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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.

Sovereign Lord of the Universe, we pray today for all who govern. Use our Senators for Your glory, providing them with wisdom to live with the integrity that brings stability to nations. Because of their labors, enable us to live peaceful, quiet, godly, and dignified lives, growing in grace and in a knowledge of You.

Lord, inspire our lawmakers in every situation to seek to glorify You, doing justly, loving mercy, and walking humbly on the path You have chosen. May they speak for those who cannot speak for themselves, ensuring justice for those who are perishing. Lord, keep our Senators ever in the circle of Your unfolding providence as they find delight in doing Your will.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

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

OPIOID CRISIS

Mr. MCCONNELL. Mr. President, the opioid crisis is hurting communities across our country. Its challenges are complex and its causes are many.

As I said last week, no single bill or program is going to solve this crisis on its own. Only a sustained, committed effort can do that. That has been my view over the many years that I have been involved in this issue, from the first time I invited the White House drug czar down to Eastern Kentucky to see the challenges posed by prescription drug abuse firsthand to my work on other initiatives, such as helping pass a law to help address the tragedy of babies born addicted to drugs.

It is also what I believed as the Republican-led Senate worked hard to pass important legislation such as Jessie's Law, the 21st Century Cures Act, and the Comprehensive Addiction and Recovery Act in the last Congress.

I believe President Trump took the same view as he announced another important step last week by declaring a public health emergency for opioids. I would like to, once again, thank the President for his commitment to confronting this crisis.

We all know there is much further to go, and as we move forward, Republicans and Democrats, the House and the Senate, the States and the White House, we should remain committed to working together on policies and programs that actually deliver results.

About an hour ago, the Government Accountability Office released a report I requested about the Federal Government's response to opioid use disorders. The Government's chief watchdog recommends that as the Department of Health and Human Services expands access to medication-assisted treatment, it should also develop clear measures to gauge performance. This GAO study will help to ensure that dollars are spent wisely to fight the crisis of opioid abuse taking lives in communities all across our country. The announcement of GAO's conclusions will help us as we continue to build a comprehensive approach to combating heroin and prescription drug abuse. It is another step in the right direction.

As government officials review this morning's report and as agencies develop new plans to fulfill its objectives, I will continue to work with partners in Washington and Kentucky to address this important crisis. The goal, of course, is that one day we can finally put the pain of opioid abuse behind us once and for all.

JUDICIAL NOMINATIONS

Mr. MCCONNELL. Mr. President, yesterday the Senate advanced the nomination of Professor Amy Barrett, President Trump's impressive nominee to be a judge on the Seventh Circuit Court of Appeals. She is the first of four strong nominees to our Nation's circuit courts that the Senate will confirm this week.

Professor Barrett's experience as a distinguished law professor at the University of Notre Dame shows her qualifications to serve our Nation on the Federal bench. She is going to be an asset to our judiciary.

Of course, some on the left have tried to invent any reason to prevent this President's nominees from advancing. For an outstanding nominee such as Professor Barrett, their task was not easy. They can't attack her credentials, which are truly impressive; they can't attack her belief in the rule of law—Professor Barrett's writings and her testimony clearly show a nominee who will uphold our Constitution and our Nation's laws as they are written—as they are written—not as she wishes they were.

Unbelievably, some on the political left, including some of our Democratic colleagues, are actually criticizing Professor Barrett for a law review article she cowrote back in law school by saying it says the opposite of what it actually says.

They claim Professor Barrett wrote that a judge should put her personal beliefs ahead of the rule of law, when, in fact, she said a judge should not do

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

that—exactly the opposite. She wrote that if a judge's personal views were to impede that judge's ability to impartially apply the law, then the judge should recuse herself from the case.

As the coauthor of that article and current president of Catholic University recently put it, ''The case against Prof. Barrett is so flimsy, that you have to wonder whether there isn't some other, unspoken, cause for their objection.''

It does make you wonder.

To those using this matter as cover to oppose Professor Barrett because of her personally held religious beliefs, let me remind you, there are no religious tests—none—for public office in this country. That is not how we do things here. Our government and our Nation are made better through the service of qualified people of faith. That will surely be true of Professor Amy Barrett.

I look forward to voting to confirm this accomplished law professor and devoted mother of seven later today, and I would urge our colleagues to join me.

Once we do, the Senate will advance another of President Trump's well-qualified circuit court nominees, Michigan Supreme Court Justice Joan Larsen, to serve on the U.S. Court of Appeals for the Sixth Circuit.

Justice Larsen is the second of three accomplished women whom the Senate will consider this week for appointment to our circuit courts. I assume that all three of these impressive women will receive strong support from our Democratic colleagues who never seem to miss an opportunity to talk about the war on women.

Here is what nominees such as Larsen and Barrett and the others we will consider this week represent for our Federal judiciary: equal justice under the law for all and a fair shake for every litigant. What a refreshing departure from President Obama and his so-called empathy standard for selecting judicial nominees—really just another of the left's ideological purity tests and one that was anything but empathetic for individuals on the other side of the case. If you are the litigant for whom the judge does not have empathy, you are in a tough position before such a judge.

Finally, I would like to express my gratitude, once again, to Chairman CHUCK GRASSLEY for his continued work to bring these outstanding nominees to the Senate floor.

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Amy Coney Barrett, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, Senator MCCONNELL has come to the floor to complain about what he calls obstruction of President Trump's judicial nominees. The majority leader must feel that many of us suffer from amnesia.

It was just last year Senate Republicans, under the leadership of the same Senator MCCONNELL, set a new standard of obstruction. The most prominent victim of Republican obstruction, Chief Judge Merrick Garland, was President Obama's nominee for the Supreme Court. Never, never in the history of the U.S. Senate has the Senate denied a Supreme Court nominee a hearing and a vote. Senator MCCONNELL led the Republicans last year in doing that.

Then, Senator MCCONNELL refused to even meet with Judge Garland, refused to give him the courtesy of a meeting, even though the judge's qualifications were unquestioned and even though he had been confirmed to the DC Circuit with broad bipartisan support.

The way Senate Republicans treated Merrick Garland was disgraceful, but Judge Garland was far from the only victim of Republican systematic obstruction during the Obama Presidency. In 2016, there were 30 noncontroversial judicial nominees—17 women and 13 men—who were denied a floor vote by Senate Republicans. All but two of these nominees were reported out of the Judiciary Committee with a unanimous vote of Democrats and Republicans. Some of these nominees—like Edward Stanton of Tennessee and Julien Neals of New Jersey—sat on the Senate calendar for more than a year, waiting for a vote which the Republican majority leader and his Members refused to give them.

During the last 2 years of President Obama's administration, the Republican-controlled Senate confirmed only 22 judges in 2 years. That is the lowest number of confirmations in a Congress since 1952. By comparison, in the last 2 years of George W. Bush's Presidency, the Democratic-controlled Senate confirmed 68 judicial nominees—22 under Republicans and Obama and 68 under Democrats for President Bush.

That is not all. Republicans also obstructed 18 Obama nominees by denying them blue slips. That is the permission slip from a Senator from the State of the judicial nominee. That included five nominees who had been State supreme court justices who were not approved by Republican Senators to move to the Federal bench: Lisabeth Tabor Hughes from Kentucky, Myra Selby from Indiana, Don Beatty from South Carolina, Louis Butler from Wisconsin, Patricia Timmons-Goodson from North Carolina.

Senate Republicans turned obstruction of judicial nominees into an art form under President Obama. Yet Senator MCCONNELL, day after day, has said: ''I think President Obama has been treated very fairly by any objective standard.''

He comes to the floor now regularly to complain about ''obstruction'' of Trump nominees. Senator MCCONNELL and the Senate Republicans set the standard for obstruction. If Leader MCCONNELL thinks President Obama was treated fairly with these facts, it is hard to understand why he is complaining about the treatment of President Trump's judicial nominees.

So far this year, the Senate has confirmed four of President Trump's circuit court nominees and four of his district court nominees. At the same point in his first year, President Obama had one circuit court nominee and three district court nominees confirmed. Twice the number have been confirmed under President Trump as were confirmed under President Obama in each of their first years. President Trump's nominees are moving twice as fast as President Obama's.

Senator MCCONNELL controls the floor schedule. If he wants to schedule more votes on judges, I suppose he has the power to do so. He is exercising that power by doing something that has never happened in the history of the Senate. Four circuit court judge nominees will be considered this week in the Senate.

Since the Republicans in the Senate are dedicating this week to judicial nominations, it gives us a good opportunity to look at the nominees President Trump has put forward for lifetime appointments to the second highest courts in the Federal system.

Time and again, we have seen President Trump nominate people who are far outside of the judicial mainstream. For example, there is John Bush, now a judge on the Sixth Circuit, who blogged about the false claim that President Obama wasn't born in the United States, compared abortion to slavery, and said in his hearing that he thinks impartiality is an aspiration for a judge, not an expectation.

There is Damien Schiff, nominee for the Court of Federal Claims under President Trump, who called Supreme Court Justice Anthony Kennedy ''a judicial prostitute.''

There is Jeff Mateer, a Trump nominee for the district court in Texas, who described transgender children as part of ''Satan's plan'' and who lamented that States were banning so-called ''conversion therapy,'' the pseudoscience of attempting to ''convert'' LGBT Americans into heterosexuals.

There is Thomas Farr, Trump nominee for the district court in North Carolina, whom the Congressional Black Caucus describes as ''the preeminent attorney for North Carolina Republicans seeking to curtail the voting rights of people of color.''

There is Greg Katsas, nominee for the DC Circuit, who refused to say at his hearing whether the torture technique known as waterboarding is illegal.

There is Brett Talley, a nominee by President Trump to be Federal trial judge in Alabama, who has never tried a single case and he wrote in a blog: ''I pledge my support to the National Rifle Association, financially, politically, and intellectually.''

There is Alabama district court and Trump nominee Liles Burke, who hung a portrait of Confederate President Jefferson Davis in his office and defended it at his hearing, saying it had ''historical significance.''

There is Oklahoma district court nominee Charles Goodwin, who received a very rare rating of ''not qualified'' to be a Federal judge from the American Bar Association.

The list of Trump nominees goes on.

Routinely, we see judicial nominees under President Trump who have a history of taking ideologically driven positions that are out of the mainstream. Nearly all of these nominees are members of the rightwing Federalist Society, which President Trump uses as his gatekeeper for the Federal bench.

Do you remember Neil Gorsuch, the Supreme Court Justice? Do you know how he was notified that he had been chosen to be a candidate for the Supreme Court? You would expect a call from the White House, right—maybe even a call from the President? No. The White House decided to delegate to the Federalist Society to notify him. They called Mr. Leo, their director, and said: Why don't you call Mr. Gorsuch and give him the good news? Well, it is no surprise to those of us who know that the Federalist Society, this conservative group, is now the gatekeeper of all the Federal judges under President Trump.

Many of these nominees have given no reassurance that they will be independent as judges. And the question obviously is, What impact will the President—who has unfortunately denigrated and pressured Federal judges in the past—have on them?

Let's consider the nominees before the Senate this week.

Professor Amy Coney Barrett, who has been nominated to sit on the Seventh Circuit Court of Appeals, is a distinguished professor at Notre Dame Law School. She has strong academic credentials. She clerked for Justice Scalia on the Supreme Court. But she has no judicial experience. And she told the Judiciary Committee that she could only recall three litigation matters that she worked on in her entire career—three. She has never served as a counsel of record in an appellate case or ever argued an appeal.

Given her lack of judicial record and her minimal record as a practicing lawyer, the Judiciary Committee looked at Professor Barrett's academic writings to try to understand who she is and what she believes. Basically, that is all we had to go on.

Much of Professor Barrett's writings deal with when she believes it is acceptable for judges to deviate from precedent. For example, in a 2003 law journal article, she called for ''federal courts to restore flexibility to stare decisis doctrine.'' In a 2013 article, she said that it is ''more legitimate for [a justice] to enforce her best understanding of the Constitution rather than a precedent she thinks clearly in conflict with it.'' These are extraordinary—some would say even extreme—views of the obligation of a Federal judge to follow established precedent from someone who is seeking a lifetime appointment to the second highest court in the land.

I would like to address Barrett's Law Review article. She co-wrote an article in 1998 with John Garvey in the Marquette Law Review entitled ''Catholic Judges in Capital Cases.'' This article was about what she perceived then as the recusal obligations of ''orthodox Catholic'' judges. The article said some provocative things. Here are some examples:

''A judge will often entertain an ideological bias that makes him lean one way or another. In fact, we might safely say that every judge has such an inclination.''

''Litigants and the general public are entitled to impartial justice, and that may be something that a judge who is heedful of ecclesiastical pronouncements cannot dispense.''

She wrote, when discussing the ''behavior of orthodox Catholics in capital cases,'' that ''the judge's cooperation with evil passes acceptable limits when he conducts a sentencing hearing.''

This is an article written by the nominee. This is an issue raised by the nominee. It was such a profound statement about the relationship between conviction, conscience, and religious belief, that it was the subject of many questions from many Senators on the Judiciary Committee.

For the last 2 days, Senator MCCONNELL has come to the floor and talked about the left asking questions about Amy Coney Barrett's religious beliefs. Obviously Senator MCCONNELL has not read the transcript from the Senate Judiciary Committee.

Some have suggested it was inappropriate for the Judiciary Committee to even question the nominee about the impact of religious belief on the discharge of her duties. Some of my colleagues have questioned the propriety of such questions in light of the Constitution's clear, unequivocal prohibition on religious tests. But I would remind the Senate that it was the nominee herself, in this 47-page Law Review article, who raised this issue on whether the teachings of the Catholic Church should have any impact on the discharge of judicial duties of a Catholic judge.

So was it any surprise that at least five different Senators—three Republicans and two Democrats—asked her about the article that she coauthored? It is no surprise that the gravity of this publication and the issue it raised led committee members on both sides of the aisle to ask questions about the nominee's religious beliefs, the contents of her writings, and how it would impact the discharge of her duties if she was approved by the Senate.

Who asked the first question about the religious beliefs of Amy Coney Barrett? It was the Republican chairman of the Committee, CHARLES GRASSLEY. He noted that Professor Barrett had been outspoken about her Catholic faith and asked her when it was proper for a judge to put religious views above applying the law. Chairman GRASSLEY also asked, in his second question, how she would decide when she needs to recuse herself on grounds of conscience.

Senator MCCONNELL comes to the floor and suggests that any reference to that article somehow raises questions of religious bias. Let me say for the record that I do not believe Chairman GRASSLEY is guilty of religious bias, nor have I ever seen any evidence of it. It was hard to imagine how he could avoid the obvious. She had written a lengthy article—coauthored an article on a subject, and he felt dutybound, as chairman of the Judiciary Committee, to ask her questions about her beliefs on the subject. I don't believe that Chairman GRASSLEY would ever apply a religious test to any nominee, but he and many of us felt it important to ask Professor Barrett to state her position clearly on the convergence of her faith, her conscience, and her duties as a Federal judge.

Similarly, Republican Senator ORRIN HATCH felt it necessary to ask Professor Barrett to make clear a judge's duty when the laws or Constitution conflicts with the judge's personal religious beliefs. Again, I do not believe Senator ORRIN HATCH, Republican of Utah, would apply a religious test to any nominee, but the nominee's writings and the questions those writings raised led him to ask the nominee that question.

Later in the hearing, Senator TED CRUZ, Republican of Texas, raised the same issue. I will quote what he said to Professor Barrett:

> I've read some of what you've written on Catholic judges and in capital cases, and in particular, as I understand it, you argued that Catholic judges are morally precluded from enforcing the death penalty. I was going to ask you to just please explain your views on that because that obviously is of relevance to the job for which you have been nominated.

That was from Republican Senator TED CRUZ. I do not suggest that he was guilty of any religious bias in asking the question about an article written by the nominee.

I take our Constitution seriously when it says there should be no religious test for public office, but many Senators on the Judiciary Committee—three Republicans and two Democrats, including myself—felt the writings of the nominee warranted an inquiry about her views on the impact of her religion on a judge's role. That is far from a religious test in violation of the Constitution.

At her hearing, I asked Professor Barrett several questions about her 1998 Law Review article. I asked her whether she still agreed with her article. She said in general that she did. I said that even though I am a Catholic, even though I have gone through 19 years of Catholic education, I have never run into the term ''orthodox Catholic,'' which she used in that article. I asked her if she could define it. What was she saying? Whom did she describe? She said it was an imperfect term but explained the context for her use of it. I asked her whether she considered herself in that category, using her term which she put forward as carrying certain obligations on judicial recusal. She acknowledged again that the term is a proxy and that it wasn't a term in current use.

Some have argued that I was imposing a religious test—somehow, the three Republican Senators asking the same question have not been challenged—or that I was insinuating that Catholics can't serve on the bench. That is absurd. I myself am Catholic. I deeply respect and value the freedom of religion in our country and the Constitution. And I will let my record speak for itself about the number of Catholic nominees whom I have appointed to the bench or tried to appoint to the bench with the concurrence of the Senate during the course of my career. I voted for many judicial nominees who are of the Catholic religion, including Judge Ralph Erickson, who is outspoken about his Catholic faith and whom I voted to confirm several weeks ago. I am also sure I voted against nominees who were Catholic as well because I didn't think they had the experience, judgment, or temperament to serve in the Federal judiciary.

At nomination hearings, I ask questions to try to understand how the nominee would approach the job of a judge. I asked Professor Barrett questions about issues she raised in her academic writings that could directly impact the discharge of her judicial duties.

I would note that Professor Barrett put forward her views as part of the academic legal debate. Contrast that with Paul Abrams, President Obama's nominee for the Central District of California, who was aggressively questioned by committee Republicans last year about statements he made while speaking at his synagogue. Republicans ultimately blocked Paul Abrams' nomination. No one on this side of the aisle—not this Senator or any Senator—questioned whether they were applying a religious test in rejecting his nomination.

When judicial nominees have put forward their views on issues like the intersection of law and faith as part of the academic legal debate, I think it is fair for members of the Judiciary Committee to ask them about it. That is no religious test by my measure.

I voted against Professor Barrett's nomination in committee because I don't believe she has sufficient experience to be a circuit court judge and because of her writings about precedent. No one doubts that she is smart, but she has barely spent any time in the courtroom. The only basis we have to judge her on is on her academic writings.

Let's be honest. If a Democratic President had put forward a nominee with as little practical legal experience as Professor Barrett and with a similar history of advocating for not following precedent, I think we know exactly how the Senators on the other side of the aisle would have voted. As it stands, I cannot support Professor Barrett's nomination.

NOMINATION OF JOAN LARSEN

I oppose the nomination of Michigan Supreme Court Justice Joan Larsen to the Sixth Circuit. She is one of the 21 Supreme Court candidates that the Federalist Society and the Heritage Foundation handpicked for President Trump. Clearly, those rightwing organizations are confident that they will like her rulings if she is confirmed.

When she appeared before our committee, I asked some simple questions, and I was troubled by the responses.

In 2006, Justice Larsen wrote an op-ed defending President Bush's use of a signing statement on the McCain torture amendment. The McCain amendment prohibited torture and cruel, inhuman, or degrading treatment. I asked Justice Larsen about that op-ed and asked her if she believes waterboarding is torture and illegal. She would not answer the question. The law is clear on this matter, and I have voted against nominees in the past who would not acknowledge this.

I also asked Justice Larsen about the $140,000 in ads that a dark money front group called the Judicial Crisis Network had run in support of her nomination. This is the same rightwing, dark money organization that spent millions of dollars in undisclosed donations running ads to oppose Merrick Garland's nomination to the Supreme Court and to support the nomination of Neil Gorsuch.

I am troubled that special interest groups are making undisclosed donations to these nomination front groups. These special interests likely have a stake in the cases that will come before these judges. The donations should be transparent so that judges can make informed decisions about recusal.

I asked Justice Larsen if she could call on this front group to stop running ads in support of her nomination unless donations to the groups are made public. She responded that this was a political debate on which she could not opine. I think that is an absurd position, given that the debate here is over her own nomination and getting information for her own recusal decisions.

I also asked Justice Larsen if she agreed, as a factual matter, with President Trump's patently absurd claim that 3 to 5 million people voted illegally in the 2016 election. I think that is an easy question. Justice Larsen ducked it, saying that this was a political debate. I am troubled by these answers. I believe Justice Larsen has not shown the necessary independence from the President or rightwing groups like the Judicial Crisis Network, and she does not earn my vote.

NOMINATION OF ALLISON EID

I oppose the nomination of Colorado Supreme Court Justice Allison Eid to the Tenth Circuit. She is another on the short list of 21 Supreme Court nominees that the Federalist Society and the Heritage Foundation assembled for President Trump. She has now been nominated to the seat of the Tenth Circuit once held by Supreme Court Justice Neil Gorsuch.

I am troubled by the dissents Justice Eid wrote in a number of cases. I asked her about one of those cases during her hearing. A 2015 case, Westin Operator, LLC v. Groh, involved a hotel that evicted a group of college-age, intoxicated friends into freezing weather one night. The young adults ended up getting into a car and driving away. The car crashed, and a person was killed. The family of Caitlin Groh, who suffered traumatic brain damage in the accident, sued the hotel for negligently evicting the guests into a foreseeably dangerous environment.

Justice Eid's dissent argued that the court should have dismissed the Groh's family claim on a motion for summary judgment. She said that she saw no material dispute of fact in the case because she claimed the hotel video showed there were taxis in the area that the evicted guests could have taken. But the majority of the court saw the same evidence, the same video, and came to the opposite conclusion.

The majority wrote:

> Video footage from hotel security cameras shows two taxis in the vicinity during the general timeframe of the eviction. No taxi is visible on screen during the time in which the group exited the hotel and walked to the parking lot en masse, but there is a police car parked at the entrance. It is unclear from the record whether the taxis visible at other times in the video were occupied or available for service, whether any member of the group saw the taxis, and whether the security guards evicting the group were aware if a taxi was immediately available. . . . One of the people evicted testified at his own deposition that he tried to look for a cab outside the hotel but didn't see one.

In other words, looking at the same evidence, the majority of the court could not reach the same conclusion. It is difficult to understand how Justice Eid saw this evidence as undisputed and why she wanted this case dismissed

on summary judgment—until you read the part of Justice Eid's dissent where she talks about ''the burden that the majority is placing on Colorado businesses.'' That appears to explain her ruling, not the facts in the case.

In written questions I asked Justice Eid if she had also considered the burden the court's decision would place on these young adults and their families. She did not respond.

This is one of her troubling dissents, but there were others. In the 2014 case of City of Brighton v. Rodriguez, her dissent would have denied workers' compensation for a city employee who fell down the stairs to her office and needed brain surgery. In the 2017 case of People v. Boyd, her dissent criticized the State's decision not to prosecute a person on appeal based on a marijuana possession statute that is no longer operative. The cases go on and give ample reason why I do not believe this troubling record justifies Justice Eid replacing Justice Gorsuch on this important court.

NOMINATION OF STEPHANOS BIBAS

The last nominee I will address is, I believe, one of the most unusual I have ever seen before the Senate Judiciary Committee—Stephanos Bibas, who has been nominated for a lifetime appointment to the Third Circuit Court. In 2009, Professor Bibas wrote a lengthy draft paper entitled ''Corporal Punishment, Not Imprisonment.'' In it, he said that for a wide range of crimes ''the default punishment should be non-disfiguring corporal punishment, such as electric shocks.'' He went on to call for ''putting offenders in the stocks or pillory where they would sit or stand for hours bent in uncomfortable positions.'' Professor Bibas then went on to say that ''bystanders and victims could jeer and pelt them with rotten eggs and tomatoes (but not rocks).''

For more severe crimes, Professor Bibas called for ''multiple calibrated electroshocks or taser shots'' with medical personnel on hand to ensure ''that the offender's health could bear it.''

He also wrote ''instinctively, many readers feel that corporal punishment must be unconstitutionally and immorally cruel, but neither objection withstands scrutiny.'' He then wrote that corporal punishment ''in moderation, without torture or permanent damage, is not cruel.''

Professor Bibas said at his hearing that he didn't ultimately publish the 60-page, footnoted paper because he realized that his writings were wrong and offensive. He now says that he rejects his paper. But his 2009 paper was not just scribblings on a notepad. This was a polished, heavily footnoted, 60-page draft law review article.

Professor Bibas admitted that he presented this draft paper at conferences—on June 8, 2009, a conference at the University of Pennsylvania Law School; on July 20, 2009, at George Washington University Law School; on September 12, 2009, at that Vanderbilt Criminal Justice Roundtable.

According to the website of the Federalist Society, Professor Bibas also gave presentations on this same article to three student chapters of the Federalist Society—on September 3, 2009, at George Mason; on October 21, 2009, at the University of Florida; on October 22, 2009, at Florida State. Incredibly, this presentation by Professor Bibas was advertised with the title ''Corporal Punishment, Not Imprisonment: The Shocking Case for Hurting Criminals.'' This is an insensitive title for a presentation that called for administering electric shocks to human beings.

In his draft article, Professor Bibas thanked nine other people for their thoughts and comments on this paper. This was not something the professor wrote as a child or even as a student. When he wrote this paper in 2009, Professor Bibas was a professor at the University of Pennsylvania Law School, and he had already worked as an assistant U.S. attorney. He wrote this paper after Congress had considered the McCain torture amendment.

At the hearing I asked Professor Bibas: Do you remember the debate we went through as Americans about the acceptable method of interrogation for suspected terrorists overseas? Do you remember the debate we had on the floor when Senator MCCAIN, the victim of torture himself as a prisoner of war in the Vietnam war, came forward and authored an amendment, which got a vote of 90 to 9, condemning torture, cruel, inhuman, and degrading treatment of prisoners suspected of being terrorists? I asked him if he remembered that debate, which occurred 3 years before he wrote this outrageous article.

He said at the hearing: Well, I want to make it clear that I don't support waterboarding.

I said: So you support electric shock on American prisoners, but you do not support waterboarding?

He said on the record, under oath: ''I [knew] it was a crazy idea.''

This is a man seeking a lifetime appointment to the second highest court in the land. This paper deeply troubles me. Not only did Professor Bibas go a long way down a dangerous path with his proposals, but this law school professor got the law wrong. The Supreme Court had made clear in 2002 in the case of Hope v. Pelzer that the corporal punishment practiced in the State of Alabama of restraining prisoners by tying them to a hitching post in uncomfortable positions constituted cruel and unusual punishment in violation of the Eighth Amendment.

Professor Bibas wrote his paper, workshopped it, took it to six different universities, and then ran away from it only after he heard how offensive his proposals were.

That is not my only concern about his nomination. We spent a lot of time at the hearing talking about his aggressive prosecution of Linda Williams. What was she charged with? The alleged theft of $7 from a cash register. The magistrate judge acquitted this defendant even before the closing argument from defense counsel. The case was weak, yet it was aggressively pursued by then-attorney Bibas. Professor Bibas apologized at his hearing for this prosecution, but we have seen over and over again that many people try to walk away from who they are and what they have done when it comes to a confirmation hearing.

I believe these cases that I mentioned, particularly this outrageous article, show a real insight into the judgment and temperament of this judicial nominee.

I have been a member of the Senate Judiciary Committee for a number of years, and I have seen many nominees. I will tell you without fear of contradiction that I have never seen a nominee who has written an article that is so unsettling and so worrying. I wonder about the temperament of this nominee. Given the power that we are about to give him to judge the fate of others for decades to come, can we really trust his temperament? Can we really trust his judgment?

Sadly, if the shoe were on the other foot, if this were a nominee who had been proffered by a Democratic President before that same committee, I know exactly what his fate would have been. He would never have been taken seriously or considered for such a high position.

Mr. President, the article by Amy Coney Barrett, ''Catholic Judges in Capital Cases,'' published in the Marquette Law Review can be found online at http://scholarship.law.marquette.edu/cgi/viewcontent.cgi?article=1443&context=mulr, and the article by Stephanos Bibas entitled ''Corporal Punishment, Not Imprisonment,'' can be found online at https://www.judiciary.senate.gov/download/stephanos-bibas-corporal-punishment, so that those who read my statement will understand exactly what it was based on.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

RUSSIA INVESTIGATION

Mr. SCHUMER. Mr. President, yesterday morning we learned that two members of the Trump campaign—Mr. Manafort, his one-time campaign chairman, and Mr. Gates, a close associate of Manafort's—were indicted on a dozen charges as part of Special Counsel Mueller's investigation, including

money laundering, conspiracy to commit fraud, and conspiracy against the United States.

The fact that the activity in question took place partially before the Trump campaign offered Mr. Manafort the role of chairman in no way diminishes the gravity of the situation. If anything, it suggests that the Trump campaign was negligent in hiring as its chairman a man who was an unregistered foreign agent working for a pro-Russian proxy party in Ukraine. That man is now alleged to have been laundering large sums of money and concealing his identity as a foreign agent from the FBI and the Department of Justice, including during his time during the Trump campaign. Imagine having such poor vetting and poor judgment to hire such a person as your campaign manager.

We also learned that a Trump campaign adviser met with a Kremlin contact to discuss ''dirt'' they possessed on Secretary Clinton and had several email exchanges with other Trump officials about his outreach to the Russians. This disclosure should put an end to the idea that there was no communication or possible connection between the Trump campaign and Russia.

It is not fake news, Mr. President. It is not fake news. There was a connection between the Trump campaign and Russia. Who was involved, how much, and what happened are yet to be determined, but there was a connection, even though the President has denied that connection for months.

The President can assert whatever he wants on Twitter, but the facts are the facts. There were official members of the Trump campaign who were receptive to working with a hostile foreign power to obtain damaging information about their political opponent. These revelations should concern every Member of this body—Democrat, Republican, Independent, liberal, moderate, and conservative.

I understand the strength of the centrifugal forces in our politics that warp everything into a partisan battle between two sides. There are two sides to every argument, but no one is above the law, no matter what side of the argument one is on. The rule of law and American democracy are indisputable as our bedrock. We cannot abandon it for political expediency.

Special Counsel Mueller, who served both Republican and Democratic administrations—a lifetime public servant and a man of unimpeachable integrity—was appointed by President Trump's Deputy Attorney General. Mr. Mueller was a career prosecutor and is as straight of a shooter as they come. He must be allowed to finish the work he started without any interference. If he had nothing to fear, as he claims, President Trump would encourage Special Counsel Mueller to follow every lead and pledge his full cooperation. Instead, President Trump is again trying to divert our attention by making spurious allegations and trying to knock down anyone or anything in his way, playing right into the partisan, two-sides instinct of Washington. But this goes beyond partisanship. It goes right to the rule of law.

The President has a tendency to call anyone who disagrees with him and anyone who has facts that he doesn't like a liar, dishonest, and this, that, or the other thing. This has demeaned and degraded our Presidency and even our country. There are places where it must stop, and it should stop at the rule of law. I say that to President Trump, who may never listen, but I say that to my Republican colleagues here in this Chamber.

The Founders of the Republic put at the center of our civic life no religion, dogma, or sovereign, but rather the rule of law. It is what separated the American experiment from the hereditary monarchies of the era and outdated ideas like the divine rights of Kings.

The rule of law holds in check our people, including our President. Donald Trump is President, not King. He cannot decree things to go away or say that facts are not facts. He is as subject as anyone else to the rule of law. That is what makes our democracy so grand. No one—no one—is below the rule of law's protection, and no one is above its reproach, including the President of the United States. It safeguards our democracy from the usurpations of demagogues and would-be dictators. It is why this noble experiment—the American experiment—continues, and Donald Trump is shaking the foundation of that when he tries to get out from Special Counsel Mueller's due process.

What Special Counsel Mueller represents is the rule of law at work in 21st century American democracy. Intentionally and spuriously impugning his integrity or smearing his efforts as partisan is not only inaccurate, it is not only false, it is not only fake, but it is damaging to a core ideal in our country, the independent and impartial rule of law that no man—even the President of the United States, even Donald Trump, think what he may—is above the rule of law.

Special Counsel Mueller's investigation must be allowed to proceed unimpeded, and my friends on the other side of the aisle must help dispel the notion that his investigation is in any way partisan. To their great credit, many of my colleagues have done just that in the last 24 hours, and I salute them.

The American people must have faith that when the very foundations of our democracy are shaken by a hostile foreign power, our independent judicial system built on the rule of law will not be degraded by partisan politics. We must loudly reject forces and actors that will try to make it so—on both ends of Pennsylvania Avenue. Our leaders—our Republican leaders in the House and Senate—have an obligation to tell Donald Trump to lay off Mueller's investigation. Let it proceed where it goes. That is what our democracy is all about, and that is what leadership is all about.

REPUBLICAN TAX PLAN

Mr. President, according to their timeline, House Republicans are set to release the details of their tax plan tomorrow. We will see if they can do it and, if so, just how detailed it will be. What everyone in America should focus on is the question of who exactly the Republican plan will benefit. Will it be the poor, the working class, or the middle class, or will it be big corporations and the richest 1 percent?

We live in a time of immense inequality, so much so that it strains the bonds of affection that bind us together in this country. The wealthy have amassed astonishing wealth—and God bless them. We don't begrudge them for their success, but working Americans and middle-class Americans have slipped further and further behind. The President is surely aware of this. He rode into the White House by channeling the legitimate anger and anxiety of working-class Americans who have seen their wages diminished and their jobs shipped overseas.

Will President Trump and his Republican Party, once in power, turn around and rewrite the Tax Code to benefit the wealthy few at the expense of the middle class? Will he do a 180-degree turn from what he campaigned on and what he talks about and pass a plan for the hard right—those wealthy thousand people who give so much money to the Republican Party and think tanks? Will he bow to them against everything he campaigned on and what he says? It sure seems so.

On Wednesday, Republicans will likely propose to eliminate or substantially reduce the State and local tax deductibility, a bedrock middle-class deduction claimed by over one-third of all taxpayers—not just the wealthy—most of whom are in the middle class or the upper middle class. The proposal caused such angst in the House that it almost brought down the budget resolution. So Republicans have crafted a compromise that would allow taxpayers to claim State and local deductions on property taxes but not sales and income tax. That compromise would still cost taxpayers $900 billion.

Taxpayers in high sales tax States, like Tennessee, Florida, and Nevada, would get whacked, as would taxpayers in high income tax States, like New York, New Jersey, California, Minnesota, and Colorado. Go figure that high property tax States, like Texas, Chairman BRADY's State, would be better off under the proposal.

Picking winners and losers like this doesn't solve the problem. The new State and local compromise is still a nearly $1 trillion tax hike on the middle class to pay for tax giveaways to big corporations and the very wealthy.

I say to my Republican colleagues in the House, particularly to those from suburban and fairly affluent districts, middle-class and upper middle class

districts, that they vote for this compromise at the same peril as they voted for the bill that would totally eliminate State and local deductibility. The damage still remains, and don't think a small compromise—a small haircut—can let you escape from the political whirlwind you would reap if you vote for this bill.

The Republicans are also likely to unveil tomorrow what they plan to do with 401(k)s. We have heard reports that Republicans want to tax 401(k)s to get more revenue to pay for their tax giveaways to the rich. It is another clear example that this plan is not going to be for the middle class. The 401(k)s are one of the best tools we have to encourage Americans to start saving early for retirement. We know Americans aren't doing enough of that right now, at the same time that defined benefit plans are enjoyed by fewer Americans than in the past, as companies reduce or eliminate pensions. Why make it even harder for Americans to prepare for their retirement on their own by saving through 401(k)s? Why tax them so that you can give tax cuts to the very rich?

We Democrats have a better deal to offer the American people on 401(k)s. Rather than having Uncle Sam dip his hands into American retirement plans, we Democrats believe Americans deserve a helping hand when it comes to their retirement. In just a short time, we will release our 401(k) plan.

I yield the floor.

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

GUN VIOLENCE

Mr. MURPHY. Mr. President, last week, we voted on a judge who felt it necessary to sign up for a lifetime membership with a political organization in order to get his nomination forwarded back before this body.

The judge we voted on last week became a lifetime member of the NRA in between his appointment by President Obama and, then, his appointment by President Trump—a signal, apparently, to the new Republican White House that he would align with their interests and views on issues related to the regulation of firearms in this country.

We are going to see a parade of very interesting choices for the Federal judiciary come through this body, and they are going to be moved in rapid succession, as they are this week. I have been told that never before have we taken four votes on appellate nominees in a single week. Of course, that stands in contrast with the Republican Senate that refused to give even a hearing to one Supreme Court Justice over the entirety of 2016. I think it is worth noting that this body can move fast when it wants to, and yet we watched a Supreme Court seat be stolen by this Senate from a Democratic President who, by constitutional right, had the ability to make that appointment.

I bring up the lifetime membership in the NRA because it is increasingly clear that you have to signal a level of extremism on issues like firearms in order to get your name brought before this body. That signal is wildly out of step with where the American public is on many of these issues.

I have come to the floor over the course of the last 4 years every few weeks in order to talk about the fact that there is no other country in the world where 80 to 90 people every single day die from guns. The numbers are just absolutely stunning. Some 2,800 people a month die from guns, and 33,000 a year. The majority of those are suicides, but there are record numbers of homicides and accidental shootings in this country. Americans by and large don't accept this rate of slaughter. Americans want us to change our laws, and they don't want a judiciary that is going to stand in the way of Congress's ability to follow the wishes of our constituents.

I have been coming down to the floor to tell the story of the victims. My hope is that, although the data hasn't moved this Congress—90 percent of Americans want stronger gun laws—the data incontrovertibly shows that in places that have universal background checks or laws requiring you to get local permits before you buy a gun, there are less gun crimes.

Maybe if the data doesn't move my colleagues, the story of the victims will. Deon Rodney was shot on October 14 of this year, just a few weeks ago. He was working at Just Right Cutz, where he was a barber, in Bridgeport, CT. He was the 22nd homicide victim in Bridgeport this year.

He had just finished cutting a young boy's hair in a chair when a masked gunman chased somebody else into the barbershop. Police said Deon was protecting the young boy, shielding the young boy from this intruder who came running in. He jumped out of his chair to try to get in between the boy sitting in the barber's chair and the gunman, and the gunman shot him.

The owner of the barber shop said:

Deon had just finished his haircut and the boy was getting ready to go outside when the gunman came in. He saved everyone in the barbershop.

Deon was 31 years old. He left behind his wife, his mother, plenty of other family members, and an 8-year-old daughter.

Speaking about their daughter, Deon's wife said:

He loved her endlessly, unconditionally.

His mother said:

Deon is a part of me. He was my son, but he was also my friend.

His cousin said:

I know that everyone is recognizing his heroism now, but he was always like this. Always a role model and always willing to give. Always willing to go out of his way to help a stranger. Nothing has changed all these years. I guess I'm glad that the masses can now see this.

The owner of the barbershop went on to say of Deon:

He's dead because of these people running around with guns.

There are guns everywhere you look in cities like Bridgeport, New Haven, Hartford, New York or Chicago. People say: Why is that? Why are there all these guns—many of them, if not most of them, illegal guns—if you have strong gun laws in places like New York, Illinois, and Connecticut? The reason is that gun trafficking doesn't recognize State boundaries, and the guns used to commit crimes in places like Connecticut come from outside of Connecticut.

A comprehensive, groundbreaking survey of gun crimes in New York City found that 75 percent of the guns that are used to commit crimes in New York City come from outside of New York State. They come from States with looser gun laws, where you as a criminal can easily buy a gun without having to prove you are a responsible gun owner.

How do all these illegal guns get into Bridgeport such that somebody can turn a corner and walk into a barbershop with a weapon in their hand? It is because criminals with criminal records go into gun shows in States that don't require background checks at those forums, buy up dozens of weapons, load them into their cars, and then drive up to States with tougher gun laws and sell them on the black market.

Congress willingly allows this to happen because we have not moved our mandatory system of background checks to the places in which gun purchases are made today. Data is a little bit hard to pin down, but anywhere from 25 to 40 percent of gun sales today don't involve a background check. You can understand why. Sales have migrated to online. They have migrated to gun shows. They have gone to places where background checks aren't required.

I mentioned what the data tells us when it comes to background checks. The data tells us background checks save lives. Here is one slice of the data. In States that have universal background check laws, 47 percent fewer women get shot by an intimate partner than States without universal background check laws. That is because, in the heat of passion, domestic abusers often go to get a weapon and use it to perpetuate a domestic violence crime. You can't do that if you have a domestic violence history in a State with a universal background check law because wherever you go, you are going to be prohibited from buying that weapon.

Since November of 1998, more than 2.4 million gun sales to prohibited purchasers have been prevented because of background checks; 2½ million people who were criminals or who were addicts or who were seriously mentally ill were stopped from buying guns because of our background check laws. Because we now have at least one-quarter of all sales happening without background checks, that means there are hundreds of thousands of criminals,

hundreds of thousands of people with serious mental illness who are able to buy guns. It is not surprising that 90 percent of Americans, 90 percent of gun owners, 90 percent of Democrats, and 90 percent of Republicans support expanded background checks.

I would argue there is not another issue out there in American politics today that enjoys 90 percent support amongst Republicans and Democrats. Senator DURBIN corrected me the other day and said the latest survey states that the number is actually 94 percent support from Republicans and Democrats. The only slice of the American electorate that you can get under 90 percent support of background checks is NRA members. NRA members support universal background checks at a 75-percent clip. Background checks save lives, they are supported by the vast majority of the American public, and yet we can't get it done.

This month, I, along with a couple dozen cosponsors, introduced a new version of legislation allowing for background checks to occur in every commercial sale that is conducted in this country, with commonsense exceptions, making sure that when you are gifting a firearm to a family member or you are loaning a gun to a friend who wants to take it to go hunting, you don't have to conduct a background check under those circumstances, but if it is a traditional arm's-length sale, then you have to go through a process, which normally takes 10 minutes in order to prove you are not a criminal. Again, this proposal is supported by 90 percent of Americans. It is time we recognize that it is directly connected to this epidemic of gun violence that plagues the country.

Let me close by making another argument to you. I know a lot of my Republican friends talk a lot on this floor and on the cable news shows about the threat of terrorism to this country. When the terrorists decided to use planes as their weapon of choice to attack our country, we changed the way our law protects us from attacks by airplanes. We made sure we screened individuals before they got on these planes to make sure they don't have weapons or bomb-making material that could ultimately threaten the rest of us. We now all take off our shoes every time we get on an airplane because we recognized that we needed to change our laws to understand that these planes were being used to attack American citizens.

These terrorist groups have recognized that it is now pretty hard to get somebody with a weapon or an explosive device on a plane so they are now directing would-be attackers to a different forum. An issue of Rumiyah, which is Isis's propaganda magazine, encouraged recruits in the United States to take advantage of our loose gun laws. It specifically told people go to gun shows where you will not have to present identification or submit to background checks in order to buy military-style weapons that you can use to kill dozens of Americans. ISIS and al-Qaida are telling their potential recruits in the United States to go to gun shows so they don't have to submit themselves to a background check and so there is no paper trail of the gun they are buying in order to kill Americans.

Why wouldn't we adjust our laws to recognize that the new weapon of choice of terrorists is not an airplane, but it is today a tactical weapon bought outside of the background check system. I have a million more reasons why we should do what 90 percent of the American people want, and someday maybe we will get there.

So 33,000 people a year, 2,800 a month, 93 a day—that is a rate of gun violence that is not twice that of other industrialized nations. It is not 5 times, it is not 10 times, it is 20 times higher than the rate of gun violence in other industrialized countries in this world. It is not because we have more people who are mentally ill, and it is not because we spend less money on law enforcement. It is, by and large, because we have a set of gun laws that allow for illegal guns, dangerous weapons to flow into the hands of very dangerous people.

I hope my Republican colleagues will take a look at the new background checks legislation I have introduced with many of my colleagues, and we can finally get to a place that 90 percent of our constituents want us to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Ms. WARREN. Mr. President, just last week, the Republican-controlled Congress rammed through a budget with the sole purpose of allowing Republicans to enact a tax plan that would take money from working Americans and put it into the pockets of giant corporations and wealthy individuals. The following week they killed an important rule that would have made it easier for Americans to hold big banks and corporations accountable when they lie, cheat, and steal from working families.

There have been countless stories of the Trump administration in disarray—juicy rumors of distrust and division between and among congressional Republicans and the White House, reports of Republicans' inability to advance key parts of their agenda, but that is only half the story. The other terrifying half is this. Since day one of this administration, President Trump and congressional Republicans have been working hard to make government work better and better for the rich and the powerful. While they have fumbled on their legislative agenda, they have been quietly working to help powerful interests capture our courts.

That shouldn't come as a surprise. For decades, those powerful interests have poured eye-popping amounts of cash into electing politicians who will promote their interests in Washington. They have hand-picked politicians who will enact laws that will make it easier for corporations to abuse their workers or cheat their customers or make an extra buck and make it harder for agencies to hold them accountable for wrongdoing. They have executed a well-funded campaign to rig the rules of the game so the powerful always come out on top and the people come out on the bottom, and they know the courts are the place where they can shape the law for decades to come.

Most Americans already know that while we have one set of laws on the books, we really have two different judicial systems. One justice system is for the rich and the powerful. In that system, government officials fret about being too tough on white-collar crime so wealthy individuals or giant corporations that break the law walk away with a small fine and a pinkie promise not to do it again, and when those executives break that promise, they get 2nd, 3rd, and 23rd chances. Every time they get caught, the cycle repeats. The corporation pays the fine, says some magic words, and everyone goes right back to breaking the law.

The second justice system is for everyone else. In that system, tough on crime is the name of the game. People are locked up long before they go to trial because they don't have the money for bail. Individuals who commit minor, nonviolent offenses are slapped with long prison sentences, and even after they serve those sentences and are released, they are branded with a scarlet letter that creates barriers to employment, to housing, and to opportunity. That second justice system even traps families, children, and elderly parents whose families are blown apart and whose communities are destroyed.

That second justice system has earned America the dubious title of holding the world's highest incarceration rate. Despite having less than 5 percent of the world's population, the United States holds more than 20 percent of the world's incarcerated population. Russia, China, and North Korea don't even come close—not only in raw numbers but in the percentage of their population behind bars. America's legal system is great at locking people up but terrible at doing what it is supposed to do, dispensing equal justice under law.

Those words—''Equal Justice Under Law''—are etched into the front of the Supreme Court. If we truly believe those words, we need to start making some changes, and in recent years, we have seen some progress. Some State and local governments have made real efforts to reduce crime and lower incarceration rates. Massachusetts is one of the States leading the way with elected officials in both parties debating transformative changes to the judicial system aimed at replacing this tough-on-crime policy with smart-on-crime policies. The call for reform also extends to corporate crime. Public outrage at corporate greed has created

pressure to hold the rich and the powerful a little more accountable, but President Trump is committed to reversing that trend. He is working hand in hand with this Republican Congress to ensure that the rich get to play by their own set of rules while everyone else gets crushed under the awesome power of law enforcement.

This week will be a big step forward for the two-part justice system as this Senate prepares to hand lifetime appointments to four judges whose careers make it clear that they have no interest at all in fixing our broken justice system.

Let's take a look at their records.

NOMINATION OF ALLISON EID

Colorado Supreme Court Justice Allison Eid, who was nominated to serve on the Tenth Circuit Court of Appeals, has used her power as a State Supreme Court Justice to shield corporations from accountability. She has voted to make it harder for individuals to bring class action lawsuits against huge corporations that break the law. Sound familiar? Ms. Eid would fit right in with the Senate Republicans, who just voted to make it easier for big banks and financial institutions to cheat people and walk away scot-free.

Ms. Eid also voted to deny workers' compensation to an employee who was injured at work and knocked unconscious because—get this—he couldn't remember the details of what happened. So Ms. Eid said that meant that there was going to be no liability there.

This kind of blocking and tackling for powerful companies that hurt consumers and workers should be embarrassing. With this President and this White House, though, it buys a lifetime appointment to the Federal bench in order to shield corporations from the law on an even bigger stage.

NOMINATION OF JOAN LARSEN

Ms. Eid is not the only nominee up for consideration who would leave working Americans out in the cold. Michigan Supreme Court Justice Joan Larsen, who has been nominated to serve on the Sixth Circuit Court of Appeals, voted again and again to block injured plaintiffs from having their cases heard. Giant companies and millionaires liked her so much that they spent over half a million dollars to get her elected to the Michigan Supreme Court. And why wouldn't they? Now she is going to be elevated to a lifetime appointment on the Federal bench, and that is a pretty good return on their investment.

Yes, these judicial nominees have bent over backward to help the wealthy and the well-connected escape accountability, but that is only half of the story. Trump nominees have a very different view of what justice means for individuals who lack the money or the resources to pay high-powered legal teams or to pay political campaigns to influence judge decisions and judge selection.

NOMINATION OF STEPHANOS BIBAS

This week, the Senate will also vote on the nomination of Stephanos Bibas to sit on the Third Circuit Court of Appeals. Mr. Bibas worked as a Federal prosecutor in Manhattan. You would think that there would be plenty of work for a Federal prosecutor with oversight of Wall Street and all of the other corporate executives in New York City. You would think that, but you would be wrong. Mr. Bibas's most famous case involved prosecuting a 51-year-old woman who was accused of stealing $7 from the cash register at her cafeteria job. That is right. While going to work every day in the shadow of Wall Street, Mr. Bibas decided that it was the best use of his time and Federal Government resources to pursue a $7 case. He eventually lost the case but not before the woman lost her job.

Then there is Amy Coney Barrett, President Trump's nominee for the Seventh Circuit Court of Appeals. She has also taken a throw-the-book-at-them approach to crime—at least to not-white-collar crime. She believes that the Miranda doctrine, which protects criminal defendants from coercive police tactics, is not required by the Constitution, and she has criticized efforts to reverse the damage that has been done by the sentencing disparity between powder and crack cocaine—a disparity that has been rightly criticized by Republicans, Democrats, religious leaders, and civic leaders across this country as rooted in our long history of racial disparities in law enforcement.

We have two justice systems in America—one for the rich and powerful and one for everyone else. Part of the way we fix that problem is by making sure that we put judges on the Federal bench who are fair, impartial, and committed to dispensing equal justice under the law. Fair and impartial judges are supposed to stand up for justice when prosecutors try to ruin someone's life over allegedly grabbing seven bucks from the cash register. They are supposed to stand up for justice when consumers and workers seek a day in court against giant companies that have injured them. But the judges before the Senate this week do not stand up for justice; instead, they stand up for the powerful against the people who desperately need someone who will be fair even to those who do not have money. These nominees are right at home in Washington's rigged system. They are judges who will continue to apply one set of rules to the rich and powerful and an entirely different set of rules to everyone else.

It is no wonder that Americans are so angry with Washington. They have had it up to their eyeballs with bought-and-paid-for politicians who spend more time catering to their wealthy benefactors than promoting the interests of constituents who are back home. They are tired of giant corporations getting a slap on the wrist for massive wrongdoing while people from their hometowns linger in prison for minor crimes. They know the legal system is deeply unjust and badly broken.

It is up to us—to every Member of this Chamber—to fix that broken system. Rejecting judicial nominees who will make it worse is a really good first step. It is not just the right thing to do, it is what the American people sent us here to do.

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. LANKFORD. 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. LANKFORD. Mr. President, I have the opportunity to speak to this body today about Amy Barrett. Her nomination is currently pending to be a circuit court judge. There is a pretty high standard for those individuals because they handle some incredibly difficult constitutional cases. What is good about this is that Amy Barrett meets the high standard for those qualifications.

Professor Barrett received her B.A. in English literature magna cum laude from Rhodes College and her J.D. summa cum laude from Notre Dame University Law School, where she served as executive editor of the Notre Dame Law Review.

She currently serves as a research professor of law at Notre Dame University Law School. Professor Barrett teaches and researches in the areas of Federal courts, constitutional law, and statutory interpretation, publishing scholarship in leading legal journals, such as the Columbia, Virginia, and Texas Law Reviews. Those aren't easy areas to be able to publish in or an easy professorship to be able to land.

Before joining Notre Dame, Professor Barrett clerked for Justice Scalia of the Supreme Court of the United States and for Judge Silberman of the U.S. Court of Appeals for the DC Circuit. Following her clerkships, she was an associate, where she litigated constitutional, criminal, and commercial cases both in trial and appellate courts. Professor Barrett also served as a visiting associate professor at George Washington University Law School.

She seems to be eminently qualified. Then what seems to be the issue? Interestingly enough, she faced a very odd set of questions during her confirmation process—questions not about her legal scholarship, not about her qualifications, but, oddly enough, about her Catholic faith. It wasn't about her temperament. It wasn't about her fairness. It wasn't about scholarship. It was whether her Catholic faith would get in the way of her being a good judge. Quite frankly, it wasn't about whether she had chosen a faith; it was the problem that she actually seemed to live her faith that became a big challenge during the questioning time period.

It is odd for us as Americans because this seems to be an issue we resolved 200-plus years ago. We resolved it in article VI of the Constitution, which says that there is no religious test for any officer of the United States. There is no requirement to be of a certain faith or, if you are of a certain faith, to take that faith off if you are going to serve in the United States. We have in our Constitution a protection not of freedom of worship, which I hear some people say—they are free to worship as they choose—that is not our constitutional protection. Our constitutional protection is the free exercise of your religion—not just that you can have a faith, but you can both have a faith and live your faith according to your own principles. That is consistent with who we are as Americans, that we allow any individual to have a faith and to live their faith both in their private and public life or to have no faith at all if they choose to have no faith at all. That is a decision for each American.

But we don't ask individuals—as has been asked of this individual—whether faith will be the big issue and whether faith becomes a question in whether they are capable to serve other fellow Americans.

What is so dangerous, quite frankly, about her Catholic faith and her Christian beliefs as far as her being a judge? Are people afraid that she will actually live out what the Book of Proverbs says—to speak up for those who cannot speak for themselves, speak for the rights of all who are destitute, speak up and judge fairly, defend the rights of the poor and the needy? Is that what everyone is afraid of, that she will actually live out that Biblical principle?

I am a little confused why comments, such as ''The dogma lives loudly within you,'' were said during her questioning in the committee, and there were other questions to challenge her Catholic faith. Faith is a choice that each individual has, and it is an extremely personal but also extremely important choice.

Some individuals in America—myself included—choose to look past the mundane, day-to-day events and to think there is someone and something higher than us. We don't just look at the creation around us; we wonder about the Creator who made it. We don't just wonder about cosmic dust smashing into each other; we ask a logical question: If cosmic dust were to smash into each other in space and create all there is, who made space and who made the cosmic dust that smashed into each other, and how did that happen? Faith drives us to ask harder questions and to look a little longer at things that other people just see as plain in front of them. We ask what is behind it. A lot of Americans do. It is not irrational; it is a part of who we are and a part of how we are made.

It is a challenge to us as Americans to be able to challenge an individual and to say: That person is so radical that they believe in things like do not murder, do not steal, do not covet, honor your father and mother, or even things as radical as, in whatever you do, do unto others as you would have them do unto you.

It doesn't seem that radical of a belief that we would have to challenge and wonder whether one was able to be a judge if they believe in those things. We dare to believe in something beyond us, as do millions of other Americans.

I really thought that our Nation was past this, that our Nation that speaks so much of diversity and of being open to other ideas is somehow closing to people of faith. People who say they want to demand that everyone be included are afraid of people who have faith and live their faith. Why would that be? If we are going to be an open society, is it not open as well to people of faith to not only have a faith but to live their faith?

We hit a moment like this in the 1960s, and I thought we had moved past it. There was a Senator at that time who was running to be President of the United States. We know him as John Kennedy.

Senator Kennedy was speaking to a group of ministers in Houston, TX, in the 1960s, and he had to stand before them and explain his Catholic faith because, quite frankly, there was this buzz: Could someone be a Catholic and be President? What would that mean? Would you have difficulties with that?

The questions that were asked of Professor Barrett were strikingly similar to the questions that were asked of Senator Kennedy when he was running to be President of the United States. Here is how Senator Kennedy responded:

> For while this year it may be a Catholic against whom the finger of suspicion is pointed, in other years it has been, and may some day be again, a Jew—or a Quaker or a Unitarian or a Baptist. It was Virginia's harassment of Baptist preachers, for example, that helped lead to Jefferson's statute of religious freedom. Today I may be the victim, but tomorrow it may be you—until the whole fabric of our harmonious society is ripped at a time of great national peril. . . . And in fact, this is the kind of America for which our forefathers died, when they fled here to escape religious test oaths that denied office to members of less favored churches; when they fought for the Constitution, the Bill of Rights, and the Virginia Statute of Religious Freedom; and when they fought at the shrine I visited today, the Alamo.

JFK had visited the Alamo that day.

> For side by side with Bowie and Crockett died McCafferty and Bailey and Carey. But no one knows whether they were Catholic or not, for there was no religious test at the Alamo.

Then he made this closing statement:

> If I should lose on the real issues [of the Presidential race], I shall return to my seat in the Senate, satisfied that I had tried my best and was fairly judged. But if this election is decided on the basis that 40 million Americans lost their chance of being president on the day they were baptized, then it is the whole nation that will be the loser, in the eyes of Catholics and non-Catholics around the world, in the eyes of history, and in the eyes of our own people.

This should be a settled issue for us, not a divisive one. We are a diverse nation—diverse in backgrounds, perspectives, attitudes, and yes, diverse in faith.

I look forward to supporting Professor Barrett in this position, and I look forward to seeing her decisions as they come out of that court, consistent with the law—as she is well trained to be able to do—and consistent with our convictions as Americans.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. KAINE. Mr. President, I rise to speak on a topic I have often spoken about on the floor.

We have been at continuous war since September 14, 2001, when Congress passed an Authorization for Use of Military Force to go after the perpetrators of the 9/11 attacks. That was 16 years, 1 month, and 18 days ago as of today.

The war in Afghanistan is the longest armed conflict in America's history, and it shows no signs of abating, even 6 years after the death of Osama bin Laden. The conflict has been going on for so long that many are somewhat immune to it. I heard a high schooler recently say: War is all I have ever known. It is the status quo. It is the background music to daily life.

Yet only 0.4 percent of the population of the United States serves in the military. That is down from 1.8 percent in 1968 and 8.7 percent in 1945, so it is increasingly unlikely that many of us even know those who are deployed and fighting in this ever-expanding global conflict.

Sadly, last week, for tragic reasons, these issues were brought to the forefront with the death of four brave American servicemembers in Niger: Army SGT La David Johnson, SGT Bryan Black, SGT Jeremiah Johnson, and SGT Dustin Wright.

Two of those killed—the two Sergeants Johnson—were part of a 12-man patrol whose mission is not clear. We know that their trained military occupational specialties—vehicle mechanic and chemical-biological specialist—were outside traditional combat roles.

In a June war powers letter, the Department of Defense described the mission of over 645 military personnel in Niger as ''advise and assist,'' but none of the varying accounts of what took place in early October seem to support that seemingly benign summary of what occurred.

Frustration over this lack of understanding of that mission and the events that transpired were shared by everyone from Secretary Mattis to all the Members here. I can't imagine what the servicemembers on duty and their families must be feeling. We see the strain that an ever-expanding operational commitment is having on our

military, from our servicemembers relying upon foreign countries or contractors to provide critical air support where servicemen are stranded on the battlefield for over a day, to our warships, for which schedules have been so strained that their crews are unable to safely navigate international waters.

Being a Senator from Virginia, a State with one of the largest military presences that is home to tens of thousands of servicemembers and their families, I have a personal responsibility to ensure that these strains don't lead to any more tragic mistakes.

The attack in Niger has also laid bare other issues: how little information is provided to Congress about U.S. troops deployed abroad equipped for combat; how little Congress exercises the authority and oversight of these issues and demands information to debate before the public; and the possible ''mission creep'' and growth of military forces in Africa—an increase by a factor of 17 over the past decade—in which hundreds of missions are being run daily in over 20 countries where there is no specific authorization for use of military force provided by Congress. The Niger operation really identified a gray area between advising and assisting in combat operations, which keeps some deployments just beyond the tripwire of requiring congressional notification.

SASC held a briefing last week with the Department of Defense to try to understand the scope of the Niger mission, the reason for the escalation of our footprint, and why this surprising attack left our troops without support for so long.

But beyond the immediate tactical answers, we need a strategic and fundamental understanding of how and where this country engages in military operations and if the war on terror has become the ''forever war'' with ever-changing objectives and no end in sight, absolving the need for Congress to weigh in and speak.

Yesterday, in Foreign Relations, we held a much overdue hearing on legal authorization for military force. We heard solid testimony and straightforward answers by Secretaries of State Tillerson and Mattis. I am encouraged that we had the hearing, and I am encouraged that our chair, at the end of the hearing, expressed the desire to move forward to finally, after 16-plus years, engage in a debate and a congressional vote on war authorization.

I was disappointed that the two Secretaries, who were being candid, took the position that the Trump administration needs no more legal authority to do what they are doing. But I have to acknowledge the position they take is actually the position that the Obama administration took, and it is exactly the position that the Bush administration took, so I was not completely surprised. In fact, we shouldn't be surprised when the administration says: We don't need any more authority. But of course, we are not playing ''Mother May I'' on this question. It is Congress's role, pursuant to article I, to declare war.

I disagree with the legal analyses offered by all three administrations. I was tough on President Obama about this, as well, that the 60-word authorization from 2001 covers military action all over the globe. But there is some legal dispute about the question, still.

Beyond the legal question, there are also questions of moral authority, political authority, and the abdication of responsibility in this body. Seventy-five percent of the Members of Congress today were not even here when the 2001 authorization was passed and, thus, have never had to cast a vote on it, even as our men and women risk their lives and, in some instances, are killed in action.

Simply put, the 2001 AUMF has become a golden ticket that justifies U.S. military action against terrorist groups all over the globe without the need for additional congressional approval. I am not surprised the Executive wants to keep it that way. Who wouldn't prefer such flexibility? But we have a job to do.

Here is what we need to do. This is what I think needs to happen. We need to end the legal gymnastics with the 2001 AUMF—a 60-word authorization against the perpetrators of 9/11. Applying that now to the fight against ISIL, Boko Haram, and others is a stretch. The AUMF outlines the focus of military action as follows: ''Nations, organizations, or persons [the President] determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.''

There were 19 hijackers for the 9/11 attacks, and we have now used the 2001 AUMF in 37 instances to send forces prepared for combat and engaged in combat to 14 nations, including Libya, Turkey, Georgia, Syria, Iraq, Afghanistan, Yemen, Eritrea, Ethiopia, Djibouti, Somalia, Kenya, the Philippines, and Cuba.

Were all of these instances and nations and places really associated with planning or support of the attacks of 9/11? These legal interpretations are in addition to now countless ''train and advise'' missions around the world, to include those that took the lives of the four servicemembers in Niger.

This was not an unforeseen combat environment. I found this interesting. In April of 2014, the U.S. Government—the Department of the Navy—solicited contractual bids for ''Personnel Recovery, Casualty Evacuation, and Search and Rescue,'' aviation support in ''at risk'' environments in the following 14 countries: Algeria, Burkina Faso, Chad, Libya, Mali, Morocco, Niger, Nigeria, Cameroon, Cote D'Ivoire, Ghana, Benin, Togo, Tunisia and as directed by operational requirements. Only 5 of those 14 countries have ever been notified to Congress, pursuant to war powers letters, but we are planning to engage in casualty evacuation in connection with high-risk activities in all of these countries in Africa.

I would like to have a process that informs Congress—and informs the public—that is equal in transparency to what we put in contracting documents to inform military contractors. So Senator FLAKE and I have introduced an authorization for military force intended to keep the Congress and the American people not only informed of our military operations but also engaged in carrying out our constitutional duty. The intent is to recognize the fluid environment in which our military must operate to implement the counterterrorism campaign.

Terrorist organizations don't necessarily operate in just one country. They don't follow Geneva Conventions. It is a different kind of military action, but the requirement for congressional approval is no less important. We need to make our legal authorities, which are now dated, current and appropriately scoped.

I applaud my Foreign Relations chair, Senator CORKER, who, after the hearing yesterday, said that we would move to a markup and clearly, I suspect, an amendment of the proposal Senator FLAKE and I have put on the table. We have done a lot of work on it. A war authorization should be bipartisan. If anything in this body should be bipartisan, I think a war authorization should be. We don't pretend that we have thought of everything; we don't pretend that the bill cannot be improved.

In conclusion, I want to make a few comments. This week, the New York Times reported that President Trump has approved—without providing Members of Congress any information on why these changes are necessary—changes giving the Department of Defense and the CIA more latitude in pursuing ''counterterrorism drone strikes and commando raids'' against Islamic terrorist groups scattered across the world, all while using the 2001 AUMF as its legal justification. This expansion of war will only continue to magnify and mutate and will do so without public scrutiny, unless and until Congress steps up to provide the oversight and legal authority we are required to do.

I have come to the floor of the Senate since I came here in 2013 to speak about war powers, to speak about a need to revise the War Powers Resolution of 1974, to critique and challenge President Obama around the Libya mission, which had no vote from Congress, and to critique President Obama—who is a personal friend—over the offensive campaign against ISIL without requiring a congressional vote. Since I was clear and repetitive in my critiques of President Obama for using war powers without Congress being involved, I am going to do the same with respect to President Trump.

At the end of the day, my critique is more about this body. An Executive will overreach. An Executive will act, but that does not excuse inaction in this body.

I do worry about a progressive loosening of the rules from the Bush administration to the Obama administration to the Trump administration, which eventually has turned the 2001 AUMF into a golden ticket that allows for action against nonstate terrorist groups anywhere in the world on a Presidential say-so.

We shouldn't take our institutions and, frankly, the fairly radical rebalancing of powers in the Constitution for granted. When Madison and the other drafters put the declaration of war authority in the hands of Congress, they knew they were doing something pretty radical. They knew the world of the day—1787, 230 years ago last month—was a world of Kings, Emperors, Monarchs, Sultans, and Popes. War was primarily for the Executive, but they decided they wanted to do something different. Ten years after the Constitution was done, Thomas Jefferson, as President, was grappling with a nonstate terrorist group in Northern Africa—the Barbary Coast pirates—and what could be done about them? He wrote a letter to James Madison and asked what was behind the war-making powers in the Constitution's article I. Madison described it very well. He said: Our constitution supposes what the history of all governments demonstrates, that it is the Executive most interested in war and, thus, most prone to war. For this reason, we, with studied care, granted the question of war in the legislature.

They were trying to change human history. They were trying to say that we shouldn't be at war unless there was a legislative, collective judgment—not 116 years ago by 25 percent of the people who were there then, but a legislative, collective judgment expressed in an authorization that we should be in war. We are lacking that now.

It is not hard to imagine a future President, whether it is President Trump in the remainder of his term or Presidents in the future, using the expanding war authorities to increasingly justify initiating war without the permission of Congress.

We asked President Trump for the legal authority justifying the Syrian missile strike on Syria that he made in March, and they have not yet provided an answer about their legal authority. What Congress has done is basically told Presidents: You can do whatever you want. That has a way of creeping and growing, and I think it already has. I think the American people deserve better, but, especially, our troops deserve better.

I have said it before; I will say it again. I can't think of anything more publicly immoral—public, civic immorality—than ordering troops to risk their lives and be killed, as the four were in Niger, while Congress is unwilling to cast a vote because this would be a politically difficult vote: I would rather not vote; I would rather make the President do it and blame the President if it works out badly. A political calculation has caused Congress to abdicate a responsibility while others are shouldering the burdens of responsibility—and even losing their lives in the process.

Finally, Senator Jacob Javits wrote a book in 1973 entitled ''Who Makes War'' after Congress passed the War Powers Resolution during the Vietnam war. He offered a very prescient commentary. I will close here:

> Many advocates of presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander in Chief are what the President alone defines them to be. The implication that the Presidency is beyond the range of congressional authority to check in the exercise of the war powers raises a serious constitutional danger. If we accept such a view we accept a situation in which the American people are dependent solely on the benign intent and good judgment of the incumbent President. We may not always be fortunate enough to see a person with such qualities in the White House.

With that, I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. I ask unanimous consent that I be able to speak until such time as my remarks are concluded.

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

TAX REFORM

Mr. THUNE. Mr. President, the House and the Senate are moving forward on a final draft of our tax reform bill, and I am excited about the progress we are making. We have one goal in mind with tax reform. It is to provide real relief to ordinary Americans—to the parents who are questioning whether they can afford the car they need to fit their growing family, to the single mom who is wondering how she is going to pay the bills this month, and to the middle-age couple worrying about a secure retirement. Everything in our tax reform framework is centered on providing relief to these Americans.

To start with, we are going to provide them with a substantial amount of direct relief by lowering their tax rates and doubling the standard deduction so that they are keeping more of their paycheck every month.

We are also going to significantly expand the child tax credit.

And we are going to simplify and streamline the Tax Code so that it is easier for Americans to figure out what benefits they qualify for and so they don't have to spend a lot of time and money filing their taxes.

All of these reforms mean more money in Americans' pockets. But we are not stopping there. We are also going to focus on reforming the business side of the Tax Code so that we can give Americans access to the kind of jobs, wages, and opportunities that will set them up for a secure future.

In order for individual Americans to thrive economically, we need American businesses to thrive. Thriving businesses create jobs. They provide opportunities. They increase wages and invest in their workers, and they invest in new equipment, facilities, and product lines to innovate and expand their businesses.

Right now, though, our Tax Code is not helping businesses thrive. Instead, it is strangling both large and small businesses with high tax rates.

Our Nation has the highest corporate tax rate in the industrialized world—at least 10 percentage points higher than the majority of our international competitors. That is a problem for American workers because high tax rates leave businesses with less money to invest in their workers, to increase wages, or to create new jobs. This situation is compounded when you are an American business with international competitors that are paying a lot less in taxes than you are.

It is no surprise that U.S. businesses struggling to stay competitive in the global economy don't have a lot of resources to devote to creating new jobs and increasing wages. A study from the White House Council of Economic Advisers estimates that reducing the corporate tax rate from 35 percent down to 20 percent would increase average household income by $4,000 annually.

A second study shows a similar pay increase. Boston University professor and public finance expert Larry Kotlikoff found that lowering the corporate tax rate to 20 percent would increase household income by $3,500 per year on average. That is a significant pay raise for hard-working Americans.

In addition to lowering the corporate tax rate, there is another important thing we can do to increase the availability of jobs here at home; that is, reforming our outdated, worldwide tax system. Under our worldwide tax system, American companies pay U.S. taxes on the profit they make here at home, as well as on part of the profit they make abroad, once they bring that money home to the United States.

The problem with this is that most other major world economies have shifted from a worldwide tax system to what is called a territorial tax system. In a territorial tax system, you pay taxes on the money you earn where you make it and only there. You aren't taxed again when you bring money back to your home country.

Most American companies' foreign competitors have been operating under a territorial tax system for years. So they are paying a lot less in taxes on the money they make abroad than American companies are, and that

leaves American companies at a disadvantage.

These foreign companies can underbid American companies for new business simply because they don't have to add as much in taxes into the price of their products or services. When foreign companies beat out American companies for new business, it is not just American companies that suffer. It is American workers. It is the American workers employed by these companies who live and work in literally every State in the Union, and it is the American workers who work for the small and medium-sized companies that form the supply chain here in the United States.

For every American company that operates in countries around the world, there are countless companies here at home that supply the raw material for the products that are sold abroad—businesses that handle the packaging and shipping of those product and enterprises that supply support services like accounting, legal, and payroll services.

America's global companies rely on a web of supporting businesses that spans the country, and when these global companies struggle, so do these supporting businesses and their workers.

By transitioning from a worldwide tax system to a territorial tax system, we will not be just boosting wages, jobs, and opportunities for American workers employed by these global companies, but we will also be increasing wages, jobs, and opportunities for workers at the countless small and medium-sized businesses throughout our country that make up the supply chain for America's global companies.

Finally, our tax plan will tackle the other key part of improving the playing field for American workers; that is, lowering the tax rates on small businesses.

Small businesses are incredibly important for new job creation, but like big companies, right now small businesses are being strangled by high tax rates. That can make it difficult for small businesses to even survive, much less thrive and expand their operations. Lowering small business tax rates and making it easier for small businesses to recover their invested capital more quickly will free up the money that small business owners need to expand their businesses to add workers or to give employees a raise.

Together, these aspects of tax reform are essential to reversing the lackluster economy of the last 8 years. Americans deserve better, and tax reform can be the key to putting this country back on the path to solid, sustainable economic growth.

Mr. President, before I close today, I wish to switch gears for a minute and talk about judicial nominations. We have had the chance to confirm some excellent nominees so far this year, many of whom Democrats have ultimately supported. But despite this fact, Democrats have insisted on delaying the process of almost every single nomination to a district or circuit court. That is pretty much the definition of partisanship—when you obstruct nominees based not on any disagreement you have with them but simply because you don't like the person who is doing the nominating.

Democrats' delays are ultimately pretty pointless. We are not going to stop confirming nominees just because Democrats are dragging out the process, but these delays are a disservice to the American people. There are a lot of important issues that the Senate needs to be debating, from spending bills to tax reform, and the time that we waste on pointless partisan exercises is time taken from those important issues.

While Democrats' partisanship is frustrating, there is a much more serious issue that has come up during these judicial confirmations; that is, the anti-religious sentiment displayed by some of my colleagues on the other side of the aisle during the hearing on judicial nominee Amy Barrett's nomination, which we will be voting on this week.

Ms. Barrett's qualifications are well known. The American Bar Association, which rates judicial nominees, has given her its highest rating of ''well qualified.''

As my colleague the minority leader has said, the American Bar Association's evaluation is the ''gold standard by which judicial candidates are judged.''

Despite her judicial qualifications, it became clear in the hearing on her nomination that some of my colleagues think she should be disqualified because she is a practicing Catholic. That is right. Apparently, practicing your religion is now grounds for declaring you unfit to be a judge.

Here is what the Constitution has to say about that. This is from article VI: ''No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.''

Let me repeat that: ''No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.''

In other words, in the United States, you can't be disqualified from serving as a judge because you are a believing Catholic or a believing member of any faith. The only qualification the Constitution imposes is a commitment to uphold the Constitution.

Yet the second-ranking Democrat in the Senate apparently thought it was appropriate to ask Ms. Barrett if she was a practicing member of her religion, with the implication that if she was, it might jeopardize her fitness for being a judge.

Democrats' questioning is not going to stop Ms. Barrett's nomination, but it is simply disturbing, nonetheless. It is a scary thing when leaders of a major political party imply that there is no role for religious people in public life.

I don't need to tell anybody that that is contrary to everything our Founders stood for. The right to be able to practice religion freely—yes, in public, too—was so fundamental to the Founders' understanding of liberty that they made it the very first freedom mentioned in the Bill of Rights.

People of faith have made incalculable contributions to our country, and faith has driven some of the greatest movements in American history, from the abolitionist movement to the civil rights movement.

I hope the Democratic Party doesn't move further down the path of excluding religious people from public life. If they ever succeed in excluding people of faith from government, they will have destroyed one of the freedoms on which our country rests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent for an appropriate amount of time to finish my remarks.

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

TRIBUTE TO CHRIS APASSINGOK

Mr. SULLIVAN. Mr. President, one of the privileges of being in the Senate is actually being able to preside, as the Presiding Officer is doing right now—to sit at the Chair and listen and watch my colleagues talk about issues that matter to them, and a lot of times issues that matter to their States. In this amazing country of ours we have so many great States, great stories, and great traditions. When I am presiding, some relate to Texas, where the current Presiding Officer is from, celebrating our unique traditions, while still appreciating that at our best we share values as Americans together—opportunity, liberty, justice, and fairness. It really is one of the things that makes the Senate a great body and what makes us strong as a nation.

One of the things I like to do is to come to the Senate floor and talk about some of the traditions in my State—some of the things that I think make Alaska the greatest State in the Nation. I know some of my colleagues will not fully agree with that, but we all get to brag about our State. When I do that, I like to talk about an individual whom we recognize as the Alaskan of the Week. Often, it is somebody who is doing something in a remote part of Alaska whom not a lot of people know about. It is very important to share that with my colleagues in the Senate and other colleagues watching on TV.

Today, I would like to recognize a young Alaskan from Gambell, AK, named Chris Apassingok, a young whaler who is helping to keep the tradition that we have in Alaska—Native whaling—alive and well. He is our Alaskan of the Week.

This year, Chris was a keynote speaker at the Elders and Youth Conference, which is a precursor to the

Alaska Federation of Natives conference held each year in one of our cities. It is the largest annual gathering in the United States of any Native peoples, and there is nothing like it in all the country. AFN, as we call it in Alaska, is certainly a highlight of my year. My wife and I and our kids always try to get there.

Let me spend a few minutes talking about why Chris's speech about whaling was so important and what happened after he landed a huge bowhead whale in Alaska and why that was so inspiring for so many in my great State and, really, around the country.

Gamble, AK, is where Chris comes from, a Yupik village of about 700 people on St. Lawrence Island, on the northwest edge of Alaska. It is 1 of 11 Alaska communities that participate in two whaling seasons, recognized and authorized by the International Whaling Commission. These are subsistence communities. What does that mean? They are subsistence communities because whale meat is actually a necessity in feeding these communities.

I should point out that we have no road systems at all in Northern Alaska. Most of Alaska has no roads connected from community to community, and certainly not in Gambell. The Presiding Officer and I have had the opportunity to travel around Alaska. He has seen our great State. He knows that many communities are only accessible by air or seasonal barge. Some areas can only be reached at certain times of the year because of the weather. These communities need food. They need whales.

The annual bowhead whale migration provides the largest subsistence resource available in these remote areas of our great State. Even so, when a whale is taken, the sharing does not stop with the residents of the community. Each whale produces between 6 and 25 tons of food, on average. This meat is shared with other subsistence communities in our State and with family members and elders throughout the State. That is a hugely important part of Alaskan Native culture. This is another example of the resourcefulness of the Alaskan Native peoples, which has enabled them to survive in the Arctic—with some of the toughest weather and conditions anywhere in the world for millennia—and which has shaped the culture of Alaska and the character of our State today.

Back to Chris, he is an extraordinary hunter, even by the standards of Gambell, a community of extraordinary hunters. He could aim and shoot a rifle at the age of 5. By 11, he had trained himself to strike whales, as one writer put it, ''standing steady in the front of the skiff with the gun, riding Bering Sea swells like a snowboarder.''

This past April, Chris and his father set out on a boat in the Bering Sea to do what their ancestors have been doing for thousands of years.

After they got a bearded seal, they spotted a spouting bowhead. Chris took the first shot, it was accurate, and it was a huge whale, 57 feet 11 inches. It took 2 hours to tow it to shore and 4 days for the community to carve it up. As always, when a whale is landed, it is time for celebration in the community, and this time was no different, but shortly after this, things unfortunately went sour for Chris and the community.

A radical special interest activist, with a large online following, read the story about Chris and the whale and he began to attack Chris and so did many of his followers, from all across the globe—hundreds of people, most of them adults, cyber bullying and attacking a 16-year-old boy from Gambell, AK, who had, at that point, only left his village once in his life.

They were shameful, no respect, no civility, and I mean vicious attacks. I will not repeat them here. It is enough to say they were greatly upset. In the community, Chris, his family, and his mother cried all night. Chris was angry that he and his family were being attacked for partaking in this necessary tradition that his community and his ancestors have been doing for thousands of years—thousands of years.

However, this young man, despite the hateful messages from adults, from adults who live a world away, despite the names they were calling him, Chris, now 17, cut through the noise, stood strong, and gave a great speech at AFN, that he will continue to hunt and feed his family and his community the way his ancestors have done for millennia.

At his speech last week at AFN, he asked: ''Will you stand with me as I continue my hunting [traditions of my family]?'' The crowd applauded, all of whom rose when he asked this: ''Will you stand with me'' as we continue our subsistence activities that we have undertaken for thousands of years?

I hope everyone across the country stands with this extraordinary young man—truly brave and courageous—as he continues his tradition and his right to hunt and feed his community.

This afternoon, I will be holding a hearing in the Commerce Committee about whaling in Alaska and how necessary it is for subsistence and the survival of these important cultures. I hope all Americans also stand with so many other proud Alaska whalers, protecting their rights to hunt the way their ancestors have hunted.

Thank you, Chris—a young man in Alaska, 17 years old—for standing tall for your people, for all of Alaska. I also want to thank his parents Susan and Daniel for raising such a fine hunter.

Congratulations, Chris, for being our Alaskan of the Week.

ECONOMIC GROWTH

Mr. President, I want to follow on with regard to what my colleague and good friend from South Dakota talked about in terms of tax reform. We are debating tax reform now. We are marking up a bill. The Finance Committee has not marked up the bill yet. It is working on the bill, but as Senator THUNE just mentioned, we have to have one common goal in this body, which tax reform should be driving, and that is the issue of economic growth—the issue of economic growth.

We would think this should not be a partisan issue, but one of the things I am struck by, in my little under 3 years in the Senate, is how little we have talked about economic growth.

I have tried to come down to the Senate floor and speak about this issue a lot. In my view, with the exception of national defense, this is the most important issue Congress can be focused on right here, this issue of growth. How is the U.S. economy doing? Is it strong? Is it weak? Are we healthy or are we sick? By any measure over the last 10 years, we are sick.

I bring this chart to the floor a lot to talk about what has gone on in the last several decades in terms of economic growth. This has the growth rates of every administration dating back to President Eisenhower. If you look at the numbers, this red line is the important line. This is 3 percent GDP growth. It is not great. It is not bad. Since the founding of the Republic, the average since World War II is closer to 4 percent, but 3 percent is OK. It is certainly what we should be focused on in terms of hitting.

If we look at this chart, in certain years, Eisenhower, Kennedy—by the way very bipartisan—we have had very strong growth. When people talk about what makes America great, this is what makes America great: strong economic growth. This is what has driven our country for decades.

We see some of the numbers, Kennedy, Johnson, 5, 6, 7 percent; Reagan, Clinton, 5, 6, 7 percent. Then we look at the last decade—boom, a giant dropoff. We haven't hit 3 percent GDP growth in well over 10 years—well over 10 years. As a matter of fact, President Obama was the first President ever to not hit it.

What happened? Did anyone talk about it? Did the last administration talk about it? They never talked about it. As a matter of fact, what they did is they started telling Americans: Don't worry. We are going to dumb down expectations. We are going to tell you—despite this chart, despite what this really means—this represents the American dream. Despite the fact that all previous administrations were focused on 3 percent, we are not going to talk about that. We will dumb it down and call this anemic growth back here—1 percent, 1½—the new normal.

What does that mean? That means we are going to surrender. We are going to say, well, this is really America hitting on all cylinders. This is what you as Americans should expect in the future.

I think this idea of the new normal, which a lot of people in DC talk about, is probably one of the most dangerous concepts in Washington, DC, right now. The new normal means that despite

this history of 3 percent or higher for decades, we are going to surrender because our policies have smothered growth, have smothered the American dream.

Here is the good news. I think we finally have a White House that is starting to focus on this issue. Certainly, the Congress is starting to focus on this issue, and the Senate is starting to focus on this issue with policies like tax reform, with policies like regulatory streamlining, with policies like infrastructure, with policies like energy. As the Presiding Officer knows, our two great States are part of the energy renaissance that can drive economic growth well above 3 percent.

As we focus on tax reform, as this body focuses on tax reform, I am hopeful my colleagues, on both sides of the aisle, can all agree that one of the key elements of what we are doing with regard to tax reform, and every other policy in this body, is to get us back to traditional levels of U.S. economic growth, to get us back to where people say: Wow. I have great opportunities. Look at this economy—not the doldrums and the anemic growth and the sub-3 percent new normal that we have been told by other Federal officials to accept as our fate.

That shouldn't be our fate. We should have policies, particularly tax reform, that are focused on getting back above that red line, and I am certainly hopeful that all my colleagues—all 100 U.S. Senators—can agree on that goal, strong economic growth for American families and reigniting the American dream with strong GDP growth that is much higher than what we have seen in the last 10 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I ask unanimous consent that I be allowed to speak despite the order for recess.

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

HURRICANE IRMA RECOVERY EFFORT

Mr. NELSON. Mr. President, it has been 2 months since Hurricane Irma hit Florida and basically covered up the State, and our people are still hurting because they don't have sufficient housing.

If you lived in a mobile home, if you lived in a low-lying area, your home was destroyed. It is uninhabitable. The ceiling is collapsing. The mold and the mildew, because of all the water which has now accumulated, makes it an uninhabitable home.

FEMA, through individual assistance, is supposed to provide temporary housing. This is the law. That is what the people of Florida are entitled to—just like the people of Texas are entitled to in the Presiding Officer's State—but it is not happening in Florida. Why? Because they get on the telephone, and they have to wait up to—documented—4 hours to get somebody on the phone from FEMA or, for home inspections, it takes 45 days before they can get an inspector to come out and see the home so they can be declared eligible for individual assistance. That is just unacceptable.

If they don't have the means—especially if they don't have a job as a result of the jobs being destroyed in the hurricane—where are they going to be able to get temporary assistance for housing? It is a fact that this is happening in the State of Florida, and it has to be changed.

Thus, you see the bipartisan effort of my colleague from Florida MARCO RUBIO and me writing to the head of FEMA today to say: Look, what happened? Years ago, during the debacle of Hurricane Katrina in New Orleans, they experienced an average wait time of 10 minutes before they could get FEMA on the line to help them. Now we have people waiting as much as 4 hours. I wanted to bring this to the attention of the Senate.

After a hurricane, 2 months later, we cannot have an aftermath where our people are hurting, they are suffering. They can't live in a healthy condition in the homes that have been destroyed in the hurricane.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized to speak as in morning business.

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

The Senator is recognized.

RECOGNIZING THE MAYO CLINIC

Mr. MCCAIN. Mr. President, I rise today to express my deepest gratitude to my friends at the Mayo Clinic's Arizona campus, where I was recently treated for cancer. This is not my first obligation to the Arizona branch of this landmark medical institution, which has been a synonym for medical excellence for more than 100 years. I received outstanding care for a prior, unrelated tumor in the year 2000.

In July of this year, I found myself at Mayo once again. It is no exaggeration to say that the team of doctors, nurses, and technicians who looked after me were my salvation. They located and removed a brain tumor—a glioblastoma—that threatened my life. I will always be indebted for their timely and skillful intervention and for the outstanding support provided to my family by the entire Mayo community. Their professionalism is unmatched, as is their compassion. Thanks to my physicians, I was able to return to the Senate after only 10 days of recuperation. Following my surgery, I received radiation and chemotherapy at Mayo in one of the most modern facilities in the world.

I mention this to draw attention to Mayo's renown as a center of excellence not only in the treatment of cancer but in virtually every field of medicine. A nonprofit institution, Mayo has large hospitals in Rochester, Minnesota, Phoenix, and Jacksonville, FL, which employ almost 50,000 people. Mayo also operates a network of more than 70 affiliated hospitals and clinics, to which more than 1.3 million persons turned for treatment this year, patients from all 50 States and 137 different countries. Moreover, the Mayo system operates several premier colleges of medicine and is a world leader in medical research. This breadth of activity, outstanding in each facet, is remarkable. It is no exaggeration to claim that the Mayo Clinic is central to the astonishing success of American medicine.

I have made my own career in public service, but as I reflect on my experience as a cancer patient, I am humbled by the example of service to mankind provided by the entire Mayo family. I am and will always remain deeply grateful to everyone involved in my care.

RECOGNIZING THE NATIONAL CANCER INSTITUTE

Mr. President, I come to the floor today to recognize a remarkable group of physicians, people to whom I and many others owe a profound debt. I refer to the team that has led my treatment at the National Cancer Institute of the National Institutes of Health in Bethesda, MD.

Every year, cancer claims the lives of hundreds of thousands of Americans and millions of others across the globe. It is a relentless and complex disease. It comes in many forms that demand varied and specialized treatments.

There are many centers of excellence in the struggle against cancer, but NCI plays a special role. The physicians assembled there are recruited from the most outstanding medical institutions of the world to lead the fight. Yes, NCI conducts its own research and treatment programs, and I am among its many patients, but more importantly, it oversees and funds our national effort against cancer, awarding grants and supporting a nationwide network of 69 NCI-designated cancer centers. NCI's role in the development of anticancer drugs has been especially noteworthy: Roughly two-thirds of cancer medications approved by the FDA have emerged from NCI-sponsored trials.

Despite the special tenacity of this disease, we have made enormous strides. To the lives of cancer patients, NCI has added decades where once there were only years and years where once there were only months. They are closing in on the enemy, in all its forms, giving hope to millions of families and offering a real prospect of

someday comprehensively eliminating this dreaded illness.

NCI is a large and expert team of scientists, doctors, nurses, technicians, and administrators, and all of them deserve our thanks. I would like to single out for special mention a few who have won my particular gratitude and that of my family, but NCI has requested that I not do so. Instead, I will say this: All too often in American culture, we associate heroism with physical manifestations of courage—the toughness of the athlete, the daring of the soldier or sailor. My friends, we would do well to remind ourselves of and to teach our children the more patient forms of bravery exemplified by our doctors and nurses and research scientists who wage the war against cancer day after day, year after year. Through their tireless effort, the physicians and researchers of NCI remind us of the heroes of the medical art, showing it to be, as Samuel Johnson called it, ''the greatest benefit to mankind.'' It has certainly been a great benefit to me, and I am deeply, deeply grateful.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, today the Senate will vote on the nomination of Notre Dame Law Professor Amy Barrett to serve on the Seventh Circuit Court of Appeals. She is an eminently qualified and exceptionally bright nominee who has received praise and support across the legal profession. She clerked for Judge Silberman on the DC Circuit Court of Appeals and for Justice Scalia on the Supreme Court. She has experience in private practice and many years as a law professor teaching classes on constitutional Law, Federal courts, statutory interpretation, among others. She was appointed by Chief Justice John Roberts to sit on the Advisory Committee on Federal Rules of Appellate Procedure, where she served for 6 years.

Her nomination has also received wide support. For example, in a letter to the Judiciary Committee, a bipartisan group of law professors encouraged the committee to confirm her nomination, saying that Professor Barrett ''enjoys wide respect for her careful work, fair-minded disposition, and personal integrity.'' Her colleagues at Notre Dame described her ''as a model of the fair, impartial, and sympathetic judge.''

Despite this, all the Democratic members of the Judiciary Committee voted against her nomination in committee, and I suspect most of the minority will vote against her confirmation later today. This, of course, is a shame, and it does not speak well of our institution, the U.S. Senate, and I would like to explain why.

When the Judiciary Committee voted on Professor Barrett's nomination, I listened to the reasons my colleagues gave for voting against her. Some said that she didn't have enough experience to be a circuit court judge. Well, the American Bar Association rated Professor Barrett as ''well qualified.''

The Democrats have said that the ABA's ratings are very important to them when considering a nominee, once even calling it the ''gold standard.'' Their votes certainly don't reflect that. I suspect the ratings don't actually matter to them since they have voted against most of the ''well qualified'' nominees this Congress. The minority has even requested that I not hold hearings on nominees when the committee hasn't received the ABA ratings for that nominee, as if the ABA—an outside group—can and should dictate the committee's schedule. But even when we have ''well qualified'' or ''qualified'' ratings from the ABA, the minority still votes against these nominees, so the actual significance of the rating to the minority doesn't make a lot of sense.

Furthermore, lack of appellate experience hasn't mattered before. When President Clinton nominated Justice Kagan to the DC Circuit Court of Appeals, she had no appellate experience. But I remember my friend from Vermont saying that the Senate should vote on her nomination because she was an ''outstanding woman.'' Her lack of appellate experience didn't appear to be of concern to my friends in the minority at the time of Kagan's nomination coming before the committee, so I don't understand why the standard is different now.

Another reason some of my colleagues gave when voting against her is that they say she will disregard judicial precedent. Of course, if that is true, that would be a very serious consideration, but looking at all of Professor Barrett's writings and listening to the testimony she gave, not once did she say that circuit or district court judges could disregard precedent. In fact, during her hearing, she told the committee that she understood ''circuit judges to be absolutely bound by the precedent of the Supreme Court'' and that ''circuit courts are bound to follow the precedent of their own circuit.'' That doesn't sound like a nominee who will not respect precedent. In fact, she understands exactly the role of precedent and the limitations and restrictions placed on lower court judges.

Another Senator argued that she has written provocative things like ''A judge will often entertain an ideological bias that makes him lean one way or the other. In fact, we might safely say that every judge has such an inclination.'' I am not sure why this statement is provocative. I think everyone here knows that every person has their own biases and policy preferences, whether or not they are a judge. In writing this, Professor Barrett shows the awareness to recognize that every person comes to their job with personal biasses and views. This is especially important for judges to recognize about themselves. In fact, she is so self-aware that this is a potential problem for judges that she cowrote an article arguing that if a judge cannot set aside a personal preference in a particular matter before that judge, she shouldn't hear the case in the first place.

These comments come from an article about potential issues Catholic judges may face that Professor Barrett wrote in law school. The article was about Catholic judges but could have been written about the biasses of judges of any religion or of no religion at all. My friends in the minority have looked at a few of her comments from this article and seem to have concluded that she will base her judicial decisions off of what her religion teaches.

During her hearing, one Senator even implied that Professor Barrett could not separate her religion from her judicial decision making, but Professor Barrett had said and argued quite the opposite and had done it several times. She believes that it is highly inappropriate for a judge to use his own religious beliefs in legal reasoning. In fact, she concludes the very article the Democrats are concerned with this way: ''Judges cannot—nor should they try to—align our legal system with the church's moral teachings whenever the two diverge.''

I think opposition to her nomination ultimately comes down to the fact that her personal views about abortion do not line up with the minority's views about abortion. I knew the minority would ask her about her views on abortion, so during her nomination hearing, I took advantage of being the first to ask her if she would allow her religious views to dictate her legal decisions. She said that she would not. I also asked her if she would follow Supreme Court precedent involving abortion, and she simply and succinctly answered: ''Absolutely, I would.''

At her hearing, the statement was made—now, can you believe this?—''You are controversial because many of us that have lived our lives as women really recognize the value of finally being able to control our reproductive systems.''

This statement alone is stunning to me for two reasons—first, that a nominee is controversial because she might share the views of over half the country, which is that abortion is wrong; second, that this statement amounts to a religious test. In response, Professor Barrett said over and over that she has no power to overrule Roe or any other abortion-related Supreme Court case nor does she have interest in challenging that specific precedent.

A further statement was made:

> [R]eligion . . . has its own dogma. The law is totally different. And I think in your case, professor, when you read your speeches, the conclusion one draws is that the dogma lives loudly within you, and that's of concern when you come to big issues that large numbers of people have fought for years in this country.

So the Democrats are saying that women who have personal beliefs that are consistent with their religions are not eligible to be Federal judges even

when they have assured the committee, as she did over and over again, that they strongly believe in following binding Supreme Court precedent. If that is the case—if the minority is enforcing a religious litmus test on our nominees—this is an unfortunate day for the Senate and for the country.

Others have spoken on the issue of a religious test, but I will remind my colleagues that the Constitution specifically provides that ''no religious test shall ever be required as a qualification to any office under the United States.'' It is one of the most important founding principles. I do not think an evaluation of how religious a person is or how religious she might not be should ever be a part of that evaluation.

We have received many letters on this topic, including one from Princeton University's president, who is a former law clerk to Justice Stevens and happens to be a constitutional scholar. He writes that the questions the Democrats posed to Professor Barrett about her faith were ''not consistent with the principle set forth in the Constitution's 'no religious test' clause'' and that the views expressed in her law review article on Catholic judges are ''fully consistent with a judge's obligation to uphold the law and the Constitution.''

Finally, this morning, my friend from Illinois justified the Democrats' questions to Professor Barrett in committee by noting that I also asked questions in the committee about her article, but there is a difference in simply asking a nominee if her religious views will influence her judicial decision making and trying to ascertain just how religious a nominee is by asking, ''Do you consider yourself an orthodox Catholic?'' or by saying, ''The dogma lives within you.''

My questions gave Professor Barrett a chance to explain her law review article, which was an article I knew the Democrats would question her over. The other side's questions and comments went to figure out just how strongly she would hold to her faith, which was the inappropriate line of questioning.

I will make one more related comment. I mentioned this in the Judiciary Committee, but I think that it bears repeating on the floor because the issue will continue to come up.

Professor Barrett and a few other nominees have a relationship with or ties to the Alliance Defending Freedom group, which, as several Senators have recently pointed out, has been labeled as a hate group by the Southern Poverty Law Center. When the nominees have been asked about this, they have pointed out that the Southern Poverty Law Center's designation is, in itself, highly controversial. I would say that it is completely unfounded. The ADF, Alliance Defending Freedom, is an advocacy organization that litigates religious liberty cases. It has won six cases in front of the Supreme Court in the past 6 years, including cases that are related to free speech and children's playgrounds. They are not outside the mainstream.

Any difference in viewpoint that folks may have with them boils down to, simply, policy differences, but dissent and a difference of opinion do not equal hate, and it is wrong to compare an organization like the ADF to that of the Ku Klux Klan or the Nazi Party and, by extension, imply that the nominees before us sympathize with such actual hate groups.

Finally, I would note that the Southern Poverty Law Center designates the American College of Pediatricians and the Jewish Defense League as hate groups. So some of the Southern Poverty Law Center's designations appear to be discriminatory in and of themselves.

Professor Barrett is a very accomplished, impressive nominee, and we know that her personal story is compelling. She has seven children, several who were adopted from Haiti and one who has special needs. She is an accomplished attorney and a well-respected law professor. I will be strongly supporting her nomination today, and I urge every one of my colleagues to do the same.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I wish to explain my vote today in opposition to the nomination of Amy Coney Barrett to serve as a U.S. Circuit Judge for the Seventh Circuit. In Professor Barrett's hearing before the Judiciary Committee, I focused my questions on Professor Barrett's views and previous writings on the circumstances under which judges must adhere to precedent and on the doctrine of originalism. It was on the basis of her responses to those questions that I have concluded that I am unable to support her nomination.

The PRESIDING OFFICER. The Senator from New York.

PUERTO RICO AND U.S. VIRGIN ISLANDS RECOVERY EFFORT

Mrs. GILLIBRAND. Mr. President, I rise to speak about the disaster supplemental that the Trump administration is expected to send to Congress as early as tomorrow. While Congress has passed two supplemental aid bills since this year's hurricanes, I want to make it very clear that what we have already passed is not even close to what we will need to help Puerto Rico and the U.S. Virgin Islands fully recover and rebuild.

Hurricane Maria destroyed their power grids and has significantly damaged their water infrastructure so as to make clean drinking water dangerously scarce. Three of Puerto Rico's biggest industries—manufacturing, finance, and tourism, which drive their already struggling economy—remain severely damaged because the hurricane wiped out so many factories, buildings, and hotels. Many Puerto Ricans who had jobs the day before Maria struck no longer have anywhere to go to work. In other words, in Puerto Rico and the U.S. Virgin Islands, this is not just a natural disaster; it is also an economic disaster that these local governments cannot dig out of on their own. Our fellow citizens desperately need our help.

Listen to what one New Yorker told me about how dangerous things are right now, especially for the sick and elderly.

My constituent was trying to help someone in Puerto Rico who was autistic and bedridden and under the care of his 93-year-old father. He needed surgery. He was taken to at least three separate medical facilities, and he spent countless hours in an ambulance with his elderly father. He was transported from one location to the next, but the medical facilities were finding it extremely difficult to communicate with each other. After all of that, his doctor could not find any facility on the island that would accept him into its care. He was finally able to get his treatment, but how many more people are still waiting for help?

Another of my constituents is struggling to help her father, who is in a rural area of Puerto Rico. She has only been able to speak to him briefly and exchange limited text messages. Her father suffers from heart issues and glaucoma, and he may need a prescription refill very soon if not right now. There are countless more stories just like these throughout my State and, no doubt, in many of my colleagues' States as well.

The $36 billion that is for all of Texas, Florida, Puerto Rico, and the U.S. Virgin Islands is just not enough. After Hurricanes Katrina and Rita, it cost the Federal Government $120 billion to rebuild the Gulf Coast. That is the amount of funding that we need to be thinking about for Puerto Rico and the U.S. Virgin Islands right now.

It will take at least $5 billion just to rebuild Puerto Rico's power grid, and that will not even cover improvements to make the system more resilient and more efficient than it was before the storm. Right now, two-thirds of Puerto Rico still does not have power. That means no refrigeration so that people can have food to eat or can keep medicine from spoiling. It means no electricity for oxygen tanks in nursing homes and no lights at night to keep people safe. It will take additional funding to restore roads so that whatever supplies do make it to Puerto Rico can actually be delivered, and people can get to their loved ones in need.

The Small Business Administration will need billions of dollars to help people rebuild their businesses, which are vital to their basic economic recovery. The Army Corps of Engineers will need funding and the authority to rebuild the dams and the ports that were damaged so that commerce can actually go on, and FEMA will likely need $8 billion more just to respond to all of the households that have requested assistance to repair and rebuild their homes through its Individual Assistance Program.

In other words, the recovery effort must be massive. There is no way around it, because we can never turn our backs on fellow citizens, whether they are in New York or Texas or Florida or the U.S. Virgin Islands or Puerto Rico. What we need right now is a Marshall Plan. That is the only way that Puerto Rico and the U.S. Virgin Islands are ever going to really fully recover. A new Marshall Plan would help Puerto Rico greatly reduce its crushing debt owned by hedge funds, and a new Marshall plan would also completely modernize infrastructure in Puerto Rico and the U.S. Virgin Islands, by rebuilding their energy grid, hospitals, roads and bridges, reservoirs, schools, dams, and the thousands of buildings and homes that were destroyed by these hurricanes.

I urge all of my colleagues to join me in this effort. We must never stop fighting for Puerto Rico and the U.S. Virgin Islands to get the funding they need to fully recover and fully rebuild.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore, the Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to finish my full speech.

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

Mr. HATCH. Mr. President, the Senate will consider this week four nominations for the U.S. courts of appeals. Two are well regarded professors at prestigious law schools, and two are highly respected State supreme court justices. Each of them has received the highest rating from the American Bar Association, ''well qualified,'' which my Democratic colleagues have said is the gold standard for evaluating nominees.

I applaud the majority leader for committing to do what it takes to confirm these nominees, including, if necessary, working through the weekend to get it done.

I want to address the state of the confirmation process by focusing on one of these nominees, as well as attempts to change the process itself.

Later today we will confirm Amy Coney Barrett to the Seventh Circuit. She has taught at the Notre Dame Law School for 15 years in fields that are especially relevant to the work of a Federal appellate judge. A distinguished and diverse group of more than 70 law professors at schools from Massachusetts to California and from Minnesota to Florida wrote that her scholarship is ''rigorous, fair-minded, respectful and constructive.''

I ask unanimous consent to have printed in the RECORD that letter.

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

MAY 19, 2017.

Re Nomination of Amy Coney Barrett to the United States Court of Appeals for the Seventh Circuit.

Hon. CHARLES GRASSLEY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. DIANNE FEINSTEIN,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GRASSLEY AND RANKING MEMBER FEINSTEIN: We are writing to express our strong support for the nomination of Professor Amy Coney Barrett to the U.S. Court of Appeals for the Seventh Circuit. We are a diverse group of law professors who represent a broad range of fields and perspectives. We share the belief, however, that Professor Barrett is exceptionally well qualified to serve on the U.S. Court of Appeals, and we urge the Senate to confirm her as a judge of that court.

Professor Barrett has stellar credentials for this position. She received her undergraduate degree magna cum laude from Rhodes College and her law degree summa cum laude from the University of Notre Dame, where she finished first in her law school class. She served as a law clerk to Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit and to Justice Antonin Scalia of the Supreme Court. After her clerkships, she practiced law in both trial and appellate litigation in Washington, D.C. at Miller, Cassidy, Larroca, & Lewin, and at Baker Botts. She has served as a law professor at the University of Notre Dame since 2002.

As a law professor, Professor Barrett has distinguished herself as an expert in procedure, interpretation, federal courts, and constitutional law. She has published several important and influential law review articles on these topics in leading journals. Although we have differing perspectives on the methods and conclusions in her work, we all agree that Professor Barrett's contributions to legal scholarship are rigorous, fair-minded, respectful, and constructive. Her work demonstrates a thorough understanding of the issues and challenges that federal courts confront in their daily work. In addition, we admire Professor Barrett's strong commitment to public service, including her work as a member of the Advisory Committee on the Federal Rules of Appellate Procedure from 2010–2016.

In short, Professor Barrett's qualifications for a seat on the U.S. Court of Appeals for the Seventh Circuit are first-rate. She is a distinguished scholar in areas of law that matter most for federal courts, and she enjoys wide respect for her careful work, fair-minded disposition, and personal integrity. We strongly urge her confirmation by the Senate.

Sincerely,

Jonathan H. Adler, Case Western Reserve University School of Law, Johan Verheij Memorial Professor of Law; Richard Albert, Boston College Law School, Professor of Law; William Baude, University of Chicago Law School, Neubauer Family Assistant Professor; Anthony J. Bellia Jr., Notre Dame Law School, O'Toole Professor of Constitutional Law; Patricia L. Bellia, Notre Dame Law School, William J. and Dorothy K. O'Neill Professor of Law; Mitchell Berman, University of Pennsylvania Law School, Leon Meltzer Professor of Law and Professor of Philosophy; Samuel L. Bray, UCLA School of Law, Professor of Law; Steven G. Calabresi, Northwestern University Pritzker School of Law, Clayton J. and Henry R. Barber Professor of Law; Nathan Chapman, University of Georgia School of Law, Assistant Professor of Law; Guy-Uriel Charles, Duke Law School, Charles S. Rhyne Professor of Law; Donald Earl Childress III, Pepperdine School of Law, Professor of Law; G. Marcus Cole, Stanford Law School, William F. Baxter-Visa International Professor of Law; Barry Cushman, Notre Dame Law School, John P. Murphy Foundation Professor of Law; Nestor M. Davidson, Fordham Law School, Professor of Law; Marc O. DeGirolami, St. John's University School of Law, Professor of Law; Erin F. Delaney, Northwestern University Pritzker School of Law, Associate Professor of Law and Political Science; John F. Duffy, University of Virginia School of Law, Samuel H. McCoy II Professor of Law; Brian T. Fitzpatrick, Vanderbilt Law School, Professor of Law; Nicole Stelle Garnett, Notre Dame Law School, John P. Murphy Foundation Professor of Law; Richard W. Garnett, Notre Dame Law School, Paul J. Schierl/Fort Howard Corporation Professor of Law; Mary Ann Glendon, Harvard Law School, Learned Hand Professor of Law; Michael Heise, Cornell Law School, Professor of Law; F. Andrew Hessick, University of North Carolina School of Law, Professor of Law; Kristin Hickman, University of Minnesota Law School, Distinguished McKnight University Professor, Harlan Albert Rogers Professor in Law; Roderick M. Hills, NYU Law School, William T. Comfort, III Professor of Law; Clare Huntington, Fordham Law School, Professor of Law; John Inazu, Washington University Law School, Sally D. Danforth Distinguished Professor of Law & Religion; Neal Kumar Katyal, Georgetown University Law Center, Paul Saunders Professor; William K. Kelley, Notre Dame Law School, Associate Professor of Law; Daniel B. Kelly, Notre Dame Law School, Professor of Law; Cecelia M. Klingele, University of Wisconsin Law School, Assistant Professor of Law; Randy J. Kozel, Notre Dame Law School, Professor of Law; Kurt T. Lash, University of Illinois College of Law, Guy Raymond Jones Chair in Law; Renée Lettow Lerner, George Washington University Law School, Professor of Law; Gregory E. Maggs, George Washington University Law School, Professor of Law; Jenny S. Martinez, Stanford Law School, Professor of Law & Warren Christopher Professor in the Practice of International Law and Diplomacy; Michael W. McConnell, Stanford Law School, Richard and Frances Mallery Professor of Law; Alan J. Meese, William and Mary Law School, Ball Professor of Law and Tazewell Taylor Research Professor of Law; Thomas Merrill, Columbia Law School, Charles Evan Hughes Professor of Law; Robert A. Mikos, Vanderbilt University Law School, Professor of Law.

David H. Moore, BYU Law School, Wayne M. and Connie C. Hancock Professor of Law; Michael P. Moreland, Villanova Law School, University Professor of Law and Religion; Derek T. Muller, Pepperdine University School of Law, Associate Professor of Law; John Copeland Nagle, Notre Dame Law School, John N. Matthews Professor of Law, Caleb E. Nelson, University of Virginia School of Law; Emerson G. Spies Distinguished Professor of Law; Grant S. Nelson, William H. Rehnquist Professor of Law, Pepperdine University, Professor of Law Emeritus, University of California, Los Angeles; Nell Jessup Newton, Notre Dame Law School, Joseph A. Matson Dean and Professor of Law; Michael Stokes Paulsen, University of St. Thomas, Minnesota, School of Law, Distinguished University Chair and Professor; James E. Pfander, Northwestern University Pritzker School of Law, Owen L. Coon Professor of Law; Jeffrey A. Pojanowski, Notre Dame Law School, Professor of Law; Saikrishna Bangalore Prakash, University of Virginia School of Law, James Monroe Distinguished Professor

of Law; Robert J. Pushaw, Pepperdine University School of Law, James Wilson Endowed Professor of Law; Michael D. Ramsey, University of San Diego School of Law, Hugh and Hazel Darling Foundation Professor of Law; Richard M. Re, UCLA School of Law, Assistant Professor of Law; Cassandra Burke Robertson, Case Western Reserve Law School, Professor of Law and Laura B. Chisolm Distinguished Research Scholar; Nicholas Quinn Rosenkranz, Georgetown University Law Center, Professor of Law; Stephen E. Sachs, Duke Law School, Professor of Law; Sean B. Seymore, Vanderbilt Law School, Professor of Law; David Arthur Skeel, University of Pennsylvania Professor of Law, S. Samuel Arsht Professor of Corporate Law; Steven D. Smith, University of San Diego School of Law, Warren Distinguished Professor of Law; Lawrence Solan, Brooklyn Law School, Don Forchelli Professor of Law; Kevin M. Stack, Vanderbilt Law School, Professor of Law; John F. Stinneford, University of Florida Levin College of Law, University Term Professor; Kate Stith, Yale Law School, Lafayette S. Foster Professor of Law; Catherine T. Struve, University of Pennsylvania Law School, Professor of Law; Lisa Grow Sun, BYU Law School, Associate Professor of Law; Jay Tidmarsh, Notre Dame Law School, Judge James J. Clynes, Jr., Professor of Law; Amanda Tyler, University of California, Berkeley School of Law, Professor of Law; Adrian Vermeule, Harvard Law School, Ralph S. Tyler, Jr. Professor of Constitutional Law; Christopher J. Walker, Ohio State University Moritz College of Law, Associate Professor of Law; Kevin C. Walsh, University of Richmond School of Law, Professor of Law; Jay D. Wexler, Boston University, Professor of Law; Ernest A. Young, Duke Law School, Alston & Bird Professor of Law.

Mr. HATCH. Mr. President, the criticisms of Professor Barrett are laughable and ridiculous. One leftwing group, for example, objects because she has no judicial experience. I don't recall this group being concerned about the nearly 60 appeals court judges appointed by recent Democratic Presidents who had no prior judicial experience. In fact, President Clinton appointed a judge with a profile strikingly similar to Professor Barrett's—a woman who clerked on both the U.S. court of appeals and the U.S. Supreme Court and who, after a few years in private practice, taught at a well-known Midwestern law school for 15 years and then received the ABA's highest rating to serve on this very same court. Leftwing groups supported the Democratic President's nominee but opposed the Republican President's nominee.

It appears that Professor Barrett has one big strike against her, and that is her religious faith—an important part of her life, by the way. That is all it takes for her critics to say that she has no place on the Federal bench, that women or men with such personal religious faith cannot be impartial judges who respect the rule of law. That is bunk. It is ridiculous, it is despicable, it is stupid, and it is beneath the dignity of this body. I strongly reject that view. I find it appalling.

These critics apparently believe that judges decide cases based on their personal beliefs. They may believe that, but Professor Barrett certainly does not. In her hearings she pledged to unflinchingly follow all Supreme Court precedents. She said: ''It is never appropriate for a judge to apply their personal convictions whether derived from faith or personal conviction.'' This has been her view for nearly two decades.

In a 1998 law journal article she coauthored, she explored the real-world situation of how a judge should approach the death penalty when her religious beliefs counsel against capital punishment. Professor Barrett wrote that ''judges cannot, nor should they, try to align our legal system with the church's moral teaching whenever the two diverge.''

In her hearing, I asked Professor Barrett about this article and about what should happen when a judge faces a conflict between her personal views and the law. I wanted the record to be crystal clear so that her views would not be distorted or misrepresented. Here is what she said, as shown on this chart:

> I believe that the law wins . . . if a judge ever felt that for any reason she could not apply the law, her obligation is to recuse. I totally reject and I have rejected throughout my entire career the proposition that a judge should decide cases based on a desire to reach a certain outcome.

Her critics appear, to put it most charitably, to have read a different article by a different Professor Barrett. My Democratic colleagues observed that religious dogma and the law are different—so far, so good, as far as I am concerned. But then there is this: ''The dogma lives loudly within you, and that is of concern.'' Can you imagine, in this day and age, one of our colleagues asking a question like that?

Professor Barrett, as I described, has consistently argued for nearly 20 years that judges may not decide cases based on their personal religious beliefs. So what is the problem? It appears that the problem for some critics is not Professor Barrett's religious faith in general but the particular religious faith she has. Now this sounds disturbingly like a religious test for public office. In fact, it is a religious test by some of our colleagues, who ought to be ashamed of themselves.

I thought America's Founders put that to rest when they wrote article VI of the U.S. Constitution, prohibiting a religious test for public office. I thought we had grown past periods in our history when suspicion was leveled against someone running for public office simply because of the church to which he or she belonged. I thought the free exercise of religion protected by the First Amendment included being free from that kind of suspicion and prejudice.

Earlier today, the assistant Democratic leader tried to distract attention from the clearly inappropriate examination of Professor Barrett's religious beliefs. He suggested that by asking Professor Barrett whether a judge's personal beliefs should take precedence over the law is no different than expressing concern that ''the dogma lives loudly within you.''

Let me be clear. Inquiring whether a nominee will have her judicial priorities straight regarding the law and her personal views is one thing. Inquiring about her religious beliefs themselves is something very different, and I believe it should be off limits.

I enthusiastically support Professor Barrett's nomination precisely because she knows the difference between her personal beliefs and the law and she is completely committed to maintaining that distinction when she becomes a judge.

Let me now take a step back from this nominee and focus on the confirmation process itself.

The Constitution gives the power to nominate and appoint judges to the President and it gives the power of advice and consent to the Senate as a check on the President. The latest dispute about the Senate's part in this process concerns a practice used in the Judiciary Committee to highlight the views of Senators regarding judicial nominees who would serve in their States. Judiciary Committee chairmen have come to use a blue piece of paper to inquire about a home State Senator's views on a particular nominee. We call it the blue slip.

Today Democrats and their grassroots and media allies are demanding that the blue-slip process be used as a single-Senator veto, even though the vote is for a court of appeals judge who will represent a wide variety of States if not the whole country. They demand that a single home-State Senator be able, at any time and for any reason, to stop a nomination dead in its tracks without any Judiciary Committee consideration at all. That is ridiculous.

I can understand why they want to weaponize the blue slip like this. After all, they once used the filibuster to prevent confirmation of Republican judges but then abolished nomination filibusters so that no one else could use them. Today, Democrats are trying to turn the blue-slip process into a de facto filibuster. They want a single Senator to be able to do in the Judiciary Committee what it once took 41 Senators to do on the Senate floor.

Shortly after Democrats abolished nomination filibusters, Judiciary Committee Chairman PATRICK LEAHY warned: ''As long as the blue-slip process is not being abused by home-state Senators, then I will see no reason to change that tradition.'' He was right. The key is to know when that line has been crossed, and Senator LEAHY made that point.

I have served on the Judiciary Committee for more than 40 years. That experience leads me to suggest two things that can help us prevent abuse of this part of the confirmation process. The first thing to keep in mind is the history of the blue-slip process.

Now, 19 Senators have chaired the Judiciary Committee, including me, since this practice began in 1917—10

Democrats and 9 Republicans. Only 2 of those 19 chairmen have treated the blue slip as a single-Senator veto. According to the Congressional Research Service, until the 1950s, no Judiciary Committee chairman treated a negative blue slip as a single-Senator veto. Home-State Senators could express their objections in confirmation hearings, and the Judiciary Committee might report a nomination to the Senate with a negative recommendation, but in each case the process moved forward.

Senator James Eastland, who was chairman when I first joined the Judiciary Committee—a Democrat—was the first chairman to treat a negative blue slip more like a veto. Since then, according to CRS, the blue-slip policy has been modified to ''prevent a home-state Senator from having such absolute power over the fate of a nominee from their state.''

Under Chairman Ted Kennedy, for example, a negative blue slip did not stop consideration of a nominee. Chairman Joe Biden actually put his policy in writing in a letter to President George H.W. Bush in early 1989. A negative blue slip, wrote Chairman Biden, would not be a veto if the administration had consulted with home-State Senators. When I became chairman of the Judiciary Committee in 1995 and again in 1997, I wrote the White House Counsel that I would continue the Biden policy.

The second thing to remember is the purpose of the blue-slip process. As I wrote in both 1995 and 1997, it is ''a courtesy the Committee has established to ensure that the prerogative of home state Senators to advise the committee of their views is protected.'' Nearly two decades later, in the 2014 op-ed I wrote for The Hill, I said the same thing—that highlighting the views of home-State Senators encourages genuine consultation with the Senate when the President chooses judicial nominees.

The history and purpose of the blue-slip process will help identify when it is being used properly and when it is being abused, and, believe me, confirmation abuses have occurred. Before 2001, for instance, only 1 percent of judicial nominees with no opposition were confirmed by a time-consuming rollcall vote. Under President George W. Bush that figure jumped to 56 percent.

Before 2001, there had been four filibusters of judicial nominees and no majority-supported judicial nominee had ever been defeated by a filibuster. Under President George W. Bush, Democrats conducted 20 filibusters and ultimately kept multiple appeals court nominees from being confirmed.

In July, we held another unnecessary cloture vote on a district court nominee.

After voting 97 to 0 to end the debate that no one apparently wanted in the first place, Democrats forced us to delay the confirmation vote by 2 more days. This was the first time in history that a unanimous cloture vote was not followed immediately by a confirmation vote.

What is going on here? What is wrong with our colleagues on the other side? Why are they doing this? They could have taken a few hours but instead took 2 weeks from the filing of the cloture motion to the final unanimous confirmation vote that took place here.

Now, this is not the only time Democrats forced cloture votes to slow consideration of nominees they end up supporting. What was the point of all that? It is simple. Democrats want to make confirming President Trump's judicial nominees as cumbersome and time-consuming as possible.

At this point in President Obama's first year, when Republicans were in the minority, the Senate took cloture votes on less than 1 percent of the executive and judicial branches—1 percent of all the nominees that we confirmed. This year, with Democrats in the minority playing confirmation spoiler, the Senate has been forced to take cloture votes on more than 27 percent of the nominees we confirmed. In fact, including those we take this week, Democrats have forced us to take 51 cloture votes on President Trump's nominees so far this year. That is seven times as many as during the combined first years of all nine Presidents since the cloture rule has applied to nominations.

These were the nominations under Obama and this is President Trump. What is going on here? That is seven times as many as during the combined first years of all nine Presidents since the cloture rule applied to nominations.

In 2013, Democrats abolished the ability of 41 Senators to prevent confirmation. Today, they are demanding the ability of just one Senator to prevent confirmation. If that is not an abuse of the confirmation ground rules, I don't know what is.

It would be a mistake to do to the blue-slip process what has been done to other elements of the Senate's advice and consent role. This can be prevented by following the less partisan guidance of history and purpose to chart our way forward.

The blue-slip process exists to highlight the views of home State Senators and of course to encourage the executive branch in this country—whoever is the President—to be open to the feelings of the home State Senators and to consult with them when choosing judicial nominees. If it is serving those purposes, the blue-slip process should not become yet another tactic for hijacking the President's power to appoint judges.

What we have going on here today with President Trump's nominees is hypocritical, and it is wrong. It is debilitating to the courts, and it is unconstitutional. It bothers me that my colleagues on the other side are doing this when they, themselves, were treated much more fairly by our side—not just much more fairly but absolutely more fairly. This is really pathetic. I hope we can somehow or other bring ourselves to treat each other on both sides better.

With regard to judges, whoever is President ought to be given great consideration for the choices. That is what we do when we elect a President. I know it is tough on the other side that President Trump is the President, but he is the President, and he is picking really excellent people for these judicial nominations. I hope we start changing this process and get it back to being a reasonable, effective, honest, and good process.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 3:30 p.m. today, there be 30 minutes of postcloture time remaining on the Barrett nomination, equally divided between the leaders or their designees; that following the use or yielding back of that time, the Senate vote on the confirmation of the Barrett nomination; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

The Senator from Arizona.

Mr. FLAKE. Mr. President, I rise to discuss a matter of religious liberty. In particular, I urge this body to respect our constitutional values and avoid any hint of applying religious tests to those who heed the call of government service.

Freedom of religion is as foundational a principle as we have in this country. Yet some in this Chamber want to take a cabined view of it. If you are a judicial nominee, it is fine to attend the occasional worship service, but don't let on that you take it too seriously. That seems to be unacceptable.

From the inception of our Republic, religious believers have chosen to serve the country in countless ways. Whether through the Armed Forces, holding elected office, or sitting on the courts, Americans of faith always answered the call. We should welcome this service, and we should not sit idly by while others question the propriety of their service by suggesting a de facto religious test.

The Framers of the Constitution were fearful of this very thinking. They understood the importance of religious participation and foresaw the benefits religious believers of all backgrounds would contribute to the common good. They also knew, from centuries of war and suffering in Europe, the high cost of religious intolerance.

That is why they made it clear in article VI of the Constitution that no public officers could be subject to a religious test. This edict was entirely unambiguous in its language and its intent. This country is to be served by

people of all faiths, committed to the Constitution and the common good. It is up to us to question the qualifications and jurisprudence of nominees, not their religious views.

Unfortunately, that is not what is happening to Professor Barrett. I was at the confirmation hearing, where she faced inappropriate questions and objections based on her religious views. I witnessed a citizen heeding the call to serve her country, only to face inquiries into her religious beliefs that bordered on ridicule. My friends on the other side of the aisle defended their questions and their conduct, and I don't doubt their sincerity, but there is little comfort in the defense that it doesn't matter that Professor Barrett is a Catholic, but somehow it matters what sort of Catholic she is. These are unconstitutional distinctions without differences.

In addition, otherwise respectable news outlets have provided sensational reports of Professor Barrett's personal charismatic religious practices. As a Member of the Senate, I find this troubling, as a person of faith, I find this objectionable, and above all, as an American, I find this abhorrent.

It is religious liberty—enshrined in constitutional provisions like article VI and the First Amendment—that has allowed my faith and so many others to flourish in the United States. It is also religious liberty that is threatened when we seek to evaluate the fitness of nominees for high office based on religious orthodoxy.

I have endeavored to be consistent on this issue during my time in public service. When the Presidential nominee of my party—the party of Lincoln—called for a Muslim ban, it was wrong, and I said so. That is not what we stand for. When a judge expressed his personal belief that a practicing Muslim shouldn't be a Member of Congress because of his religious faith, it was wrong; that this same judge is now my party's nominee for the Senate from Alabama should concern us all. Religious tests have no place in Congress.

Standing up for people of faith—whether Muslim or Catholic—who are facing unfair prejudice should be an act of basic conscience. It should be expected of all of us, regardless of party. It is no better for Democrats to evaluate the judicial nominee based on how many books are in the Bible on which she swears her oath, than it is for Republicans to judge a Congressman who swears his oath on the Koran.

To suggest that somehow a Roman Catholic judge would discard the Constitution in favor of Church doctrine—which she has emphatically and repeatedly said she would not—is as wrong as suggesting that a Muslim judge would be somehow forced to follow sharia law over the Constitution.

Religious liberty must not depend on the religion in question. So I ask, in light of these circumstances, who will stand today against all cases of religious bigotry? Are there true liberals who will stand up for the liberal values of religious tolerance? Some have, like Professors Larry Tribe, Noah Feldman, and Chris Eisgruber. They have said: Enough. Who here will join them?

This very body is made up of individuals from around 15 different faiths. Each of us has sworn an oath to uphold the Constitution. Each of us here feels we can competently carry out our duties, as do those in the judicial branch who swear a similar oath to uphold the Constitution.

Let us stand together today without equivocation and say no to religious intolerance in all its forms by examining the jurisprudential views and professional qualifications of judicial nominees, not their relationship with the Almighty.

I yield back.

The PRESIDING OFFICER (Mr. HOEVEN). The assistant majority leader.

Mr. CORNYN. Mr. President, last night we held a cloture vote on the nomination of Amy Coney Barrett, who has been nominated to the U.S. Court of Appeals for the Seventh Circuit.

Thanks to a unanimous consent request by the majority leader just moments ago, we will be voting on that nomination at around 4 p.m. That appeals court covers cases from Indiana, Illinois, and Wisconsin.

By all accounts, Professor Barrett is a devoted wife and the mother of seven children. She is also an exemplary scholar whose research focuses on Federal courts, constitutional law, and statutory interpretation. By all accounts, she is a consummate professional, a beloved teacher, a gifted writer, and a generous person. There is no doubt in my mind she would make an excellent addition to one of our Nation's highest courts.

We know, based on what we have observed in the Senate since President Trump was sworn in on January 20—and some of the comments made by the distinguished former chairman of the Senate Judiciary Committee from Utah, Senator HATCH—we know that our Democratic colleagues are deliberately slow-walking judicial and other nominations, but it makes absolutely no sense to slow-walk the nomination of Professor Barrett.

They should remember some of their own previous statements. For example, the senior Senator from Vermont said in 2013: ''We need more women in our Federal courts,'' emphasizing that ''women are grossly underrepresented'' there. Well, Professor Barrett would help solve what the Senator from Vermont claimed he saw as a problem.

The junior Senator from Washington that same year said that having more females on the court is ''incredibly important.'' I agree. That is all the more reason for this body to expedite Professor Barrett's confirmation instead of dragging our heels because, as I said yesterday, thanks to the former Democratic majority leader, Harry Reid, the Democratic's delay tactics will not change the outcome.

In the Judiciary Committee, some Democrats attempted to argue against Professor Barrett's nomination because of the Law Review article she coauthored almost 20 years ago. I don't have time to discuss the article in depth, but suffice it to say that Professor Barrett has been attacked for, in effect, professing her Catholic faith.

Her article, however, makes clear that any line of criticism that she would somehow subjugate the rule of law and the Constitution to her religious views is baseless. That same Law Review article said: ''Judges cannot—nor should they try to—align our legal system with the Church's moral teaching whenever the two diverge.'' In other words, Professor Barrett is a strong proponent of upholding the rule of law over privately held desires for what it should say, whether they are based on one's religious convictions or some other reason.

Former Chief Justice William Rehnquist once said that no judicial nominee is a tabula rasa—a blank slate. That is also true of Ms. Barrett. She is a person of faith who doesn't hide it, and she certainly need not apologize for it either, nor is it a disqualification for her serving as a judge on the circuit court of appeals.

The article she coauthored 20 years ago stated that judges should not shy away from honoring and upholding core tenets of their religious faith and recusing or disqualifying themselves when—in very rare cases—judicial decision making may constitute cooperation with evil. In other words, if there were a conflict between her religious beliefs and the law in a way that she could not reconcile, clearly she would make that choice, in an individual and rare case, by recusing herself from deciding that case rather than imposing her religious views or other deeply held personal views in place of the Constitution and the law. That is commendable. It is not controversial—or it shouldn't be. To attempt to faithfully honor both the law and one's deeply held moral convictions is what we all do every day. It is not an either/or situation.

Some liberal interest groups have engaged in smear tactics against Professor Barrett. They are trying to discredit her by making spurious claims about organizations that she has given presentations to and by distorting the text of the very article I just mentioned. We all remember, for example, questions during the Judiciary Committee hearing about ''orthodox Catholics.'' One of my colleagues admitted to having an ''uncomfortable feeling'' about the nominee and stated with mild disdain that ''the dogma lives loudly within'' Professor Barrett—whatever that means. This sort of backhanded way of painting the professor as somehow radical or out of the mainstream, insinuating that because her moral views may be unfashionable in some of the circles in which some of the Senators operate—the idea that they are somehow disqualifying should

be completely out of bounds in the United States of America because our Constitution prohibits religious tests for public service.

In the strongest of terms, I reject this line of questioning or the insinuation that follows from it. If we tolerate this sort of commentary and these religious tests, I fear that even worse, more openly hostile religious discrimination will result down the road. We should not start down this path.

I join my colleague, the senior Senator from Utah, who questioned quite legitimately whether certain of our colleagues were beginning to impose an inappropriate, unconstitutional, and highly disconcerting religious litmus test for public office. Of course, there should never be such a test, not in the United States of America under this Constitution.

In Professor Barrett's case, she passes with flying colors the only tests that are appropriate. Let's talk for a moment about her impeccable credentials, which show not only that she is highly intelligent but also that she is widely respected by a diverse array of students, scholars, and practitioners.

She received her undergraduate degree magna cum laude from Rhodes College and her law degree summa cum laude from the University of Notre Dame, where she finished first in her law school class. She has been twice selected as the Distinguished Professor of the Year at Notre Dame, where she has taught since the year 2002.

It is clear that her students love her. They seek out her classes and are inspired by her formidable presence and her piercing analysis. All of her fellow faculty members have endorsed her. Every full-time member of the Notre Dame law faculty has supported her nomination. As on any law school faculty, that presumably includes scholars who self-identify as liberal.

In a separate letter, 70 law professors from across the country, representing a broad range of political perspectives and areas of expertise, called the professor's qualifications ''first-rate.'' They strongly urged her confirmation by the Senate and explained that Ms. Barrett ''enjoys wide respect for her careful work, her fair-minded disposition, and her personal integrity.'' That is exactly the type of person we need on the Federal bench.

Finally, Professor Barrett's legal experience is not just as an academic; she clerked for two highly respected judges—Judge Laurence Silberman of the DC Circuit and the late Justice Antonin Scalia of the U.S. Supreme Court. She followed those clerkships by practicing appellate law at the prestigious Houston-based law firm of Baker Botts. These and other qualifications show that Professor Barrett would serve the cause of justice skillfully and impartially.

I will close by saying to my colleagues, let's send Amy Barrett to the Seventh Circuit, where she belongs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. YOUNG. 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. YOUNG. Mr. President, I rise today to speak in support of a fellow Hoosier, Amy Coney Barrett, who has been nominated by President Trump to serve on the U.S. Circuit Court of Appeals for the Seventh Circuit.

Professor Barrett's credentials are well known. She is a mother of seven children, a distinguished legal scholar at the University of Notre Dame Law School, where she herself graduated with high honors and served as editor of the Notre Dame Law Review. She clerked for Justice Antonin Scalia on the Supreme Court of the United States and Judge Silberman on the Circuit Court for the District of Columbia, and she is an expert on the Federal courts.

Unfortunately, some of my colleagues on the left have made an issue of Professor Barrett's Catholic faith. Echoing what Leader MCCONNELL has said, we do not have religious tests for office in the United States of America, period.

I applaud all of those who have spoken up as the Senate weighs Professor Barrett's confirmation. That includes Notre Dame president, Rev. John Jenkins. He expressed deep concern at the questioning of Professor Barrett's faith. Following Professor Barrett's hearing in the Senate Judiciary Committee, Reverend Jenkins wrote: ''It is chilling to hear from the United States Senator that this might now disqualify someone from service as a federal judge.''

The president of Princeton University has also asked the Senate to avoid a religious test in judicial appointments. In a letter to the Senate Judiciary Committee, President Eisgruber wrote that Professor Barrett and all nominees ''should be evaluated on the basis of their professional ability and jurisprudential philosophy, not their religion.'' He wrote: ''Every Senator and every American should cherish and safeguard vigorously the freedom guaranteed by the inspiring principle set forth in Article VI of the United States Constitution.''

Despite the rhetoric surrounding Professor Barrett's nomination, I have yet to hear any significant doubts about her legal qualifications.

Professor Barrett has made clear that her personal views will have no bearing on her rulings as a judge. She brings the skill set and the temperament needed for the job. She will rule according to the law and according to controlling precedents, and she will be faithful to the Constitution. There is no question that Professor Barrett will make an outstanding appellate judge.

Also, 450 former students signed a letter to the Judiciary Committee in support of Professor Barrett's nomination. They wrote: ''Our support is driven not by politics but by a belief that Professor Barrett is supremely qualified.''

All 49 of her fellow faculty members at Notre Dame Law School did the same. They said:

> We have a wide range of political views, as well as commitments to different approaches to judicial methodology and judicial craft. We are united, however, in our judgment about Amy.

Their endorsement comes as no surprise since Professor Barrett has served on committees dedicated to bettering the lives of students, faculty, and employees of the University of Notre Dame.

In particular, she has dedicated her time to the professional development of women. She serves on the University of Notre Dame's Committee on Women Faculty and Students. As the faculty adviser for Notre Dame Law School's Women's Legal Forum, she has twice been recognized by her students with the Distinguished Teaching Award, which is selected by the graduating class to honor a faculty member. She was selected twice to receive that award.

One former student, Conor Dugan, shared his story about her willingness to help him navigate the next steps of his career right after law school. He said that despite not having Professor Barrett for a big class, she wrote him back right away and took time out of her busy schedule to help someone who was no longer at the school.

Conor says Professor Barrett has always been very responsive and a generous mentor over the years. Most importantly, he said, she tries to help people keep their perspective about the most important things in life.

Judge Silberman, for whom Professor Barrett clerked on the Circuit Court for the District of Columbia, had the following to say about why she will make an outstanding Federal judge:

> She is an honorable and straight as an arrow woman. She looks at the law without preconceived notions, and she's brilliant. She is the only law clerk I ever had from Notre Dame, and she is as smart as any law clerk I have ever had. She is compassionate, and she has a lively sense of rumor.

Judges, former law students, fellow law professors, and even the American Bar Association, who rates Professor Barrett as ''well qualified,'' all seem to agree that she is well suited for the job.

Now, being nominated to serve in a lifetime appointment for a U.S. circuit court of appeals is a privilege few in the legal profession will ever attain. This is a historic opportunity, as Professor Barrett would be the first Hoosier woman to have a seat on the Seventh Circuit Court.

I offer my strong support for Professor Barrett's nomination, and I look forward to the Senate's confirming her today.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there are now 30 minutes of postcloture time remaining, equally divided between the two leaders or their designees, prior to a vote on the confirmation of the Barrett nomination.

The Senator from Missouri.

Mr. BLUNT. Mr. President, I am here today to join my colleague from Indiana in support of the nomination of Amy Coney Barrett to be on the U.S. Court of Appeals for the Seventh Circuit. As we all know, that is the highest court you can serve on, except for the Supreme Court. The circuit court is the court that often makes the final determination of what the law says if the Supreme Court chooses not to act or isn't asked to act. These are important jobs to be filled and carry great responsibility.

This week, Amy Coney Barrett, two other women, and one man will come before this Senate to be confirmed to various circuit courts around the country. As others have come to the floor to point out, she is extremely qualified. She should be confirmed by the Senate this week.

In letters to the Senate Judiciary Committee, 73 law professors agreed that ''Professor Barrett's qualifications for a seat on the U.S. Court of Appeals for the Seventh Circuit are first rate.''

Her former law school students wrote that they would like to see her on the court.

She is a distinguished scholar in areas of law that matter most to the Federal courts. She respects the Constitution. She understands that the job of a judge is to see what the Constitution and the law say, rather than what she thinks they should say. She is known for her careful work, for her fairminded disposition, and for her personal integrity.

Similar things have been noted by people who served with her as Supreme Court law clerks. Law clerks, her former students, and lots of other groups that have had reason to know her and evaluate her work over the years have been universal in one thing; that is, that she would be a great addition to a circuit court in the United States and particularly to this court.

It is discouraging that during her confirmation hearings, several of my colleagues felt it appropriate to question Professor Barrett's faith. She is not the only one of President Trump's nominees who have been subject to this line of questioning. In fact, in June, one Senator held out the idea that a person who was going to be in the Office of Management and Budget might not be well suited or able to serve in that job not because he didn't have the background, not because he didn't have the preparation, not because he didn't know what the job was all about but because of his answers to questions about his personal view of faith.

Even when the United States, in its earlier times, may have quietly discriminated against people of faith, it was never publicly stated. Sometimes it took a long time for the first Jew to serve on the Court and a little time for the first Catholic to serve on the Supreme Court, but there was never a stated question like there has been in this Senate about those topics. It is shocking, in many ways, that it would be something we would be talking about in the United States of America today.

The idea that a qualification for public office would require a religious test, in fact, was specifically prohibited not just in the Bill of Rights, in the protections for religion there, but in the Constitution itself. The people who wrote the Constitution did so at a time when a religious test was often the test for service and of fealty to a specific religion or the tradition of fealty to the monarch, who was the head of the church in that country. Many countries had a church where the monarch was clearly understood to be the principal representative of the church in that country. Even in a time when that was still the case and fresh in their minds and when there may have been religious tests in some of the colonies—even then—in the Constitution, article VI says: ''No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.''

So is it even appropriate to ask a religious question? Most questions in America you are free to ask, but are you free to ask that under the determination of the Constitution, as if it matters? In response to this line of questioning, some members of the Senate Judiciary Committee made it clear that it is never appropriate for those questions to be asked, while others asked them. But Professor Barrett, in her own writings, has said that if a person's religious faith or their faith principles ever become an obstacle to determining what the law says, then they should step back and not be a part of that case. They should not, according to her, impose their personal convictions on the law but read what the law says. If they can't do that, they should make way for a judge who can. I think, maybe, that is one of the differences in a judicial nominee who believes that their job is to determine what the law says as opposed to determining what the law should say.

So we have somebody here who is well prepared, well written, and who has clearly made the case that her job as a judge—or any judge's job—would not be to determine what the law should say based on their view of faith or their view in the world but to look at the law and say: What does the law say?

The Constitution guides the Congress. The Congress passes the law. As long as that law meets constitutional principles based on what the Constitution says—not what it should say, but what it says—then, the judge looks at what the law says—not what it should say, in his or her opinion, but what the law does say. So there is no real room for a faith determination there. The only job of the judge is to decide what the law says. The second job, if there is a second job, would be to ensure that it also conforms to what the Constitution says the Congress and the President are allowed to do.

One thing the Congress and the Constitution are not allowed to do is to establish a religious test for public office. Whether Americans have any faith or no faith at all, they should be concerned if we begin to talk about this differently. Even though it was already in the Constitution, the Founders listed freedom of religion as the first freedom in the First Amendment. No other country has ever set out as one of its foundational principles freedom of religion.

President Jefferson—not known to be the most religious of all of our Presidents and maybe to be the most questioning of religion generally—said in a letter in the last year of his Presidency that of all of the rights that we have, the one we should hold most dear is what we called the right of conscience—the right to believe what your conscience leads you to believe is the right thing to believe. Jefferson said that is the right we should hold most dear. Whether you are Muslim or Jewish or Catholic or Buddhist or any other faith or no faith at all, there is no religious test. For any individual and for all individuals of any faith or all faiths or no faith, religious freedom includes the right of an individual to live, to work, to associate, and, if they choose, to worship in accordance with their beliefs.

The belief that a person's religion would in some way disqualify that person from public service has to be strongly and fully rejected.

There is no other legitimate question raised about this nominee today. So certainly I am pleased to see many of my colleagues come to the floor to talk about this topic. Professor Barrett did receive some bipartisan support on the cloture vote yesterday. One way to demonstrate that there is clearly no objection to a person of faith, who says that faith should never get in the way of the job they do as a judge, is simply to vote for the judge.

I intend to do that today. I urge my colleagues to do that as well. A lifetime appointment to the circuit court of the United States of America is no small obligation. It is no small trust in an individual's capacity to do the job that you ask them to do. All of the nominees—the four circuit nominees whom we will have before us this week—are prepared for these jobs. I wish them happy service and a long and healthy life as they set out on the task that they have agreed to accept, if and when they are confirmed, and this week the Senate will confirm them to these jobs.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VOTE ON BARRETT NOMINATION

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 255 Ex.]

YEAS—55

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

NAYS—43

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

NOT VOTING—2

McCaskill	Menendez

The nomination was confirmed.

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

CLOTURE MOTION

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

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, Steve Daines, Tom Cotton, Pat Roberts, John Boozman, Mike Rounds, Patrick J. Toomey, John Barrasso, Cory Gardner, Richard Burr, Thom Tillis, Roger F. Wicker, James E. Risch, John Cornyn, Lamar Alexander, Dan Sullivan, Chuck Grassley.

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

The question is, Is it the sense of the Senate that debate on the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 256 Ex.]

YEAS—60

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

NAYS—38

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

NOT VOTING—2

McCaskill	Menendez

The PRESIDING OFFICER. On this vote, the yeas 60, the nays 38.

The motion is agreed to.

EXECUTIVE CALENDAR

WASTEFUL GOVERNMENT SPENDING AND ECONOMIC GROWTH

Mr. PERDUE. Mr. President, since 2001, the Federal Government has exploded in constant dollars from $2.4 trillion in 2000 to last year almost $3.9 trillion in costs. Those are constant dollars. In September of this year, just a few weeks ago, our national debt surpassed $20 trillion for the first time, and no one in Washington blinked an eye. If that is not enough of a wakeup call, this debt is projected to increase over the next 10 years, according to the budget we are operating under now, by another $11 trillion. If that is not enough, over the next 30 years alone, it is projected that over $100 trillion of future unfunded liabilities—Social Security, Medicare, Medicaid, pension benefits for Federal employees, and the interest-only debt—are coming at us like a freight train. These are unfunded liabilities.

Today, with $20 trillion in debt, we are only paying about $270 billion every year in interest only. I say that because just in the last year, we have seen four increases in the Federal funds rate, which fundamentally increases our interest by 100 basis points. That 100 basis points over the next few years will grow our interest on the debt by more than $200 billion on top of the $270 billion. By the way, today that is almost 25 percent of our discretionary budget, already, just at the $270 billion. If it doubles, it will be almost half of our discretionary budget. If interest rates just go back to their 30-year norm—between 4 percent and 5 percent—we could be paying as much as $1 trillion on our Federal debt. That is almost equal to today's discretionary budget.

It is going to take a long-term fix. We can't tax our way out of this problem. We can't cut our way out of this problem, and we can't just simply grow our way out. It is going to take a multifaceted approach. There are five interwoven imperatives that are at work in solving this problem. It is one thing to call the crisis, but it is another to call out the ways to fix it, and they are all within our grasp today.

No. 1, we need to fix Washington's broken budget process.

No. 2, we need to root out all the wasteful spending in the Federal Government today.

No. 3, we have to grow the economy by repealing and pulling back on a lot of regulations that are unnecessary, by revamping our tax structure and by unleashing our energy potential.

No. 4, we have to save Social Security and Medicare, of which both trust funds go to zero in 14 short years.

Lastly, we finally have to get after the real drivers of spiraling healthcare costs.

As we are working to change our archaic tax system to become competitive with the rest of the world and to get our economy rolling again, I want to talk about two things today. One is

this wasteful spending, and two is economic growth. These are two of the five imperatives that I just outlined.

According to the General Accountability Office, today and also every single year, this Federal Government wastes hundreds of billions of dollars. It is estimated today—and this bipartisan organization has identified this—that we are overspending about $700 billion a year.

Let's put that in perspective. As I just said, we spent $3.9 trillion running the entire Federal Government. That is about $1 trillion for discretionary spending and about $3 trillion for mandatory spending—so almost $4 trillion. Of that, over $700 billion has been identified as wasteful spending. I will describe those in a second, but to put it in perspective, that is almost 20 percent of everything we spend as a Federal Government. It is a larger number than what we spend on the national security of our country. Let me say that again. The number identified by the General Accountability Office of wasteful spending is larger than what we spend on our military.

There are three facets to this as they outlined. No. 1 is redundant agencies. These are agencies targeted to do exactly the same thing that one administration or another has come in and added and that basically do the same things. That costs about $135 billion every year.

Just since 2003, we spent $1.2 trillion in improper payments. That is about $144 billion every year. These are overpayments—improper payments. This is not fraud. This is not anything like that. It is basically an administrative error, where the Federal Government has made a mistake and made improper payments—Social Security Disability, SNAP overpayments, unemployment insurance, and others. This is outrageous.

The third item is that it is estimated that we have a net tax gap of $406 billion. This is a 17-percent error rate in the IRS Tax Code. That means that people are underpaying or not paying what is calculated, according to the General Accountability Office. The Federal Government last year took in almost $3.5 trillion of taxes. Yet we had this $400 billion. That is a 17-percent error rate. I don't know what else to say. Those three things add up to about $700 billion of wasted spending. We have to get to the bottom of this. Let me also put it in perspective another way. That $700 billion every year is $7 trillion over the next 10 years.

This tax package we are talking about has an initial cost of about $1.5 trillion, as identified by both sides, before you get to the economic growth that more than pays for it. A 0.4 percent of growth pays for this tax package that we are working on. But this $7 trillion of wasted spending is overspending by the Federal Government, unnecessarily. Nobody in this body—no Democrat, Republican, or Independent—has voted on this spending. This is spending in error. These are just common mistakes made by an oversized bureaucracy. It is not a partisan talking point. Both sides bear responsibility in this debacle.

Again, these are numbers from the nonpartisan Government Accountability Office. I am apoplectic that I even have to be here bringing this to the attention of my colleagues. Washington knows about these problems and has known for years—decades. Yet nothing is done. A former Member, Senator Tom Coburn, actually worked hard on this. There are others who are beginning to pick up this mantle here, as I am.

But as we talk about the tax package changes—the tax changes that will get this economy growing again—I wanted us to reflect on the opportunity we have right here that can more than pay for what we need to do to give the middle class a tax break and get our economy growing again. There are things identified in this report by the Government Accountability Office. There are recommendations that can get at most of this $700 billion of wasted spending.

Let me give you a couple of examples. If the Department of Defense just manages commissaries more effectively, there is a $2 billion opportunity there over the next 5 years. If the Department of Defense weapon acquisition programs were more effective, it is estimated that tens of billions of dollars over the next 10 years could be saved in terms of purchasing the same level of equipment and machinery. If the Department of Defense simply completed an audit, we believe it would identify further opportunities for wise spending of our taxpayers' money.

But since coming to the United States Senate, I was shocked to understand that the largest line item on our budget has never been audited. It is high time that we complete that audit. By the way, there is a law that was passed in this body in 1991 requiring the Department of Defense to submit an audit. Here we are in 2017, and we still don't have that audit.

In my opinion, as hard as it is for the American people to earn their salaries and to pay their taxes, it is unconscionable that I am standing before the U.S. Senate tonight reminding us all that there is $700 billion a year that we spend in error—just bureaucratic error. Because of that and because of this financial intransigence, we have built up a debt that has created a crisis in our country. Because of these years of fiscal intransigence, we are losing the ability to fund our government the way it should be funded.

We are losing the right to do the right thing when it comes to funding things like emergencies and disaster relief efforts. Just a couple of weeks ago, we passed a $15 billion relief package for two hurricanes. Last week, we passed a $36 billion supplemental, as if nothing had happened. Every time we do that, it is borrowed money. We can wait no longer to solve this debt crisis. It is going to take tough decisions to solve the debt crisis, and we are going to have to be making these very quickly, but eliminating redundant spending, improper payments, and eliminating this tax gap are at the top of the list.

Along with reducing our spending by almost 20 percent each year, we need to grow the economy to solve this debt crisis. The single most important thing that we can do to grow the economy this next year is to change this Tax Code.

Let me remind this body that so far this year, under this President's guidance, we eliminated over 860 rules. These were rules made by the Federal Government that were choking the very life out of our free enterprise system. The result of that this year alone is that in the third quarter we have now achieved a 3-percent growth again. This is not the Holy Grail.

Who knows what this economy should be growing at right now if we just get Washington out of the way? Part of the way to do that is to correct this archaic tax policy. Changing the Tax Code will mean more jobs and higher wages for the American worker. For example, if we eliminate the repatriation tax on our corporations—again, we are the last country in the world to have a double tax on U.S. profits made overseas—it is estimated by independent, nonpartisan groups, that this would mean $4,000 to $9,000 of annual income for the average worker in the United States.

I don't know what else to tell you, except that we are not competitive today. We have to become more competitive. What we are talking about here should not be partisan issues. America needs to be competitive. We all know that.

The idea that bigger government will create more jobs has been proven not to work. Look at the last 8 years. We have had the lowest economic growth in the history of the United States.

As we debate how to fix this archaic tax system and become competitive with the rest of the world, I am reminding us tonight that we also need to get serious about cutting this wasteful spending. This spending is not benefiting anybody. It is not providing for national security. It is not taking care of people who need help. These are just simply overpayments, mispayments, and they are creating problems that should not have been created. Changing the Tax Code, as I said, is a historic opportunity to generate growth and make us more competitive. Eliminating this spending, which amounts to 20 percent of what we spend as a Federal Government, is absolutely mandatory. People back home should be demanding that.

There is a lot of heavy lifting to dig out of this debt crisis, but these two things I am reminding us of tonight should be at the top of the list. We simply cannot fail the American people to get this done. I am committed to that.

I urge my colleagues to take seriously this opportunity we have of changing our Tax Code. It is historic. At the same time, we have to get serious about eliminating our redundant, outrageous, and unnecessary spending.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the pending nomination.

The senior assistant legislative clerk read the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President. I agree with my colleague from Georgia that we need to simplify our Tax Code. We need real tax reform. We have seen a lot of junk built up in the Tax Code over many years, put there by special interests that seek special deals for themselves—deals that are not enjoyed by the American public. We should do tax reform.

What we should not do is increase our national debt and our national deficits, and we all know that the budget plan that passed this Senate—and just recently passed the House—has written right into it an increase in the national debt of $1.5 trillion over the next 10 years. In other words, it is engineered right into that bill. So I hope our colleagues who really do care about reducing our national debt will make sure that, as we discuss this tax proposal, we do not increase our national debt.

We should, of course, eliminate unnecessary and wasteful expenditures, but we should not have a tax proposal that increases our debt by $1.5 trillion and possibly more. As it appears now, that would primarily be done to provide big tax breaks to very wealthy people and big corporations, at the expense of everybody and everything else in the country.

But we will have a fuller debate starting tomorrow when the House Ways and Means Committee unveils its proposal.

TEMPORARY PROTECTED STATUS IMMIGRANTS

Mr. President, we have also had a pretty vigorous discussion in this body and around the country about the Dreamers. These are young people who were brought to the United States as kids. They have grown up knowing only America as their home. They pledge allegiance to our flag, and it is really important that in the coming months, we ensure that they have a secure home and place in the country. It is imperative that we address that issue soon because, of course, President Trump has started the clock ticking on their deportation early next year.

But I come to the floor today to talk about another group of people who have not gotten much news coverage but really demand the attention of the country. That is the future of about 300,000 immigrants who came to the United States legally.

They came here escaping horrific conditions in their home country—conditions brought about by war, by earthquakes, and by other natural disasters. They came to the United States under a program called Temporary Protected Status or TPS. It is a humanitarian program that says, if you are fleeing a country because of one of these horrific conditions, during that short period of time, you can legally come to the United States.

For example, Liberia was granted TPS status because of the Ebola crisis. Some Liberians came to the United States to seek refuge and were granted legal status here under that humanitarian program. Haiti was granted TPS status after the 2010 earthquake, which killed over 300,000 Haitians. El Salvador was also granted TPS status because of a devastating earthquake that took place in El Salvador. So these are individuals who came to the country legally under this program to grant protection to people who are fleeing devastating situations. Many of these TPS individuals have been in the United States for over 20 years now. They are small business men and women. They are homeowners. They are contributing to our communities and to our economy.

The reason I am raising this issue today is that 5 days from now, next week, the Department of Homeland Security will announce whether they will continue to allow these individuals to stay in this country, individuals who came here with this protected status, individuals who came here legally, individuals who, in many cases, have been here 20 years or more. In 5 days the Department of Homeland Security will decide whether individuals who came here from El Salvador and Honduras and then made their home here—whether they can stay or whether they will be subject to deportation early next year. The decision by DHS on Haitians who came here under the protected status program is due on November 23.

I think we can all see that while this matter has not hit the headlines yet, it will soon be grabbing more attention around the country.

I come to the floor today to call upon President Trump and to call upon Acting Secretary Duke to make the right call and to make the humane call to allow these individuals to stay in the United States. They are hard-working people who have been playing by the rules.

Let me share the story of Norma Herrera and Miguel Espinal, who fled Honduras back in 1998. Seeking a better life, they fled after Hurricane Mitch. The United States decided that the hurricane was so severe and that it had such catastrophic humanitarian consequences that we should create that little window of time when people could come here legally. They applied, and they were granted protected status. They have worked very hard to build and create the American dream in Riverdale, MD. They have a 14-year-old son, Miguel Junior. He is a freshman at Don Bosco Cristo Rey High School in Takoma Park. Unfortunately, their son now lives in fear that if the Trump administration doesn't extend that protected status next month, his parents could be deported to Honduras early next year. In other words, if TPS is not extended for Hondurans and others from those other countries, they will be in the same position.

Jose Ramos is a TPS resident who owns his own freight company and has his own home. He is actually a job creator. He employs other people in our community. The question is whether he will be allowed to stay.

I want to emphasize that in order to continue under the TPS status, these individuals have to be vetted every 6 to 18 months to make sure that they are here working and that they are law-abiding. The statistics overwhelmingly show that these are exactly the kinds of people we want to have in the United States helping in our communities and helping build jobs. For example, 94 percent of the men and 82 percent of the women are working, and they have provided community services as well. In fact, many of these individuals are helping provide hurricane relief down in Texas.

So I come to the floor today simply to urge our colleagues to call upon the President and the Trump administration to make the right decision with respect to these individuals who, No. 1, came to the United States legally, under a humanitarian program; No. 2, go through a periodic vetting process to ensure that they are playing by all the rules; and No. 3, in many cases they have been here as long as 20 years, have built small businesses, are living in our communities, and have children who are American citizens.

I call upon all of us to ask the administration to make the right decision next week so that these people who have contributed to our communities and to our country are allowed to stay and not be subject to deportation early next year.

Let's do the right thing for our country. Let's make sure that we continue to allow these individuals who have played by the rules and who have come here legally to stay and continue to contribute to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

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

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

TAX REFORM

Mr. RUBIO. Mr. President, tomorrow the House will announce its plan for tax reform as a starting point. I doubt everybody here will agree with everything that is in it, but I imagine we will find a lot of good in it, and it will be a good starting point for this debate. But it actually is about a broader

topic that I hope will be a part of our conversation about tax reform because it hasn't been enough of a part of our national discourse over the last 20 years.

When we think about the history of this country, one of the things that truly distinguishes us is not that we have rich people. Every country in the world has rich people. We have an extraordinary amount of success. We have earned success in this country, and we celebrate it; we don't criticize it. But every society in the world has rich people.

Sadly, we are also not the only country that has people who are poor, who are struggling. That is something that challenges our principles, as a nation founded on the idea of equal opportunity to life, liberty, and the pursuit of happiness. But the one thing that really distinguishes America is that, by and large, the overwhelming number of Americans do not consider themselves to be either rich or poor; they consider themselves to be hard-working people. We can come up with any term we want, whether it is middle class or working class, but these are basically people who work hard every single day to provide not just a better life for themselves—to be able to retire with dignity and leave their children better off than themselves. They take pride in that. What they value is not how much money they make or how many things they own; it isn't even the title of the job. They value the dignity that comes from the work they do, and, more importantly, they value what it allows them to do, and it is not complicated things. It allows them to own a home in a neighborhood that is safe—not a mansion, but a home. We see that every weekend. People spend countless hours to constantly keep up the home that they take great pride in, and they take great pride in their children and their churches and their synagogues and their religious organizations and the voluntary groups that they belong to. This has been the fundamental core of our country.

That does not mean that others who do not fit that profile are not important to the country, as well, but it is what distinguishes us because most countries in the world don't really have that. In most societies in human history, you are either rich or poor. There are a lot of poor people and a handful of people in whom all of the wealth is concentrated. That sort of dynamic is what has separated us from the rest of the nations on Earth and, to this day, in many ways still does.

This is something I talk about not because I read about it or because I saw a documentary about it last weekend, but because, in many ways, I lived it. My parents were that. Neither one had much of an advanced education. I don't know how far my dad went in school—probably not beyond third or fourth grade; my mom, perhaps not much more than that. They actually came to this country and barely spoke any English when they arrived. They had to struggle to learn it, but they did. They ended up being a bartender and a maid. People who know me or who have heard me speak before know that story. It is one I tell not because I want you to know more about me but because I want you to understand what motivates me in public policy.

Even though my dad worked in the service sector his entire life and my mother did as well, they owned a home and they retired with dignity. All four of their kids went to college. That was possible through a combination of things: jobs that paid enough and the ability to have programs like Social Security and Medicare that allowed them to retire with dignity—programs they paid into all of the years they were working.

The reason I raise this is that people who fit that profile have been hurt more than anyone else over the last 15 to 20 years. It is not necessarily anyone's fault. The economy has changed. For example, the jobs my parents once did don't pay nearly enough to afford today what they could afford back then. As a bartender and a maid today—if my parents were doing that now, I am not sure what house they would buy in Miami-Dade County, where I live. I am not sure they would be able to buy one anywhere near where we live now, not because our neighborhood is some fancy place but because everything costs so much compared to how much those jobs paid then.

So everything costs more, the jobs aren't paying enough, and then they were hit with the recession. That is just the nature of changes in our economy. Many people lost their jobs altogether. The industry they were once in vanished. It went to another country or machines took their place or they just don't need as many people as they used to because they are able to do more with fewer employees.

Then they were hit with this recession, and it really hit them badly. Maybe it wiped out their retirement savings; it cut in half the value of their home, the most important investment they have, and to this day they haven't fully recovered.

Then you add to all of that the idea that in American politics today, we spend an extraordinary amount of time debating how we can help everyone else except for them. I don't think we do that on purpose or that people around here don't care about people like that. I don't know why it happens; I am just telling you that it has.

The result is somewhat of a little bit of resentment, but certainly there is a sense of isolation and the notion and the belief that they have been left behind. They are upset about it, and they have a right to be. It is not just about money, and it is not just about economics; it is about the values of hard work and dignity and responsibility and doing what you need to do to be a good citizen of this country and contribute to its future but also doing what you need to do to raise your family and instill in them the values you think are important.

I think it would be a terrible mistake to enter into tax reform—perhaps one of the most meaningful public policy debates we will have had in this city, certainly in the time I have been here and perhaps for the better part of two to three decades in terms of our economy—without in any way talking about what tax reform means for the millions of Americans I just described. The one thing it should mean is that for those jobs that have left, some of them should be able to come back because, frankly, our own policies have forced some of those jobs to go somewhere else. When other countries are making it easier to open up factories and create jobs over there instead of over here, we are going to lose some of those jobs. I am not saying all of them were a result of that, but a lot of them were. If we have tax policies, as we do, that do not allow us to compete and create those jobs here, we have to reverse that.

Tax reform should be about that, but it also has to be about working Americans—not Americans who are rich and can hire fancy accountants and lawyers and even lobbyists to help them create special tax statuses. I am not talking about Americans who are depending on government programs. I am not talking about disability or Medicare or Social Security—programs they have paid into; I am not talking about programs that assist anti-poverty programs—a whole other topic that we should talk about one day because some of them aren't working the way we hoped they would in terms of helping people escape poverty. I am talking about people who work and they make just enough to not qualify for any of that stuff but not nearly enough to afford the cost of living. That is just them. You add to that the cost of raising those children. It is more expensive to raise kids today than ever before, and the costs keep going up, and the paychecks are not keeping pace.

There is nothing we can do in tax reform by itself that solves all of those problems, but there is no way we can do tax reform without addressing the millions of Americans who feel as though every time there is a debate in Washington, it is about helping everyone else except for them.

Take, for example, the issue of the child tax credit, which is called the child tax credit, but it really is about helping families—parents and children. Take, for example, a married couple with two children. Let's say one of them works in a warehouse and the other one is a home health aide. These are not unusual jobs to find in the economy.

Let's say, based on the Bureau of Labor Statistics, their annual income combined is going to be around $55,000 a year. Depending on where you live—that is not a lot of money probably

anywhere in the country, and it certainly isn't a lot of money where I am standing now or where I am living now in Miami. If we do the whole framework on tax reform but do nothing on the child tax credit and leave it as it is, that couple making $55,000 with two children—if we do nothing—they are going to have a tax increase of $738. I cannot imagine a single person here voting for a tax reform package that does nothing on the child tax credit and thereby raises taxes on a couple making $55,000 a year with two children by a penny, not to mention $700 a year.

What if we do a little less, as some people are suggesting? Let's just raise the tax credit to $500, but let's not make it refundable against payroll tax. They will get a tax cut of about $263. When you compare that to some of the tax cuts we are going to see in other parts of this tax reform, I would say that is not nearly enough, certainly not enough to make a difference.

But what if you do this: What if we double the value of the tax credit from $1,000 to $2,000 and make it refundable toward payroll tax? That couple with those two children will have a tax cut of $1,263. That doesn't solve all of their problems, but it makes a difference.

I can give other examples. Others we will get to in the weeks to come and the days to come, but let's just take a family like the one I grew up in—a bartender and a maid. The median income of the bartender and the maid is about $42,000, $43,000 a year. They have three children. Without anything in the child tax credit—we just leave it the way it is and do the framework—they are going to pay $1,276 more in taxes. Can you imagine a tax reform plan that raises taxes on a bartender and a maid with three children, making $43,000 a year, and it raises their taxes by almost $1,300 a year? Who here is going to vote for that? I dare you. You won't. Actually, I don't dare you. I don't want you to vote for that. That is not what we are going to do.

So let's just do this symbolic thing: Raise it by $500 and make it nonrefundable. They will get a tax cut of about the same—$233. You might as well keep it because it won't make any difference. But what if we doubled the value of the child tax credit and made it refundable toward payroll tax. Then, their tax cut is $1,733. That is a tax cut. That is the direction we have to go.

I have heard some people say we shouldn't make it refundable to payroll tax because that is just more people who aren't paying anything in taxes. They are talking about the income tax. That is the way people here talk and think. That is the way economists think and the way accountants might think. But for the people who work and get a paycheck every week or every two weeks, when they get that paycheck, it shows that money came out of their paycheck. It doesn't matter if that money went into income tax or payroll tax; that is money they earned that you took away, using the power of government. They are paying taxes. Whether they are paying income tax or payroll tax, they are paying taxes. If you want to help people who are working but who don't make enough, then the only way—and they are trying to raise a family—the child tax credit is the best way to do it.

So as we move forward, I truly hope that some of these voices I hear, treating the child tax credit as some sort of welfare program or giveaway or gimmick, well, reconsider that attitude. Reconsider that attitude because the child tax credit applies only to families who are working, who make less than a certain amount of money, and who are raising children, our future taxpayers.

I am going to ask this: If our Tax Code does not help working families, given all the other challenges they face, how—that is inexcusable. How can we pass tax reform that is loaded up on how we are going to help the business sector—and it should, because it creates jobs and it will have higher pay down the road and billions upon billions of dollars to help the poor—but do nothing for the backbone of our economy, the one thing we all say that we take extraordinary pride in, the working class, the working people of this country? There is no way we can have a tax plan that doesn't do those things—no way. If we do head in that direction, that will convince millions of Americans that they were right all along, that the people in charge of this country, in both parties, and the people who advise them don't care about, look down on, and have no idea about what life is like for people like them, who work hard every day, who seek nothing from the government other than a fair chance. That is all they want.

All I am advocating for is that we allow them to keep more of their own money so that they can provide for their families and a better future and rebuild those working-class values and that working-class backbone that I believe are what has made America so great.

I look forward to continuing to work in this direction. We better do something real, and we better do it right; otherwise, I don't know how we pass tax reform. I am hopeful that is where we are headed. I know we still have some work to do, and I know tomorrow is only a starting point. But I will repeat, once again, any tax plan that doesn't cut taxes for working families with children is not one worth supporting. I hope that is the direction in which we will move.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, the American people depend on the Federal judiciary to be fair and unbiased. A judge should decide a case based on the facts at hand and the law, not in service of a particular ideology.

Over the past 9 months, I have been deeply concerned that President Trump is nominating judges to lifetime appointments on the Federal bench, people who share his ideology rather than judges who apply the law fairly and follow precedent. President Trump has made his ideology very clear during his first months in office: He is anti-immigrant, anti-union, anti-worker, and anti-woman. He prioritizes the interests of corporations over the rights of individuals. I am not often given to hyperbole, but in this case I am so alarmed by Donald Trump's nominees to the Federal bench that calling them extreme is not extreme.

Congress has a constitutional obligation, through advice and consent, to fight back against these types of appointments. This is particularly important for circuit court judges, but under Republican leadership, the Senate is shirking its responsibilities. Too often, we are forced to consider too many judges at one hearing.

The Judiciary Committee has already had nearly as many hearings with two circuit court nominees on the hearing agenda in 9 months as the Obama administration had in 8 years. Sometimes they even add district court and Department of Justice nominees to an already crammed hearing agenda. That is not right. Each circuit court nominee should be considered in a separate hearing.

There was a time when there was consensus that controversial nominees needed more scrutiny. Apparently, this President is sending us who he deems the best and the greatest nominees, and we are supposed to trust him that they will safeguard our rights and treat all Americans fairly. In short, this I cannot do.

The Senate Judiciary Committee has an obligation to vigorously vet and question these nominees, and we expect them to be honest, candid, and complete in their replies. We have had a number of very frustrating exchanges so far at these nomination hearings.

On several occasions, nominees have disavowed direct quotes of their past writings and comments, even when members of the committee repeat them word-for-word and follow up with specifics to the contrary. Sometimes the nominees will acknowledge their past statements, but they think we are naive enough to believe them when they say that, if confirmed, they will ''follow precedent.''

Give me a break. As circuit court judges, they will be involved in setting or rewriting precedent if the judge goes in that direction—which a judge could very well do. Some have even written that they think that is what lower court judges are permitted to do. I am talking about district court judges.

CONFIRMATION OF AMY BARRETT

Just a short time ago, the Senate narrowly voted to confirm a nominee who would apply her own ideology to the decisions she makes rather than the law or precedent, and this nominee is Amy Coney Barrett.

As a professor at the University of Notre Dame Law School, Ms. Barrett's

scholarly writings reveal a nominee who questions the need to follow precedent and who outlines specific conditions under which a judge does not have an obligation to follow precedent.

In a Texas Law Review article entitled ''Precedent and Jurisprudential Disagreement'' she wrote: ''I tend to agree with those who say that a justice's duty is to the Constitution and that it is thus more legitimate for her to enforce her best understanding of the Constitution rather than a precedent she thinks clearly in conflict with it.''

In a University of Colorado Law Review article, ''Stare Decisis and Due Process,'' she wrote that the ''rigid application'' of stare decisis ''unconstitutionally deprives the litigant of the right to a hearing on the merits of her claim.''

In a third piece, ''Statutory Stare Decisis'' in the Courts of Appeal, published in the George Washington Law Review, she goes further, saying: ''Whatever the merits of statutory stare decisis in the Supreme Court, the inferior courts have no sound basis for following the Supreme Court's practice.''

Her lack of respect for stare decisis is deeply disconcerting and raises serious concerns about her future conduct on the court, if confirmed.

Professor Barrett has also expressed a number of highly controversial political positions that could influence her ability to fairly hear and decide the cases that come before her.

In criticizing the Supreme Court's ruling upholding the Affordable Care Act, for example, she wrote that Chief Justice Roberts had ''pushed the Affordable Care Act beyond its plausible meaning to save the statute.''

Her views on the rights of detainees are similarly disconcerting. In 2008, the Supreme Court held that non-U.S. citizens held at Guantanamo Bay were entitled to file habeas corpus petitions to challenge their detentions. She argued in turn that the Court's decision in that case was ''contrary to precedent and unsupported by the Constitution's text'' and that the dissenters ''had the better of the argument.''

During her confirmation hearing, Professor Barrett ignored or deflected with nonanswers the concerns I and my colleagues raised about her past statements, beliefs, and judicial philosophy. Instead of addressing what she wrote head-on, Professor Barrett denied she was trying to overturn precedent and insisted she would follow the law. Her writings raise serious concerns to the contrary.

Unfortunately, Professor Barrett's nomination is not the only one we will consider this week.

Before I vote in favor of a lifetime appointment to a Federal court, I should be able to conclude that the nominee in question would rule without bias or obvious ideology. Amy Barrett's answers and record made it impossible for me to draw such a conclusion regarding her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

BUILDING AND SUSTAINING A LARGER NAVY

Mr. WICKER. Mr. President, over the past year, our Navy has had four serious mishaps at sea, including fatal collisions involving the USS Fitzgerald on one occasion and the USS John S. McCain on another. In the McCain and Fitzgerald accidents, 17 of our sailors were killed.

In response to these serious incidents, the Chief of Naval Operations, ADM John Richardson, directed the comprehensive review take place. Today, the Senate Armed Services Committee was briefed on the results of this comprehensive review. The results will be made public either tomorrow or the next day, and Americans will be able to see the serious situation we are in.

There are various reasons for these collisions and these fatalities, including, regrettably, human error and unfortunate circumstances, but, also, the review makes it clear that we are not doing right by our sailors, we are not doing right by the Navy, and we are not doing right by the taxpayers, in terms of making sure these brave men and women have what they need.

We need to work quickly with the Navy here in Congress to implement the recommendations that will be coming forward later this week. We need to enhance training and readiness, and we need to recognize—and I think the majority of this Senate does recognize—that the size of the fleet has contributed to the problems.

Simply put, we need to acknowledge that the Navy has a supply-and-demand problem. We have a demand for more naval action than the supply of our ships can produce. Our ship force has declined recently by some 20 percent. We are asking too few ships to do too many things for American security, and that needs to be rectified.

The consequences of this supply-and-demand mismatch were summed up by naval analysts Robert C. O'Brien and Jerry Hendrix in a recent National Review online article. They argue that the Navy is on the precipice of a ''death spiral,'' wherein more overworked and damaged ships place an increasingly greater strain on the remaining operational ships, thus eroding readiness across the fleet.

I agree with Mr. O'Brien and Mr. Hendrix that this situation will result in ''more collisions, more injuries, and more deaths in the fleet.'' To avoid this death spiral, we need to commit to growing the Navy and meeting its minimum requirement of 355 ships.

I have the privilege of chairing the Seapower Subcommittee, which has held a series of oversight activities, both classified and unclassified, on the Navy's 355 ship requirement. We have examined the security environment that drives the requirement to add about 80 more ships to the fleet. We have listened to Navy leadership, outside experts, and industry on options, capabilities, and considerations. We received perspective from the key players behind President Reagan's naval buildup in the 1980s.

As the Fitzgerald and McCain collisions have demonstrated, the short-term costs of ''doing more with less'' are simply unacceptable. The long-term implications will prove devastating to American power and the global order it underpins.

The U.S. military's commanders have identified 18 maritime regions where the Navy must secure American interests. Our current naval strategy is designed to command the seas in those regions. The Navy needs a minimum of 355 ships to get this done.

If the Navy cannot get the bare minimum it needs, then our naval strategy must change—and, I can assure you, it would be a change for the worse. Instead of a global command of the seas, what we would get would be a new, weaker strategy.

What would this look like? In the National Review article I previously mentioned, authors O'Brien and Hendrix lay out two alternatives. Neither one of them are pretty.

First, the Navy could strategically withdraw from certain maritime regions and hope our allies and partners will pick up the slack. Let Norway, Denmark, and Canada patrol the Arctic; let the Baltic States, Poland and Germany, patrol the Baltic Sea; let Turkey, Romania, and Bulgaria patrol the Black Sea. Really? Let Taiwan, the Philippines, and Malaysia patrol the South Sea China—and hope for the best or we could return to the pre-World War II unacceptable surge and exercise model. This strategy involved consolidating a smaller fleet into a few strategic hubs, deploying occasionally for exercises, and greatly reducing the number of missions the Navy could perform in peacetime and in crisis.

In their article, O'Brien and Hendrix note that these two strategies ''make the past eight years of 'lead from behind' look like an assertive foreign policy.'' These two strategies would create dangerous power vacuums and shifting allegiances. Our adversaries would use the Navy's absence to rewrite the rules of global commons. Our allies would accommodate challengers to the American-led order. Abandoned by America, in some cases, they would have no choice but to cut deals with Beijing, Moscow, and Tehran.

I know my colleagues in Congress want a different future. In fact, I am hopeful we can take the first steps this year toward building up the fleet. As former Navy Secretary John Lehman told our subcommittee this year, President Reagan ''reaped 90 percent of the benefits of his rebuilding program . . . in the first year.'' This took place in the early 1980s and made clear that President Reagan, Congress, and the Pentagon were serious about rebuilding the fleet. It sent a signal to our allies and to the Soviets that America and

our Navy was coming back in a big way, which makes 2017 and 2018 so important. I am confident Congress can establish a firm foundation in the coming months for a fleet buildup.

To that end, I would note that both the House and Senate Defense authorization bills contain the Wicker-Wittman SHIPS Act, which would establish a 355-ship requirement as our national policy. Both bills also contain multiyear procurement authority for *Virginia*-class attack submarines and *Arleigh Burke*-class destroyers. Multiyear procurement will stabilize the industrial base for those ships and generate billions in savings, which would be plowed into more shipbuilding. Both bills contain cost-control measures to protect taxpayers. Although negotiations are ongoing, the final NDAA conference report should include the SHIPS Act, multiyear procurement, and acquisition cost controls.

The Defense authorization bill is a good start, but Congress also needs to add funding for shipbuilding in upcoming appropriations legislation. We need an agreement that eliminates the Budget Control Act with regard to defense spending or at least provides relief.

The bottom line is that a buildup will require more funding. President Reagan's first defense budget included a 35-percent increase for the Navy compared to President Carter's last proposed budget, and it was well worth it. More resources are needed to accelerate shipbuilding. It is time to end the two decades of low-rate shipbuilding that has brought us to this point. Compared to its earlier planned levels, the Navy's Accelerated Fleet Plan concludes that the shipyards can produce 29 more ships over the next 7 years. Investment is needed—particularly in submarine facilities—but the yards are up to the challenge, especially those with hot production lines.

I was disappointed to hear that Acting Under Secretary Thomas Dee, an Obama holdover still in the Department of the Navy, said last week that 355 ships is probably out of reach until the 2050s. Mr. Dee's pessimism about the Navy's own requirement is perplexing, when it is incumbent on the Navy to develop fleet buildup options within budget constraints. Those current and likely future physical environments were accounted for in the Navy's 2016 Force Structure Assessment of 355 ships. So we can do it, and the leadership of the Navy, with the exception of Under Secretary Dee, knows we can do it.

CNO Richardson's white paper on the future Navy notes that we ought to achieve a 355-ship fleet in the 2020s—not the 2040s, not the 2050s, but the 2020s. Thank goodness for the foresight and positive attitude of the Chief of Naval Operations. He is right—a 355-ship fleet should be our goal for the next decade. Regrettably, Acting Under Secretary Dee must have been asleep for the last 9 months while Congress was talking about this and while we were on the verge of enacting legislation making a 355-ship Navy the official policy of the United States of America.

Shipbuilding is indeed a long process, and a 355-ship fleet will not happen overnight. New ship construction is critical to achieve this objective, but the Navy should also examine service life extension programs for older ships and perhaps even reactivating ships in the Ready Reserve. It is irresponsible to retire ships early if they have useful life. Such ships may have to be reassigned to less stressing missions, but they should not be prematurely sold overseas or sunk as target practice. It is equally irresponsible to miss opportunities to reactivate retired ships if the benefits exceed the cost. Let's at least look at that.

The Senate Defense authorization bill includes my amendment directing the Navy to look at service life extension and reactivation. The Navy needs to go ship by ship through the inventory and provide Congress with a thorough analysis of these options, and that is what the Navy is doing.

As O'Brien and Hendrix write, ''Navies and international influence go hand in hand.'' A smaller Navy means a smaller role for America, and we can't afford that. We must cultivate the national will to avoid this fate.

I urge my colleagues to help me, to help the Armed Services Committees in both Houses in an effort to begin rebuilding our naval power at once.

Mr. President, I yield the floor.

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

Mr. MERKLEY. Mr. President, there are few things we do here in the Senate that matter more or have longer lasting impacts on our Nation than confirming individuals to lifetime appointments in district courts, circuit courts, and the Supreme Court.

It is the Senate's duty, as Alexander Hamilton laid out in the Federalist Papers, to ''prevent the appointment of unfit characters.'' Hamilton thought that this power would be used rarely because a President would seek to make sure that he or she sent qualified individuals to the Senate for confirmation, but we are seeing something quite different today. We are seeing the President engaged in a zeal to pack the court with extreme rightwing ideologues and to ram them through this confirmation process without due review.

Just yesterday, the American Bar Association sent a letter to the Judiciary Committee saying that Leonard Grasz, President Trump's nominee to the Eighth Circuit Court of Appeals, is not qualified to serve as a Federal judge. Yet his confirmation hearing is scheduled for this week.

Putting extreme and unqualified people on the court is a disservice to America's judiciary. It will impact the protection of fundamental American rights for generations to come. It is critical for us, therefore, to have a conversation about what is going on at this moment.

Just this week, we have four nominees for the court of appeals coming to the floor. Amy Barrett was confirmed just hours ago. There is another vote scheduled for tomorrow. These individuals, as I will go through in a moment, don't come here with the types of qualifications that really should allow them to be considered for lifetime appointments.

Time and time again, we have heard from our Republican leadership that Democrats are engaged in a massive, ''often-mindless partisan obstruction,'' in the words of the majority leader. From where comes this evaluation? Well, he wants to move judiciary nominees faster, without due consideration. And certainly he does know something about obstructing judicial nominations since he spent the entire 8 years of the Obama administration leading the effort to obstruct consideration of nominees here in this Chamber.

Eighty percent of President Obama's nominees waited 181 days or longer. That is certainly far more than under President George Bush, President Clinton, the first President Bush, or President Reagan—obstruction taken to the maximum, 6 months or longer to work their way through the confirmation process.

Throughout President Obama's entire 8 years in office, just 55 circuit court judges were confirmed. That is the lowest number for any President. And by this point in the previous administration—in the Obama administration—just one nominee had been confirmed for a spot on the circuit court. But here we are taking a look at how in this time period just one had been confirmed for Obama, but we will have, at the end of this week—assuming each individual gets the full majority—eight circuit court nominees confirmed. That is one for Obama and eight for President Trump. That number wasn't reached substantially into President Obama's second year in office.

We can look at the average number of days that it has taken from committee report to confirmation for the first seven nominees. President Trump's first seven circuit and district court nominees waited 37 days for confirmation once they were reported out of the Judiciary Committee. Let's compare that to President Obama, where the Judiciary Committee held them up for 75 days. So once again Democrats in the minority are moving far, far faster to date than did our colleagues when President Obama was in office. Certainly by comparison, President Trump's nominees are sailing through at a rapid pace.

So let's not hear any more about the preposterous false news coming from the majority side about things being slowed down when the facts are quite the opposite. But why this emphasis on

creating this false narrative? Perhaps it is because right now there is a lot of pressure on the majority to show that they are getting something done, and not much is happening that will help anyone in this country. They tried to get something done by trying to strip healthcare from 20 to 30 million Americans in 5 different versions of the TrumpCare monster. They didn't quite get it done, thankfully. And I doubt that the American people—in fact, I know that they certainly would not have been appreciative of the bill in which my Republican colleagues said: Let's strip all this healthcare away from 20 to 30 million people so we can give massive, multitrillion-dollar tax benefits, tax giveaways to the very richest Americans.

Wow. That is certainly not a way to win the hearts and minds of Americans—attack working Americans time after time in order to deliver the National Treasury to the very richest Americans. Perhaps my colleagues will be glad they didn't succeed in that effort.

Now there is a tax plan on the floor—a tax plan being considered that will once again take $1.5 trillion out of healthcare to deliver several trillion dollars to the richest 1 percent of Americans. We see it time and time again—attack working Americans to deliver incredible gifts from the National Treasury—really a raid on Fort Knox. Has ever such an audacious theft been considered previously in U.S. history than the theft that my colleagues are trying to perpetuate both through the healthcare strategy and now through this tax strategy?

But there is a bigger purpose at work here, and that is a goal to rewrite the vision of our Constitution. Our Constitution has this incredibly powerful, meaningful vision of government of, by, and for the people, but my colleagues don't like that vision, and they decided that the best way to change it is to put people onto the court who like a different vision—government of, by, and for the privileged and the powerful. We saw it in their healthcare bill, we see it in their tax bill, and now we are seeing it in their nomination strategy to the court—a GOP agenda that will tip the scales of justice to favor the powerful and privileged over working Americans; judges who want to legislate from the bench on behalf of the powerful; judges who want to legislate from the bench on behalf of the privileged, who want to support predatory consumer practices, who want to strip away individual rights of women to determine their own healthcare, who want to deny a fair day in court by allowing binding arbitration where the seller of the services gets to pick and pay for the judge. Judges, rather than pursuing neutrality, are pursuing government for the powerful—that is the radical rightwing agenda attack on working America.

We should do all that we can to stop it, including having opposition in this Chamber.

NOMINATION OF STEPHANOS BIBAS

This week, we will have Stephanos Bibas, President Trump's nominee to the Third Circuit Court of Appeals, who believes that overincarceration in our jails has nothing to do with race or with mandatory minimums despite all of the research and data that show otherwise.

He takes on and disagrees with the experts on medical care, who understand the fundamentals of addiction. He says, simply, though drug addiction is painted as a disease that requires medical intervention, all of that is unnecessary. Drug addicts can just stop using drugs. If only it were that easy. He has such a profound misunderstanding of the basic healthcare issue. Person after person after person on both sides of this aisle has come to say that opioid addiction is an addiction that needs medical treatment; yet he is a nominee who does not understand any of that.

He also believes that when it comes to legal sentences, corporal punishment should be applied that is ''public, shameful, and painful.'' Perhaps the understanding of rare and unusual punishment was something missing in his legal education.

Let's look at his 2 years as a prosecutor in the Southern District of New York—the notable case of United States v. Williams, which the New York Times described at the time as a ''legal legend in the making.'' They did not say that because of its being a wise or insightful decision. He was working as a prosecutor, and he wanted to really go after the little guy.

He used his position to marshal prosecutorial, law enforcement, and court resources to bring charges against a cashier at a veterans hospital who had been accused of stealing $7—not $7,000, not $700,000, and not the $700 million or $1 billion being laundered by a big bank but the accusation of a cashier who had stolen $7. Stealing is never acceptable and never appropriate, but it did not matter that the cashier maintained that she had given the seven crinkled $1 bills that she had straightened out or that the security cameras did not show her pocketing them or that the customer who was right there saw it and stated that she was innocent. It did not matter. None of those facts mattered. He wanted to go after the little guy rather than go after the big folks who steal us blind.

The morning of the trial comes around, and a detective testifies that he found those seven $1 bills in the cash register, just as the customer had stated. Meanwhile, this nominee saw fit to spend huge amounts of Federal resources in going after an individual who, by every form of testimony, had not committed a crime in the first place. It is easy to go after the little people, and if you believe in government by and for the powerful and the privileged, as these nominees do, then that is your mission in life—to go after the little people. Yet she lost out because, even though she was innocent, she lost her job due to her prosecution.

Then there is Joan Larsen, who is the President's nominee for the Sixth Circuit Court of Appeals, a nominee who was added at the last moment to another circuit court nominee's confirmation hearing, which was against the Senate's practices and against minority opposition. Why do you add someone at the last moment? It is to ensure that the committee does not have enough time to adequately review her record. That is always a cause for suspicion—someone is changing the procedure so that a person's record cannot be reviewed before the committee sits down to the hearing.

This is probably fitting with Ms. Larsen's long-held disdain for the legislative branch. She coauthored a law review article that stressed the importance of protecting the President from Congress, she said, ''the most dangerous branch of government.''

She goes on to denigrate the use of committees in Congress. She says that Congress has maintained an extensive, costly, extra-constitutional network of committees that watch over the work of Cabinet departments because ''the ambition and love of power of our Senators and Representatives caused them to lust after the patronage and media glory that a committee post could bring.''

Is there any deeper or more profound misunderstanding of the committee process here in Congress? Does she have any idea that the reason we have committees is that there are complex topics? As President Trump said: Who knew healthcare could be so complicated? So you have a committee of members that specializes in that effort, that learns the details so that it can fairly consider the ideas for legislation. It has very little to do with ambition and a love of power and a lusting after patronage. There really is not patronage on a committee. We, the members, do not hire the staff.

With her being someone with such a profound misunderstanding of the branches of government, why do my colleagues say that they want her in there? Is it because of this vision of a government that is by and for the powerful that takes on the little people, beats them up, squeezes them dry, and delivers the benefits to the richest in our society on every single issue—on healthcare, on taxes, on judicial appointments?

NOMINATION OF ALLISON EID

Then we have Allison Eid, President Trump's nominee for the Tenth Circuit Court of Appeals. She holds the seat that was previously held by Neil Gorsuch before a seat was stolen from one administration and delivered to the next for the first time in U.S. history—a complete denigration of the integrity of this body and the legitimacy of the Court, a mar in the record of this Chamber that knows no equal in decades. Yet there she is in that seat, adhering to an extraordinary degree of

ultraconservative, partisan, we-the-powerful-and-privileged philosophy.

She opposes the use of eminent domain to seize properties to be used for a public purpose—public parks and highways—as is the purpose of eminent domain. Yet she supports the use of eminent domain to rip away a piece of property from individuals—private property owners—in order to give it to a for-profit corporation, which is the opposite of the purpose of eminent domain—once again, an individual hating, if you will, of public purpose and a ripping away of individual rights—destroying them—on behalf of a for-profit corporation.

She has advocated for narrowing the scope of the Federal Government's legislative powers to such a degree that it would be virtually impossible to protect clean air, clean water, and civil rights. She has attacked the increasing of funding for public schools while she has supported sending public funds to private religious schools.

This path of using legislation like the healthcare bill and legislation like this tax bill to crush working America on behalf of the very wealthy is simply wrong, and it is wrong to do it by trying to pack the court, and we need to do everything that we can to stop it.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 443 through 454 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Stayce D. Harris

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul J. LaCamera

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Twanda E. Young

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Roger D. Murdock

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. David D. Thompson

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Ralph L. Schwader

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Donald B. Absher

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Richard E. Angle
Col. Milford H. Beagle, Jr.
Col. Sean C. Bernabe
Col. Maria A. Biank
Col. James P. Bienlien
Col. Brian R. Bisacre
Col. William M. Boruff
Col. Richard R. Coffman
Col. Charles D. Costanza
Col. Joy L. Curriera
Col. Johnny K. Davis
Col. Robert B. Davis
Col. Thomas R. Drew
Col. Michael R. Eastman
Col. Brian S. Eifler
Col. Christopher L. Eubank
Col. Omuso D. George
Col. William J. Hartman
Col. Darien P. Helmlinger
Col. David M. Hodne
Col. Jonathan E. Howerton
Col. Heidi J. Hoyle
Col. Thomas L. James
Col. Christopher C. Laneve
Col. Otto K. Liller
Col. Vincent F. Malone, II
Col. Charles R. Miller
Col. James S. Moore, Jr.
Col. Michael T. Morrissey
Col. Antonio V. Munera
Col. Frederick M. O'Donnell
Col. Paul E. Owen
Col. Walter T. Rugen
Col. Michelle A. Schmidt
Col. Mark T. Simerly
Col. Michael E. Sloane
Col. William D. Taylor
Col. William L. Thigpen
Col. Thomas J. Tickner
Col. Matthew J. Vanwagenen
Col. Darren L. Werner

The following named Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be major general

Brig. Gen. Keith Y. Tamashiro

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Eric P. Wendt

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Christopher W. Grady

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Bruce H. Lindsey

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1125 AIR FORCE nominations (2) beginning JAMES A. FANT, and ending DUSTIN D. HARLIN, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1126 AIR FORCE nomination of Erik M. Mudrinich, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1127 AIR FORCE nominations (152) beginning SCOTT M. ABBOTT, and ending KRISTINA M. ZUCCARELLI, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

IN THE ARMY

PN642 ARMY nomination of Adrian L. Nelson, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN654 ARMY nomination of Todd M. Chard, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN957 ARMY nomination of Tristan D. Harrington, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN1128 ARMY nomination of David S. Lyle, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1129 ARMY nomination of George B. Inabinet, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1130 ARMY nominations (13) beginning BENJAMIN A. BARBEAU, and ending BLAIR D. TIGHE, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1131 ARMY nominations (3) beginning GARRETT K. ANDERSON, and ending ROGER D. PLASTER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1132 ARMY nominations (77) beginning JOSHUA A. AKERS, and ending D013005, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1133 ARMY nominations (325) beginning JONATHAN L. ABBOTT, and ending BOVEY Z. ZHU, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1134 ARMY nominations (6) beginning JANETTA R. BLACKMORE, and ending JEFFREY E. OLIVER, which nominations

were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1135 ARMY nominations (8) beginning STEVEN A. BATY, and ending ALISA R. WILMA, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1136 ARMY nominations (25) beginning WESLEY J. ANDERSON, and ending HOPE M. WILLIAMSONYOUNCE, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1137 ARMY nominations (46) beginning GINA E. ADAM, and ending DAVID R. ZINNANTE, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1138 ARMY nominations (12) beginning DAVID J. H. CHANG, and ending MATTHEW J. YANDURA, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1139 ARMY nomination of Samuel A. Redding, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1140 ARMY nomination of Sativa M. Franklin, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1141 ARMY nominations (2) beginning MAURICE O. BARNETT, and ending AARON C. BARTA, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1145 ARMY nomination of Grant R. Barge, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1146 ARMY nomination of Michael W. Chung, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1148 ARMY nominations (2) beginning CHEMITRA M. CLAY, and ending JOHN C. HUBBARD, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1149 ARMY nomination of Charles K. Bergman, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1150 ARMY nomination of Robert S. Patton, Jr., which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1151 ARMY nominations (116) beginning JASON P. AFFOLDER, and ending D012388, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1152 ARMY nominations (151) beginning ANDRE B. ABADIE, and ending G001060, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1153 ARMY nominations (205) beginning WINFIELD A. ADKINS, and ending D013960, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

IN THE FOREIGN SERVICE

PN1066 FOREIGN SERVICE nominations (61) beginning Julie P. Akey, and ending Vera N. Zdravkova, which nominations were received by the Senate and appeared in the Congressional Record of October 2, 2017.

IN THE MARINE CORPS

PN1170 MARINE CORPS nomination of John J. Straub, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

IN THE NAVY

PN1155 NAVY nominations (78) beginning SUZANNE T. ALFORD, and ending LAURA C. YOON, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1156 NAVY nominations (174) beginning ROY A. ADUNA, and ending KIRTLEY N. YEISER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1157 NAVY nominations (6) beginning CALVIN LOPER, and ending BILLY W. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1158 NAVY nominations (4) beginning MAUREEN M. DERKS, and ending JEFFREY P. SHARP, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1159 NAVY nominations (13) beginning DANIEL T. BARNES, and ending JACQUELYN 0. VERMILLOHERMAN, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1160 NAVY nominations (16) beginning SHAMIRE E. BRANCH, and ending ALANNA B. YOUNGBLOOD, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1161 NAVY nominations (19) beginning DAVID L. AGUILAR, and ending DAVID K. ZIVNUSKA, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1162 NAVY nominations (20) beginning REBECCA L. ANDERSON, and ending KENNETH R. VANHOOK, JR., which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1163 NAVY nominations (34) beginning ARTHUR D. ANDERSON, III, and ending JOHN E. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1164 NAVY nominations (39) beginning JOSHUA D. ALBRIGHT, and ending LISA L. SNOH, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1165 NAVY nomination of Joe F. Moralez, II, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1166 NAVY nominations (8) beginning JESSICA B. ANDERSON, and ending MIRANDA V. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1167 NAVY nominations (898) beginning MARCO A. ACOSTA, and ending KEITH E. ZUMAR, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1168 NAVY nominations (2) beginning WILLIAM J. ROY, JR., and ending RAQUEL T. BUSER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1169 NAVY nominations (64) beginning GREGORY F. ALLEN, and ending CLINTON M. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

LEGISLATIVE SESSION

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

MORNING BUSINESS

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

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

REMEMBERING TED COOK

Mr. MCCONNELL. Mr. President, today I remember the life of a great Kentuckian, Ted Cook, who passed away on October 1, 2017, at the age of 70. He was a great friend, a local businessman, and a fixture of Laurel County. Passing away after a battle with cancer, Ted's loss will be felt by many.

A veteran of the U.S. Air Force, Ted was driven by a sense of patriotism and community service. He was a generous man and a strong supporter of the Kentucky High School Athletics Association. Ted made it a priority to watch every basketball game he could, and he was an ideal role model for the next generation of Kentuckians.

Ted loved the outdoors, spending time hunting, fishing, and raising quail. He tried to instill that passion in young people, especially his children and, later, his grandchildren. Ted also helped lead local, State, and national organizations dedicated to the service of others.

Ted rarely sought any recognition for his good works, instead always caring primarily for others. Those he impacted with his love and friendship, however, will always remember him. Elaine and I send our condolences to Ted's wife, Debbie, their children, their family, and friends. I hope that their fond memories of Ted will help ease their grief.

Mr. President, the Corbin Times-Tribune recently published an article on Ted's life and career. I ask unanimous consent that a copy of the article be printed in the RECORD.

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

[From the Corbin Times-Tribune, Oct. 2, 2017]

TED COOK WILL BE MISSED BY MANY

(By Les Dixon)

Myself and many others across the State lost a great friend on Sunday with the passing of Ted Cook. Mr. Cook—he would always correct me to call him Ted—was one of the greatest men I have ever known. He would do anything for anyone, and I do mean anyone. He was one of the biggest supporters of kids throughout the State that I have known.

We would always engage in high school sports talk any time we saw each other. It didn't matter if we were at a restaurant or if I paid him a visit at Cook Tire, high school sports was always the topic of discussion—well, sometimes politics would be as well, but only to give one of our friends a hard time.

Even though I am a writer, I find it hard to write about people I truly care about. It sounds odd doesn't it? But I just don't think anything I can write would do justice about my good friend Mr. Cook.

I know he was a joy to be around and he always made me feel like I was one of his own. Heck, he was able to do that with anyone he interacted with.

I always looked forward to seeing Mr. Cook at the Sweet Sixteen Boys Basketball Tournament. You could bank on it every Wednesday morning, I would go over to say hello

and he would always stick out his hand for a handshake and say, ''Hello, young man. How have you been?'' He always preceded with a big hug and then we preceded to talk about, life, sports, my daughter and then anything else that would come up. You could bank on the same routine happening every year.

The one thing that will stick out to me more than anything is how Mr. Cook always dressed in his 'Sunday's best' for the Sweet Sixteen Boys championship game. He was always in a suit and a tie and that always stood out to me. He showed respect to the event just like he showed respect to everyone he met.

I never really ventured over to Cook Tire as much as I should to see how he would be doing, but our paths always crossed, usually at least once a month and even more during high school basketball season.

I believe KHSAA Commissioner Julian Tackett said it best on his Facebook page: Ted Cook's passing means the loss of another of that great generation of men who were independent, self sustaining and hard working. In addition to being one of the biggest supporters of kids throughout the state, he was a counselor for so many people and a great friend.

I will end with this. I hope someday to be half the man Mr. Cook was, it would be an honor.

100TH ANNIVERSARY OF CHICAGO'S NAVY PIER

Mr. DURBIN. Mr. President, I join my colleague and friend Senator DUCKWORTH to recognize the 100th anniversary of Chicago's Navy Pier, one of the most visited attractions in Illinois and the Midwest.

Navy Pier, originally named Municipal Pier, was the first of its kind. The pier was created to bring revenue into the city by supporting industry and tourism. The pier opened in 1916 and served as a port for commercial shipping and provided the entertainment and recreation needed to transform Chicago's lakefront into a popular tourist attraction.

During World War I and World War II, the pier was used as a naval training center for over 60,000 Navy recruits and was later named Navy Pier to honor the Navy personnel who served and contributed to the national war effort.

Throughout its history, Navy Pier was home to several Chicago institutions and traditions.

Navy Pier was also the former home to the University of Illinois at Chicago from 1946 to 1965, nicknamed ''Harvard on the Rocks,'' and served more than 100,000 students.

Navy Pier originally held the famous Taste of Chicago in 1978 and today continues to host a variety of festivals, conferences, trade shows, and live entertainment.

Navy Pier opens its doors to locals and visitors to experience Chicago's rich historical and cultural history while enjoying activities and the city's lakefront. Its popular attractions, including the iconic ferris wheel, have attracted more than 9 million visitors a year, generated millions of dollars in revenue, and created thousands of jobs for the region.

It is no surprise that Navy Pier has been labeled a Chicago historic landmark with its significant contributions to the city of Chicago and the Nation.

Navy Pier continues to promote tourism and support economic growth in Chicago and the Midwest, while improving its facilities and core missions to better provide services to visitors. It is with great pride that I join Senator DUCKWORTH in honoring Navy Pier and its many accomplishments.

Ms. DUCKWORTH. Mr. President, today I join my close friend and colleague, Senator DICK DURBIN, to honor one of the magnificent landmarks of Illinois, Chicago's Navy Pier.

Since Chicago architect Daniel Burnham first established his vision of a public pier to transform Chicago's landscape and draw visitors to experience the lakefront, what opened as Municipal Pier in 1916 has been a gathering point for the community. In World War I and World War II, it became central to the war effort and Navy Pier got its name to honor the sailors who served and continued to serve in defense of our Nation.

Many institutions of Chicago began in Navy Pier before finding their home elsewhere in the city, like the University of Illinois' Chicago campus, the Taste of Chicago, and the trade shows that continue to come through Chicago to take advantage of the city's commercial infrastructure. Navy Pier has been a place for people to meet and experience the Great Lakes, city skyline, and various attractions that have sprung up and grown through the city.

Locals, Illinoisans, Americans, and international visitors alike experience the Midwest through the lens of the pier, and it reflects back on our city the multicultural, historical aspects of our city and this Nation. You only have to look at the iconic ferris wheel to see how it has transformed Chicago's skyline and become such an integrated, iconic part of the city.

As a public venue for culture and commerce, Navy Pier continues to revitalize so that it can be sustainable, universal, and accessible to all. I am proud to come before this body with Senator DURBIN and honor Navy Pier as it celebrates its centennial anniversary.

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

VOTE EXPLANATION

● Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 255, on the nomination of Amy Barrett to be U.S. Circuit Judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 256, on the motion to invoke cloture on Joan Larsen, of Michigan, to be U.S. Circuit Judge for the Sixth Circuit. Had I been present, I would have voted nay.●

TRIBUTE TO JIM MCCLOUGHAN

Mr. PETERS. Mr. President, today I wish to honor the distinguished service of SPC5 James McCloughan, who was recently awarded the Medal of Honor for his heroic actions as a combat medic during the Vietnam war. From May 13 to 15, 1969, then-PFC McCloughan repeatedly put himself in the line of fire to extract and treat his fellow soldiers.

Specialist 5 McCloughan was born in South Haven, MI, in 1946 and spent his childhood in Bangor, MI. He became a four-sport varsity athlete at Bangor High School and would go on to play football, baseball, and to wrestle at Olivet College. Three months after accepting a teaching and coaching position with South Haven Public Schools, McCloughan was drafted into the U.S. Army in 1968.

McCloughan's superiors took notice of his knowledge of sports medicine, and he was assigned to Fort Sam Houston, TX, to report for advanced training as a medical specialist. Upon his completion of training, McCloughan was assigned as a combat medic with Company C, 3rd Battalion, 21st Infantry Regiment, 196th Light Infantry Brigade, American Division, and was deployed to Vietnam.

On the morning of May 13, 1969, two American helicopters were shot down near Tam KY, and one crashed 100 meters from McCloughan and Charlie Company. A squad was sent to rescue the downed crew and found a wounded soldier too injured to move. McCloughan ran 100 meters through an open field, dodging crossfire between Charlie Company and the NVA, reached the wounded soldier, and carried him back to the company and successfully saved his fellow soldier from being captured or killed.

Later that same day, McCloughan displayed another act of heroism in the midst of an American airstrike against nearby NVA targets. While in a trench, he saw two U.S. soldiers huddled together without weapons in the midst of an ambush. McCloughan dropped his weapon and rushed into the ambush to check on his comrades. While inspecting them for wounds, he was hit with shrapnel when a rocket-propelled grenade exploded nearby. McCloughan pulled the two soldiers back to the trench and would go back into the ambush zone four more times to extract wounded comrades. Wounded and bleeding himself, McCloughan refused to evacuate and remained on the battlefield to treat the wounded and prepare them for extraction.

The next day, Charlie Company engaged NVA forces near Nui Yon Hill. Similar to the day before, McCloughan again went into the crossfire zone numerous times to treat and extract wounded soldiers. He was wounded again by RPG shrapnel and small arms fire. McCloughan again showed his heroism when he volunteered to hold a blinking light in the open while bullets and RPGs hit around him so his company could be resupplied.

McCloughan continued to fight throughout the night and into the morning, knocking out the RPG position and treating numerous soldiers. He kept two critically wounded soldiers alive during the night and is credited with saving the lives of 10 members of Charlie Company in the 48-hour timespan.

Upon returning home, McCloughan would resume his job as a teacher and coach at South Haven High School. He taught sociology and psychology and coached football, baseball, and wrestling until his retirement in 2008.

SPC5 James McCloughan is an American hero who consistently put his life on the line to save the lives of his fellow Americans. He has always inspired others, whether by his actions on the battlefield or for his students in the classroom. I urge my colleagues to join me today in congratulating and thanking Specialist 5 McCloughan for his continued dedication and service to our Nation.

REMEMBERING JAMES ''BOB'' CURRIEO

Mr. McCAIN. Mr. President, I come to the floor today to remember the life and legacy of one of our Nation's veterans, a longtime staffer, and a man whom I was fortunate to call my friend, James ''Bob'' Currieo. Following his retirement from my Tucson office in 2013, I am grateful that Bob was able to spend his final years with his beloved wife, Cecilia, before his passing on October 17, 2017. It is times like these that we must reflect on the legacy of such individuals, who chose service above self-interest, and Bob's 83-year life and service to our Nation and to the great State of Arizona cannot be understated.

By the time I met Bob in 1982, he had already begun his tenure as the national commander-in-chief for the Veterans of Foreign Wars; however, his legacy of service began long before. A decorated Korean war veteran, Bob honorably served over a 22-year career in the U.S. Army, including a fortunate assignment to the U.S. Army Combat Surveillance School at Fort Huachuca that would bring him to Arizona. Sierra Vista introduced Bob to the rugged and diverse beauty of our great State, a place that he would consider home for the remainder of his life.

I was fortunate that Bob accepted a role in my early Senate staff, but so evident was Bob's innate dedication to service that I fully understood and supported when he temporarily departed Arizona for the opportunity to continue his duties with the VFW as an executive in Washington, DC. We stayed in touch over the years, and I was most grateful when he returned to his beloved Arizona in 1996 and agreed to rejoin my Tucson office. There, he would spend the final 17 years of his well-decorated career advocating on behalf of veterans and servicemembers.

Every Senator will likely stress the importance of providing constituent services in their home State, but Bob shared and supported my strong opinion that, when it came to veterans and servicemembers, State lines did not matter. Of the staggering number of cases that Bob worked as a constituent advocate for residents of Arizona, nearly as many more were for veterans from across the country and indeed across the world. He helped them all equally with the same quiet but steadfast commitment, and I feel there is truly no measure for how many lives he touched and how many men and women he helped by the end of his storied career.

I will forever be thankful that Bob Currieo's intrinsic desire to serve put him on a path to Arizona that fortunately crossed my own. I will fondly remember the years of friendship and wise counsel that he so selflessly gave, and I hope his dear Cecilia will find comfort in the immeasurable legacy left behind by such an honorable man.

Thank you.

ADDITIONAL STATEMENTS

TRIBUTE TO DAMON J. KEITH

● Mr. PETERS. Mr. President today, I wish to recognize a crusader and legal titan, the Honorable Damon J. Keith of Detroit, MI, for his legendary 50-year career as a Federal judge.

Judge Keith's career in public service began during World War II, when he served in a segregated military where he faced discrimination as he served his Nation. The injustice he experienced led him to dedicate his life to equality for all Americans.

Judge Keith received his law degree from the prestigious Howard University. His professor and mentor was none other than the Honorable Thurgood Marshall, who argued the landmark case Brown v. Board of Education and the first African-American Justice to serve on the U.S. Supreme Court. Just like his mentor, Judge Keith would go on to make groundbreaking rulings.

While African-American citizens in the South suffered through the institutionalized practices of segregation, Michigan was not immune from racial discrimination. After his 1970 decision in Davis v. School District of Pontiac, allowing busing to help integrate schools, Judge Keith faced threats of violence from the Ku Klux Klan. Despite threats placed against his own life, Judge Keith stood firm. Judge Keith continued his fight for civil rights in 1971 when he found that the city of Hamtramck practiced discriminatory community development which largely displaced African American residents. He ordered the city to replace the homes that were demolished. After the civil unrest in Detroit in 1967, actions were taken to improve racial inequality in the city. African-Americans accounted for one-third of Detroit's population but were underrepresented in its government and police force. Judge Keith ruled to uphold the city of Detroit's affirmative action plan and its good faith effort to promote diversity in its police force.

Judge Keith heard cases that presented new questions and challenged long-held interpretations of the Constitution. In the 1971 landmark case, United States v. United States District Court, widely known as the Keith Case, the Supreme Court upheld Judge Keith's ruling that the Nixon administration could not wiretap citizens without a court order, even in cases involving domestic terrorism. This ruling protected Fourth Amendment rights for all Americans and enforced the boundaries of warrantless surveillance, paving the way for the U.S. Foreign Intelligence Surveillance Act, FISA, of 1978, which provides judicial and congressional oversight of the government's foreign intelligence surveillance activities.

After the tragedy of the terror attacks on September 11, 2001, and the subsequent war on terror, we once again faced circumstances that tested the balance between the power of the government and fundamental civil liberties. Judge Keith found himself ruling against another administration in the 2002 case, Detroit Free Press v. Ashcroft. Attorney General John Ashcroft and Chief Immigration Judge Michael Creppy directed that hearings regarding immigration and deportation cases, deemed to be of interest to the investigation of the September 11, 2001, attacks, be closed to the public. When this case came before Judge Keith, he affirmed that the directive was unconstitutional and that deportations should not be shrouded in secrecy, famously proclaiming that, ''Democracies die behind closed doors.''

It is my pleasure to recognize the Honorable Damon J. Keith for his incredible half century on the bench and as one of the most influential jurists in American history. Judge Keith has a heart of gold and a will of steel, showing great courage in the face of danger and injustice. In his relentless pursuit of equality and justice, he has garnered many honors and admirers. In his life, Judge Keith not only witnessed some of the most critical moments in this Nation's history, but he has also contributed immensely to making America a better and more fair place. I ask my fellow colleagues to join me in thanking the Honorable Damon J. Keith for safeguarding the bedrock of our society the U.S. Constitution.●

TRIBUTE TO CHIEF ROBERT ''BOB'' JENKINS

● Mr. SANDERS. Mr. President, today I would like to recognize retired Fire Chief Robert ''Bob'' Jenkins for 55 years of exemplary service to his community and to Vermont. We are fortunate to have such a dedicated public servant as Chief Jenkins in our State,

and I sincerely thank him and his family for everything they have done for the people of Vermont.

Bob Jenkins joined the Vergennes Fire Department in 1962, following in the footsteps of his father, George Jenkins. After serving for 5 years in Vergennes, Bob helped establish the New Haven Volunteer Fire Department in 1967, which became part of the Addison County Firefighters Association Mutual Aid system the following year. For five decades, Bob continued to work with the New Haven Fire Department with training and guidance, whenever needed. On May 6, 2017, at the department's 50th anniversary, Bob was presented with an honorary membership. This follows the honorary membership he received from the Vergennes Fire Department in 1982.

Bob joined the Ferrisburgh Volunteer Fire Department in 1968, where he was soon promoted to the rank of captain. In 1970, recognizing his dedication and leadership, the department elected him chief, a position he held for 19 years. Bob remained very active after stepping down as chief, spending countless hours working with successive chiefs, passing on knowledge and expertise to help maintain a professional and highly trained department with well-maintained equipment. His service was deservedly recognized this past summer, when the Ferrisburgh Fire Department took delivery of a brand-new frontline engine and dedicated it in honor of Chief Jenkins.

Bob has been a mentor to many other chiefs and firefighters throughout Addison County, as well as the State of Vermont. He served on numerous committees of the Addison County Firefighters Association, including Sergeant at Arms at the annual business meeting and awards banquet. He was presented with life membership to the association in 1993. He also served for many years as an instructor for the annual Addison County Regional Fire School, which draws firefighters from around Vermont, New York, and Canada. In 1994, the 24th Annual Regional Fire School was dedicated to Bob for his commitment to the training program.

Bob also served as an instructor for the Vermont State Firefighters' Association and is a charter member of the Vermont Fire Academy training center in Pittsford. He is passionate about teaching young firefighters all aspects of the fire service, from today's firefighting skills to department history. His expertise in building construction has been particularly important during training and has helped keep many Vermont firefighters safe during fire calls. He also teaches respect for what firefighters do, for fellow members, for leadership, and for our communities. In return, he has gained the respect of his fellow firefighters for his willingness to share his time and knowledge.

Bob's community service does not stop with firefighting. He has served the town of Ferrisburgh in many different ways, including overseeing construction of a new firestation in 1993, overseeing the construction of a new town highway facility in 2015 to 2016, and serving on the town select board, as well as projects for the North Ferrisburgh Methodist Church.

The bottom line is that Bob Jenkins has unselfishly protected and served his community for 55 years. He is a model for what leadership is about. We must keep in mind that Bob did not do this alone. He had the commitment and understanding of his wife of 52 years, Mary Jane; his daughter, Robin; his son, Chris; and his stepsons, Tim, Mark, and Ricky—even when Bob spent time away from home, missing family dinners, family outings, birthdays, holidays, and school events.

I will finish with some words from New Haven Assistant Chief Dean Gilmore: ''If you add Bob's love for his family, his love for his community, and his love for his fellow firefighters; his family's love for him, and his fellow firefighters; his fellow firefighters' love for him and his family; his community's love for him, his family, and his fellow firefighters; we have one powerful feeling in our hearts that is everlasting.''●

VERMONT FEDERAL EXECUTIVE ASSOCIATION 2017 AWARDS

● Mr. SANDERS. Mr. President, to commemorate Public Service Recognition Week, the Vermont Federal Executive Association recognized Federal employees with Excellence in Government awards. Vermont is fortunate to have thousands of Federal employees working across the State, and I am proud of the good work they do for their fellow citizens. I would like to offer special congratulations to the 2017 award winners, who have truly exemplified the very best in government.

The recipients of the Excellence in Management and Program Support Award are the Vermont Service Center Employee Services Team, U.S. Citizenship and Immigration Services, St. Albans, including Steffan Defeo, supervisory operational support specialist; Julie Kuhn, supervisory operational support specialist; Angelina Bucio, operational support specialist; Joreen Hatin, supervisory immigration services officer; Michael Kane, supervisory immigration services officer; Forest Glodgett, operational support specialist; Ann Gratton, operational support specialist; Lee Ann Jette, operational support specialist; Lisa Kline, operational support specialist; and Sarah Sherman, operational support specialist.

The recipients of the Professional Award are the Vermont Service Center Phase 1—Strategic Plan Team, U.S. Citizenship and Immigration Services, St. Albans, including Judith Hochberg, section chief; Kyle Davis, supervisory immigration services officer; Joreen Hatin, supervisory immigration services officer; Michael Kane, supervisory immigration services officer; Michael Hoeflich, supervisory immigration services analyst; Paul Novak III, supervisory immigration services analyst; Elizabeth Chester, management and program analyst; Forest Glodgett, operational support specialist; Miranda Baltzell, immigration services officer; Luke Fairman, immigration services officer; Lisa Labarge, immigration services officer; Janet Marantz, immigration services officer; Ryan Marlow, immigration services officer; Nathan Matusick, immigration services officer; Sara Rutanhira, immigration services officer; Susan Sheehan, immigration services officer; Danielle Spooner, immigration services officer; Shelly Walters, immigration services officer; and Brian Woods, immigration services officer.

The recipient of the Leadership Award is Michael Parascando, supervisory special agent, Homeland Security Investigations Tip Line, Office of Intelligence, U.S. Immigration and Customs Enforcement, Williston.

The recipient of the Public Safety Award is John Marquissee, Border Patrol agent, U.S. Border Patrol, U.S. Customs and Border Protection, Derby.

The recipient of the Community Service Award is Julia Hoefel, immigration services analyst, Northeast Regional Office, U.S. Citizenship and Immigration Services, South Burlington.

The recipients of the Collaboration and Partnership Award are Linette Boyse and Erin Hakey, immigration services analysts, Process Improvement and Efficiency Team, Vermont Service Center, U.S. Citizenship and Immigration Services, St. Albans.

The recipient of the Valor Award is Christopher Whipple, U.S. Customs and Border Protection officer, U.S. Customs and Border Protection, Highgate Springs.

And finally, the recipient of the Vermont Federal Employee of the Year Award is Amelia Palmer human resource specialist, Recruitment and Placement Branch, Human Resources Operations Center, U.S. Citizenship and Immigration Services, South Burlington.

Once again, I congratulate these Vermont Federal employees.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Pate, one of his secretaries.

PRESIDENTIAL MESSAGE

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying

report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, within 90 days before the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to Sudan declared in Executive Order 13067 of November 3, 1997, is to continue in effect beyond November 3, 2017.

Despite recent positive developments, the crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067; the expansion of that emergency in Executive Order 13400 of April 26, 2006; and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, Executive Order 13761 of January 13, 2017, and Executive Order 13804 of July 11, 2017, has not been resolved. These actions and policies continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. I have, therefore, determined that it is necessary to continue the national emergency declared in Executive Order 13067, as expanded by Executive Order 13400, with respect to Sudan.

DONALD J. TRUMP.

THE WHITE HOUSE, *October 31, 2017.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3276. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus amyloliquefaciens strain F727; Exemption from the Requirement of a Tolerance'' (FRL No. 9968–40–OCSPP) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3277. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hexythiazox; Pesticide Tolerances'' (FRL No. 9968–12–OCSPP) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3278. A communication from the Management Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Scope of Sections 202(a) and (b) of the Packers and Stockyards Act'' (RIN0580–AB28) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3279. A communication from the Acting Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law , the report of a rule entitled ''Multi-Family Housing Program Requirements to Reduce Financial Reporting Requirements'' ((7 CFR Part 3560) (RIN0575–AC98)) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3280. A communication from the Acting Under Secretary of Defense (Intelligence), transmitting, pursuant to law, the Department of Defense's fiscal year 2015/2016 report to Congress relative to the Worldwide Nuclear, Biological, and Chemical Weapons and Ballistic and Cruise Missile Threat (OSS 2017–1119); to the Committee on Armed Services.

EC–3281. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the current and future military strategy of Iran (OSS–2017–1157); to the Committee on Armed Services.

EC–3282. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Existing Validated End-User Authorization in the People's Republic of China: Lam Research Service Company, Ltd.'' (RIN0694–AH40) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3283. A communication from the Assistant Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Covered Securities Pursuant to Section 18 of the Securities Act of 1933'' (RIN3235–AM07) received in the Office of the President of the Senate on October 30, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3284. A communication from the Deputy General Counsel for Operations, Department of Housing and Urban Development, transmitting, pursuant to law, four (4) reports relative to vacancies in the Department of Housing and Urban Development, received in the Office of the President of the Senate on October 25, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3285. A communication from the Assistant Director for Regulatory Affairs, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Global Terrorism Sanctions Regulations'' (31 CFR Part 594) received in the Office of the President of the Senate on October 30, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3286. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation as an emergency requirement all funding (including the repurposing of funds and cancellation of debt) so designated by the Congress in the Further Continuing and Security Assistance Appropriations Act, 2017, pursuant to section 251 (b) (2) (A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the enclosed list of accounts; to the Committee on the Budget.

EC–3287. A communication from the Assistant Secretary for Insular Areas, Office of the Secretary, Department of the Interior, transmitting, pursuant to law, two (2) reports entitled ''Second Five-Year Review of the Compact of Free Association, As Amended, Between the Governments of the United States and the Federated States of Micronesia'' and ''Second Five-Year Review of the Compact of Free Association, As Amended, Between the Governments of the United States and the Republic of the Marshall Islands''; to the Committee on Energy and Natural Resources.

EC–3288. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Minnesota; State Board Requirements'' (FRL No. 9970–14–Region 5) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Environment and Public Works.

EC–3289. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Illinois; Volatile Organic Compounds Definition'' (FRL No. 9970–17–Region 5) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Environment and Public Works.

EC–3290. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Wisconsin; 2017 Revisions to NR 400 and 406'' (FRL No. 9969–89–Region 5) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3291. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings'' (FRL No. 9969–83–Region 3) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3292. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans and Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions from Existing Sewage Sludge Incineration Units'' (FRL No. 9969–92–Region 3) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3293. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment by the Attainment Date for the 2008 Ozone Standard; Philadelphia-Wilmington-Atlantic City, PA–NJ–MD–DE Nonattainment Area'' (FRL No. 9969–93–Region 3) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3294. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines'' (FRL No. 9970–08–OAR) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3295. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Publicly Owned

Treatment Works Residual Risk and Technology Review'' (FRL No. 9969–95–OAR) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3296. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products'' ((RIN2070–AK36) (FRL No. 9962–84)) received in the Office of the President of the Senate on October 26, 2017; to the Committee on Environment and Public Works.

EC–3297. A communication from the Deputy Chief Counsel, Economic Development Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Elimination of Regulations Implementing Community Trade Adjustment Assistance Program'' (RIN0610–AA70) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Finance.

EC–3298. A communication from the Chief of the Trade and Commercial Regulations Branch, Bureau of Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Removing the Prohibition on the Importation of Jadeite or Rubies Mined or Extracted from Burma, and Articles of Jewelry Containing Jadeite or Rubies Mined or Extracted from Burma'' ((RIN1515–AE27) (CBP Dec. 17–15)) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Finance.

EC–3299. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; End-State Renal Disease Prospective Payment System, Payment for Renal Dialysis Services Furnished to Individuals with Acute Kidney Injury, and End-State Renal Disease Quality Incentive Program'' ((RIN0938–AT04) (CMS–1674–F)) received in the Office of the President of the Senate on October 30, 2017; to the Committee on Finance.

EC–3300. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2017–0176–2017–0187); to the Committee on Foreign Relations.

EC–3301. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data, and defense services to Canada to support the design, development, demonstration, qualification, assembly, manufacture, processing, analysis , test, and modification of Tube-launched, Optically-tracked, Wirelessly-guided (TOW) Launch Motor propellant for the TOW Weapon System in the amount of $28,000,000 or more (Transmittal No. DDTC 17–051); to the Committee on Foreign Relations.

EC–3302. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102–1) for the June 9, 2017–August 8, 2017 reporting period; to the Committee on Foreign Relations.

EC–3303. A communication from the Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the amendment of a designation of a group as a Foreign Terrorist Organization by the Secretary of State (OSS–2017–1115); to the Committee on Foreign Relations.

EC–3304. A communication from the Regulations Coordinator, Office of Strategic Operations and Regulatory Affairs, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Clinical Laboratory Improvement Amendments of 1988 (CLIA); Fecal Occult Blood (FOB) Testing'' (RIN0938–AS04) received in the Office of the President of the Senate on October 19, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3305. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program'' (RIN1840–AD25) received in the Office of the President of the Senate on October 24, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3306. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3307. A communication from the Acting Director, Retirement Services, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Retirement System; Government Costs'' (RIN3206–AN22) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3308. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Definition of Brown County, Wisconsin, and Forsyth and Mecklenburg Counties, North Carolina, to Nonappropriated Fund Federal Wage System Wage Areas'' (RIN3206–AN50) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3309. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Secretary of Homeland Security, received in the Office of the President of the Senate on October 25, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3310. A communication from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Administration's 2016 FAIR Act Commercial Activities Inventory, the 2016 FAIR Act Inherently Governmental Activities Inventory, and the 2016 FAIR Act Executive Summary; to the Committee on Homeland Security and Governmental Affairs.

EC–3311. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Federal Equal Opportunity Recruitment Program (FEORP) for Fiscal Year 2015'' ; to the Committee on Homeland Security and Governmental Affairs.

EC–3312. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–150, ''Access to Emergency Epinephrine in Schools Clarification Temporary Amendment Act of 2017'' ; to the Committee on Homeland Security and Governmental Affairs.

EC–3313. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 22–151, ''Public School Nurse Assignment Temporary Amendment Act of 2017'' ; to the Committee on Homeland Security and Governmental Affairs.

EC–3314. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, United States Citizenship and Immigration Services, Department of Homeland Security, received in the Office of the President of the Senate on October 26, 2017; to the Committee on the Judiciary.

EC–3315. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Revitalization of the AM Radio Service'' ((MB Docket No. 13–249) (FCC 17–119)) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3316. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Recreational Boat Flotation Standards—Update of Outboard Engine Weight Test Requirements'' ((RIN1625–AC37) (Docket No. USCG–2016–1012)) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3317. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Safety Standard for Infant Bouncer Seats'' ((16 CFR Part 1229) (Docket No. CPSC–2015–0028)) received in the Office of the President of the Senate on October 25, 2017; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–131 A joint resolution adopted by the Legislature of the State of Texas rescinding certain applications made by the Texas Legislature to the United States Congress to call a national convention under Article V of the United States Constitution for proposing any amendment to the Constitution, to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 38

Whereas, Over the years, the Texas Legislature has approved resolutions officially applying to the Congress of the United States to call a convention, under the terms of Article V of the Constitution of the United States, to offer various amendments to that Constitution; and

Whereas, While no Article V amendatory convention has yet taken place thus far in American history, nevertheless, there is a very real possibility that one, of more than one, could be triggered at some point in the future; and

Whereas, Regardless of their age, such past applications from Texas lawmakers remain alive and valid until such time as they are later formally rescinded: Now, therefore, be it

Resolved, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby officially rescinds, repeals, revokes, cancels, voids, and nullifies any and all applications from Texas legislators prior to the 85th Legislature, Regular Session, 2017, other than the application provided by H.C.R. No. 31, Acts of the 65th Legislature, Regular Session, 1977, that apply to the United States Congress for the calling of a convention, pursuant to Article V of the United States Constitution, regardless of how old such previous applications might be, and irrespective of what subject matters such applications pertained to; and, be it further

Resolved, That the 85th Legislature of the State of Texas, Regular Session, 2017, hereby declares that any application to the United States Congress for the calling of a convention under Article V of the United States Constitution that is submitted by the Texas Legislature during or after this Regular Session shall be automatically rescinded, repealed, revoked, canceled, voided, and nullified if the applicable convention is not called on or before the eighth anniversary of the date the last legislative vote is taken on the application; and, be it further

Resolved, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall transmit properly certified copies of this joint resolution of rescission, pursuant to the Standing Rules of the United States Senate (namely, Rule VII, paragraphs 4, 5, and 6), to the vice president of the United States (in his capacity as presiding officer of the United States Senate and addressed to him at the office which he maintains inside the United States Capitol Building); to the secretary and parliamentarian of the United States Senate; and to both United States senators representing Texas; accompanied by a cover letter to each addressee drawing attention to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the full and complete verbatim text of this joint resolution be duly published in the United States Senate's portion of the Congressional Record as an official memorial to the United States Senate, and that this joint resolution be referred to whichever committee or committees of the United States Senate that would have appropriate jurisdiction in this matter; and, be it further

Resolved, That, in a manner which would furnish confirmation of delivery and tracking while en route, the Texas secretary of state shall likewise transmit properly certified copies of this joint resolution of rescission, pursuant to the Rules of the United States House of Representatives (namely, Rule XII, clauses 3 and 7), to the speaker, clerk, and parliamentarian of the United States House of Representatives; and to all members of the United States House of Representatives who represent districts in Texas; likewise accompanied by a cover letter to each addressee drawing attention to the fact that it is the 85th Texas Legislature's courteous, yet firm, request that the substance of this joint resolution be accurately summarized in the United States House of Representatives' portion of the Congressional Record as an official memorial to the United States House of Representatives, and that this joint resolution be referred to whichever committee or committees of the United States House of Representatives that would have appropriate jurisdiction in this matter.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1586. A bill to require the Under Secretary for Oceans and Atmosphere to update periodically the environmental sensitivity index products of the National Oceanic and Atmospheric Administration for each coastal area of the Great Lakes, and for other purposes (Rept. No. 115–180).

S. 1015. A bill to require the Federal Communications Commission to study the feasibility of designating a simple, easy-to-remember dialing code to be used for a national suicide prevention and mental health crisis hotline system.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. ERNST:

S. 2033. A bill to amend the Internal Revenue Code of 1986 to eliminate the deduction for living expenses incurred by members of Congress; to the Committee on Finance.

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

S. 2034. A bill to strengthen resources for entrepreneurs by improving the SCORE program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. HEINRICH (for himself and Ms. COLLINS):

S. 2035. A bill to provide increased security for the voting systems of the United States, to protect against intrusion, theft, manipulation, and deletion of voter registration data and ballots, or votes cast, and to prevent cyberattacks from malicious computer hackers, and for other purposes; to the Committee on Rules and Administration.

By Mr. DONNELLY (for himself, Mrs. ERNST, and Mr. PORTMAN):

S. 2036. A bill to make necessary changes to the competitive need limitations provision of the Generalized System of Preferences, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. REED, Mr. BLUMENTHAL, Mr. MURPHY, Ms. WARREN, and Mr. CARPER):

S. 2037. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself, Mr. TESTER, Mr. BLUMENTHAL, Mr. BROWN, Mr. WYDEN, and Ms. COLLINS):

S. 2038. A bill to amend title 38, United States Code, to provide for a presumption of herbicide exposure for certain veterans who served in Korea, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRASSLEY:

S. 2039. A bill to amend the Foreign Agents Registration Act of 1938 to promote greater transparency in the registration of persons serving as the agents of foreign principals, to provide the Attorney General with greater authority to investigate alleged violations of such Act and bring criminal and civil actions against persons who commit such violations, and for other purposes; to the Committee on Foreign Relations.

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

S. 2040. A bill to designate the facility of the United States Postal Service located at 621 Kansas Avenue in Atchison, Kansas, as the ''Amelia Earhart Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BENNET (for himself, Mr. WYDEN, Mr. HEINRICH, and Mr. FRANKEN):

S. 2041. A bill to promote the use of resilient energy systems to rebuild infrastructure following disasters; to the Committee on Homeland Security and Governmental Affairs.

By Ms. KLOBUCHAR (for herself, Mr. GRASSLEY, Mr. DURBIN, and Mrs. SHAHEEN):

S. 2042. A bill to authorize a joint action plan and report on drug waste; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. FRANKEN, Mrs. FEINSTEIN, Ms. HIRONO, Mr. LEAHY, and Mr. CARDIN):

S. 2043. A bill to promote the economic security and safety of survivors of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. REED, Ms. HIRONO, Mr. MARKEY, Mr. DURBIN, Mrs. GILLIBRAND, Ms. BALDWIN, Mrs. MURRAY, Ms. WARREN, Ms. DUCKWORTH, Mr. BROWN, Mrs. SHAHEEN, Ms. HARRIS, Mr. BOOKER, and Mrs. FEINSTEIN):

S. 2044. A bill to amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. MARKEY, Mr. DURBIN, Mrs. GILLIBRAND, Ms. WARREN, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HARRIS, Mr. BOOKER, and Mrs. FEINSTEIN):

S. 2045. A bill to establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Mr. SCHATZ):

S. 2046. A bill to amend titles 5 and 44, United States Code, to require Federal evaluation activities, improve Federal data management, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MURPHY (for himself, Ms. DUCKWORTH, Mr. SCHATZ, Mr. BOOKER, Mr. SANDERS, Mr. MERKLEY, Ms. WARREN, and Mr. UDALL):

S. 2047. A bill to restrict the use of funds for kinetic military operations in North Korea; to the Committee on Foreign Relations.

By Mr. WARNER (for himself, Mr. CASEY, and Ms. STABENOW):

S. 2048. A bill to amend the Internal Revenue Code of 1986 to provide a credit for employer-provided worker training; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. ENZI, Mr. WHITEHOUSE, Mr.

INHOFE, Mr. UDALL, Mr. MORAN, Mr. TESTER, Mr. HATCH, Mr. DONNELLY, Mr. PORTMAN, Mr. SCHUMER, Mr. THUNE, Mr. ROUNDS, Mr. BENNET, Mr. ROBERTS, and Ms. HEITKAMP):

S. Res. 315. A resolution designating November 4, 2017, as National Bison Day; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Mr. THUNE, Ms. HEITKAMP, Mr. WYDEN, Mrs. MURRAY, Mr. DAINES, Mr. LANKFORD, Ms. HIRONO, Mr. MORAN, Mr. HELLER, Ms. KLOBUCHAR, Ms. CANTWELL, Mr. MERKLEY, Mr. TILLIS, Mr. KING, Mr. FRANKEN, Mr. ROUNDS, Mr. TESTER, Ms. STABENOW, and Mr. HEINRICH):

S. Res. 316. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; considered and agreed to.

By Ms. HARRIS (for herself, Mr. BOOKER, and Mr. SCOTT):

S. Res. 317. A resolution celebrating the 40th anniversary of the Senate Black Legislative Staff Caucus and its achievements in the Senate; considered and agreed to.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 318. A resolution honoring the Portland Thorns FC as the champion of the National Women's Soccer League in 2017; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 179

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma (Mr. LANKFORD) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 179, a bill to expand the use of E–Verify, to hold employers accountable, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 339

At the request of Mr. NELSON, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 339, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 374

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 374, a bill to enable concrete masonry products manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 382

At the request of Ms. DUCKWORTH, her name was added as a cosponsor of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 548

At the request of Ms. CANTWELL, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 548, a bill to amend the Internal Revenue Code of 1986 to reform the low-income housing credit, and for other purposes.

S. 646

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 646, a bill to amend title 38, United States Code, to improve the enforcement of employment and reemployment rights of members of the uniformed services, to amend the Servicemembers Civil Relief Act to improve the protection of members of the uniformed services, and for other purposes.

S. 778

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 778, a bill to require the use of prescription drug monitoring programs and to facilitate information sharing among States.

S. 793

At the request of Mr. BOOKER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 833

At the request of Mr. TESTER, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 833, a bill to amend title 38, United States Code, to expand health care and benefits from the Department of Veterans Affairs for military sexual trauma, and for other purposes.

S. 925

At the request of Mrs. ERNST, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 925, a bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans through the use of telemedicine, and for other purposes.

S. 967

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 967, a bill to amend title XVIII of the Social Security Act to increase access to ambulance services under the Medicare program and to reform payments for such services under such program, and for other purposes.

S. 1064

At the request of Mr. UDALL, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 1064, a bill to amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for meals.

S. 1169

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1169, a bill to amend title XIX of the Social Security Act to provide States with an option to provide medical assistance to individuals between the ages of 22 and 64 for inpatient services to treat substance use disorders at certain facilities, and for other purposes.

S. 1706

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1706, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 1718

At the request of Mr. KENNEDY, the name of the Senator from Colorado (Mr. BENNET) 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. 1753

At the request of Mr. HELLER, the names of the Senator from Maine (Mr. KING) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 1753, a bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide a temporary license for loan originators transitioning between employers, and for other purposes.

S. 1829

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

S. 1893

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

S. 1976

At the request of Mr. SCOTT, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S. 1976, a bill to allow all individuals purchasing health insurance in the individual market the option to purchase a lower premium copper plan.

S. 2006

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2006, a bill to require breast density reporting to physicians

and patients by facilities that perform mammograms, and for other purposes.

S. 2009

At the request of Mr. MURPHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2009, a bill to require a background check for every firearm sale.

S. 2011

At the request of Mr. SANDERS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2011, a bill to amend title XVIII of the Social Security Act to provide for the negotiation of lower covered part D drug prices on behalf of Medicare beneficiaries and the establishment and application of a formulary by the Secretary of Health and Human Services under Medicare part D, and for other purposes.

S. 2016

At the request of Mr. MARKEY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2016, a bill to prevent an unconstitutional strike against North Korea.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. REED, Mr. BLUMENTHAL, Mr. MURPHY, Ms. WARREN, and Mr. CARPER):

S. 2037. A bill to amend the Higher Education Act of 1965 regarding proprietary institutions of higher education in order to protect students and taxpayers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. 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. 2037

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 ''Protecting Our Students and Taxpayers Act of 2017'' or ''POST Act of 2017''.

SEC. 2. 85/15 RULE.

(a) IN GENERAL.—Section 102(b) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) meets the requirements of paragraph (2).'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) REVENUE SOURCES.—

''(A) IN GENERAL.—In order to qualify as a proprietary institution of higher education under this subsection, an institution shall derive not less than 15 percent of the institution's revenues from sources other than Federal funds, as calculated in accordance with subparagraphs (B) and (C).

''(B) FEDERAL FUNDS.—In this paragraph, the term 'Federal funds' means any Federal financial assistance provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, guarantee, insurance, or other means to a proprietary institution, including Federal financial assistance that is disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution, except that such term shall not include any monthly housing stipend provided under the Post-9/11 Veterans Educational Assistance Program under chapter 33 of title 38, United States Code.

''(C) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—In making calculations under subparagraph (A), an institution of higher education shall—

''(i) use the cash basis of accounting;

''(ii) consider as revenue only those funds generated by the institution from—

''(I) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under title IV;

''(II) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

''(aa) conducted on campus or at a facility under the control of the institution;

''(bb) performed under the supervision of a member of the institution's faculty; and

''(cc) required to be performed by all students in a specific educational program at the institution; and

''(III) a contractual arrangement with a Federal agency for the purpose of providing job training to low-income individuals who are in need of such training;

''(iii) presume that any Federal funds that are disbursed or delivered to an institution on behalf of a student or directly to a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits such funds to the student's account or pays such funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

''(I) grant funds provided by an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(II) institutional scholarships described in clause (v);

''(iv) include no loans made by an institution of higher education as revenue to the school, except for payments made by students on such loans;

''(v) include a scholarship provided by the institution—

''(I) only if the scholarship is in the form of monetary aid based upon the academic achievements or financial need of students, disbursed to qualified student recipients during each fiscal year from an established restricted account; and

''(II) only to the extent that funds in that account represent designated funds, or income earned on such funds, from an outside source that—

''(aa) has no affiliation with the institution; and

''(bb) shares no employees with the institution; and

''(vi) exclude from revenues—

''(I) the amount of funds the institution received under part C of title IV, unless the institution used those funds to pay a student's institutional charges;

''(II) the amount of funds the institution received under subpart 4 of part A of title IV;

''(III) the amount of funds provided by the institution as matching funds for any Federal program;

''(IV) the amount of Federal funds provided to the institution to pay institutional charges for a student that were refunded or returned; and

''(V) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

''(D) REPORT TO CONGRESS.—Not later than July 1, 2018, and by July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under title IV and as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of section 487(c)—

''(i) the amount and percentage of such institution's revenues received from Federal funds; and

''(ii) the amount and percentage of such institution's revenues received from other sources.''.

(b) REPEAL OF EXISTING REQUIREMENTS.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)—

(A) by striking paragraph (24);

(B) by redesignating paragraphs (25) through (29) as paragraphs (24) through (28), respectively;

(C) in paragraph (24)(A)(ii) (as redesignated by subparagraph (B)), by striking ''subsection (e)'' and inserting ''subsection (d)''; and

(D) in paragraph (26) (as redesignated by subparagraph (B)), by striking ''subsection (h)'' and inserting ''subsection (g)'';

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (f)(1) (as redesignated by paragraph (3)), by striking ''subsection (e)(2)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (g)(1) (as redesignated by paragraph (3)), by striking ''subsection (a)(27)'' in the matter preceding subparagraph (A) and inserting ''subsection (a)(26)''.

(c) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 152 (20 U.S.C. 1019a)—

(A) in subsection (a)(1)(A), by striking ''subsections (a)(27) and (h) of section 487'' and inserting ''subsections (a)(26) and (g) of section 487''; and

(B) in subsection (b)(1)(B)(i)(I), by striking ''section 487(e)'' and inserting ''section 487(d)'';

(2) in section 153(c)(3) (20 U.S.C. 1019b(c)(3)), by striking ''section 487(a)(25)'' each place the term appears and inserting ''section 487(a)(24)'';

(3) in section 496(c)(3)(A) (20 U.S.C. 1099b(c)(3)(A)), by striking ''section 487(f)'' and inserting ''section 487(e)''; and

(4) in section 498(k)(1) (20 U.S.C. 1099c(k)(1)), by striking ''section 487(f)'' and inserting ''section 487(e)''.

By Mr. GRASSLEY:

S. 2039. A bill to amend the Foreign Agents Registration Act of 1938 to promote greater transparency in the registration of persons serving as the agents of foreign principals, to provide the Attorney General with greater authority to investigate alleged violations of such Act and bring criminal and civil actions against persons who commit such violations, and for other purposes; to the Committee on Foreign Relations.

Mr. GRASSLEY. 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. 2039

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 ''Disclosing Foreign Influence Act''.

SEC. 2. REPEALING EXEMPTION FROM REGISTRATION UNDER FOREIGN AGENTS REGISTRATION ACT OF 1938 FOR PERSONS FILING DISCLOSURE REPORTS UNDER LOBBYING DISCLOSURE ACT OF 1995.

(a) REPEAL OF EXEMPTION.—Section 3 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 613) is amended by striking subsection (h).

(b) TIMING OF FILING OF REGISTRATION STATEMENTS.—Section 2 of the Foreign Agents Registration Act of 1938 (22 U.S.C. 612) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), in the fourth sentence, by striking ''The registration statement shall include'' and inserting ''Except as provided in subsection (h), the registration statement shall include''; and

(2) by adding at the end the following:

''(h) TIMING FOR FILING OF STATEMENTS BY PERSONS REGISTERED UNDER LOBBYING DISCLOSURE ACT OF 1995.—In the case of an agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) who has registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.), after the agent files the first registration required under subsection (a) in connection with the agent's representation of such person or entity, the agent shall file all subsequent statements required under this section at the same time, and in the same frequency, as the reports filed with the Clerk of the House of Representatives or the Secretary of the Senate (as the case may be) under section 5 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1604) in connection with the agent's representation of such person or entity.''.

SEC. 3. PROMOTING ENFORCEMENT OF REGISTRATION REQUIREMENTS FOR FOREIGN AGENTS BY AUTHORIZING ATTORNEY GENERAL TO ISSUE CIVIL INVESTIGATIVE DEMANDS.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended by adding at the end the following:

''SEC. 12. CIVIL INVESTIGATIVE DEMANDS.

''(a) AUTHORITY OF ATTORNEY GENERAL.—

''(1) AUTHORITY DESCRIBED.—Whenever the Attorney General or the Attorney General's designee has reason to believe that any person may be in possession, custody, or control of any documentary material, or may have any information, relevant to an investigation under this Act, the Attorney General or designee may, prior to the institution of a civil or criminal proceeding by the United States thereon, issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such documentary material for inspection and copying or reproduction, to answer in writing written interrogatories with respect to such documentary material or information, to give oral testimony concerning such documentary material or information, or to furnish any combination of such material, answers, or testimony. Whenever a civil investigative demand is an express demand for any product of discovery, the Attorney General or designee shall cause to be served, in any manner authorized by this section, a copy of such demand upon the person from whom the discovery was obtained and notify the person to whom such demand is issued of the date on which such copy was served.

''(2) LIMITING INDIVIDUALS WHO MAY SERVE AS DESIGNEES.—The Attorney General may not designate any individual other than the Assistant Attorney General for National Security or a Deputy Attorney General to carry out the authority provided under this section.

''(b) CONTENTS AND DEADLINES.—

''(1) IN GENERAL.—Each demand issued under subsection (a) shall—

''(A) state the nature of the conduct constituting the alleged violation of this Act which is under investigation and the provision of this Act alleged to be violated;

''(B) if such demand is for the production of documentary material—

''(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;

''(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

''(iii) identify the custodian to whom such material shall be made available;

''(C) if such demand is for answers to written interrogatories—

''(i) set forth with specificity the written interrogatories to be answered;

''(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and

''(iii) identify the custodian to whom such answers shall be submitted; and

''(D) if such demand is for the giving of oral testimony—

''(i) prescribe a date, time, and place at which oral testimony shall be commenced;

''(ii) identify an investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;

''(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;

''(iv) notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and

''(v) describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.

''(2) PRODUCT OF DISCOVERY.—Any civil investigative demand issued under this section which is an express demand for any product of discovery shall not be returned or returnable until 20 days after a copy of such demand has been served upon the person from whom the discovery was obtained.

''(3) DATE.—The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under subsection (a) shall be a date which is not less than 7 days after the date on which demand is received, unless the Attorney General or the Attorney General's designee determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.

''(4) NOTIFICATION.—The Attorney General shall not authorize the issuance under this section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the Attorney General, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary.

''(c) PROTECTED MATERIAL OR INFORMATION.—

''(1) IN GENERAL.—A civil investigative demand issued under subsection (a) may not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under—

''(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of the United States in aid of a grand jury investigation; or

''(B) the standards applicable to discovery requests under the Federal Rules of Civil Procedure, to the extent that the application of such standards to any such demand is appropriate and consistent with the provisions and purposes of this Act.

''(2) EFFECT ON OTHER ORDERS, RULES, AND LAWS.—Any such demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this Act) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such express demand does not constitute a waiver of any right or privilege, including without limitation any right or privilege which may be invoked to resist discovery of trial preparation materials, to which the person making such disclosure may be entitled.

''(d) SERVICE; JURISDICTION.—

''(1) BY WHOM SERVED.—Any civil investigative demand issued under subsection (a) may be served by an appropriate investigator, or by a United States marshal or deputy marshal, at any place within the territorial jurisdiction of any court of the United States.

''(2) SERVICE IN FOREIGN NATIONS.—Any such demand or petition filed under subsection (k) may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States can assert jurisdiction over any such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this Act by any such person that such court would have if such person were personally within the jurisdiction of such court.

''(e) SERVICE UPON LEGAL ENTITIES AND NATURAL PERSONS.—

''(1) LEGAL ENTITIES.—Service of any civil investigative demand issued under subsection (a) or of any petition filed under subsection (k) may be made upon a partnership, corporation, association, or other legal entity by—

''(A) delivering a duly executed copy of such demand or petition to any partner, executive officer, managing agent, or general agent of the partnership, corporation, association, or entity, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

''(B) delivering a duly executed copy of such demand or petition to the principal office or place of business of the partnership, corporation, association, or entity to be served; or

''(C) depositing an executed copy of such demand or petition in the United States mails by registered or certified mail, with a return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

''(2) NATURAL PERSONS.—Service of any such demand or petition may be made upon any natural person by—

''(A) delivering a duly executed copy of such demand or petition to the person to be served; or

''(B) depositing an executed copy of such demand or petition in the United States mails by registered or certified mail, with a return receipt requested, duly addressed to such person at the person's residence or principal office or place of business.

''(f) PROOF OF SERVICE.—A verified return by the individual serving any civil investigative demand under subsection (a) or any petition filed under subsection (k) setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

''(g) DOCUMENTARY MATERIAL.—

''(1) SWORN CERTIFICATES.—The production of documentary material in response to a civil investigative demand served pursuant to this section shall be made under a sworn certificate, in such form as the demand designates, by—

''(A) in the case of a natural person, the person to whom the demand is directed; or

''(B) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person,

to the effect that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has been produced and made available to the custodian.

''(2) PRODUCTION OF MATERIALS.—Any person upon whom any civil investigative demand for the production of documentary material has been served under this section shall make such material available for inspection and copying to the investigator identified in such demand at the principal place of business of such person, or at such other place as the investigator and the person thereafter may agree and prescribe in writing, or as the court may direct under subsection (k)(1). Such material shall be made so available on the return date specified in such demand, or on such later date as the investigator may prescribe in writing. Such person may, upon written agreement between the person and the investigator, substitute copies for originals of all or any part of such material.

''(h) INTERROGATORIES.—

''(1) ANSWERS.—Each interrogatory in a civil investigative demand served pursuant to this section shall be answered separately and fully in writing under oath, and it shall be submitted under a sworn certificate, in such form as the demand designates, by—

''(A) in the case of a natural person, the person to whom the demand is directed; or

''(B) in the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

''(2) CONTENTS OF CERTIFICATES.—The certificate submitted under paragraph (1) shall state that all information required by the demand and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

''(3) OBJECTIONS.—If any interrogatory is objected to, the reasons for the objection shall be stated in the certificate instead of an answer.

''(i) ORAL EXAMINATIONS.—

''(1) PROCEDURES.—The examination of any person pursuant to a civil investigative demand for oral testimony served under this section shall be taken before an officer authorized to administer oaths and affirmations by the laws of the United States or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a copy of the transcript of the testimony to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Federal Rules of Civil Procedure.

''(2) PERSONS PRESENT.—The investigator conducting the examination shall exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for and any other representative of the person giving the testimony, the attorney for the Government, any person who may be agreed upon by the attorney for the Government and the person giving the testimony, the officer before whom the testimony is to be taken, and any stenographer taking such testimony.

''(3) WHERE TESTIMONY TAKEN.—The oral testimony of any person taken pursuant to a civil investigative demand served under this section shall be taken in the judicial district of the United States within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the investigator conducting the examination and such person.

''(4) TRANSCRIPT OF TESTIMONY.—When the testimony is fully transcribed, the investigator or the officer before whom the testimony is taken shall afford the witness (who may be accompanied by counsel) a reasonable opportunity to examine and read the transcript, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the investigator with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within 30 days after being afforded a reasonable opportunity to examine it, the officer or the investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reason, if any, given therefor.

''(5) CERTIFICATION AND DELIVERY TO CUSTODIAN.—The officer before whom the testimony is taken shall certify on the transcript that the witness was duly sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or investigator shall promptly deliver it or send it by registered or certified mail to the custodian.

''(6) FURNISHING OR INSPECTION OF TRANSCRIPT BY WITNESS.—Upon payment of reasonable charges therefor, the investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, or the Attorney General's designee in accordance with this Act, may for good cause limit such witness to inspection of the official transcript of the witness's testimony.

''(7) CONDUCT OF ORAL TESTIMONY.—

''(A) IN GENERAL.—Any person compelled to appear for oral testimony under a civil investigative demand issued under subsection (a) may be accompanied, represented, and advised by counsel. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination. Such person may not otherwise object to or refuse to answer any question, and may not directly or through counsel otherwise interrupt the oral examination. If such person refuses to answer any question, a petition may be filed in the district court of the United States under subsection (k)(1) for an order compelling such person to answer such question.

''(B) COMPELLED TESTIMONY.—If such person refuses to answer any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with the provisions of part V of title 18, United States Code.

''(8) WITNESS FEES AND ALLOWANCES.—Any person appearing for oral testimony under a civil investigative demand issued under subsection (a) shall be entitled to the same fees and allowances which are paid to witnesses in the district courts of the United States.

''(j) CUSTODIANS OF DOCUMENTS, ANSWERS, AND TRANSCRIPTS.—

''(1) DESIGNATION.—The Attorney General, or designee in accordance with this Act, shall designate an investigator to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this section, and shall designate such additional investigators as the Attorney General determines from time to time to be necessary to serve as deputies of the custodian.

''(2) RESPONSIBILITY FOR MATERIALS; DISCLOSURE.—

''(A) IN GENERAL.—An investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this section shall transmit them to the custodian. The custodian shall take physical possession of such material, answers, or transcripts and shall be responsible for the use made of them and for the return of documentary material under paragraph (4).

''(B) PREPARATION.—The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any investigator, or other officer or employee of the Department of Justice. Such material, answers, and transcripts may be used by any such authorized investigator or other officer or employee in connection with the taking of oral testimony under this section.

''(C) NO EXAMINATION.—Except as otherwise provided in this subsection, no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, shall be available for examination by any individual other than an investigator or other officer or employee of the Department of Justice authorized under subparagraph (B). The prohibition in the preceding sentence on the availability of material, answers, or transcripts shall not apply if consent is given by the person who produced such material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for

such material, consent is given by the person from whom the discovery was obtained. Nothing in this subparagraph is intended to prevent disclosure to the Congress, including any committee or subcommittee of the Congress, or to any other agency of the United States for use by such agency in furtherance of its statutory responsibilities.

''(D) EXAMINATION BY CERTAIN PERSONS.—While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe—

''(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by a representative of that person authorized by that person to examine such material and answers; and

''(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or by a representative of that person authorized by that person to examine such transcripts.

''(3) USE OF MATERIAL, ANSWERS, OR TRANSCRIPTS IN OTHER PROCEEDINGS.—Whenever any attorney of the Department of Justice has been designated to appear before any court, grand jury, or Federal agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received under this section may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of such court, grand jury, or agency through the introduction thereof into the record of such case or proceeding.

''(4) CONDITIONS FOR RETURN OF MATERIAL.—If any documentary material has been produced by any person in the course of any investigation pursuant to a civil investigative demand under this section, and—

''(A) any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any Federal agency involving such material, has been completed, or

''(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation, the custodian shall, upon written request of the person who produced such material, return to such person any such material (other than copies furnished to the investigator under subsection (g)(2) or made for the Department of Justice under paragraph (2)(B)) which has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

''(5) APPOINTMENT OF SUCCESSOR CUSTODIANS.—

''(A) IN GENERAL.—In the event of the death, disability, or separation from service in the Department of Justice of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to a civil investigative demand under this section, or in the event of the official relief of such custodian from responsibility for the custody and control of such material, answers, or transcripts, the Attorney General or the Attorney General's designee in accordance with this Act shall promptly—

''(i) designate another investigator to serve as custodian of such material, answers, or transcripts; and

''(ii) transmit in writing to the person who produced such material, answers, or testimony notice of the identity and address of the successor so designated.

''(B) SUCCESSOR.—Any person who is designated to be a successor under this paragraph shall have, with regard to such material, answers, or transcripts, the same duties and responsibilities as were imposed by this section upon that person's predecessor in office, except that the successor shall not be held responsible for any default or dereliction which occurred before that designation.

''(k) JUDICIAL PROCEEDINGS.—

''(1) PETITION FOR ENFORCEMENT.—Whenever any person fails to comply with any civil investigative demand issued under subsection (a), or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender such material, the Attorney General may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of the civil investigative demand.

''(2) PETITION TO MODIFY OR SET ASIDE DEMAND.—

''(A) IN GENERAL.—Any person who has received a civil investigative demand issued under subsection (a) may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon the investigator identified in such demand a petition for an order of the court to modify or set aside such demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this subparagraph must be filed—

''(i) within 20 days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier, or

''(ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

''(B) GROUNDS FOR RELIEF.—The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the demand, in whole or in part, except that the person filing the petition shall comply with any portions of the demand not sought to be modified or set aside.

''(3) PETITION TO MODIFY OR SET ASIDE DEMAND FOR PRODUCT OF DISCOVERY.—

''(A) IN GENERAL.—In the case of any civil investigative demand issued under subsection (a) which is an express demand for any product of discovery, the person from whom such discovery was obtained may file, in the district court of the United States for the judicial district in which the proceeding in which such discovery was obtained is or was last pending, and serve upon any investigator identified in the demand and upon the recipient of the demand, a petition for an order of such court to modify or set aside those portions of the demand requiring production of any such product of discovery. Any petition under this subparagraph must be filed—

''(i) within 20 days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier, or

''(ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.

''(B) GROUNDS FOR RELIEF.—The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed for compliance with the demand.

''(4) PETITION TO REQUIRE PERFORMANCE BY CUSTODIAN OF DUTIES.—At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by any person in compliance with any civil investigative demand issued under subsection (a), such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the district court of the United States for the judicial district within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this section.

''(5) JURISDICTION.—Whenever any petition is filed in any district court of the United States under this subsection, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry out the provisions of this section. Any final order so entered shall be subject to appeal under section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court shall be punished as a contempt of the court.

''(6) APPLICABILITY OF FEDERAL RULES OF CIVIL PROCEDURE.—The Federal Rules of Civil Procedure shall apply to any petition under this subsection, to the extent that such rules are not inconsistent with the provisions of this section.

''(l) DISCLOSURE EXEMPTION.—Any documentary material, answers to written interrogatories, or oral testimony provided under any civil investigative demand issued under subsection (a) shall be exempt from disclosure under section 552 of title 5, United States Code, as described in subsection (b)(3) of such section.

''(m) DEFINITIONS.—In this section—

''(1) the term 'custodian' means the custodian, or any deputy custodian, designated by the Attorney General under subsection (j)(1);

''(2) the term 'documentary material' includes the original or any copy of any book, record, report, memorandum, paper, communication, tabulation, chart, or other document, or data compilations stored in or accessible through computer or other information retrieval systems, together with instructions and all other materials necessary to use or interpret such data compilations, and any product of discovery;

''(3) the term 'investigation' means any inquiry conducted for the purpose of ascertaining whether any person is or has been engaged in any violation of this Act;

''(4) the term 'investigator' means any attorney or investigator employed by the Department of Justice who is charged with the duty of enforcing or carrying into effect this Act, or any officer or employee of the United

States acting under the direction and supervision of such attorney or investigator in connection with an investigation;

''(5) the term 'official use' means any use that is consistent with the law, and the regulations and policies of the Department of Justice, including use in connection with internal Department of Justice memoranda and reports; communications between the Department of Justice and a Federal, State, or local government agency, or a contractor of a Federal, State, or local government agency, undertaken in furtherance of a Department of Justice investigation or prosecution of a case; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda and briefs submitted to a court or other tribunal; and communications with Government investigators, auditors, consultants and experts, the counsel of other parties, arbitrators and mediators, concerning an investigation, case or proceeding; and

''(6) the term 'product of discovery' includes—

''(A) the original or duplicate of any deposition, interrogatory, document, thing, result of the inspection of land or other property, examination, or admission, which is obtained by any method of discovery in any judicial or administrative proceeding of an adversarial nature;

''(B) any digest, analysis, selection, compilation, or derivation of any item listed in subparagraph (A); and

''(C) any index or other manner of access to any item listed in subparagraph (A).

''(n) SUNSET.—The authority of the Attorney General to issue a civil investigative demand under this section shall expire upon the expiration of the 5-year period which begins on the date of the enactment of this section.''.

SEC. 4. COMPREHENSIVE STRATEGY TO IMPROVE ENFORCEMENT AND ADMINISTRATION.

(a) DEVELOPMENT OF STRATEGY.—The Attorney General shall develop and implement a comprehensive strategy to improve the enforcement and administration of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) that addresses the following issues:

(1) The coordination and integration of the work of the agencies that perform investigations of alleged violations of the Act and bring actions (including criminal prosecutions) to enforce the Act with the overall national security efforts of the Department of Justice.

(2) An assessment of the appropriateness of the exemptions provided under the Act that permit persons who represent the interests of foreign principals to avoid registering under the Act.

(3) A formal cost-benefit analysis of the appropriateness of the fee structure under the Act.

(4) An assessment of the value of making advisory opinions under the Act available in whole as an informational resource.

(b) REVIEW BY INSPECTOR GENERAL; REPORTS TO CONGRESS.—

(1) REVIEW.—The Inspector General of the Department of Justice shall carry out a regular, ongoing review of—

(A) the extent to which the Attorney General has developed and implemented the comprehensive strategy described in subsection (a); and

(B) the usage, effectiveness, and any potential abuse of the authority granted to the Attorney General by this Act to issue civil investigative demands.

(2) REPORTS TO CONGRESS.—The Inspector General of the Department of Justice shall submit a report to the appropriate committees of Congress on the results of the review carried out under paragraph (1) not later than 1 year after the date of enactment of this Act and annually thereafter.

SEC. 5. ANALYSIS BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) carry out an analysis of the effectiveness of the enforcement and administration of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), including the extent to which the amendments made by this Act have improved the enforcement and administration of such Act, and taking into account the comprehensive strategy developed and implemented under section 4; and

(2) submit the analysis to the Attorney General, the Inspector General of the Department of Justice, and the appropriate committees of Congress.

SEC. 6. DEFINITION.

In this Act, the term ''appropriate committees of Congress'' means—

(1) the Committees on the Judiciary and Foreign Relations of the Senate; and

(2) the Committee on the Judiciary of the House of Representatives.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 315—DESIGNATING NOVEMBER 4, 2017, AS NATIONAL BISON DAY

Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. ENZI, Mr. WHITEHOUSE, Mr. INHOFE, Mr. UDALL, Mr. MORAN, Mr. TESTER, Mr. HATCH, Mr. DONNELLY, Mr. PORTMAN, Mr. SCHUMER, Mr. THUNE, Mr. ROUNDS, Mr. BENNET, Mr. ROBERTS, and Ms. HEITKAMP) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas on May 9, 2016, the North American bison was adopted as the national mammal of the United States;

Whereas bison are considered a historical symbol of the United States;

Whereas bison were integrally linked with the economic and spiritual lives of many Indian tribes through trade and sacred ceremonies;

Whereas there are more than 60 Indian tribes participating in the Intertribal Buffalo Council;

Whereas numerous members of Indian tribes are involved in bison restoration on tribal land;

Whereas members of Indian tribes have a combined herd on more than 1,000,000 acres of tribal land;

Whereas the Intertribal Buffalo Council is a tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 477);

Whereas bison can play an important role in improving the types of grasses found in landscapes to the benefit of grasslands;

Whereas a bison has been depicted on the official seal of the Department of the Interior since 1912;

Whereas bison hold significant economic value for private producers and rural communities;

Whereas, as of 2012, the Department of Agriculture estimates that 162,110 head of bison were under the stewardship of private producers, creating jobs, and contributing to the food security of the United States by providing a sustainable and healthy meat source;

Whereas a bison is portrayed on 2 State flags;

Whereas the bison has been adopted by 3 States as the official mammal or animal of those States;

Whereas the buffalo nickel played an important role in modernizing the currency of the United States;

Whereas several sports teams have the bison as a mascot, which highlights the iconic significance of bison in the United States;

Whereas a small group of ranchers helped save bison from extinction in the late 1800s by gathering the remaining bison of the diminished herds;

Whereas on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

Whereas on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the ''Bronx Zoo'', to the first big game refuge in the United States, now known as the ''Wichita Mountains Wildlife Refuge'';

Whereas in 2005, the American Bison Society was reestablished, bringing together bison ranchers, managers from Indian tribes, Federal and State agencies, conservation organizations, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

Whereas there are bison herds in National Wildlife Refuges, National Parks, and National Forests;

Whereas there are bison in State-managed herds across 11 States;

Whereas private, public, and tribal bison leaders are working together to continue bison restoration throughout North America;

Whereas there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States; and

Whereas members of Indian tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have celebrated the annual National Bison Day since 2012 and are committed to continuing this tradition annually on the first Saturday of November: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 4, 2017, the first Saturday of November, as National Bison Day; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 316—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. HOEVEN (for himself, Mr. UDALL, Mr. BARRASSO, Mr. THUNE, Ms. HEITKAMP, Mr. WYDEN, Mrs. MURRAY, Mr. DAINES, Mr. LANKFORD, Ms. HIRONO, Mr. MORAN, Mr. HELLER, Ms. KLOBUCHAR, Ms. CANTWELL, Mr.

MERKLEY, Mr. TILLIS, Mr. KING, Mr. FRANKEN, Mr. ROUNDS, Mr. TESTER, Ms. STABENOW, and Mr. HEINRICH) submitted the following resolution; which was considered and agreed to:

S. RES. 316

Whereas, from November 1, 2017, through November 30, 2017, the United States celebrates National Native American Heritage Month;

Whereas National Native American Heritage Month is an opportunity to consider and recognize the contributions of Native Americans to the history of the United States;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the Bureau of the Census estimated that, in 2010, there were more than 5,000,000 individuals of Native American descent in the United States;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has consistently reaffirmed the support of the United States of tribal self-governance and self-determination and the commitment of the United States to improving the lives of all Native Americans by—

(1) enhancing health care and law enforcement resources; and

(2) improving the housing and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that the United States has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy and the influence of the Iroquois Confederacy on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of—

(1) freedom of speech;

(2) the separation of governmental powers; and

(3) the system of checks and balances between the branches of government;

Whereas, with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art;

Whereas Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless lives in the United States; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2017 as ''National Native American Heritage Month'';

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with section 2(10) of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1923); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

SENATE RESOLUTION 317—CELEBRATING THE 40TH ANNIVERSARY OF THE SENATE BLACK LEGISLATIVE STAFF CAUCUS AND ITS ACHIEVEMENTS IN THE SENATE

Ms. HARRIS (for herself, Mr. BOOKER, and Mr. SCOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 317

Whereas, in 1977, Jackie Parker and Ralph Everett had the vision and courage to improve the working conditions of Black Senate staffers;

Whereas the Senate Black Legislative Staff Caucus continues to promote diversity and inclusion within the Senate;

Whereas, for the first time in its 40-year history, the Senate Black Legislative Staff Caucus celebrates 3 African-Americans serving simultaneously in the Senate;

Whereas the Senate Black Legislative Staff Caucus recognizes each of the 10 current or former Senators of African-American descent; and

Whereas, the Senate Black Legislative Staff Caucus continues to fight for the justice and equality that started during the civil rights movement of the 1960s: Now, therefore, be it

Resolved, That the Senate honors the Senate Black Legislative Staff Caucus for its many contributions and commitment to enrich the Senate community.

SENATE RESOLUTION 318—HONORING THE PORTLAND THORNS FC AS THE CHAMPION OF THE NATIONAL WOMEN'S SOCCER LEAGUE IN 2017

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 318

Whereas the Portland Thorns FC won the National Women's Soccer League (referred to in this preamble as the ''NWSL'') Championship on October 14, 2017;

Whereas the Portland Thorns FC won the NWSL Championship, an event that has been held for 5 years, for the second time by defeating the North Carolina Courage by a score of 1 to 0;

Whereas Portland Thorns FC midfielder Lindsey Horan scored the only goal in the 2017 NWSL Championship and was named the Most Valuable Player of that Championship;

Whereas the Head Coach, Mark Parsons, and Chief Executive Officer, Merritt Paulson, of the Portland Thorns FC won the NWSL Championship for the second time;

Whereas the Rose City Riveters and the fans of the Portland Thorns FC, who provide the Providence Park venue with spirit and pride, are the best fans in the NWSL;

Whereas the Portland Thorns FC holds the record for highest average game attendance in the NWSL in 2017 and has held that record in each year since the establishment of the NWSL in 2013;

Whereas the goalkeeper of the Portland Thorns FC, Adrianna Franch, was named the NWSL Goalkeeper of the Year for 2017;

Whereas the Portland Thorns FC adopted the official State motto of Oregon, ''Alis Volat Propriis'', meaning ''She Flies with Her Own Wings'', to capture the independent spirit of Oregon;

Whereas the Portland Thorns FC holds community service events to inspire and involve young women and men in the Portland community through science, technology, engineering, mathematics, and environmental education; and

Whereas the success of the Portland Thorns FC soccer team will broaden an appreciation of athletics in young people and encourage Oregonians to engage in their communities: Now, therefore, be it

Resolved, That the Senate—

(1) honors the Portland Thorns FC as the 2017 champion of the National Women's Soccer League;

(2) recognizes the outstanding achievement of the players, ownership, and staff of the Portland Thorns FC; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Merritt Paulson, the Chief Executive Officer of the Portland Thorns FC;

(B) Gavin Wilkinson, the General Manager of the Portland Thorns FC; and

(C) Mark Parsons, the Head Coach of the Portland Thorns FC.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LANKFORD. Mr. President, I have 9 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 10 a.m., in room SR–253 to conduct a hearing on the following nominations: Leon A. Westmoreland, of Georgia, to be a Director of the Amtrak Board of Directors, Raymond Martinez, of New Jersey, to be Administrator of the Federal Motor Carrier Safety Administration, Diana Furchtgott-Roth, of Maryland, to be an Assistant Secretary of Transportation, and Bruce Landsberg, of South Carolina, to be a Member of the National Transportation Safety Board.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 10 a.m., in room SD–366 to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SD–430 to conduct a hearing entitled ''Implementation of the 21st Century Cures Act: Achieving the Promise of Health Information Technology.''

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 Tuesday, October 31, 2017, at 10 a.m., to conduct a hearing entitled ''2017 Hurricane Season: Oversight of the Federal Response.''

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 Tuesday, October 31, 2017, at 2:30 p.m., to conduct a hearing entitled ''2020 Census: Examining Cost Overruns, Information Security, and Accuracy.''

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 9:30 a.m.., in room SD–106 to conduct a hearing on the nomination of John C. Demers, of Virginia, to be an Assistant Attorney General, Department of Justice.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SH–219 to conduct a closed hearing.

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

The Subcommittee on Oceans, Atmosphere, Fisheries, and Coast of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SR–253 to conduct a hearing entitled ''Exploring Native American Subsistence Rights and International Treaties.''

SUBCOMMITTEE ON CRIME AND TERRORISM

The Subcommittee on Crime and Terrorism of the Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, October 31, 2017, at 2:30 p.m., in room SH–216 to conduct a hearing entitled ''Extremist Content and Russian Disinformation Online: Working with Tech to Find Solutions.''

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic leader, pursuant to the provisions of Public Law 114–224, the appointment of the following individual to serve as a member of the Virgin Islands of the United States Centennial Commission: the Honorable BILL NELSON of Florida.

CALLING ON THE GOVERNMENT OF IRAN TO RELEASE UNJUSTLY DETAINED UNITED STATES CITIZENS AND LEGAL PERMANENT RESIDENT ALIENS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 244, S. Res. 245.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 245) calling on the Government of Iran to release unjustly detained United States citizens and legal permanent resident aliens, and for other purposes.

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of August 3, 2017, under ''Submitted Resolutions.'')

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 315, S. Res. 316, and S. Res. 317.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, that at 11:30 a.m. on Wednesday, November 1, there be 30 minutes of postcloture time remaining on the Larsen nomination, equally divided between the leaders or their designees, and that following the use or yielding back of that time, the Senate vote on the confirmation of the Larsen nomination; and that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ORDERS FOR WEDNESDAY, NOVEMBER 1, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, November 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Larsen nomination under the previous order.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senators CASEY and SANDERS.

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

The Senator from Pennsylvania.

OUR SYSTEM OF JUSTICE

Mr. CASEY. Mr. President, I rise this evening to talk about our system of justice. If we were to walk out from the Senate, out the front door, and across the front of the Capitol directly, we would find ourselves across the street from the U.S. Supreme Court.

As everyone knows, inscribed across the front of the U.S. Supreme Court are these words: ''Equal justice under law''—a pretty simple statement about our system of justice, but of course that has a profound meaning in our system.

Hundreds of years ago, Saint Augustine said the following about justice: Without justice what are kingdoms but great bands of robbers.

So we have always had this focus on what justice means. It came into sharper focus, of course, when our Nation was born. We set up three branches of government—or, I should say, our Founders set up three branches of government—one of them being the judiciary and, of course, that was followed, after the Constitution was ratified, by the Judiciary Act of 1789. We have had that system of justice in one form other another all these years.

In so many ways, our system of justice sets us apart from the world. Our

system of justice, though it is often strained and stretched and sometimes undermined, is still the envy of the world. It does set us apart. We know that throughout our history—and even more recently—there are several examples of one judge being able to stop the executive, one judge being able to reverse policy or, at least, force the executive to make amendments to an Executive order, as has happened over the last couple of months.

I think we always have to ask ourselves whether or not our system of justice is getting it right, whether or not the balance is there. There are lots of ways to express the tension between one side and another in our system of justice. One way to express it—not the only way, but one way, when you consider the awesome appropriate power in a nation like ours—is, Will we have a system that allows everyone to get a fair shot at justice, to literally fulfill the obligation or the goal of equal justice under the law? Or will we have a system of justice that rewards, supports, or seems to find in favor of corporate interests or have a court, whether it is the Supreme Court or a Federal court of one kind or another, that is beholden to corporate interests? So one way to suggest the tension and sometimes the conflict is to have a fair shot for everyone versus a corporate tilt or a corporate court or a corporate justice system.

I would have to say that when you look at some of the evidence most recently, the Supreme Court under Chief Justice Roberts has been an ever more reliable ally to both big corporations and those with great power, those with great wealth. A major study published by the Minnesota Law Review in 2013 found that the four conservative Justices currently sitting on the Court—Justices Alito, Roberts, Thomas, and Kennedy—are among the six most business friendly Supreme Court Justices since 1946. So found the major study in the Minnesota Law Review just 4 years ago. So four Justices on the Court now were found among the six most business friendly. That is one indicator.

Another review by the Constitutional Accountability Center, which, of course, is ongoing as decisions are handed down, shows the consequences of the Court's corporate tilt, finding that the Chamber of Commerce has had a success rate of 70 percent—7–0, a success rate of 70 percent—in cases before the Roberts Court, a significant increase over previous Courts. So these are two major indicators of the corporate tilt of this Supreme Court.

Now, these cases are important to every person—cases involving, for example, rules for consumer contracts, challenges to regulations ensuring fair pay and labor standards, attempts by consumers to hold companies accountable for product safety and much, much more. Because the Supreme Court's decisions set precedents followed by every Federal district court across the Nation—hundreds of district courts—these rulings have an impact beyond just the particular case and the particular parties or the litigants in that case, in that district, or in that Supreme Court case.

The tilt toward corporate interests at the expense of everyday Americans is not confined to the Supreme Court. I have had serious concerns about many of the judicial nominees put forward by the Trump administration, particularly those nominated to sit on the circuit courts, the highest appellate court in the land other than the Supreme Court. In essence, these circuit courts, which sometimes cover more than one State, are effectively the highest court in the land for the vast majority of cases that are not heard by the Supreme Court. The Supreme Court may take only a few cases a year, sometimes a very low percentage, or less than 5 percent in most years.

The President has plucked many of these nominees for the circuit courts from a list compiled by the Federalist Society and the Heritage Foundation, two substantial conservative organizations. I don't want the Supreme Court chosen by the Federalist Society and the Heritage Foundation. I certainly don't want circuit court judges chosen, handpicked, and designated ahead of time who only have been selected from this list. That is apparently what happened in the midst of the campaign. They gave the Republican nominee a list and said: That is your list. You choose from them only. It wasn't a suggested list. It was a directive.

I think I am joined by a lot of people across the country in my concern when groups like that have veto power over who sits on the Supreme Court or who has veto power over those who sit on Federal courts.

Like several of the conservative Justices on the Supreme Court, many of these nominees on this list from the Federalist Society and the Heritage Foundation have a corporate philosophy, a philosophy that ignores the realities faced by many Americans, the realities faced by many workers across our country.

The records of these nominees indicate that this problem will only be exacerbated and workers and their families will continue to have the deck stacked against them in the real world, not the world of briefs and the world of Supreme Court juris prudence and the world of arguments in front of the Supreme Court. But in the real world, the decks will be stacked against them—in the real world of making ends meet in a family, in the struggles that people have every day, and in the real world of working every day for long hours and sometimes in not the best working conditions and up against very powerful forces.

The fundamental promise of our court system is this principle of justice I talked about earlier—the principle that everyone should have a fair shot at justice, all the time, in every case, without exception, in every court, in every year, in every era. That is what equal justice under the law means, and when that doesn't happen, when someone is denied equal justice under the law even one time, of course, our system hasn't worked well.

When you see the numbers that I cited earlier, that the Chamber of Commerce has a success rate of 70 percent, I am not sure we can say that equal justice under the law—that principle—has been adhered to. When that happens, of course, what Saint Augustine reminded us hundreds of year ago—that without justice, what are kingdoms but a great band of robbers—people are robbed of justice in maybe one case. Unfortunately we know from the record that it is a lot more than one case. But one is too many if you believe in equal justice under law.

So I have serious concerns that this basic promise—the ultimate promise of justice that was enshrined in our Constitution by our Founders and was brought forward by the Judiciary Act of 1789 and which has continued to this present day—of equal justice under law could be in jeopardy. Some would say that it is in jeopardy already as this administration puts its stamp on the judiciary.

We must demand that the judiciary live up to the principles of equal justice under the law for all the people in all the cases all the time.

I yield the floor.

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

HEALTHCARE

Mr. SANDERS. Mr. President, let me begin by pointing out an op-ed that appeared in the Boston Globe today. It is an op-ed that I wrote. It is called ''The health care crisis no one is talking about.''

Mr. President, I ask unanimous consent that this op-ed be printed in the RECORD.

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

[From the Boston Globe, Oct. 31, 2017]

THE HEALTH CARE CRISIS NO ONE IS TALKING ABOUT

(By Bernie Sanders)

The United States faces a major crisis in primary health care, and unless Congress acts immediately it is likely to become much worse.

Millions of Americans are at risk of losing their access to health care because Congress did not renew funding for the community health center program at the end of the fiscal year, Sept. 30. Unless we renew funding immediately, 70 percent of funding will be cut, the doors of 2,800 community health centers will close, and 9 million patients will lose access to quality health care. That is unacceptable.

Our nation's community health centers provide affordable, high-quality health care to more than 27 million people. This includes not only primary health care, but also dentistry, counseling, and low-cost prescription drugs. For the 13 million rural patients served, community health centers often are the only health care provider for hundreds of

miles. And they provide good jobs in communities that need them the most.

Community health centers not only save lives, they also save money. Instead of people ending up in expensive emergency room care, or in the hospital, they get the primary care they need, when they need it, at high quality medical centers. Compared to other providers, community health centers save on average $2,371 per Medicaid patient and up to $1,210 per Medicare patient. What's more, community health centers have played a pivotal role in generating more than $49 billion in savings to the entire health care system.

Not only do we have to renew funding for the community health center program, we must also improve and expand the National Health Service Corps—the program that provides debt forgiveness for young doctors, nurses, dentists, mental health providers, and pharmacists who are prepared to work in our nation's most underserved areas. Without debt forgiveness, it is very hard to get new doctors to choose primary care—an area of medicine that does not pay the big bucks. It is also difficult to attract medical professionals into the underserved areas of our country where they are needed the most.

It is widely acknowledged that we currently have the most wasteful, inefficient, and expensive health care system in the world. Despite spending almost $10,000 per capita on health care, twice as much as any other country, 28 million Americans have no insurance, even more are underinsured, with high copayments and deductibles, and we pay the highest prices in the world for prescription drugs. The rarely discussed truth is that thousands of Americans die each year because they cannot afford to get to a doctor when they should.

We must not allow a bad situation to get worse.

We cannot tell millions of low-income and working people in every state in this country that they will no longer be able to access the health care, dental care, mental health counseling, and low-cost prescription drugs they desperately need.

We cannot tell pregnant women that they will not be able to get the necessary prenatal care they require in order to have healthy babies.

We cannot tell the young person addicted to opioids or heroin that there is no treatment available.

We cannot tell chronically ill senior citizens that they will have to survive without the prescription drugs they have used for years.

We cannot force community health centers, which provide some of the most cost-effective health care in the country, to lay off the doctors, nurses, dentists, and administrators who keep these centers going.

Historically, the community health center program has enjoyed widespread bipartisan support, and that support continues. Today, along with almost all Democrats, there are a number of Republicans who fully understand how important these centers are to the well-being of their states and want to see the program refunded.

The time for delay is over. Congress must act immediately to fully fund the community health center program and the associated workforce programs that provide them with the well-trained staffing they need.

Mr. SANDERS. Mr. President, the United States today faces a major healthcare crisis. I think we all understand that. In the midst of that healthcare crisis, we face an even greater crisis in primary healthcare, and that means that there are many, many millions of people, not just people who don't have any insurance, not just people who are underinsured, but people even with decent insurance, who cannot get to a doctor's office when they need to because there is not a sufficient number of primary care physicians in their area. This is a major crisis today, but unless Congress acts immediately, that crisis is going to become much, much worse.

Millions of Americans are at risk of losing their access to healthcare because Congress has still not renewed funding for the Community Health Center Program, which expired on September 30. So we hear a whole lot of discussion about a whole lot of serious healthcare problems. This is one that we do not hear very much about, and that is that Congress has still not renewed funding for the Community Health Center Program, which expired on September 30. Unless we renew that funding immediately, some 70 percent of funding will be lost. Seventy percent of funding for community health centers will be lost. The doors of 2,800 service sites will close and 9 million patients will lose access to the healthcare they currently have. Nine million people will find that when they go to a community health center, that center will no longer be able to treat them. Clearly, this is unacceptable.

Our Nation's community health centers provide affordable, high-quality healthcare to more than 27 million Americans in every State in this country. This includes, by the way, in terms of community health centers, not only primary healthcare but also dental care, which is a major crisis in this country. It is very hard in many parts of America to find affordable dental care. It also includes mental health counseling, which is another major issue, especially within the context of the opioid and heroin epidemic we face. In addition to all of that, community health centers provide low-cost prescription drugs at a time when many Americans cannot afford the medicine they need.

They play a vital role in community after community, State after State, in providing healthcare to some 27 million Americans. For the 13 million rural patients served, community health centers often are the only healthcare provider for hundreds of miles in rural America. There are deserts in which Americans cannot access a doctor, and community health centers are the oasis in that desert. In addition to all of that, community health centers often provide a lot of good jobs in underserved communities that need them the most.

Community health centers not only save lives, but they also save money. Every dollar we invest in strong primary healthcare saves us dollars in the long run. Instead of people ending up in expensive emergency room care—and emergency room care is the most expensive primary care in the country—or ending up in the hospital because they can't and do not go to the doctor when they should, community health centers provide the primary care people need at a fraction of the cost of an emergency room.

Medicaid, in many cases, will spend one-tenth as much per patient for a community health center visit compared to an emergency room visit. So it is an opportunity not only to provide good quality care but to save substantial sums of money. Compared to other providers, community health centers save, on average, $2,371 per Medicaid patient and up to $1,210 for Medicare patients.

What is more, community health centers have played a pivotal role in generating more than $49 billion in savings to the entire healthcare system. They provide quality primary healthcare. They save money by keeping people out of emergency rooms or keeping them out of the hospitals. Not only do we have to renew funding of the Community Health Center Program, we must also improve and expand the National Health Service Corps, which is a program that provides debt forgiveness for young doctors, nurses, dentists, mental health providers, and pharmacists who are prepared to work in our Nation's most underserved areas. Without debt forgiveness, without telling young graduates of medical school who often leave school $200,000, $300,000, and $400,000 in debt—without giving them the opportunity to get those very large debts forgiven, it will be very hard to attract physicians and nurses and psychologists to rural areas or urban areas, where we have a significant ''underserving'' in terms of medical care.

So we need to fund not only community health centers but the National Health Service Corps. We currently have 1,100 National Health Service Corps members who are in school or in residency programs who will not be able to complete their training and become primary care professionals. We need to provide the workforce for community health centers and other underserved areas in this country.

Here is the very good news: The truth is, for many years, our community health centers, which are playing a vital role all over this country—urban areas and rural areas—have received bipartisan support. I know a lot of the bipartisan efforts of the past have kind of disappeared in the current political climate, but I am very happy to say there is a very strong piece of legislation introduced by Senator ROY BLUNT, a Republican from Missouri, which has a number of Republican cosponsors on it.

My own view is, I think every Member of the Democratic caucus would sponsor it, but I think there is a whole lot of Republican support for this community health center bill. So not only is Mr. BLUNT the sponsor of the bill, we have Senator CAPITO, Senator GARDNER, Senator COLLINS, Senator WICKER, Senator FISCHER, Senator BOOZMAN,

Senator MURKOWSKI, and Senator COCHRAN—who are all Republicans—onboard this legislation.

I believe, if that bill came to the floor today as a stand-alone bill, it would pass overwhelmingly because people in rural America, people in urban America—Democrats, Republicans, and Independents—understand the very important role community health centers are playing. What this bill is about, significantly, is funding for 5 years not quite at the level I would like to see but at about 4 percent a year which, in terms of medical inflation, really means level funding. Now, that is in contrast to a bill that is being discussed in the House, which is simply not satisfactory. The House bill is talking about 2 years of funding, which means it is level-funded, which means it is a significant decline in real dollars for community health centers. Also, there are pay-fors for the bill which are totally unsatisfactory. It is a question of taking money from Peter to pay Paul and taking money from very important healthcare programs to put money into this important program.

It is widely acknowledged that we currently have the most wasteful, inefficient, and expensive healthcare system in the world, despite spending almost $10,000 per capita on healthcare, which is twice as much as any other country. I just returned from Canada the other day. They spend about 50 percent per capita of what we spend of guaranteed healthcare to all of their people, and many of their healthcare outcomes are, in fact, better than they are in the United States. So we spend a whole lot of money, and we are not getting particularly good value.

One of the areas where we are getting good value is in the area of community health centers. We need to not allow a bad situation to get worse. We have a very serious crisis in this country with primary healthcare, dental care, and certainly, mental health counseling. We are in deep trouble. If we do not immediately fund the Community Health Center Program, the National Health Service Corps, and the other workforce programs, a very bad situation will become tragically worse. We cannot tell millions of low-income and working people in every State in this country that they will no longer be able to access the healthcare, dental care, mental health counseling, and low-cost prescription drugs they desperately need. We cannot tell pregnant women they will not be able to get the necessary prenatal care they require in order to deliver healthy babies. We cannot tell the tragic number of people who are struggling today with opioid or heroin addiction that there is simply no treatment available to them because community health centers do a lot of that treatment. We cannot tell chronically ill senior citizens they will have to survive without the prescription drugs they have used for years. We cannot force community health centers—which provide some of the most cost-effective healthcare in this country—to lay off doctors, nurses, dentists, and administrators who keep these centers going.

Historically, the Community Health Center Program has enjoyed widespread bipartisan support, and I am glad to say that for this program, that support continues. What I am asking today is for strong support for the Blunt legislation. Let's get it onto the floor of the Senate as quickly as we can. Let's pass it. Let's demand that the House work with us to pass strong legislation. The time for delay is over. Congress must act immediately to fully fund the Community Health Center Program, the National Health Service Corps, and the Teaching Health Centers Program today.

We know these programs work. We know they save money and lives. These programs must be funded for 5 years, which is what the Blunt bill does. We should not continue to ignore this very serious problem for another day.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:35 p.m., adjourned until Wednesday, November 1, 2017, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 2017:

THE JUDICIARY

AMY CONEY BARRETT, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. STAYCE D. HARRIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. LACAMERA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. TWANDA E. YOUNG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. ROGER D. MURDOCK

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID D. THOMPSON

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. RALPH L. SCHWADER

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DONALD B. ABSHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RICHARD E. ANGLE
COL. MILFORD H. BEAGLE, JR.
COL. SEAN C. BERNABE
COL. MARIA A. BIANK
COL. JAMES P. BIENLIEN
COL. BRIAN R. BISACRE
COL. WILLIAM M. BORUFF
COL. RICHARD R. COFFMAN
COL. CHARLES D. COSTANZA
COL. JOY L. CURRIERA
COL. JOHNNY K. DAVIS
COL. ROBERT B. DAVIS
COL. THOMAS R. DREW
COL. MICHAEL R. EASTMAN
COL. BRIAN S. EIFLER
COL. CHRISTOPHER L. EUBANK
COL. OMUSO D. GEORGE
COL. WILLIAM J. HARTMAN
COL. DARIEN P. HELMLINGER
COL. DAVID M. HODNE
COL. JONATHAN E. HOWERTON
COL. HEIDI J. HOYLE
COL. THOMAS L. JAMES
COL. CHRISTOPHER C. LANEVE
COL. OTTO K. LILLER
COL. VINCENT F. MALONE II
COL. CHARLES R. MILLER
COL. JAMES S. MOORE, JR.
COL. MICHAEL T. MORRISSEY
COL. ANTONIO V. MUNERA
COL. FREDERICK M. O'DONNELL
COL. PAUL E. OWEN
COL. WALTER T. RUGEN
COL. MICHELLE A. SCHMIDT
COL. MARK T. SIMERLY
COL. MICHAEL E. SLOANE
COL. WILLIAM D. TAYLOR
COL. WILLIAM L. THIGPEN
COL. THOMAS J. TICKNER
COL. MATTHEW J. VANWAGENEN
COL. DARREN L. WERNER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. KEITH Y. TAMASHIRO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ERIC P. WENDT

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. CHRISTOPHER W. GRADY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. BRUCE H. LINDSEY

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH JAMES A. FANT AND ENDING WITH DUSTIN D. HARLIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

AIR FORCE NOMINATION OF ERIK M. MUDRINICH, TO BE LIEUTENANT COLONEL .

AIR FORCE NOMINATIONS BEGINNING WITH SCOTT M. ABBOTT AND ENDING WITH KRISTINA M. ZUCCARELLI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

IN THE ARMY

ARMY NOMINATION OF ADRIAN L. NELSON, TO BE MAJOR.

ARMY NOMINATION OF TODD M. CHARD, TO BE MAJOR.

ARMY NOMINATION OF TRISTAN D. HARRINGTON, TO BE MAJOR.

ARMY NOMINATION OF DAVID S. LYLE, TO BE COLONEL.

ARMY NOMINATION OF GEORGE B. INABINET, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BENJAMIN A. BARBEAU AND ENDING WITH BLAIR D. TIGHE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH GARRETT K. ANDERSON AND ENDING WITH ROGER D. PLASTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH JOSHUA A. AKERS AND ENDING WITH D013005, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH JONATHAN L. ABBOTT AND ENDING WITH BOVEY Z. ZHU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH JANETTA R. BLACKMORE AND ENDING WITH JEFFREY E. OLIVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH STEVEN A. BATY AND ENDING WITH ALISA R. WILMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH WESLEY J. ANDERSON AND ENDING WITH HOPE M. WILLIAMSONYOUNCE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH GINA E. ADAM AND ENDING WITH DAVID R. ZINNANTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH DAVID J. H. CHANG AND ENDING WITH MATTHEW J. YANDURA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATION OF SAMUEL A. REDDING, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF SATIVA M. FRANKLIN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH MAURICE O. BARNETT AND ENDING WITH AARON C. BARTA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATION OF GRANT R. BARGE, TO BE MAJOR.

ARMY NOMINATION OF MICHAEL W. CHUNG, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH CHEMITRA M. CLAY AND ENDING WITH JOHN C. HUBBARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATION OF CHARLES K. BERGMAN, TO BE COLONEL.

ARMY NOMINATION OF ROBERT S. PATTON, JR., TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JASON P. AFFOLDER AND ENDING WITH D012388, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH ANDRE B. ABADIE AND ENDING WITH G001060, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

ARMY NOMINATIONS BEGINNING WITH WINFIELD A. ADKINS AND ENDING WITH D013960, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF JOHN J. STRAUB, TO BE MAJOR.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH SUZANNE T. ALFORD AND ENDING WITH LAURA C. YOON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH ROY A. ADUNA AND ENDING WITH KIRTLEY N. YEISER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH CALVIN LOPER AND ENDING WITH BILLY W. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH MAUREEN M. DERKS AND ENDING WITH JEFFREY P. SHARP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH DANIEL T. BARNES AND ENDING WITH JACQUELYN O. VERMILLOHERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH SHAMIRE E. BRANCH AND ENDING WITH ALANNA B. YOUNGBLOOD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH DAVID L. AGUILAR AND ENDING WITH DAVID K. ZIVNUSKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH REBECCA L. ANDERSON AND ENDING WITH KENNETH R. VANHOOK, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH ARTHUR D. ANDERSON III AND ENDING WITH JOHN E. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH JOSHUA D. ALBRIGHT AND ENDING WITH LISA L. SNOH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATION OF JOE F. MORALEZ II, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JESSICA B. ANDERSON AND ENDING WITH MIRANDA V. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH MARCO A. ACOSTA AND ENDING WITH KEITH E. ZUMAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH WILLIAM J. ROY, JR. AND ENDING WITH RAQUEL T. BUSER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

NAVY NOMINATIONS BEGINNING WITH GREGORY F. ALLEN AND ENDING WITH CLINTON M. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 16, 2017.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JULIE P. AKEY AND ENDING WITH VERA N. ZDRAVKOVA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 2, 2017.