end—Nuquist has served as president of the GMC's Montpelier chapter and spent more weekends than she can remember volunteering for grinding pick-and-shovel work on trail-maintenance crews. Frequent contributions to club newsletters and to the guidebooks—including a chapter in *A Century in the Mountains: Celebrating Vermont's Long Trail*—demonstrated her gift for writing.

And so, in May 2016, the GMC gave Nuquist the job of tackling the centennial retrospective.

When reached by phone, Nuquist explained how to pronounce her first name: "Rye like in bread, dune like in sand." If a voice can twinkle, hers did. A subsequent visit to her hillside home, with its neat woodpile and mustard-yellow doors, only reinforced that impression of buoyancy—all the more surprising given that she's currently battling serious illness. Ensnared in an easy chair, with a white knit cap and a shawl around her legs to ward off chill, Nuquist fielded questions with smiles and stamina for more than an hour.

Asked how she approached the Long Trail project, Nuquist admitted, "I was delighted to be asked to do the book, but I did wonder how I was going to approach a retrospective of 28 separate guides. I knew this had to be more than a bibliographic project. It had to be interesting to general readers."

She paused and grinned. "I figured the way to do that was to write about people."

So she did—a very good thing for readers of *A Century of Long Trail Guidebooks: A Retrospective*, published by the GMC in October. It's short—just 90 pages—and the table of contents indicates that it's much more than a "bibliographic project." For starters, rath-

er than employing a predictable chronological progression, Nuquist divided the book into seven chapters that focus on the trail guides' essential elements: origin, evolution, illustrations, hiker advice, trail descriptions, maps and editors.

Her writing of these chapters renders a book that could have been literary Xanax into one that's alive with wit, irony and insight. Some examples:

The guidebook carried business advertisements through 1940 but just for the Long Trail Lodge and state agencies, before they ceased altogether—something we may be grateful for.

Some past advice may strike us as quaint or amusing . . . For fending off mosquitoes, a hiker could follow John Muir's recipe for a repellent of "three parts of oil or pine tar, two parts of castor oil and one part of oil of pennyroyal."

Attentive readers were never shy about pointing out errors. The 1932 edition labeled two mountains as Vermont's third highest, Mount Ellen (4,135 feet) and Camel's Hump (4,093 feet). Theron Dean, having climbed both numerous times, was called on to referee. He awarded the distinction to Mount Ellen, intimating that the guidebook editors had been "in a slightly muddled condition after partaking of a church supper in Burlington."

Like much of her own writing, Nuquist's carefully chosen excerpts from the guides accomplish two key goals: leavening the pages with wry humor while delivering interesting, often fascinating information.

[The] first guidebook was also a yearbook and as such holds valuable club history. In addition to lists of officers, trustees, and committee and section members, it included bylaws and GMC articles of association. The latter stipulated that the club was to "make trails and roads in the Vermont mountains, to erect camps and shelter houses therein, to publish maps and guide books thereof" [author's emphasis]. The membership lists of local club sections (chapters) showed an impressive number of women; of the Brandon Section's thirty-one members, half were female.

The 2nd (1920) guidebook had detailed advice on what to carry and how to carry—down to what to put in each pocket: "Left shirt: handkerchief, postals [postcards], notebook, pencil. Right shirt: guide-hook, money securely pinned in bag or envelope. Left trousers: matches in flat tin box, waterproof. Right trousers: pocket knife, strong twine. Left hip: toilet paper. Fob pocket: compass on lanyard." The only thing left for the hiker was to select the contents of the right hip pocket!

Nuquist also quotes other writers—book authors, newsletter contributors, journal keepers, letter penners—liberally and to good advantage. Here, for example, is memoirist James Gordon Hindes describing his experience of overnighting with companion John Eames at Frank Beane's Hanksville farm one July.

We slept in the same bed but could hardly see one another—a soft but prominent ridge of feathers billowed between us. Gawd, but it was hot!

A bit further on, in a section devoted to hikers' travails with shelter-gnawing porcupines, Nuquist cites a verse from a 1989 Margaret MacArthur folk song:

They saw a lump of a beast all covered with spikes.

Not what they expected to see on their hike. "What'll we do?" "Get the guide book from the pack."

It says knock him on the nose with the back of the axe."

Over a century, a few people have been so important to the Long Trail's evolution that

Nuquist might have considered a chapter titled "Titans of the Trail." Instead, she opted for the less obvious and more graceful approach of weaving their stories throughout her chapters as their ages and achievements suggest.

To cite a few examples, the aforementioned Dean was probably the editor of the very first guidebook. Dr. Louis J. Paris was "the glue that held the GMC together in the early years." Charles P. Cooper, "the hardest working executive the Club has had," spent weeks, in all weather, nailing hand-painted white discs to trees and rail-crossing posts. "The GMC was his hobby," writes Nuquist, but, judging by his actions, it was much more than that.

The same could easily be said of Nuquist, for whom, over nearly half a century, the Long Trail has meant work, play, adventure, friendships, family and joy. All of which makes reading her new book nearly as much fun as hiking the trail itself.

CONFIRMATION OF KIRSTJEN NIELSEN

Mr. VAN HOLLEN. Mr. President, I rise in opposition to the nomination of Kirstjen Nielsen to serve as Secretary of Homeland Security. While I believe that Ms. Nielsen has a solid understanding of the Department that she seeks to lead, I am not yet convinced that she will be a counterweight to the rabid anti-immigration policies coming out of the White House.

I appreciated the opportunity to speak to Ms. Nielsen prior to the vote about my concern over the status of the Dreamers and temporary protected status, TPS, recipients. Dreamers were brought to this country through no fault of their own and are in limbo after the President abruptly canceled DACA and set arbitrary renewal and termination deadlines. TPS recipients, many of whom have been here for almost two decades, would have their lives endangered if forced to return to their home countries.

While I understand that Ms. Nielsen cannot make ironclad commitments on how she would handle these issues, I could not in good faith support her nomination without clearer guidance and assurances about how she and the administration intend to resolve these matters. Many of my colleagues who supported her predecessor, General Kelly, have complained bitterly that promises he made to them have not been kept. Moreover, both as General Kelly's chief of staff at DHS and later as his deputy at the White House, I have to assume the Ms. Nielsen has been very involved in the development and implementation of the immigration policies of this administration. My vote yesterday was not so much a vote against Ms. Nielsen, as it was a vote to protest the anti-immigration policies flowing from the Trump administration.

I am hopeful that, in the coming months, Ms. Nielsen will be able to provide a check on the worst impulses of this White House. I am not yet convinced that will happen and hope to be proven wrong. I do look forward to

working with Ms. Nielsen once she is sworn in.

GAO CFPB RESPONSE

Mr. TOOMEY. Mr. President, I ask unanimous consent that a letter from the Government Accountability Office, GAO, be printed in the RECORD.

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

U.S. GOVERNMENT
ACCOUNTABILITY OFFICE,
Washington, DC, December 5, 2017.

Subject: Bureau of Consumer Financial Protection: Applicability of the Congressional Review Act to Bulletin on Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act

Hon. PATRICK J. TOOMEY,
U.S. Senate.

DEAR SENATOR TOOMEY: You asked whether a Bulletin issued by the Bureau of Consumer Financial Protection (CFPB or the Bureau) on March 21, 2013, on Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act is a rule for purposes of the Congressional Review Act (CRA). CRA establishes a process for congressional review of agency rules and establishes special expedited procedures under which Congress may pass a joint resolution of disapproval that, if enacted into law, overturns the rule. Congressional review is assisted by CRA's requirement that all federal agencies, including independent regulatory agencies, submit each rule to both Houses of Congress and to the Comptroller General before it can take effect. For the reasons discussed below, we conclude that the Bulletin is a general statement of policy and a rule under the CRA.

BACKGROUND CFPB Bulletin

When consumers finance automobile purchases from an auto dealership, the dealer often facilitates indirect financing through a third-party lender, referred to as an indirect auto lender. In the Bulletin, CFPB "provides guidance about indirect auto lenders' compliance with the fair lending requirements of the Equal Credit Opportunity Act (ECOA) and its implementing regulation, Regulation B." Specifically, the Bulletin relates to policies used by some indirect auto lenders that allow dealers to mark up the interest rate charged to the consumer above the indirect auto lender's "buy rate." The lender then compensates the auto dealer based on the difference in interest revenues between the buy rate and the actual rate charged to the consumer in the contract executed with the auto dealer. In the Bulletin, CFPB states that the incentives created by such policies allow for a significant risk for pricing disparities on the basis of race, national origin or other prohibited bases.

The fair lending requirements of ECOA make it illegal for a creditor to discriminate in any aspect of a credit transaction on the basis of race or national origin, among other characteristics. The term "creditor" is defined to include "any assignee of an original creditor who participates in the decision to extend, renew, or continue credit." Regulation B, which implements ECOA, further defines a creditor to expressly include an "assignee, transferee, or subrogee of the creditor" who "in the ordinary course of business, regularly participates in a credit decision, including setting the terms of the credit." In the Bulletin, CFPB states that there are a variety of practices used by indirect lenders, but that information collected "suggests that the standard practices of indirect

auto lenders likely constitute participation in a credit decision under the ECOA and Regulation B."

In the Bulletin, CFPB discusses the legal theories under which indirect auto lenders who are determined to be creditors under ECOA could be held liable for pricing disparities on a prohibited basis when such disparities exist within an indirect auto lender's portfolio. In its final section, the Bulletin states that indirect auto lenders "should take steps to ensure that they are operating in compliance with the ECOA and Regulation B as applied to dealer markup and compensation policies," and then lists a variety of steps and tools that lenders may wish to use to address significant fair lending risks.

The Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires all federal agencies, including independent regulatory agencies, to submit a report on each new rule to both Houses of Congress and to the Comptroller General before it can take effect. The report must contain a copy of the rule, "a concise general statement relating to the rule," and the rule's proposed effective date. In addition, the agency must submit to the Comptroller General a complete copy of the cost-benefit analysis of the rule, if any, and information concerning the agency's actions relevant to specific procedural rulemaking requirements set forth in various statutes and executive orders governing the regulatory process.

CRA adopts the definition of rule under the Administrative Procedure Act (APA), which states in relevant part that a rule is "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency." CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of nonagency parties. CFPB did not send a report on the Bulletin to Congress or the Comptroller General because, as stated in their letter to our Office, in their opinion the Bulletin is not a rule under CRA.

ANALYSIS

At issue here is whether a nonbinding general statement of policy, which provides guidance on how CFPB will exercise its discretionary enforcement powers, is a rule under CRA. CFPB states, and we agree, that the Bulletin "is a non-binding guidance document" that "identifies potential risk areas and provides general suggestions for compliance" with ECOA and Regulation B. Moreover, the Bulletin is a general statement of policy that offers clarity and guidance on the Bureau's discretionary enforcement approach.

CFPB argues, however, that because the Bulletin has no legal effect on regulated entities, the CRA does not apply. The Bureau asserts that "taken as a whole, the CRA can logically apply only to agency documents that have legal effect." It suggests that there are two categories of general statements of policy: (1) those that are intended as binding documents, to which CRA applies, and (2) those, like the Bulletin, that are non-binding and not subject to CRA. CFPB claims that the Bulletin is the type of general statement of policy that is not a rule under CRA. However, as explained below, CRA requirements apply to general statements of policy which, by definition, are not legally binding.

The Supreme Court has described "general statements of policy" as "statements issued

by an agency to advise the public prospectively of the manner in which the agency proposes to exercise a discretionary power." In other words, as stated by the D.C. Circuit Court of Appeals in *Pacific Gas & Electric Company v. Federal Power Commission*, a statement of policy announces the agency's tentative intentions for the future:

"A general statement of policy . . . does not establish a 'binding norm.' It is not finally determinative of the issues or rights to which it is addressed. The agency cannot apply or rely upon a general statement of policy as law because a general statement of policy only announces what the agency seeks to establish as policy."

The Bulletin provides information on the manner in which CFPB plans to exercise its discretionary enforcement power. It expresses the agency's views that certain indirect auto lending activities may trigger liability under ECOA. For example, it states that an indirect auto lender's own markup and compensation policies may trigger liability under ECOA if they result in credit pricing disparities on a prohibited basis, such as race or national origin. It also informs indirect auto lenders that they may be liable under ECOA if a dealer's practices result in unexplained pricing disparities on prohibited bases where the lender may have known or had reasonable notice of a dealer's discriminatory conduct. In sum, the Bulletin advises the public prospectively of the manner in which the CFPB proposes to exercise its discretionary enforcement power and fits squarely within the Supreme Court's definition of a statement of policy.

Moreover, as the *Pacific Gas & Electric Company* decision quoted above makes plain, general statements of policy by definition are not legally binding, and our prior decisions have held that non-binding general statements of policy are rules under CRA. For example, we recently decided that Interagency Guidance on Leveraged Lending, issued jointly by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation (referred to collectively as the Agencies), was a rule under CRA (Interagency Guidance decision). We found that the Interagency Guidance was a general statement of policy describing the Agencies' expectations for the sound risk management of leveraged lending activities. It explained the types of financial transactions that concern the Agencies and that might motivate them to initiate a supervisory review. The Bulletin similarly states CFPB's concerns that indirect lenders' markup and dealer compensation policies may result in discriminatory lending practices, and sets forth its expectations that indirect auto lenders take steps to ensure that these policies do not result in pricing disparities on prohibited bases.

We reached our conclusion in the Interagency Guidance decision, and in other prior GAO decisions, by examining CRA's definition of a "rule," which includes "the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy." This definition has three key components: (1) an agency statement, (2) of future effect, and (3) designed to implement, interpret, or prescribe law or policy. We noted that this definition is broad, and includes both rules requiring notice and comment rulemaking and those that do not, such as general statements of policy. We decided that the Interagency Guidance fell squarely within CRA as an agency action that constituted a "statement of general . . . applicability and future effect designed to implement, interpret or prescribe . . . pol-

icy." Similarly, the CFPB Bulletin at issue here is a statement of general applicability, since it applies to all indirect auto lenders; it has future effect; and it is designed to prescribe the Bureau's policy in enforcing fair lending laws.

Additionally, in a decision issued in 2001, we decided that a "record of decision" (ROD) issued by the Fish and Wildlife Service in connection with a federal irrigation project was a rule under CRA. We found that the ROD was a general statement of policy regarding water flow and ecosystems issues in both the Trinity and Sacramento Rivers whose essential purpose was to set policy for the future. In deciding that a general statement of policy is a rule for CRA purposes, this and other prior decisions cite to the legislative history of CRA, which confirms that rules subject to CRA requirements include general statements of policy.

CFPB did not raise any claims that the Bulletin would not be a rule under CRA pursuant to any of the three exceptions, and we can readily conclude that the Bulletin does not fall within any of the those exceptions. The Bulletin is of general and not particular applicability, does not relate to agency management or personnel, and is not a rule of agency organization, procedure or practice.

CONCLUSION

The Bulletin is a general statement of policy designed to assist indirect auto lenders to ensure that they are operating in compliance with ECOA and Regulation B, as applied to dealer markup and compensation policies. As such, it is a rule subject to the requirements of CRA.

If you have any questions about this opinion, please contact Robert J. Cramer, Managing Associate General Counsel.

Sincerely yours,

THOMAS H. ARMSTRONG,
General Counsel.

TRIBUTE TO STANLEY SPEAKS

Mr. WYDEN. Mr. President, today I wish to honor a longtime public servant and regional director of the northwest region of the Bureau of Indian Affairs in my State, Mr. Stanley Speaks. Stan has served the tribes of Oregon and the Pacific Northwest well since 1982. His distinguished career with the Federal Government spanned more than 59 years and has resulted in highly recognized and extraordinary accomplishments that stem from his established knowledge, experience, and management leadership.

Stan graduated from Northeastern State University in Tahlequah, OK, and later obtained a master's degree in education administration. By 1959, he had begun his long career with the Bureau of Indian Affairs. He served as the regional director in western Oklahoma and Kansas and came to the northwest region in 1982. There he served 14 agencies, 3 irrigation projects, and oversaw a trust land base of 6.3 million acres, covering five Northwest States. Stan also had the fiduciary trust responsibility to 45 Northwest Tribes with a membership totaling 115,000 Native-American people. As a Tribal member of the Chickasaw Nation of Oklahoma, Stan was inducted into the Chickasaw National Hall of Fame in 2002.

Stan has devoted his life's work to the advancement of Tribes and Indian

people. He has worked hard to uphold and protect Tribal treaty rights, and through his stewardship of trust property and natural resources, trust income has helped meet the individual and family needs of Tribal members. He became the regional director at a time when the Western Oregon Tribes were being restored.

Stan has long been a champion for Tribal veterans. He has supported housing, the expansion of veterans benefits, and access to healthcare. He, along with his lovely wife, Lois, are a staple at the annual veterans dinner sponsored by the Cow Creek Band of Umpqua Indians each July.

He has assisted the federally recognized Tribes in my home State of Oregon with both advice and financial assistance on a variety of business and economic development ventures. His efforts have created hundreds of job opportunities for Indian and non-Indian people in every Tribal community across Oregon and the Northwest.

Stan has achieved countless victories for Native Americans, which will have long lasting beneficial impacts for years to come. He has been critical in maintaining the relationship between the Federal Government and Indian Tribes. Oregon has benefited from Stanley Speaks' career management and leadership contributions. His legacies of achievement for our Tribes will live on to benefit not only this generation, but for generations yet to come. I thank Stan for his service to Indian Country and to this Nation.

TRIBUTE TO CHARLOTTE BOBICKI

Mr. BENNET. Mr. President, I wish to recognize and thank a dedicated community leader and civil servant, Charlotte Bobicki. She served as my regional representative in Alamosa, CO, and the San Luis Valley for 8 years.

Charlotte began her career as a first grade teacher in Albuquerque, NM. In the early 1960s, she taught second grade in Yellow Springs, MD, while her husband, Tom, served in the Army at Fort Detrick, MD.

In the late sixties, Charlotte and Tom returned to Alamosa, CO, where she was born and had attended college. Charlotte taught fifth and sixth graders at Alamosa Evans Intermediate School. She then worked with special education students before transitioning to Alamosa Middle School, where she taught math and science and served as the assistant principal. Later she became principal at Polston Primary School.

In 1997, Charlotte was elected as an Alamosa County Commissioner, where she served two 4-year terms. In 2005, Senator Ken Salazar hired her as his regional representative in Alamosa. When I was appointed to the Senate, I asked Charlotte to continue as the regional representative to Alamosa for the San Luis Valley, and she has served in that role for the last 8 years. Since

then, I have repeatedly relied on her counsel and deep knowledge of the valley.

Her relationships and devotion to the community have been invaluable, and I will miss her insights and perspective. It has been an honor to work with Charlotte, and I wish her a long and happy retirement. I know our friendship will continue for years to come.

TRIBUTE TO MAJOR MICHAEL "PAKO" BENITEZ

Mr. ROUNDS. Mr. President, today I recognize Maj. Michael "Pako" Benitez for all of his hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Pako entered military service in 1997 and has devoted his career to the United States Armed Forces. Before his time in my office, Pako served as a flight commander and F-15E instructor weapons system officer. Pako's experiences and expertise have been a true asset to the office.

I extend my sincere thanks and appreciation to Pako for his service to our country. I wish him continued success in the years to come.

TRIBUTE TO SHELLI COFFEY

Mr. ROUNDS. Mr. President, today I recognize Shelli Coffey for all of her hard work on behalf of myself, my staff, and the State of South Dakota while working in my Washington, DC, office.

Shelli has spent her career working at the Federal Deposit Insurance Corporation, spending time in Chicago, New York, San Francisco, and Washington, DC. Shelli's insight into regulations and community banks has been a true asset to the office.

I extend my sincere thanks and appreciation to Shelli for all of the fine work she has done and wish her continued success in the years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. CHARLES MCMILLAN

• Mr. HEINRICH. Mr. President, it is an honor to recognize Dr. Charles McMillan for his leadership and service at Los Alamos National Laboratory as he plans his retirement at the end of this year.

For 6 years, Dr. McMillan has served as director of Los Alamos, which employs some of the best and brightest minds in the Nation and is indispensable to our Nation's security and scientific and technology innovation.

It has been a pleasure to work with Dr. McMillan to support LANL's national security missions and position the lab so it will continue to play vital role in nuclear security, cutting-edge research, and scientific advances in the decades ahead.

Under Dr. McMillan's leadership, LANL has undertaken critical work to modernize our nuclear weapons complex through the Stockpile Stewardship Program.

The multidisciplinary science and engineering at LANL has also produced new materials and technologies with applications such as earth system modeling, supercomputing analysis, exploration of Mars, and improved responses to global health crises.

I have especially appreciated Dr. McMillan's commitment to working with the lab's surrounding communities in northern New Mexico.

The incredible success of Los Alamos depends on building trusting relationships with local communities.

I have been proud to work with Dr. McMillan to bring together LANL leadership, regional colleges, universities, and public schools to train more New Mexicans to become part of LANL's future workforce.

I am grateful for the steps Dr. McMillan has taken to engage with the regional coalition of LANL communities on important issues such as contracting with local small businesses and cleaning up legacy waste.

I commend Dr. McMillan for his incredible record of service to our Nation addressing some of our most complex issues and challenges.

It has been an honor for me to know Charlie, and I wish him the best in all of his future endeavors.●

TRIBUTE TO MARGIE ALT

• Mr. MARKEY. Mr. President, Margie Alt belongs on the Mount Rushmore of environmental advocates. For more than three decades, first at U.S. PRIG and then Environment America, Margie has been one of the leading generals in this monumental fight to combat climate change and protect our environment.

It was Margie's vision that transformed U.S. PIRG and Environment America into the powerhouse environmental advocacy organization it is today, with more than 1 million members across the country. Because of her leadership, EA doesn't just stand for Environment America, it also stands for everywhere in America, because that is where she planted the seeds of grassroots change and political activation.

As a tireless consumer protection champion, she has ensured that America's air and water is clean, our beaches and waterways are protected, and the public is safeguarded from toxic threats. She led groundbreaking work to organize the majority of State Renewable Electricity Standards in America, laying the foundation for the clean energy revolution that is now unstoppable. Her voice, passion, and strategic brilliance have been indispensable as the environmental movement she helped build takes on climate deniers and corporate polluters.

For her entire career, Margie has stood up for the public's health, stood

against the special interests who would despoil our lands, and stood for integrity and progress. She is truly Massachusetts' commitment to public service personified. America has been fortunate to have had Margie Alt's extraordinary leadership for these many years, and I have been fortunate to call her my friend.●

TRIBUTE TO GEORGE NINCHELSER

• Mr. ROUNDS. Mr. President, today I recognize George Nincehler, an intern in my Washington, DC, office, for all the hard work he has done on behalf of myself, my staff, and the State of South Dakota.

George recently graduated from the University of Nebraska where he majored in criminal justice and received minors in Arabic, national security, and global studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience and who has been a true asset to the office.

I extend my sincere thanks and appreciation to George for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING THE NATIONAL INTERSCHOLASTIC ATHLETIC ADMINISTRATORS ASSOCIATION

• Mr. YOUNG. Mr. President, today I wish to formally recognize the 40th anniversary of the National Interscholastic Athletic Administrators Association, NIAAA, which is headquartered in Indianapolis, IN. Since its founding in 1977, the NIAAA has established itself as a leading professional organization for educational-based athletic programs for academic institutions nationwide. This association plays a critical role in the development of our young people as athletic administrators work tirelessly to provide access to extracurricular activities, teach strong work habits, and promote civil engagement.

December of 2017 will mark the 40th year since launching the NIAAA mission. The organization has since grown to over 11,000 members nationwide. Currently, its core curriculum consists of 45 courses with a budget over \$1.8 million. Despite the known fact that physical activity improves the overall personal development of young adults, evidence argues that the quality of coaching impacts the developmental effects of extramural sports. To ensure that positive, professional development is preserved, the NIAAA offers resources for secondary school athletic administrators to manage safe, high-quality athletic programs for all students. Along with professional educational opportunities, the NIAAA has participated in 10 years of scholarship donations totaling to \$120,000 and recognizing 600 students as scholarship essay winners.

The NIAAA's commitment to its mission and its efforts to provide developed leaders is inspiring. In acknowledgement of its success, the NIAAA became the first national association to be accredited by the North Central Association Commission on Accreditation and School Improvement in the post-secondary division. The NIAAA has also developed the only all-inclusive Professional Education Program and Certification Program for secondary school athletic administrators.

I ask my colleagues to join me in recognizing the NIAAA for their renowned administrators and for their dedication to America's youth. As one of Indiana's Senators, I am honored to represent the NIAAA and commend their commitment to responsible athletic administration.●

MESSAGES FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1164. An act to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens.

H.R. 3317. An act to amend title 18, United States Code, to increase the penalty for female genital mutilation, and for other purposes.

H.R. 3731. An act to provide overtime pay for employees of the United States Secret Service, and for other purposes.

The message also announced that pursuant to clause 11 of rule I, the Speaker removes the gentleman from Oregon, Mr. Walden, as a conferee and appoints the gentleman from Michigan, Mr. Upton, to fill the vacancy thereon to the bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

ENROLLED BILL SIGNED

At 12:35 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 228. An act to amend the Indian Employment, Training and Related Services Demonstration Act of 1992 to facilitate the ability of Indian tribes to integrate the employment, training, and related services from diverse Federal sources, and for other purposes.

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

MEASURES REFERRED

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

H.R. 3317. An act to amend title 18, United States Code, to increase the penalty for female genital mutilation, and for other purposes; to the Committee on the Judiciary.

H.R. 3731. An act to provide overtime pay for employees of the United States Secret

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

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2192. A bill to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2199. A bill to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 6, 2017, she had presented to the President of the United States the following enrolled bill:

S. 371. An act to make technical changes and other improvements to the Department of State Authorities Act, Fiscal Year 2017.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Special Committee on Aging:

Special Report entitled "America's Aging Workforce: Opportunities and Challenges" (Rept. No. 115-191).

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. GRASSLEY:

S. 2195. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY:

S. 2196. A bill to amend chapter 83 of title 41, United States Code (popularly referred to as the Buy American Act) and certain other laws with respect to certain waivers under those laws, to provide greater transparency regarding exceptions to domestic sourcing requirements, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN:

S. 2197. A bill to amend the Internal Revenue Code of 1986 to reform the credit for increasing research activities, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 2198. A bill to amend the Internal Revenue Code of 1986 to reinstate the financing for the Hazardous Substance Superfund, and for other purposes; to the Committee on Finance.

By Mr. FLAKE:

S. 2199. A bill to authorize appropriations for border infrastructure construction, to

provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes; read the first time.

By Mr. THUNE (for himself and Mr. NELSON):

S. 2200. A bill to reauthorize the National Integrated Drought Information System, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS:

S. 2201. A bill to amend the Higher Education Act of 1965 to improve college access and college completion for all students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself, Mr. NELSON, Mrs. FISCHER, Mr. BOOKER, and Mr. BLUNT):

S. 2202. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. GILLIBRAND (for herself, Mr. GRAHAM, Ms. HARRIS, Ms. MURKOWSKI, Mr. DURBIN, Ms. HEITKAMP, and Mrs. FEINSTEIN):

S. 2203. A bill to amend title 9 of the United States Code with respect to arbitration; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. CANTWELL (for herself, Mr. CORYN, Mr. CRUZ, and Mrs. MURRAY):

S. Res. 349. A resolution commemorating the 100th Anniversary of the 2d Infantry Division; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 611

At the request of Mrs. FEINSTEIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 611, a bill to amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

S. 949

At the request of Mr. DAINES, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 949, a bill to require the Director of the Office of Personnel Management to create a classification that more accurately reflects the vital role of wildland firefighters.

S. 950

At the request of Mr. DAINES, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 950, a bill to correct problems pertaining to human resources for career and volunteer personnel engaged in wildland fire and structure fire.

S. 1203

At the request of Mr. HATCH, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of

S. 1203, a bill to require the Administrator of the Environmental Protection Agency to establish a program under which the Administrator shall defer the designation of an area as a non-attainment area for purposes of the 8-hour ozone national ambient air quality standard if the area achieves and maintains certain standards under a voluntary early action compact plan.

S. 1514

At the request of Mr. BARRASSO, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1514, a bill to amend certain Acts to reauthorize those Acts and to increase protections for wildlife, and for other purposes.

S. 1718

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1718, a bill to authorize the minting of a coin in honor of the 75th anniversary of the end of World War II, and for other purposes.

S. 1746

At the request of Mr. LEE, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1746, a bill to require the Congressional Budget Office to make publicly available the fiscal and mathematical models, data, and other details of computations used in cost analysis and scoring.

S. 1870

At the request of Mr. HOEVEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1870, a bill to amend the Victims of Crime Act of 1984 to secure urgent resources vital to Indian victims of crime, and for other purposes.

S. 1879

At the request of Mr. BARRASSO, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 1879, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 1919

At the request of Mr. BOOKER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 1919, a bill to end the use of body-gripping traps in the National Wildlife Refuge System.

S. 1945

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

S. 1990

At the request of Mr. TESTER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1990, a bill to amend title 38, United States Code, to increase the amounts payable by the Department of Veterans Affairs for dependency and in-

demnity compensation, to modify the requirements for dependency and indemnity compensation for survivors of certain veterans rated totally disabled at the time of death, and for other purposes.

S. 2109

At the request of Mr. CARPER, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 2109, a bill to count revenues from military and veteran education programs toward the limit on Federal revenues that certain proprietary institutions of higher education are allowed to receive for purposes of section 487 of the Higher Education Act of 1965, and for other purposes.

S. 2155

At the request of Mr. CRAPO, the names of the Senator from Nevada (Mr. HELLER), the Senator from Delaware (Mr. COONS), the Senator from Missouri (Mr. BLUNT) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 2155, a bill to promote economic growth, provide tailored regulatory relief, and enhance consumer protections, and for other purposes.

S. 2159

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2195. A bill to amend title 28, United States Code, to provide an Inspector General for the judicial branch, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, to help ensure that our Federal judicial system remains free of corruption, bias, and hypocrisy, today I rise to reintroduce the Judicial Transparency and Ethics Enhancement Act. This important bill would establish within the Judicial branch an Office of Inspector General to assist the Judiciary with its ethical obligations as well as to ensure taxpayer dollars are not lost to waste, fraud, or abuse. Ensuring a fair and independent judiciary is critical to our constitutional system of checks and balances.

During my many years in Congress, I've worked hard to strengthen the oversight role of Federal Inspectors General who serve as the first line of

defense against fraud, waste and abuse. The facts demonstrate that the institution of the Inspector General has been crucial in detecting, exposing and deterring problems within our government. In collaboration with whistleblowers, Inspectors General have been extremely effective in their efforts to expose and help correct these wrongs.

I've come to rely on IGs and whistleblowers to ensure that our tax dollars are spent according to the letter and spirit of the law. And when that doesn't happen, we in Congress need to know about it and take corrective action.

During the past fiscal year, Congress appropriated roughly \$7 billion in taxpayer dollars to support the Federal judiciary. Put in context, the Small Business Administration and the Corporation for National and Community Service each received less funding than the judiciary but both entities have an Office of Inspector General. If we in Congress believed that these entities could use an Inspector General, doesn't it make good sense that the Judiciary would deserve the same assistance?

Beyond fiduciary factors, the current practice of self-regulation of judges with respect to ethics and the judicial code of conduct has time and time again proven inadequate. In fact, in the past seven years, the Senate received articles of impeachment for not one but two Federal judges.

In the first case, former Judge Samuel B. Kent, although charged with multiple counts of sexual assault, pled guilty to obstruction of justice. It took a criminal investigation by the Department of Justice to uncover his false statements made to his colleagues who were assembled to investigate him as well as substantiate the horrendous claims made against him.

In the second case, you will recall that the Senate found former Judge G. Thomas Porteous, Jr. guilty on multiple articles of impeachment, including accepting money from attorneys who had a case pending before him in his court and committing perjury by falsifying his name on bankruptcy filings. This Judge's misbehavior came to light through a federal criminal investigation, after which another judicial committee had to be organized to investigate their fellow judge.

Moreover, in each case the disgraced judge tried to game the system in order to retain his \$174,000 salary. Rather than resign their commissions, each first tried to claim disability status that would allow each to continue to receive payment, even if in prison. Then both played chicken with Congress daring us to strip them of their pay by impeaching and convicting them. I am pleased that we put our foot down and said "No."

The Judicial Transparency and Ethics Enhancement Act would establish an Office of Inspector General for the judicial branch. The IG's responsibilities would include conducting investigations of possible judicial misconduct, investigating waste fraud and

abuse, and recommending changes in laws and regulations governing the federal judiciary. The bill would require the IG to provide the Chief Justice and Congress with an annual report on its activities, as well as refer matters that may constitute a criminal violation to the Department of Justice. Further, the bill establishes important whistleblower protections for judicial branch employees to help keep the judiciary accountable.

Judges are supposed to maintain impartiality. They're supposed to be free from conflicts of interest. An independent watchdog for the federal judiciary will help its members comply with the ethics rules and promote credibility within the judicial branch of government. The Judicial Transparency and Ethics Enhancement Act will not only help ensure continued public confidence in our federal courts and keep them beyond reproach, it will strengthen our judicial branch.

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. 2195

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 "Judicial Transparency and Ethics Enhancement Act of 2017".

SEC. 2. INSPECTOR GENERAL FOR THE JUDICIAL BRANCH.

(a) ESTABLISHMENT AND DUTIES.—Part III of title 28, United States Code, is amended by adding at the end the following:

"CHAPTER 60—INSPECTOR GENERAL FOR THE JUDICIAL BRANCH

"Sec.

"1021. Establishment.

"1022. Appointment, term, and removal of Inspector General.

"1023. Duties.

"1024. Powers.

"1025. Reports.

"1026. Whistleblower protection.

"§ 1021. Establishment

"There is established for the judicial branch of the Government the Office of Inspector General for the Judicial Branch (in this chapter referred to as the 'Office').

"§ 1022. Appointment, term, and removal of Inspector General

"(a) APPOINTMENT.—The head of the Office shall be the Inspector General, who shall be appointed by the Chief Justice of the United States after consultation with the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.

"(b) TERM.—The Inspector General shall serve for a term of 4 years and may be reappointed by the Chief Justice of the United States for any number of additional terms.

"(c) REMOVAL.—The Inspector General may be removed from office by the Chief Justice of the United States. The Chief Justice shall communicate the reasons for any such removal to both Houses of Congress.

"§ 1023. Duties

"With respect to the judicial branch, the Office shall—

"(1) conduct investigations of alleged misconduct in the judicial branch (other than

the United States Supreme Court) under chapter 16 that may require oversight or other action within the judicial branch or by Congress;

"(2) conduct investigations of alleged misconduct in the United States Supreme Court that may require oversight or other action within the judicial branch or by Congress;

"(3) conduct and supervise audits and investigations;

"(4) prevent and detect waste, fraud, and abuse; and

"(5) recommend changes in laws or regulations governing the judicial branch.

"§ 1024. Powers

"(a) POWERS.—In carrying out the duties of the Office, the Inspector General shall have the power to—

"(1) make investigations and reports;

"(2) obtain information or assistance from any Federal, State, or local governmental agency, or other entity, or unit thereof, including all information kept in the course of business by the Judicial Conference of the United States, the judicial councils of circuits, the Administrative Office of the United States Courts, and the United States Sentencing Commission;

"(3) require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memoranda, papers, and documents, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by civil action;

"(4) administer to or take from any person an oath, affirmation, or affidavit;

"(5) employ such officers and employees, subject to the provisions of title 5, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(6) obtain services as authorized by section 3109 of title 5 at daily rates not to exceed the equivalent rate for a position at level IV of the Executive Schedule under section 5315 of such title; and

"(7) the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the duties of the Office.

"(b) CHAPTER 16 MATTERS.—The Inspector General shall not commence an investigation under section 1023(1) until the denial of a petition for review by the judicial council of the circuit under section 352(c) of this title or upon referral or certification to the Judicial Conference of the United States of any matter under section 354(b) of this title.

"(c) LIMITATION.—The Inspector General shall not have the authority to—

"(1) investigate or review any matter that is directly related to the merits of a decision or procedural ruling by any judge, justice, or court; or

"(2) punish or discipline any judge, justice, or court.

"§ 1025. Reports

"(a) WHEN TO BE MADE.—The Inspector General shall—

"(1) make an annual report to the Chief Justice and to Congress relating to the activities of the Office; and

"(2) make prompt reports to the Chief Justice and to Congress on matters that may require action by the Chief Justice or Congress.

"(b) SENSITIVE MATTER.—If a report contains sensitive matter, the Inspector General may so indicate and Congress may receive that report in closed session.

"(c) DUTY TO INFORM ATTORNEY GENERAL.—In carrying out the duties of the Of-

fice, the Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

"§ 1026. Whistleblower protection

"(a) IN GENERAL.—No officer, employee, agent, contractor, or subcontractor in the judicial branch may discharge, demote, threaten, suspend, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee to provide information, cause information to be provided, or otherwise assist in an investigation regarding any possible violation of Federal law or regulation, or misconduct, by a judge, justice, or any other employee in the judicial branch, which may assist the Inspector General in the performance of duties under this chapter.

"(b) CIVIL ACTION.—An employee injured by a violation of subsection (a) may, in a civil action, obtain appropriate relief."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part III of title 28, United States Code, is amended by adding at the end the following:

"60. Inspector General for the judicial branch 1021".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—COMMEMORATING THE 100TH ANNIVERSARY OF THE 2D INFANTRY DIVISION

Ms. CANTWELL (for herself, Mr. CORNYN, Mr. CRUZ, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 349

Whereas October 26, 2017, is the 100th anniversary of the organization of the 2d Infantry Division;

Whereas the 2d Infantry Division—

(1) was established in October 1917 at Bourmont, France, as the Second Division;

(2) was the first division organized on foreign soil; and

(3) has been proudly serving since 1917;

Whereas, the 2d Infantry Division is the only Army unit that has ever been commanded by a Marine Corps Officer because, at the time of activation, the 2d Infantry Division—

(1) was composed of both Army and Marine units; and

(2) was commanded during World War I by—

(A) Army officers Major General Omar Bundy and Major General James G. Harbord; and

(B) Marine Corps generals Brigadier General Charles A. Doyen and Major General John A. Lejeune;

Whereas, since the heroic start of the 2d Division, the 2d Division has played an integral part in United States history by serving in—

(1) World War I;

(2) World War II;

(3) the Korean War;

(4) the Cold War;

(5) Operation Iraqi Freedom;

(6) Operation Enduring Freedom; and

(7) current operations in Korea;

Whereas, the 2d Infantry Division—

(1) drew its first blood at the Battle of Belleau Wood, France in June 1918; and

(2) contributed to shattering the 4-year-old stalemate on the battlefield during the Chateau-Thierry campaign that followed;

Whereas, the 2d Division played a central role in other monumental struggles of World War I, such as—

- (1) the defense of the Aisne;
- (2) the Battle of Soissons in the Aisne-Marne Offensive;
- (3) the Saint-Mihiel Offensive;
- (4) the Meuse-Argonne Offensive; and
- (5) the Battle of Blanc Mont Ridge;

Whereas, immediately after the 2d Infantry Division, commonly known as the “Indianhead Division”, was established, the 2d Infantry Division started to build a prestigious reputation for its service during World War I;

Whereas, following World War I, the 2d Infantry Division was 1 of only 3 United States divisions to remain on active duty, which is a strong testament to the accomplishments of the 2d Infantry Division;

Whereas the 2d Infantry Division—

(1) remained on occupation duty in Germany to enforce the Armistice until July 1919; and

(2) came to the United States for the first time in July 1919, having fought in every major United States engagement and emerging as the most decorated United States Division of the American Expeditionary Forces;

Whereas, in recognition of exemplary service during World War I, the 2d Infantry Division was the recipient of—

- (1) French Croix de Guerre with Palm, Streamer embroidered AISNE-MARNE;
- (2) French Croix de Guerre with Palm, Streamer embroidered MEUSE-ARGONNE; and
- (3) French Fourragère;

Whereas the 2d Division established the new home of the Division in Fort Sam Houston, Texas, to test new concepts and innovations for the Army;

Whereas, in 1937, 2d Infantry Division became the first command reorganized under the new triangular concept, having 3 separate regiments in the division;

Whereas, Headquarters, 2d Division was redesignated on August 1, 1942, as Headquarters, 2d Infantry Division;

Whereas, in June 1944, the 2d Infantry Division was called to action and made the assault landing on Omaha Beach 1 day after D-Day, June 7, 1944, which began the liberation of northern Europe from Nazi control;

Whereas, during World War II, the 2d Infantry Division fought bravely in France, Germany, and Czechoslovakia from 1944 to 1945;

Whereas the 2d Infantry Division continued to provide invaluable service throughout World War II, including by—

- (1) fighting for the liberation of France and Belgium;
- (2) fighting for the liberation of Trévières on June 10, 1944;
- (3) assaulting and securing Hill 192;
- (4) capturing Tinchebray on August 15, 1944;
- (5) capturing the vital port city of Brest, which was liberated in September 1944 after a fierce 28-day battle fought in streets and alleyways;
- (6) fighting at the Battle of the Bulge, where the 2d Infantry Division pierced the dreaded Siegfried Line and held critical roads leading to the cities of Liège and Antwerp;
- (7) capturing the city of Breisig on March 10 to 11, 1945;
- (8) crossing the Rhine to relieve the 9th Armored Division in Hadamar and Limburg an der Lahn on March 21, 1945;
- (9) capturing Merseburg on April 15, 1945;
- (10) capturing Leipzig on April 18, 1945; and
- (11) crossing into Czechoslovakia and attacking the city of Pilsen on 4 May, 1945;

Whereas 6 members of the 2d Infantry Division received the Congressional Medal of

Honor for their gallantry actions during World War II;

Whereas, in recognition of exemplary service during World War II, the 2d Infantry Division was—

- (1) the recipient of the Belgian Fourragère World War II;
- (2) cited in the “Order of the Day” of the Belgian Army for action at Elsenborn Crest; and
- (3) cited in the “Order of the Day” of the Belgian Army for action in the Ardennes;

Whereas the 2d Infantry Division returned home to Fort Lewis, Washington on April 15, 1946;

Whereas elements of the 2d Infantry Division arrived in Korea via Pusan, on July 31, 1950, becoming the first United States unit to arrive directly in Korea from the United States;

Whereas the 2d Infantry Division helped repel attackers on the Pusan Perimeter during a 16-day attack beginning on the night of August 31, 1950, in a battle in which 2d Infantry Division clerks, bandsman, technical personnel, and supply personnel all joined the fight to repel the attackers;

Whereas, the 2d Infantry Division was the first unit to break out of the Pusan Perimeter and led the Eighth Army drive to the Manchurian Border;

Whereas, on November 26, 1950, with the intervention of the Chinese in the Korean War, the 2d Infantry Division was tasked with protecting the rear and right flank of the Eighth Army;

Whereas, the 23d Regimental Combat Team, 2d Infantry Division, and the French Battalion were cut off and surrounded by 3 Chinese Divisions on February 13, 1951 at Chipyeong-ni, but fiercely fought freezing weather conditions and overwhelming Communist forces for more than 3 days, killing over 5,000 enemies while possessing about 1/10 of the enemies’ strength;

Whereas the 23d Regimental Combat Team, 2d Infantry Division, gave the first major defeat to the Chinese at the battle of Chipyeong-Ni, a turning point in the Korean War;

Whereas 20 members of the 2d Infantry Division earned the Congressional Medal of Honor during the Korean War;

Whereas, in recognition of exemplary service during the Korean War, the 2d Infantry Division was the recipient of—

- (1) the Presidential Unit Citation Streamer embroidered HONGCHON;
- (2) the Republic of Korea Presidential Unit Citation Streamer embroidered NAKTONG RIVER LINE; and
- (3) the Republic of Korea Presidential Unit Citation Streamer embroidered KOREA;

Whereas, after 3 years of fighting in Korea, the 2d Infantry Division was transferred to Fort Lewis, Washington, arriving on October 7, 1954;

Whereas, the 2d Infantry Division was restructured with personnel and equipment from the 10th Infantry Division in the spring of 1958, and moved to Fort Benning, Georgia;

Whereas the 2d Infantry Division provided support for 3 brigades supported by armor, cavalry, and artillery under the Reorganization Objective Army Division concept in April 1964;

Whereas the 2d Infantry Division returned to Korea on July 1, 1965, and exchanged personnel and equipment with the 1st Cavalry Division;

Whereas the 2d Infantry Division was assigned to guard portions of the demilitarized zone to keep the peace and help deter war on the Korean peninsula;

Whereas members of the 1st Battalion, 23d Infantry, 2d Infantry Division, were killed in an North Korean ambush on November 2, 1966;

Whereas 16 members of the Armed Forces of the United States were killed by enemy attacks in the demilitarized zone;

Whereas Captain Arthur G. Bonifas and First Lieutenant Mark T. Barrett of the United Nations Joint Security Force were attacked and killed during a routine tree-trimming operation on August 18, 1976;

Whereas, in response, the United Nations Command launched Operation Paul Bunyan at 0700 hours on August 21, 1976, when a Republic of Korea Special Forces Company, the 9th Infantry, and B Company, 2d Engineer Battalion, moved in to cut down the infamous Panmunjeom Tree while supported by B-52 bombers and F-5 and F-11 fighter jets aboard a Midway Task Force aircraft carrier standing by just offshore;

Whereas members of the 2d Infantry Division, proudly wearing “Imjin Scout” patches, patrolled the demilitarized zone throughout the 1980s until 1992, and then remained deployed along the border;

Whereas the 3d Brigade, 2d Infantry Division—

(1) was reactivated at Fort Lewis, Washington on April 16, 1995, as part of I Corps; and

(2) became the first interim Brigade Combat Team in the Army in May 2000, later to be equipped with Stryker vehicles;

Whereas, in the defense of United States interests, the 4th Brigade deployed in support of Operation Iraqi Freedom from November 2003 to November 2004;

Whereas, in August 2004, the 2d Brigade, 2d Infantry Division, deployed with the Republic of Korea Army, representing the first operational deployment from the Republic of Korea;

Whereas the 2d Brigade Combat Team, 2d Infantry Division, was given control of the Eastern half of Ar-Ramadi under the direct command of the 1st Marine Division;

Whereas elements of the 2d Infantry Division were attached to the 2d Marine Division during Operation Iraqi Freedom, a reversal of their respective roles during World War I, where the 5th and 6th Marine Regiment of the 1st Marine Division fought under the United States Army 2d Infantry Division;

Whereas the 2d Brigade, 2d Infantry Division, fought in the Fallujah Offensive in November 2004, which provided Iraqis the opportunity to vote in the historic national elections of January 2005;

Whereas the 2d Brigade, 2d Infantry Division, provided humanitarian relief to hospitals, schools, and hundreds of Iraqi civilians who had been displaced;

Whereas the 2d Brigade, 2d Infantry Division, redeployed from Iraq to Fort Carson, Colorado in August 2005;

Whereas the 3d Stryker Brigade Combat Team, 2d Infantry Division, deployed from Fort Lewis, Washington, to assist the Iraqi security forces with counter insurgency operations in the Ninewa Province in support of Iraqi Freedom from June 2006 to September 2007;

Whereas the 2d Infantry Division transformed into the Republic of Korea-United States Combined Division with a Republic of Korea Army unit on June 3, 2015, in a cooperative designed to strengthen the operational capabilities of both the Republic of Korea Army and the United States Army;

Whereas the 2d Infantry Division is the last remaining permanently forward-stationed division in the United States Army;

Whereas the 2d Infantry Division has been deterring aggression and maintaining peace on the Korean Peninsula since 1965;

Whereas the 2d Infantry Division received 2 Korean Presidential Unit Citations for its outstanding service in Korea from 1950 to the present; and

Whereas, since the establishment of the 2d Infantry Division in 1917—

(1) elements of the 2d Infantry Division have been present all over the world, assisting in combat and noncombat missions for 100 years;

(2) more than 13,200 members of the 2d Infantry Division have sacrificed their lives in combat; and

(3) 40 members of the 2d Infantry Division have received the Medal of Honor in total: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates “A Century of Service”, the 100th anniversary of the 2d Infantry Division on October 26, 2017;

(2) commends the 2d Infantry Division, now known as the “Indianhead”, for continuing to exemplify the motto of the 2d Infantry Division, “Second to None!” and “Fight Tonight!”;

(3) honors the memory of the more than 13,200 members of the 2d Infantry Division who lost their lives in battle;

(4) expresses gratitude and support for all members and veterans of the 2d Infantry Division and their families; and

(5) recognizes that the 2d Infantry Division holds an honored place in United States history.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BARRASSO. Mr. President, I have 8 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 ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. in room SD-406 to conduct a hearing on the following nomination: R. D. James, of Missouri, to be an Assistant Secretary of the Army, Department of Defense.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. to conduct a hearing entitled “Adapting to Defend the Homeland Against the Evolving International Terrorist Threat”.

COMMITTEE ON JUDICIARY

The Committee on Judiciary is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 10 a.m. in room SD-226 to conduct a hearing entitled “Firearm Accessory Regulation and Enforcing Federal and State Reporting to the National Instant Criminal Background Check System (NCIS).”

COMMITTEE ON INDIAN AFFAIRS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-

628 to conduct a hearing on S. 1870, “The Securing Urgent Resources Vital to Indian Victim Empowerment Act”.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-628 to conduct a hearing on S. 644, “Navajo Utah Water Rights Settlement Act of 2017” and S. 1770, “Hualapai Tribe Waters Rights Settlement Act of 2017”.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 9:30 a.m. in room SD-562 to conduct a hearing entitled “America's Aging Workforce: Opportunities and Challenges”.

SUBCOMMITTEE ON SUPERFUND, WASTE MANAGEMENT, AND REGULATORY OVERSIGHT

The Subcommittee on Superfund, Waste Management, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. in room SD-406 to conduct a hearing entitled “Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters”.

SUBCOMMITTEE ON NEAR EAST, SOUTH ASIA, AND COUNTERTERRORISM

The Subcommittee on Near East, South Asia, and Counterterrorism of the Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, December 6, 2017, at 2:30 p.m. to conduct a hearing entitled “Beyond ISIS: Countering Terrorism, Radicalization, and Promoting Stability in North Africa.”

PRIVILEGES OF THE FLOOR

Mr. BLUNT. Mr. President, I ask unanimous consent that a military fellow in my office, Capt. Sam Burke, be granted floor privileges for the duration of my remarks.

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

DISCHARGE AND REFERRAL—S. 2146

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 2146 and the bill be referred to the Committee on Finance.

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

MEASURE PLACED ON THE CALENDAR—S. 2192

Mr. GRASSLEY. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

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

The legislative clerk read as follows:

A bill (S. 2192) to strengthen border security, increase resources for enforcement of immigration laws, and for other purposes.

Mr. GRASSLEY. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 2199

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

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

The legislative clerk read as follows:

A bill (S. 2199) to authorize appropriations for border infrastructure construction, to provide conditional resident status to certain aliens, and to amend the Immigration and Nationality Act to include grounds of inadmissibility and deportability for alien members of criminal gangs and cartels, and for other purposes.

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

The PRESIDING OFFICER. Objection is heard.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GRASSLEY. Mr. President, as in executive session, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session for consideration of Calendar No. 167, the nomination of Susan Bodine to be an Assistant Administrator of EPA. I further ask that there be 30 minutes of debate on the nomination, equally divided in the usual form, and that following the use or yielding back of time, the Senate vote on confirmation with no intervening action or debate, and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ORDERS FOR THURSDAY, DECEMBER 7, 2017

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 7; 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; further, 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 until 11 a.m.; I further ask that at 11 a.m., Senator STRANGE be recognized for up to 30 minutes; finally, that at 11:45 a.m., the Senate proceed to executive

session to consider the Balash nomination as under the previous order.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. GRASSLEY. Mr. President, if there is no further business to come be-

fore the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:46 p.m., adjourned until Thursday, December 7, 2017, at 10 a.m.