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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

Our Father in Heaven, clothed in dazzling splendor, we bow our hearts in Your presence. You are our helper, our defender, and our refuge. You are our hope for years to come.

Strengthen our Senators for today's challenges. Direct their thoughts, words, and actions, enabling them to follow Your leading. Use them to transform dark yesterdays into bright tomorrows. Lord, give them peace during turbulent moments and a faith that will not shrink under pressure. Make their words fountains of life. Help them to understand what really matters so that they may live pure and blameless lives that glorify You.

We pray in Your marvelous 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. PAUL). The majority leader is recognized.

NOMINATIONS

Mr. MCCONNELL. Mr. President, a few short months ago, our colleague Dan Coats retired from his post here in the Senate. At that time, I had a chance to reflect on our friend's impressive career, and I noted that we could expect him to rise to the occasion if called to serve his country once again. Well, that is exactly what Dan Coats is doing now. This time he will be taking on the role of Director of National Intelligence. It goes without saying that the President made an excellent choice in selecting Dan for this job.

Our former colleague from Indiana has served his Nation in the Army, in the House of Representatives, as the Ambassador to Germany, and, of course, he has also served his State here in the Senate where he was a leader on issues regarding our national security and intelligence community. I look forward to the Senate confirming him today.

We are also working toward an opportunity to support another of the President's exceptional selections, LTG H.R. McMaster, his choice for National Security Advisor. The Chairman of the Armed Services Committee recently called him ''an outstanding choice'' and ''a man of genuine intellect, character, and ability.''

He will now be tasked with adapting his vast experience to the responsibility of coordinating our national security policy at a time when our Nation faces myriad threats and challenges. I know each of us appreciates the willingness of both former Senator Coats and General McMaster to take on these challenging positions and their continued efforts to keep our country safe.

Now onto another well-qualified nominee we will advance soon. Next week Judge Neil Gorsuch will come before the Senate Judiciary Committee for the hearing on his nomination to the Supreme Court. Senators from both sides of the aisle will have an opportunity to hear from him directly, ask questions, and listen to the testimony of others who are familiar with his professional background, abilities, and character.

I know we are all looking forward to his hearing and to learning even more about this exceptional nominee, but here is what we already know about Judge Gorsuch. The American Bar Association is an organization that the Democratic leader and former Democratic chairman of the Judiciary Committee have deemed the gold standard for evaluating judicial nominations. What have they done? They awarded him their highest rating: unanimously ''well qualified.''

Leading liberal lawyers like former President Obama's Acting Solicitor General, Neal Katyal, and former President Obama's legal mentor, Professor Laurence Tribe, sing his praises. Mr. Katyal says Judge Gorsuch is ''an extraordinary judge and man'' whose ''years on the bench reveal a commitment to judicial independence.'' Professor Tribe says that Judge Gorsuch ''is a brilliant, terrific guy who would do the Court's work with distinction.''

To that list, you can now add former law partner and longtime Democrat, David Frederick, who is a board member of the liberal American Constitution Society. Other board members of the ACS include people like former Obama Solicitor General Donald Verrilli, and left-leaning law professor Erwin Chemerinsky, among others.

The ACS is anything but a conservative group. Yet now, even one of its own board members has backed Judge Gorsuch's nomination. In an op-ed recently published by the Washington Post, Mr. Frederick called Judge Gorsuch ''brilliant, diligent, open-minded and thoughtful.'' He went on to say:

Gorsuch's approach to resolving legal problems as a lawyer and judge embodies a reverence for our country's values and legal system. The facts developed in a case matter to him; the legal rules established by legislatures and through precedent deserve deep respect; and the importance of treating litigants, counsel and colleagues with civility is deeply ingrained in him.

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

Mr. Frederick, who practiced law with Judge Gorsuch, states:

> Over the course of his career, [Neil Gorsuch] has represented both plaintiffs and defendants. He has defended large corporations, but also sued them. He has advocated for the Chamber of Commerce, but also filed (and prevailed with) class actions on behalf of consumers. We should applaud such independence of mind and spirit in Supreme Court nominees.

And Mr. Frederick observes:

> As a judge on the U.S. Court of Appeals for the 10th Circuit, Gorsuch has not been the reflexive, hard-edged conservative as many depict him to be. He has ruled for plaintiffs and for defendants; for those accused of crimes as well as for law enforcement; for those who entered the country illegally; and for those harmed by environmental damage.

As this self-proclaimed ''longtime supporter of Democratic candidates and progressive causes'' points out, Judge Gorsuch will be the type of Justice each of us should want on the High Court. And though he knows he may not always agree with Neil Gorsuch's rulings as a jurist on the Supreme Court, Frederick says we need judges like Neil Gorsuch ''who approach cases with fairness and intellectual rigor, and who care about precedent and the limits of their roles as judges.''

The bottom line is this: ''The Senate should confirm him because there is no principled reason to vote no.'' Let me repeat that. ''The Senate should confirm [Gorsuch],'' Frederick said, ''because there is no principled reason to vote no.'' This is a board member of the left's flagship legal group in America, and on this point, he happens to be absolutely right.

So as colleagues on both sides will continue to find at next week's hearings, ''there is [simply] no principled reason to vote no'' when Judge Gorsuch's nomination comes before the full Senate.

REPUBLICAN HEALTHCARE BILL

Mr. MCCONNELL. Mr. President, one final matter: Last year, President Obama said his signature healthcare law had ''real problems.'' He recognized that there are ''people who are hurt by premium increases or a lack of competition and choice.'' President Clinton called it ''the craziest thing in the world.'' And the Democratic Governor of Minnesota said that ''the Affordable Care Act was no longer affordable for increasing numbers of people.'' So even Democrats recognize that the ObamaCare status quo is unacceptable.

Costs have continued to climb higher. Insurers have dropped out of the marketplace. ObamaCare is a disaster, and it is going to keep getting worse unless we act. My home State of Kentucky, like so many others across the country, just can't take it anymore.

Republicans promised the American people relief from ObamaCare, and we are working hard to keep that promise. The legislation the House introduced to repeal and replace is already moving through the committee process.

Here are some things the Congressional Budget Office said about it: It will lower premiums by double digits. It will help stabilize the healthcare market. It will significantly reduce taxes on families and lower the deficit by hundreds of billions of dollars as well. These are the things we heard from CBO.

Instead of forcing Americans to buy something they may not want as ObamaCare does, it will actually give Americans the freedom to choose the type of coverage that is right for them. I appreciate the hard work the House is doing to advance this legislation. We look forward to receiving it here in the Senate. When we do, I expect to consider amendments as part of our robust debate.

But remember, this bill is only one part of a three-pronged strategy to help bring relief to the American people. The first prong is this bill, the second prong is executive action, and prong three is more legislation to reform the healthcare market and make it more competitive for consumers.

The one thing we shouldn't do is nothing. ObamaCare is a failed law that is hurting the middle class. Maintaining the current ObamaCare status quo is really not a good option.

We are fulfilling our promise to the American people, and I urge all of our colleagues to join us.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

TRUMPCARE

Mr. SCHUMER. Mr. President, first, on the Republican healthcare bill, my good friend the Republican leader says that there should be amendments on the floor. On such an important matter, it would be astounding if we didn't have committee hearings and committee votes on such a bill. I know there is an attempt to rush it through, but if it is such a fine product, it ought to withstand the scrutiny of hearings and of markups in the various committees. To rush it through is an indication that the sponsors of the bill, the supporters of the bill, are not very proud of it, and that is a theme that has continued with the executive branch and the Speaker of the House.

As we know, CBO estimated that it would cause 24 million fewer Americans to have health insurance—I don't hear the Republican leader mention that, of course—while raising premiums in the short term and jacking up the price of healthcare for older Americans.

We have heard from the other side of the aisle that access is what is important. No, it isn't. Access doesn't get you healthcare. I have access to walk into a Lamborghini dealer and look at a Lamborghini, but I can't afford one. That is true of average Americans, and that is true of healthcare as well. Access doesn't get you healthcare, and it is a far cry from what people need.

Because the bill helps so many fewer Americans, because the bill seems to be a tax break for the wealthy above all, it is having its trouble, and nobody seems to really want to embrace it. That is why Republicans on both ends of Pennsylvania Avenue don't want their name near any end of the bill.

As I said yesterday, Speaker RYAN doesn't want to call it RyanCare, even though he wrote the bill. President Trump doesn't want to call it TrumpCare. If it is so good, why doesn't any Republican want to put their name on it? It is Abbott and Costello: You put your name on it; no, you put your name on it. That is not an indication that people are proud of this legislation, and it is particularly ironic with President Trump. President Trump slaps his name on buildings, ties, steaks, hotels, and golf clubs, but not on a bill that he supports in his daily tweets. He has spent 30 years of his business career trying to put his name on nearly everything, but not this healthcare bill, even though he is inviting wary Republicans to the White House to try and sell them on it.

Today his Vice President is here on the Hill lobbying recalcitrant Republicans. He has dispatched HHS Secretary Price, the person he picked, to lobby for the bill. His own Press Secretary says the White House is in full sale mode. Make no mistake about it, this is the President's bill, and he should be straight with the American people about it. We call it TrumpCare. That is what it is.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, next week the Senate Judiciary Committee will begin its hearing on President Trump's nominee to the Supreme Court, Judge Neil Gorsuch. As I have said before, we in the Senate have a special responsibility to judge whether this nominee, Judge Gorsuch, will tip the scales on the Court in favor of Big Business and powerful special interests over average Americans. The Court has steadily been moving in that direction under Justice Roberts.

My colleague SHELDON WHITEHOUSE and the ranking member of the Judiciary Committee, Senator FEINSTEIN, have documented in 5-to-4 cases that the Court, over the last decade, has almost always tilted in favor of the powerful and against those who are average Americans. In fact, the Court under Justice Roberts has been judged the most pro-corporate Court since World War II. So this country can ill afford another Justice who will side with the powerful.

Judge Gorsuch may act like a studied, neutral judge, but his record suggests he actually has a rightwing, pro-corporate, special interest agenda. In today's New York Times, this morning we learned that Judge Gorsuch's career

has been nurtured by a far-right billionaire and corporate titan, Philip Anschutz, who has gone out of his way to fund hard-right judicial causes, including the Federalist Society and the Heritage Foundation. President Trump outsourced his choice of a Supreme Court nominee to these organizations, and they recommended Judge Gorsuch.

Neil Gorsuch represented Mr. Anschutz's firm as a young lawyer. He has earned his favor and patronage ever since. It was Anschutz's top lawyer, someone who represented Anschutz here on the Hill, who lobbied for Gorsuch to get the spot on the Federal appeals court. Judge Gorsuch has been partners in an LLC with two of Anschutz's top advisers, building a vacation home together. Of course, there is no problem with that. Anyone can be partners. But it goes to show the longstanding intertwined ties between one of the leading advocates for a hard-right pro-corporate agenda, Mr. Anschutz, and Judge Gorsuch. The long history of ties between Judge Gorsuch and Mr. Anschutz suggests a judge whose fundamental economic and judicial philosophy is favorable to the wealthy and the powerful and the far right.

Judge Gorsuch may sometimes express sympathy for the less powerful verbally, but when it comes time to rule, when the chips are down, he has far too often sided with the powerful few over everyday Americans trying get a fair shake. He has repeatedly sided with insurance companies that want to deny disability benefits to employees. In employment discrimination cases, Bloomberg found he sided with employers 66 percent of the time. In one of the few cases where he sided with an employee, it was a Republican woman who alleged she was fired for being a conservative.

On money in politics, the scourge, the poison of our political system—undisclosed dark money—Judge Gorsuch seems to be in the same company as Justices Thomas and Scalia, willing to restrict the most commonsense contribution limits.

Judge Gorsuch's record demonstrates he prefers CEOs over citizens, executives over employees, corporations over consumers.

Later this morning, I will be meeting with people who have personally experienced the real-life implications of Judge Gorsuch's decisions: Alphonso Maddin from Michigan, a truckdriver who was fired because he left his vehicle when freezing; Patricia Caplinger from Missouri, who sued Medtronic after being injured by a medical device implanted in a non-FDA-approved manner; David Hwang and Katherine Hwang, whose late mother, Proffer Grace Hwang, sued Kansas State University after being fired following a 6-month leave for cancer and requesting to work at home because of a flu epidemic. Their stories illuminate the real-world effects of a judge who sides with Anschutz-like interests over everyday Americans like Mr. Maddin, Ms. Caplinger, and the Hwang family.

My colleague, my friend, the Republican leader, said there is no principled reason to be opposed to Judge Gorsuch. Yes, if your principles say the law should be used time and time again to support powerful corporate interests over average Americans, maybe there is no principled objection. But for most Americans, the overwhelming majority of whom want the Court to bring justice to the people who have less power—and the Court is their last resort—there are plenty of principled reasons to vote against Judge Gorsuch.

Because of starkly unequal concentrations of wealth and ever-increasing corporate power, aided and abetted by decisions like Citizens United, because they have skewed the playing field even more decisively to special interests and away from the individual citizen, we need a nominee who would reverse that trend, not exacerbate it.

Donald Trump campaigned on helping average people. His nominee sides with corporate interests against average people like Mr. Maddin, Ms. Caplinger, and the Hwang family over and over again. From all indications, Judge Gorsuch is not the kind of nominee who has sympathy and helps average Americans when it comes to judging and the law.

I yield the 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 to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Daniel Coats, of Indiana, to be Director of National Intelligence.

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. will be equally divided in the usual form.

The Senator from North Carolina.

Mr. BURR. Mr. President, I rise today to support Senator Dan Coats, our former colleague and a friend, as the President's nominee to be the next Director of National Intelligence. Dan Coats has been asked to lead our Nation's intelligence community of over 100,000 individuals during, I think, the most profound period of threats and change. Let me say to my colleagues, it is a job that Dan Coats is well prepared to do.

After graduating from Wheaton College, Dan served honorably in the U.S. Army before serving the State of Indiana as a House Member, as a Senator, and for not only Indiana but this country as Ambassador to Germany.

While in the Senate, Dan was engaged and was a valuable member of the Senate Intelligence Committee. He dedicated countless hours to understanding and overseeing the intelligence community—in essence, one of 15 people who certified for 85 others and for the American people that we do everything we can to keep America safe but we do it within the parameters of the rule of law. He is well versed in the operational capabilities and authorities. He understands the threat we are facing at home and abroad. He understands that we need to improve our ability to collect against our adversaries, and Dan will be a forceful advocate for intelligence collection but, again, never jeopardizing that line of what is legal and what is not.

Dan's legislative experience also translates to his understanding and his appreciation of the need for transparency with the appropriate oversight committees and, more importantly, with the Congress and the American people.

Dan's intellect, his judgment, his honorable service, and his commitment to the workforce make him a natural fit as Director of National Intelligence. I have absolute trust that he will lead the community with integrity, and he will ensure that the intelligence enterprise operates lawfully, ethically, and morally.

So today I rise in this austere body to urge my colleagues to support the President's nominee for Director of National Intelligence. We are now in March. We have gone from January until March with one of the most important posts of this administration unfilled. Congress must act quickly, and it is my hope that Members, before the end of this day, will make sure we have a Director of National Intelligence in place.

I urge my colleagues to support this nomination.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

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 Daniel Coats, of Indiana, to be Director of National Intelligence.

Mitch McConnell, Michael B. Enzi, David Perdue, Bob Corker, John Hoeven, Lamar Alexander, Bill Cassidy, John Barrasso, Dan Sullivan, Tim Scott, James Lankford, Tom Cotton, Mike Rounds, James M. Inhofe, Chuck Grassley, Roy Blunt, Richard Burr.

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 Daniel Coats, of Indiana, to be Director of National Intelligence, 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. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The yeas and nays resulted—yeas 88, nays 11, as follows:

[Rollcall Vote No. 88 Ex.]

YEAS—88

Alexander	Flake	Nelson
Barrasso	Franken	Perdue
Bennet	Gardner	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Boozman	Hassan	Risch
Brown	Hatch	Roberts
Burr	Heinrich	Rounds
Cantwell	Heitkamp	Rubio
Capito	Heller	Sasse
Cardin	Hirono	Schatz
Carper	Hoeven	Schumer
Casey	Inhofe	Scott
Cassidy	Johnson	Shaheen
Cochran	Kaine	Shelby
Collins	Kennedy	Stabenow
Coons	King	Strange
Corker	Klobuchar	Sullivan
Cornyn	Lankford	Tester
Cortez Masto	Leahy	Thune
Cotton	Lee	Tillis
Crapo	Manchin	Toomey
Cruz	McCain	Udall
Daines	McCaskill	Van Hollen
Donnelly	McConnell	Warner
Durbin	Menendez	Whitehouse
Enzi	Moran	Wicker
Ernst	Murkowski	Young
Feinstein	Murphy	
Fischer	Murray	

NAYS—11

Baldwin	Harris	Sanders
Booker	Markey	Warren
Duckworth	Merkley	Wyden
Gillibrand	Paul	

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 11.

The motion is agreed to.

The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I thank my friend the Senator from Texas for giving me the courtesy of letting me get in my comments about the nomination of former Senator Dan Coats to serve as the fifth Director of National Intelligence, a position recommended by the 9/11 Commission and established by the Intelligence Reform and Terrorism Prevention Act of 2004.

Dan Coats is a friend of mine and many in this body. He represented Indiana in both the U.S. House and for separate terms in the U.S. Senate. He was also U.S. Ambassador to Germany from 2001 to 2005. As mentioned, for 6 years I served with the nominee on the Senate Select Committee on Intelligence. I have always found Dan to be fair-minded and know him to be an advocate for strong oversight of the intelligence community. He believes in the need for intelligence that is timely, relevant, and free of political interference.

During my private meeting with him, as well as during his confirmation hearing, Senator Coats committed to find and follow the truth, regardless of where it leads, agreeing that his primary job will be ''to speak truth to power,'' to the President, to policy and military leaders, and to Members of Congress. I know these are traits he will continue to employ if confirmed as the next Director of National Intelligence.

During James Clapper's most recent tenure as the DNI, in 6 years he put in place some fundamental changes in how the Intelligence community operates. He reoriented the Office of the DNI to focus on intelligence integration with an emphasis on mission. He often was willing to roll up his sleeves and take on the hard challenges of trying to get the intel community to operate on the same IT backbone systems. If confirmed, I have encouraged Senator Coats to build upon former Director Clapper's efforts, which are critical to ensuring that policymakers, warfighters, law enforcement, and national security officers receive intelligence products that are timely, relevant, and objective.

Of course, if confirmed, Director Coats will take on the job as the Nation's chief intelligence officer, leading the intelligence community during a very difficult time because unfortunately this President, along with his closest advisers, has repeatedly and unfairly disparaged the professionalism and actions of the Nation's intelligence professionals. These are men and women who maintain the highest standards of professionalism and integrity. They anonymously sacrifice for the country, often in the face of grave personal danger.

As DNI, Senator Coats is committed to defending the values and integrity of the men and women of the intelligence community, even when the White House may not like to hear it.

Another challenge Senator Coats will face on his first day on the job is to effectively support the Senate Intelligence Committee's ongoing investigation into Russian interference in the 2016 Presidential election. Last week, I went to CIA headquarters in Langley, along with a number of other Members of the committee, to review the beginnings of the raw intelligence that led the community to conclude that Russia massively interfered in our last Presidential election. Both in public and in private, Senator Coats has promised he will support the committee's investigation to the fullest. We will hold him to that commitment.

On this topic, I want to reiterate on the Senate floor what I have already said numerous times. This investigation is not about being a Democrat or Republican nor about relitigating the 2016 election. The investigation is about upholding the core values and sanctity of democracy that all Americans hold dear. It is also about holding Russia accountable for their improper interference in our elections and arming our allies—one of which has an election today—with information about the means employed by Russia in our elections so they can use that information to protect the integrity of their own electoral process.

We will work to ensure that this critical investigation is done right, done in a bipartisan manner, free of any political interference, and as the chairman and I have both reiterated, that it follows the facts wherever they may lead.

I have every reason to believe Senator Coats will be forthcoming in supporting this investigation. If at any point it becomes clear to me that the Senate Intelligence Committee is unable to keep up these commitments, I am prepared to support another process.

Finally, let me acknowledge two other things.

During Senator Coats' confirmation hearing, he was asked about his role on the National Security Council, including the Principals Committee. He assured us that he will be attending these meetings and participating in them despite the confusion created by an Executive order that appeared to disinvite the DNI from these meetings. If he is not included in these meetings, I will expect to know about it and the reason why.

Senator Coats has also committed to me personally and to the committee that he will not support the return of waterboarding and other so-called enhanced interrogation practices, nor will he support reestablishing secret detention sites into the activities of the intelligence community. He reassured the committee that he will follow the law as it now stands and that he will not advocate for changes to the law or recommend a reinterpretation of the law based on any personal beliefs. The law is clear: No interrogation techniques outside the Army Field Manual are allowed.

Finally, Senator Coats has also reassured me and all of the members of the committee that if confirmed, he will always present to the President, to his Cabinet advisers, and to those of us in Congress the unvarnished facts as represented by the best judgments of the intelligence community whether or not that analysis is in agreement with the views of the President, with ours in Congress, or with anyone else's who might receive them.

For these reasons, I support the movement. I was glad to see 88 Members of this body support Dan's movement forward. I believe he will be a great fifth Director of National Intelligence.

I thank my friend the Senator from Texas for giving me time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I thank my friend, the Senator from Virginia, who is the vice chair of the Senate Select Committee on Intelligence, for his remarks.

I, too, support the nomination of Dan Coats to serve as the next Director of National Intelligence and succeed James Clapper, who has been in the intelligence business for 50-plus years. He has big shoes to fill, but I have every confidence Dan Coats can do that.

One of the things I hope he looks at is that post-9/11, when the Office of the Director of National Intelligence was created, we basically created another layer in the intelligence community. As the Presiding Officer and other Members know, the DNI—the Office of the Director of National Intelligence—has grown by leaps and bounds. I just hope he takes a good, hard look at the layers we have created, perhaps at the duplicative functions that do not necessarily make our intelligence any better but that do create more problems in managing what is a very important office to our national security and certainly to the intelligence community.

SUNSHINE WEEK

Mr. President, on another matter, in spite of the snow yesterday, I recognize the fact that this is Sunshine Week. Sunshine Week is a movement that was created to highlight the need for more transparent and open government. Justice Brandeis is also often quoted when one talks about transparency in government and its importance to a functioning democracy when he said that sunlight is the best disinfectant.

As a conservative, I would much rather have people change their behavior in their knowing that their actions are going to be public rather than to pass new laws and new regulations. To me, knowing that the public is going to be aware of what one is doing causes people, typically, to be on their best behavior. I think that is the reason I support Justice Brandeis' comment that sunlight is the best disinfectant. I believe that is true.

I have done my best to keep that sentiment in mind to create legislation that presses our democracy toward more openness in the Federal Government, not less. That is because I believe our country grows stronger when operating under the principle that an open government is the basic requirement for a healthy democracy. Of course, when voters know and understand what their government is doing, they are in the best position to change its direction if they disagree with it or to reaffirm that direction by casting their votes as informed members of the electorate.

Democracy can only work when the public knows what government is doing and can hold it accountable, so I am glad that at this time of year, we can look back at the successful efforts we have made to promote transparency while looking ahead to do more.

Last Congress, I introduced the Freedom of Information Act Improvement Act. It is a law that strengthens the existing Freedom of Information Act, which is the country's chief open government law, by requiring Federal agencies to operate under a presumption of openness when considering whether to release government information in their custody.

We passed it last summer, and President Obama signed it into law. This important new law accomplishes some of the most sweeping and meaningful reforms in its history to the Freedom of Information Act, and it is already making a direct impact by helping the public access more information.

Because of the Freedom of Information Act Improvement Act, last October, the CIA released a portion of its official history of the Bay of Pigs invasion, which has been kept classified for decades. This is a critical part of our Nation's history that is worth knowing, and I believe it is no longer necessary to keep it under wraps in order to protect America's national security.

This serves as an example of what we are trying to accomplish with this law and others like it so as to build upon the idea the Founding Fathers recognized hundreds of years ago; that a truly democratic system depends on an informed citizenry to hold its leaders accountable. That is an idea everyone in this Chamber, on both sides of the aisle, can agree upon.

I am thankful to the senior Senator from Vermont, Mr. LEAHY, for working with me on the Freedom of Information Act Improvement Act and making it a priority. As a matter of fact, Senator LEAHY has been my partner on a number of our efforts in this important area over the years that we have both been in the Senate.

I also appreciate Chairman GRASSLEY's leadership, the chairman of the Senate Judiciary Committee, for stewarding this bill through the committee, and I appreciate Leader MCCONNELL for making sure this was a priority for this Chamber.

In looking ahead, I will continue working with Chairman GRASSLEY to make sure the Federal agencies are implementing this law in a timely manner, and I look forward to doing more to strengthen greater government transparency measures in the future.

NOMINATION OF NEIL GORSUCH

Finally, Mr. President, next week, the Judiciary Committee will take up the nomination of Neil Gorsuch for the U.S. Supreme Court so he may fill the seat that was vacated by the death of Justice Scalia. That process, of course, begins with hearings to consider his qualifications and his credentials, but heading into next week, we already know a lot about his record.

He has been praised by people across the political spectrum—from liberals to conservatives—as a highly qualified and exceptional judge with impeccable integrity. He served with great distinction on the Tenth Circuit Court of Appeals, based out of Denver, for the last 10 years, after having been confirmed by this Chamber unanimously. His hometown newspaper, the Denver Post, encouraged the President to nominate Judge Gorsuch before his nomination was even announced. This, of course, was the same newspaper that endorsed Hillary Clinton for President. Clearly, Judge Gorsuch has won the respect of those across the political spectrum and on both sides of the aisle. Last week, the American Bar Association announced its unanimous decision to grant Judge Gorsuch the highest rating available; that of ''well qualified'' as a nominee to serve on the Supreme Court of the United States.

I should point out that both the minority leader and former chairman of the Judiciary Committee—the senior Senator from Vermont—have called the American Bar Association's rating system the ''gold standard'' when it comes to assessing the qualifications of judicial nominees.

Judge Gorsuch will also bring decades of experience on the bench, as I mentioned a moment ago. He has also served in private practice, as an attorney with the Justice Department, and, of course, as a Federal judge.

It is time to move forward with the President's nominee to fill the seat that was left open by the death of the late Justice Scalia, and I believe Judge Gorsuch is just the man to fill it. I look forward to hearing from him next week as we consider his nomination to this important position.

I express my gratitude to Chairman GRASSLEY and the ranking member, Senator FEINSTEIN, for their efforts thus far in putting these hearings together, and I look forward to working with the rest of my colleagues on the Judiciary Committee to consider the nomination of Judge Gorsuch, starting next Monday, March 20.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I know both sides are working on trying to get an arrangement for the vote.

Mr. President, I also want to tell my colleague from Texas that I listened very carefully to his remarks with respect to transparency in government. He has had a long interest in the Freedom of Information Act and the like. I noted that he made a comment about the Bay of Pigs, about which information is still classified, and I know something about this because my dad wrote a book about the subject. My hope is that my friend from Texas and his interest in transparency will also extend to some other areas.

As I indicated, I am very familiar with my colleague's record with respect to Freedom of Information Act issues, which really is impressive. I

hope to get him involved in some other areas of transparency—perhaps in campaign finance reform and the issue I am going to be speaking about today, that of getting the American people the information—after 6 years of stonewalling—on how many lawful Americans are getting swept up in what will be Dan Coats' top priority, that of the reauthorization of the Foreign Intelligence Surveillance Act.

I want my colleague to know, in my being very much aware of his good work on the Freedom of Information Act issues, that we are going to try and conscript them into some other transparency issues as well.

Mr. CORNYN. Mr. President, may I ask the Senator to yield to consider a couple of brief consent requests?

Mr. WYDEN. Mr. President, of course.

I will tell my colleague, as to what the majority and the minority have agreed to, as soon as those consent requests are ready, then we will take a time out from my remarks and make sure that matter is resolved.

As we wait for the matter Senator CORNYN has mentioned, I will begin the discussion of the nomination of Dan Coats to be the Director of National Intelligence.

I have known Senator Coats for many years. He has been the lead cosponsor of the bipartisan Federal income tax reform proposal, which has been a special priority of mine. I do not know of a single U.S. Senator who does not like Senator Coats. He is honest, a straight shooter, and gracious. My remarks are not about my personal affection for Senator Coats.

The reason I am voting against the nomination is due to the matter I just touched upon with the Senator from Texas, which is, for 6 years, it has been impossible to get the intelligence community to provide the Congress and the American people information that is absolutely critical to the debate on reauthorizing the Foreign Intelligence Surveillance Act. For 6 long years, Democrats and Republicans, both in this body and in the other body, have been trying to get this information.

So this morning, given the fact that this legislation would be the top priority of Senator Coats, as he said in the Intelligence Committee, I want the Senate and the country to understand why this issue is so important.

First, I am happy to yield to my friend from Texas.

The PRESIDING OFFICER. The Senator from Texas.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I thank my colleague for yielding for a brief UC request, as I think this would be in the best interests of the entire Senate.

I ask unanimous consent that notwithstanding rule XXII, the cloture motion on Executive Calendar No. 19, the McMaster nomination, be withdrawn; that the time until 1:45 p.m. be equally divided in the usual form on the Coats and McMaster nominations concurrently; and that at 1:45 p.m. the Senate vote on the Coats nomination, followed by a vote on the McMaster nomination; and that, if confirmed, the President be immediately notified of the Senate's actions, with no intervening action or debate. I further ask that 1 hour of minority debate time be reserved for Senator WYDEN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I also ask unanimous consent that following morning business on Tuesday, March 21, the Senate proceed to executive session for the en bloc consideration of the following nominations: Executive Calendar Nos. 21 and 22. I ask unanimous consent that the time until 12 noon be equally divided and that following the use or yielding back of time, the Senate vote on the nominations, en bloc, with no intervening action or debate; that, if confirmed, the motions to reconsider be considered made and laid upon the table, en bloc, and the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I thank my friend and colleague for yielding for those unanimous consent requests.

Mr. WYDEN. I thank my colleague.

Now, as we consider the nomination of Senator Coats, and recognize that his top priority, by his admission, would be the reauthorization of the Foreign Intelligence Surveillance Act—particularly section 702—I want to begin this discussion by saying that it is because the intelligence community has stonewalled Democrats and Republicans in both this body and in the other body for 6 years on the information that we need to do good oversight that I have come to the floor to outline what I think the central issue is all about.

I am going to begin my remarks by way of saying that, at a time when Americans are demanding policies that give them more security and more liberty, increasingly, we are seeing policies come from both this body and the other body that provide less of both.

A good example would be weakening strong encryption. Weakening strong encryption is bad from a security standpoint, and it is bad from a liberty standpoint. When government creates policies that give the American people less of both—less security and less liberty—obviously, the American people are not going to react well.

My view is that when the government—particularly intelligence agencies—don't level with the American people about large-scale surveillance of law-abiding Americans, our people are justifiably angry. When the government tries to keep this information secret—as I have pointed out on this floor before—in America, the truth always comes out. Leveling with the American people is the only way for agencies to have the credibility and the legitimacy to effectively do their jobs. They have critically important jobs in keeping our people safe from threats.

Now, with respect to Senator Coats, at his confirmation hearing, since he said the Foreign Intelligence Surveillance Act would be his top priority, I asked our former colleague how many Americans—innocent, law-abiding Americans—have actually been swept up in the surveillance program known as section 702 of the Foreign Intelligence Surveillance Act. Under section 702, the government conducts warrantless surveillance of foreigners who are reasonably believed to be overseas. It does this work by compelling telecommunications companies and internet service providers to provide the content, phone calls, and emails, and other individual communications.

Now, there are several different ways this happens, and I will get to that in the course of these remarks. What we are talking about—what I want people to understand—is that this goes to the content of communications. This is not about metadata collection. Congress, as the Senate knows, reformed that in the USA FREEDOM Act. This is surveillance without any warrants, and once the FISA Court signs off on the overall program, the details are up to the government.

Now, this was not always the case. For decades, individual warrants were required when the government needed the assistance of the country's telecommunications firms. Then the Bush administration created a secret, but legal, warrantless wiretapping program.

After the program was revealed, the government then went to the Foreign Intelligence Surveillance Act Court to get approval. But when the government ran into some trouble with the court, the Bush administration argued that the Congress should create the current program. It was first passed in 2007 under the name Protect America Act. That became the Foreign Intelligence Surveillance Act Amendments Act of 2008.

Now, fortunately, the Congress included a sunset provision, which is why it was up for reauthorization in 2012, and that is why it is up for reauthorization this year. This year it is Senator Coats' top priority, if confirmed. Whoever is the head of the intelligence community will be the point person for this legislation.

I want it understood that the reason that I am going through this background is that I believe the American people deserve a fully informed debate about the Foreign Intelligence Surveillance Act reauthorization. You cannot have that debate—you cannot ensure that the American people have security and liberty—unless you know the impact of section 702 of that bill on the constitutional rights of law-abiding Americans.

So for 6 years, in this body, Democrats and Republicans—and in the other body, Democrats and Republicans—have been asking the same question: How many law-abiding Americans are having their communications swept up in all of this collection? Without even an estimate of this number, I don't think it is possible to judge what section 702 means for the core liberties of law-abiding Americans. Without this information, the Congress can't make an informed decision about whether to reauthorize section 702 or what kind of reforms might be necessary to ensure the protection of the individual liberties of innocent Americans.

At Senator Coats' nomination hearing before the Senate Intelligence Committee, I asked Senator Coats whether he would commit to providing Congress and the public with this information. I will say, because of my respect for Senator Coats and our longtime cooperation on issues like tax reform and a variety of others, I hoped that Senator Coats would be the one—after 6 years of struggling to get this information—to make a commitment to deliver it to the Senate Intelligence Committee before work on the reauthorization began. Instead, Senator Coats said: ''I will do everything I can to work with Admiral Rogers at the NSA to get you that number.''

If confirmed, I hope that happens. But after asking for the number of law-abiding Americans who get swept up in these searches for years, and getting stonewalled by the executive branch, hoping to get the information we need to do real oversight is just not good enough.

The problem—the lack of information on the impact of this law on the privacy of Americans—goes all the way back to the origins of the authority. In December of 2007, the Bush administration, in its statement of administration policy on the FISA Amendments Act, stated that it would likely be impossible to count the number of people located in the United States as communications were reviewed by the government. In April of 2011, our former colleague Senator Mark Udall and I then asked the Director of National Intelligence, James Clapper, for an estimate. In July of that year, the Director wrote back and said: ''It is not reasonably possible to identify the number of people located in the United States whose communications may have been reviewed under the authority of the Foreign Intelligence Surveillance Act.''

He suggested reviewing the classified number of disseminated intelligence reports containing a reference to a U.S. person, but that is very different than the number of Americans whose communications have been collected in the first place. And that is what this is all about: How many law-abiding Americans—innocent, law-abiding Americans—are getting swept up in these searches? It will be an increasingly important issue as the nature of telecommunications companies continues to change, because it is now a field that is globally interconnected. We don't have telecommunications systems just stopping at national borders. So getting the number of Americans whose communications have been collected in the first place is the prerequisite to doing real oversight on this law and doing our job, at a time when it is being reauthorized and the American people want both security and liberty and understand that the two are not mutually exclusive.

So Director Clapper then suggested reviewing the classified number of targets that were later determined to be located in the United States. But the question has never been about the targets of 702, although the mistaken targeting of Americans and the people in our country is another serious question. The question that Democrats and Republicans have been asking is about how many Americans are being swept up by a program that, according to the law, is supposed to only target foreigners overseas.

So let me repeat that. That is what the law says. The Foreign Intelligence Surveillance Act says that the targets are supposed to be foreigners overseas, and Democrats and Republicans want to know how many law-abiding Americans, who might reside in Alaska or Oregon or anywhere else, are getting swept up in these searches.

(Mr. SULLIVAN assumed the Chair.)

So this bipartisan coalition has kept asking. In July of 2012, anticipating the first reauthorization of section 702 of the Foreign Intelligence Surveillance Act, I and 11 other Senators from both parties wrote to Director Clapper. This bipartisan group wrote:

> We understand that it might not be possible for the intelligence community to calculate this number with precision, but it is difficult for us to accept the assertion that it is not possible to come up with even a rough estimate of this number. If generating a precise estimate would require an inordinate amount of labor, we would be willing to accept an imprecise one.

We asked about imprecise estimates, just a ballpark: How many law-abiding Americans are getting swept up in these searches that the law says are designed to target foreigners?

We asked about orders of magnitude: Is the number closer to a hundred or a hundred thousand or a hundred million?

We still got no answer, and section 702 was reauthorized without this necessary information. So last year, looking at the prospect of the law coming up, there was a renewed effort to find out how many law-abiding Americans are getting swept up in these searches of foreigners.

In April 2016, a bipartisan letter from members of the House Judiciary Committee asked the Director of National Intelligence for a public estimate of the number of communications or transactions involving U.S. persons collected under section 702 on an annual basis. This letter, coming from the House—Democrats and Republicans—again asked for a rough estimate. This bipartisan group suggested working with Director Clapper to determine the methodology to get this estimate. In December, there were hints in the news media that something might be forthcoming. But now, here we are, with a new administration, considering the nomination of the next head of the intelligence community, who has said that reauthorizing section 702 is his top legislative priority, and there is no answer in sight to the question Democrats and Republicans have been asking for over 6 years: How many innocent, law-abiding Americans are getting swept up in these searches under a law that targets foreigners overseas?

Having described this history, I want to explain why this issue is so important, starting with the many ways in which innocent Americans can be swept up in section 702 surveillance.

The first are targeting mistakes in which, contrary to the law, the target turns out to be an American or someone in the United States. The full impact of these mistakes on law-abiding Americans is not readily apparent. The most recent public report on section 702 noted that there were compliance incidents involving surveillance of foreigners in the United States and surveillance of Americans. This is in violation of the law, and it happens.

The second way in which Americans can be swept up in section 702 collection is when they communicate with an overseas target. This is usually called incidental collection and is often mischaracterized. I have heard many times that the program is intended to find out when Americans are communicating with ''bad guys''—and I want it understood, I am not interested in some kind of ''bad guys caucus.'' I know of no Senator who is not interested in protecting our country from those kinds of threats. If a known terrorist overseas is communicating with someone in the United States, we ought to know about it. But section 702 is not just a counterterrorism program. The statute requires the collection be conducted ''to acquire foreign intelligence information.'' As implemented, the standard for targeting individuals under the program is that the government has reason to believe those persons possess, are expected to receive, or are likely to communicate foreign intelligence information. Obviously, that is broad. It doesn't even require that a target be suspected of wrongdoing. So if someone tells you that your communications will be collected only if you are talking to al-Qaida or ISIS, that is just factually wrong.

It is also important to note that the government is prohibited from collecting communications only when the sender of an email and everyone receiving that email are in the United States. So an American in the United States could send an email to another American in the United States, but if

the email also goes to an overseas target, it is going to be collected.

That then brings us to the different kinds of collection under section 702 and how they affect the liberties of our people in different ways. In one form of collection known as PRISM, the government orders an internet service provider to provide the government with messages to and from a specific email address. Then there is something known as upstream collection, which is when the communications are collected off the telecommunications and internet backbones. In other words, phone calls and email messages are collected in transit. This kind of collection raises a number of other reasons to be concerned about how many law-abiding Americans are getting swept up. For one, it is through upstream collection that the government can collect emails that are neither to nor from a target. The email merely has to be about a target, meaning, for example, it includes a target's email address in the content. In other words, the government can collect emails to and from Americans, none of whom are of any interest to the government whatsoever, so long as the target's email address is in the content of the email. The law requires only that one of the parties to the communication, who, again, could be another American, is overseas, and even that requirement is harder for the government to meet in practice.

The implications here ought to be pretty obvious. You don't even have to be communicating with one of the government's targets to be swept up in Foreign Intelligence Surveillance Act collection. You don't even have to be communicating with a foreigner. You or somebody emailing you just needs to reference a target's email address.

I have now mentioned that this target is not necessarily a terrorist because the law allows for surveillance ''to acquire foreign intelligence information.'' That has been interpreted to allow the targeting of individuals who the government has reason to believe possess, are expected to receive, or are likely to communicate foreign intelligence information. It is a broad standard, and the government could then collect the communications of all kinds of foreigners around the world. Think about how easy it would be for an American business leader to be in contact with the broad set of potential targets of this program. Consider how easy it would be for Americans, communicating with other Americans, to forward the emails of these people. All of this could be collected by the government.

The upstream collection also includes the collection of what are called multicommunications transactions. This is when the NSA collects an email that is to, from, or about a target, but that email is embedded among multiple other communications that are not. These communications may have nothing to do with the target, but the government just kind of, sort of ends up with them—and some of them are sent and received entirely within the United States.

These are the ways in which law abiding Americans—innocent, law-abiding Americans who have done absolutely nothing wrong, both overseas and in the United States—can have their communications collected under the Foreign Intelligence Surveillance Act. These are law-abiding Americans, innocent Americans, not necessarily suspected of anything, and it is their privacy and their constitutional rights that have caused Democrats and Republicans in this body and in the other body to seek the actual numbers of how many law-abiding Americans are getting swept up in these searches that are supposed to target foreigners overseas.

The reason this is important is that the program is getting bigger and bigger. The exact numbers are classified, but the government's public reporting confirms steady increases in collection. At some point, the size of the program and the extent to which Americans' communications are being collected raises obvious concerns about our Fourth Amendment. The question is not if the program raises constitutional concerns, but when. And that gets to the heart of what our bipartisan coalition has been concerned about: If it is not possible for the Senate to know as part of reauthorizing this law how many Americans are being swept up by this program, we cannot determine whether the government has crossed a constitutional line.

The Privacy and Civil Liberties Oversight Board, an agency the Congress has tasked to look at these issues, has raised the very same concerns I am outlining this morning. In the 2014 report by the Board—the nonpartisan organization tasked by the Congress—concluded that the lack of information about the collection of the communications of law-abiding Americans' communications under section 702 ''hampers attempts to gauge whether the program appropriately balances national security interests with the privacy of U.S. persons.''

They went on to say:

> The program [is] close to the line of constitutional reasonableness. At the very least, too much expansion in the collection of U.S. persons' communications or the uses to which those communications are put may push the program over the line.

They recommended exactly what our bipartisan coalition has been calling for—that the government provide to the Congress and, to the extent consistent with national security, that the public and the Congress get data on the collection of these communications of law-abiding Americans.

The most frequently heard argument against what our bipartisan group of House and Senate Members has been calling for is that, whatever number of communications are being collected on law-abiding Americans, it is minimized, which implies that information about Americans is hidden.

This is a particularly important issue. I have heard my colleagues on the other side say frequently: Well, if law-abiding Americans are having their communications swept up, we shouldn't get all concerned about that because this array of Americans' communications is being minimized. Somehow that means it is not getting out; it is being hidden. That is not necessarily what happens. To begin with, all that collection does not stay at the National Security Agency. All the emails collected through the PRISM component of section 702 go to several other agencies, including the CIA and the FBI. Then we have those three agencies, in particular, authorized to conduct searches through all the data for communications that are to, from, or about Americans: Look for an American's name, telephone number, email address, even a key word or phrase. They can do that without any warrant. There doesn't have to be even a suspicion—even a suspicion—that an American is engaged in any kind of wrongdoing. The FBI's authorities are even broader. The FBI can conduct searches for communications that are to, from, or about an American to seek evidence of a crime. Unlike the National Security Agency and the Central Intelligence Agency, the FBI doesn't even report how many searches for Americans it is conducting. Moreover, neither the FBI nor the CIA reports on the number of searches for Americans that it conducts using metadata collected under section 702.

The authority to conduct searches for Americans' communications in section 702 data is new. Before 2011, the FISA Court prohibited queries for U.S. persons. I am going to repeat that. Under the Bush administration and in the first 2 years of the Obama administration, it was not possible to conduct these backdoor, warrantless searches of law-abiding Americans. Then the Obama administration sought to change the rules and obtained authority to conduct them.

In April 2014, the Director of National Intelligence's response to questions from me and Senator Mark Udall publicly acknowledged these warrantless searches. By June the House voted overwhelmingly to prohibit them. That prohibition didn't become law, but I can tell you that it is sure going to be considered in the context of this reauthorization. The House voted overwhelmingly to prohibit these warrantless searches.

So the question really is this: What exactly is the privacy impact of these warrantless searches for Americans? In 2014, I managed to extract from the intelligence community some, but not all, necessary information about how many Americans had been subject of the searches. That was a step forward, but what the data doesn't tell us is who the subjects of these searches are. More to the point, it doesn't tell us how many Americans are potentially the subject of these searches. If the number

is small, the potential for abuse, obviously, would be smaller. If the number is large, the potential for abuse is much greater. Without an understanding of the size of the pool from which the government can pull the communications of law-abiding Americans, there is just no way of knowing how easy it would be for the government to use this law as a means to read the emails of a political opponent, a business leader, a journalist, or an activist.

I now want to turn to the ultimate form of abuse, and that is something called reverse targeting. It is prohibited by law and defined as collection ''if the purpose of the acquisition is to target a particular, known person reasonably believed to be in the United States.'' This prohibition also applies to U.S. persons. The question, though, is how this is defined and how the public can be assured it is not happening.

If you look at the language, you can see why there has been bipartisan concern. The collection is only prohibited if the purpose is to get the communications of Americans. The question obviously has risen: What if getting the Americans' communications is only one of the purposes of collecting on an overseas target? What is actually acceptable here?

This issue was concerning in 2008, when the Foreign Intelligence Surveillance Act Amendments Act passed with a prohibition on reverse targeting. But that was before the country knew about the collection of emails that are only about a foreign target and that could be to and from Americans. That was before the Obama administration sought and obtained authority to conduct warrantless searches for communications to, from, and about Americans out of section 702 PRISM collection.

That makes an important point to me. This bipartisan coalition—of which I have been a part—has fought back against executive branch overreach, whether it is a Democratic administration or a Republican administration. I cited the fact that President Obama brought back something with the great potential for abuse and that President Bush said he wanted no part of. As we look at these issues, it is important to understand exactly what the scope of the problem is. Each of the agencies authorized to conduct these warrantless searches—the NSA, FBI, CIA—are also authorized to identify the overseas targets of section 702. The agencies that have developed an interest in Americans' communications, which are actually looking for these communications, are the same agencies that are in a position to encourage ongoing collection of those communications by targeting the overseas party.

I believe our bipartisan group believes that there is very substantial potential for abuse. Because of these decisions taking place in the executive branch without any judicial oversight, it is possible that no one would ever know.

To quote the Privacy and Civil Liberties Oversight Board: ''Since the enactment of the FISA Amendments Act of 2008, the extent to which the government acquires the communications of U.S. persons under Section 702 has been one of the biggest open questions about the program, and a continuing source of public concern.'' The Board noted that the executive branch has responded with any number of excuses for why it couldn't provide the number of how many innocent law-abiding Americans get swept up in these searches. One excuse has been the size of the program. But as Members—Democrats and Republicans—have said repeatedly, an estimate, perhaps based on a sample, is sufficient. Nobody is dictating how this be done.

Another excuse has been that determining whether individuals whose communications have been collected are American would itself be invasive of privacy. Now this is something of a head-scratcher. I will just say that, as to the value of knowing how many law-abiding Americans get swept up in these searches, privacy advocates have stated that this far-fetched theory, this far-fetched excuse for not furnishing it, doesn't add up in terms of the benefit of finding how many Americans are swept up in these warrantless searches.

The government is genuinely concerned about the privacy implications of calculating the number. I and many of my colleagues, both Democrats and Republicans, have been willing—and we renewed this in the last few weeks—to have a discussion about the methodology under consideration.

In the months ahead, the Senate is going to be debating a number of issues relating to this topic, such as U.S. person searches, reverse targeting, and the collection of communications that are just about a target. The Senate is going to discuss how to strengthen oversight by the Foreign Intelligence Surveillance Court, the Congress, and the privacy board. The Director of National Intelligence will be right in the center of the debate.

There is more information that the American people need. There is more information that this body needs in order to carry out its responsibility to do real oversight here. The center of these discussions about the reauthorization of the Foreign Intelligence Surveillance Act involves one question: How many innocent, law-abiding Americans have been swept up in this program that has been written and developed to target foreigners overseas? Congress's judgment about the impact of section 702 depends on getting this number. An assessment of the program's constitutionality rests on the understanding of the impact it has on Americans. A full grasp of the implications of the warrantless searches of Americans requires knowing how many Americans' communications are being searched through. Countless questions related to the reauthorization of the program all require that the public have this information.

I am just going to close by way of saying what those questions are because if you want to do real oversight over a critically important program, you have to have the information to respond to these questions. The questions are these: Should there be safeguards against reverse targeting? Should Congress legislate on ''upstream'' collections and the collection of communications about targets, which raises unique concerns about the collection of the communications of law-abiding Americans? Are the rules related to the dissemination, use, and retention of these communications adequate? Should there be limits on the use of these communications by the FBI for non-intelligence purposes?

Just think about that one for a minute. What does it mean to people in our part of the world where people feel that liberty and security are not mutually exclusive, but they are going to insist on both? What does it mean to them on the question of whether there ought to be limits on the use of this information by the FBI for non-intelligence purposes? That is exactly the kind of question that people are going to ask.

I am heading home today for townhall meetings in rural areas, and those are exactly the kind of questions that Oregonians ask. People understand this is a dangerous time. That is not at issue.

I serve on the Intelligence Committee, along with Senator FEINSTEIN, and I have been one of the longer serving members. The fact that this is a dangerous world is not a debatable proposition. There are a lot of people out there who do not wish our country well. But what I say to Oregonians and what I will say again this weekend is this: Any politician who tells you that you have to give up your liberty to have security is not somebody who is working in your interest because smart policies give you both.

That is why I started talking about the benefits of strong encryption—critically important for security. These questions are ones that I don't think are particularly partisan. That is why a big group of Democrats and Republicans here and in the other body have been seeking the information about how many law-abiding Americans get caught up in these efforts to target a foreigner overseas. We are now at a critical moment. A government surveillance program, with very obvious implications for privacy and constitutional rights, is up for reauthorization by the end of the year. While more information may be part of the answer, we have to have the best possible estimate to answer those questions that I just outlined.

The American people want Congress to get to the bottom of questions that go right to the heart of our having

policies that promote both their security and their liberty. I think the public expects a full debate. You can't have a full and real debate over the Foreign Intelligence Surveillance Act unless you have some sense of how many law-abiding Americans are getting swept up in these searches of foreigners.

I believe the American people expect serious oversight over it. They want assurances that their representatives in Congress have a sense of what is actually being voted on. After years of secret surveillance programs being revealed only in the news media, I think the public has rightly insisted on more openness and more transparency.

So getting the information that I have described today, which will deal with Senator Coats' top priority of reauthorizing the Foreign Intelligence Surveillance Act, is a critical first step. Once the Senate knows the impact of this program on Americans, then you can have a full and real discussion—a real debate in Congress—with the public and with the Director of National Intelligence.

I took the view in the committee, despite very much liking Dan Coats and his being the bipartisan cosponsor of what is still the only Federal income tax reform proposal we have had in the Senate since the 1986 law was authored, I said that I cannot support any nominee to be the head of national intelligence if that nominee will not guarantee that before this reauthorization is brought before the Senate and brought before the Intelligence Committee, that we have the information needed to do our job, to do real oversight, to show the American people it is possible to come up with policies that promote security and liberty. For that reason, despite my friendship with Senator Coats, I cannot support the nomination.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, never before has a sitting President so maligned our intelligence community. President Trump has repeatedly belittled and ridiculed the work of intelligence officials, calling their assessments of Russia's hack into U.S. elections ''fake news.'' Over Twitter, President Trump accused intelligence officers of executing a Nazi-like smear campaign against him. President Trump has sided with the likes of Julian Assange and Vladimir Putin over our own intelligence community.

More disturbingly, President Trump seems to hold shallow views on critical intelligence questions like torture. On the campaign trail, Mr. Trump constantly vowed to reinstate torture, asserting that only ''stupid people'' would think otherwise. In an interview with the New York Times, Mr. Trump admitted that he was ''surprised'' that Defense Secretary Mattis opposed torture, while adding that he would be ''guided by'' mass sentiments on torture. Mr. Trump's pronouncements on torture are dangerous, irresponsible, and rally our enemies.

Senator Dan Coats has an enormous challenge ahead of him. President Trump removed the Director of National Intelligence from the National Security Council, marginalizing the intelligence community's essential role in informing national security decisions. President Trump reportedly plans to hire a New York billionaire with close ties to Steve Bannon to conduct a review of the intelligence agencies, a core responsibility of the Director of National Intelligence, and Senator Coats' hardline assessments of Russia may meet with skepticism in a White House that views Putin so favorably.

I am encouraged by Senator Coats' willingness to work with the Congress in a bipartisan manner, particularly on probes related to Russia's hack into our election. I expect Senator Coats to maintain his commitment to follow the law on enhanced interrogation techniques and not to seek to change them. For these reasons, I support his nomination to the Office of the Director of National Intelligence.

NOMINATION OF HERBERT MCMASTER

Mr. CARDIN. Mr. President, I have a tremendous amount of respect for Lieutenant General McMaster and a great deal of admiration for his willingness to answer the call of service for his Nation as National Security Advisor.

So I want to be clear that none of my comments are intended as a reflection on General McMaster himself.

But I am greatly concerned about the current state of the organization that General McMaster is being asked to run and that the way in which the President and his senior advisers appear to be running it is creating great risk for our Nation.

The President's first National Security Advisor, who lasted less than a month in office, had failed to register as a foreign agent, a job that he held throughout the Presidential campaign and into the transition—so much for America first.

The initial Executive order structuring the National Security Council system for the new administration deliberately omitted the Chairman of the Joint Chiefs and the Director of National Intelligence from the Principals Committee—in other words, a National Security Council without the insight and guidance of our intelligence community or military.

Every administration can structure the White House as it sees fit, but national security without intelligence or military advice is, frankly, mind-boggling.

At the same time, the NSC was to include Steve Bannon, the President's political adviser. Although previous White Houses have had staff from outside the NSC sit in on NSC meetings on occasion and as appropriate, never before has an administration suggested that the NSC's work of safeguarding our Nation be subordinate to the political goals of safeguarding a President's political position and public opinion ratings.

Alongside the NSC, this White House has established a so-called Strategic Initiatives Group under Mr. Bannon, which is reportedly undertaking strategic reviews of U.S. policy on sensitive issues—including U.S.-Russia relations. Running a shadow NSC with crossing lines of jurisdiction and authority seems like a recipe for disaster.

So all of this has created an environment of dysfunction and an organization in severe distress. It is one thing to run a family real estate company this way, but this is our national security that is at stake.

If there is a crisis tonight—on the Korean Peninsula, with Russia, in the Middle East or Persian Gulf—it is far from clear that the NSC is in a position to provide our senior policymakers with the options they need and the decision-space necessary to safeguard America in a dangerous and unpredictable world.

I wish General McMaster all the best, but hope that he is approaching the challenges of his job with clear-eyed conviction.

Mr. VAN HOLLEN. Mr. President, in a few short months, President Trump has undermined U.S. credibility and our standing abroad. He has called for a nuclear arms race, asserted the United States should reinvade Iraq to take its oil, lavished praise on Vladimir Putin, and slandered stalwart allies like Australia and Germany. He has issued two Muslim bans—a move lauded by the Islamic State and condemned by top military, intelligence, and diplomatic officials of both parties.

President Trump has put our national security apparatus under enormous stress. He has appointed Steve Bannon, an extremist with the explicit ambition to ''destroy the state,'' to the National Security Council—the highest body charged with protecting the state. He has failed to nominate officials for dozens of crucial national security positions, hobbling our ability to respond to a future national security crisis. He has repeatedly denigrated our intelligence agencies, rejecting findings that clearly demonstrated Russia's role in his election. He has accused the FBI of breaking the law by wiretapping Trump Tower, a groundless claim for which he has offered no proof.

LTG H.R. McMaster is a respected military strategist with a reputation for an independent mind. He has demonstrated throughout his career that he is willing to challenge and criticize U.S. leadership, irrespective of party. He does not appear to be sympathetic to the view of President Trump or Steve Bannon that the United States is at war with the entire Muslim world. Instead, while commanding U.S. forces in Iraq, General McMaster told his soldiers: ''Every time you treat an Iraqi disrespectfully, you are working for the enemy.''

I am concerned with General McMaster's handling of sexual assault

allegations against two of his cadets at West Point. McMaster's reluctance to interfere with the training of these cadets, despite allegations of sexual assault, was in violation of Army policy. I am a strong supporter of efforts to reform the military's handling of sexual assault, which is why I cosponsored legislation in the House to pass new legal protections for victims of assault in the military.

While I remain deeply concerned with the large number of military officials in senior positions in the Trump administration, I support General McMaster's retaining his rank while he serves as National Security Advisor. I do so with the hope that General McMaster will remain faithful to his reputation for dissent, will challenge President Trump when he takes a dangerous approach to the world, will restore order to the National Security Council, and will steward a foreign policy that makes America safer.

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

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

FREEDOM OF THE PRESS

Mr. UDALL. Mr. President, this week is Sunshine Week, a week when we applaud open government and when we celebrate the institutions that hold government accountable. Throughout our Nation's history, one of the most important has been the press, the free press. Donald Trump, as candidate and President, has repeatedly attacked the press. He has called it the ''enemy of the people,'' he has labeled the national media outlets as ''fake news,'' and he has criticized respected reporters who have reported for years.

He has singled out mainstream newspapers like the New York Times, Politico, and the Los Angeles Times, and television outlets like ABC, NBC, CBS, CNN. That is how this President operates. He acts like a bully, and not just with the media. He attacks the courts when article III judges disagree with him, and when they find he is breaking the law. He attacks sitting judges for deciding against him, even those appointed by Republican Presidents.

Without basis, he attacks our intelligence agencies, and he even demeans career public servants who risk their lives to keep our Nation safe. The President's goal is obvious, to undermine the institutions in our country who threaten him, who criticize him. Authoritarians have used this strategy for centuries and continue to do so today in countries where democracy is weak or nonexistent and where autocracy or kleptocracy is strong.

But this is the United States. We are an example to the world of democratic principles and action. The President's repeated attacks on our democratic institutions need to stop and they need to stop now. A free and robust press is critical for democracy to work, period, end of story. Our Nation's history of a free press dates back to our founding. Free press in the colonial United States developed in reaction to severe restrictions on free speech in England.

During the latter half of the 17th century, all books and articles were required to be licensed by the government to be published. Then, ''seditious libel''—bringing ''hatred or contempt'' upon the Crown or the Parliament by written word—was a criminal offense. So to speak against the Crown was a criminal offense. Truth was not a defense.

No publication could criticize the Crown or the government, even if it was accurate. The first newspapers in the Colonies operated under licenses from the colonial Governor. But by 1721, James Franklin, Benjamin Franklin's older brother, was publishing one of the first colonial independent newspapers, the New England Courant, in Boston.

Ben Franklin was his apprentice, typesetter, and sometimes contributed under pen names. Several years later, Ben Franklin began publishing his own independent newspaper, the Pennsylvania Gazette. His newspaper became the most popular in the Colonies and was published until 1800.

By 1735, the tenets of seditious libel were coming undone. John Peter Zenger, the publisher of the New York Weekly Journal, ran articles harshly critical of the colonial government. Zenger was arrested and tried for libel. While he admitted he published the articles, his lawyer argued truth was a defense. The press, the lawyer argued, has ''a liberty both of exposing and opposing tyrannical power by speaking and writing the truth.''

The judge, however, instructed the jury as to the law at the time, that Zenger must be found guilty if he published the articles, whether truthful or not, but after 10 minutes of deliberation, the jury acquitted Zenger. These were some of the beginnings of a free press in our Nation.

The first rights in the Bill of Rights are freedom of religion, the press, speech, petition, and assembly. The press, as an institution, is expressly protected by the Constitution. In 1789, the drafters of the Bill of Rights understood that a free press was essential to the growth and success of our new democracy. They understood that debate, disagreement, the free flow of ideas, make an informed public, that the press helps educate voters.

They understood all too well that government power needed to be checked and that the press holds the powerful in check by investigating and exposing arbitrary conduct, abuse, and corruption. A democracy cannot exist without a free press. It is as simple as that, but our President does not seem to understand this or he does not care. According to him, the press is ''dishonest,'' ''not good people,'' ''sleazy,'' and, ''among the worst human beings.'' Those are all quotes by our President.

Established press organizations are the ''fake news,'' and a few weeks ago he declared the press ''an enemy of the people.'' We have not heard attacks like this since Watergate, and even then, it wasn't so much so fast. The President's subordinates are now given license to accuse and to limit press access.

Chief Strategist Steve Bannon said the press should ''keep its mouth shut and just listen for a while.'' This quote from Mr. Bannon has extra significance today because he is no longer the head of a rightwing media company. In a controversial move, President Trump issued an Executive order to add him to the National Security Council's Principal's Committee.

Today, we are going to vote on the nomination of General McMaster to retain his three-star general status while serving as the head of the National Security Council. I do not believe a political extremist like Mr. Bannon should serve on the Council. At a minimum, General McMaster should direct Mr. Bannon to stop attacking the free press while serving on the Council.

Senior adviser Kellyanne Conway called for media organizations to fire reporters who criticized Candidate Trump. Press Secretary Shawn Spicer barred the New York Times and the Los Angeles Times, BuzzFeed, and Politico from a press conference, and the Secretary of State will now travel without the press corps, disregarding a decades-old practice.

Now, don't get me wrong. The press does not always get it right. They make mistakes. News organizations have their biases. Mistakes should be corrected and bias should be tempered by using accepted journalistic methods and professional judgment and following journalism's ethics code.

Mistakes and the exercise of professional judgment are not the same thing as reporting ''fake news.'' The President's Republican colleagues have been too silent in the face of attacks. Few in Congress have stood up against the President's hostility to the press. Government officials are afraid to disagree. Just last week, at a Senate Commerce Committee hearing, I asked the FCC Chair, Mr. Pai, a yes or no question, does he agree with the President that the press is the enemy of the people.

He did not engage. He would not answer. He let stand the President's remarks. The President's characterization of the press as the enemy is reminiscent of President Nixon, when Nixon said: ''Never forget. The press is the enemy. The press is the enemy. The press is the enemy,'' as recorded on his secret tapes.

The press was Nixon's enemy because the press exposed his criminal conduct which led to his resignation. The press is Trump's enemy because the press exposes his and his associates' ties to

Russia, the President's myriad Trump organization conflicts of interest, his constant barrage of misrepresentations of fact.

Nixon's Press Secretary called the Washington Post investigative reporting shoddy and shabby journalism. Like President Trump's accusation of fake news, that same Post reporting won the paper a Pulitzer Prize.

Watergate was a break-in of the Democratic National Committee during the Presidential campaign. Nixon ordered his Chief of Staff to have the CIA block the FBI's investigation into the source of the funding for the Watergate burglary. During this last Presidential election, we had a cyber breakin of the DNC. Even after 17 U.S. intelligence agencies concluded Russia hacked the DNC to sway the election, Candidate Trump refused to accept their analysis.

The President's Chief of Staff pressured the FBI to publicly deny that Trump associates had contact with the Russians, while his Chief Counsel reportedly breached the firewall seeking information from the FBI about an investigation into the President and his associates. Since the press began to look hard at the ties between President Trump and the Trump organization, his associates and Russia, the President has not let up on his criticism. Just last week, the President threatened by tweet as follows:

> It is amazing how rude much of the media is to my very hard working representatives. Be nice, you will do much better!

The job of the press is not to be nice. It is to gather the facts and report them. Now that the President of the United States has called the reputable U.S. news organizations fake news, others are doing the same. Russia's Foreign Ministry spokesman recently accused a CNN reporter of spreading ''fake news'' because the reporter asked about accusations from U.S. officials that the Russian Ambassador is a spy.

This is a dangerous path. Putin has throttled an independent press in the Russian Federation, imposing restriction after restriction on the news media. Reporters have been harassed, threatened, and jailed. The numbers of truly independent media organizations in Russia have been reduced to a very few, and they have been replaced by state-owned, state-run news media, like RT, formerly known as Russia Today, a propaganda bullhorn for Putin, according to Secretary John Kerry.

The President admires Putin as a—and I will quote the President here—''strong leader.'' Putin has used his strength to silence an independent press. We do not want our press silenced.

Justice Brandeis, in a famous defense of free speech in a 1927 First Amendment case, said: ''[T]hose who won our independence by revolution were not cowards. They did not fear political liberty.''

Does President Trump fear political liberty?

The irony of the President's accusations of ''fake news'' is that he himself has spread misinformation and fanned the flames of internet-driven lies, from questioning President Obama's citizenship, to his frivolous claim that millions of people committed voter fraud and that he really won the popular vote—that is the President's claim, that he really won the popular vote—to President Trump's unsubstantiated accusation that President Obama wiretapped Trump Tower.

We have entered into an era in U.S. politics never seen before in my lifetime. We cannot allow this to be sanitized or explained away. The phrase ''alternative facts'' has become a national joke because it sounds like something from George Orwell's ''1984.''

It is not acceptable for a President to falsify, misrepresent, or flatout lie. The President's party in Congress should not allow this. They should not look the other way and continue to profess that the emperor's clothes are grand.

Reacting to Mr. Trump's attacks on the press, President George W. Bush responded:

> I consider the media to be indispensable to democracy. We need an independent media to hold people accountable. Power can be very addictive and corrosive . . . and it's important for the media to hold to account people who abuse their power—whether it be here or elsewhere.

That was President George W. Bush's recent comment.

President Bush's prescription for democracy in 2017 is the same as the drafters of the First Amendment in 1789: A free and independent and robust media is essential to democracy, and any broad-based attack on the press is an attack directly on our democracy.

There is one thing President Trump must understand: The press won't go away. They won't stop reporting on the actions he takes and on the decisions he makes. He can spend the next 4 years attacking the press, but they will still be there—just as they were after Nixon resigned.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

TRIBUTE TO PASTOR EVELYN ERBELE

Mr. SULLIVAN. Madam President, every week for the past few months, I have been coming down to the Senate floor to recognize a special Alaskan, someone who makes my State—what we believe is the most beautiful and unique State in our country—a better place for all of us. I call this person our Alaskan of the Week.

Last week, I had the opportunity to recognize Glen Hanson, who volunteers his time by flying in what we refer to as the Iditarod Air Force—members of the Alaska volunteer community pilots who fly supplies in for the Last Great Race.

I know the pages are really interested in the Last Great Race. So, just as a quick update, we had a winner. It is still going on, but one musher, Mitch Seavey, crossed the finish line in Nome, AK, in record time. I congratulate Mitch and all of the members of the Iditarod Air Force who are still out there, flying, when it is 30, 40, below zero. It is a tough race, a real tough race. Iowans, I am sure, could do well in it but not a lot of other Americans.

Today, I want to take my colleagues and viewers to a very different place in Alaska—about 1,300 miles southeast of Nome, where all the Iditarod action is going on, really almost a world away—to a beautiful city called Ketchikan, AK.

Ketchikan is the first port city that people will visit when they take the Alaska Marine Highway's Inside Passage up to Alaska. It is a trip that I encourage everybody to take. It is beautiful. Flanked by the towering Tongass National Forest, it is a place full of life and spirit, mountains, forests, lots of rain, lots of salmon, and lots of jawdropping scenery.

Yet, like most places across our country, it has its challenges, and it has a challenge with homelessness, like many communities in America and Alaska. Luckily, for all of us, Ketchikan is also home to a very caring community that has set its sights on helping its fellow Alaskans. One of these people is Pastor Evelyn Erbele, our Alaskan of the Week, who has dedicated her life to helping others.

Evelyn is the copastor with her husband Terry of the First United Methodist Church of Ketchikan. There is a day shelter in the church's social hall, which provides a hot meal, shower, clean clothes, and a place for the community's homeless to go every day of the week.

Oftentimes when we think of homelessness, we think of people not having a place to sleep, but it is also important to remember that being homeless means having no place to go during the day. First City Homeless Services—Day Shelter gives people a place to go during the day. Pastor Evelyn oversees that day shelter. According to the manager of the shelter, Chris Alvarado, who himself has been homeless, she does so with commitment and with kindness and with compassion.

''She has a heart of gold and gives 100 percent,'' said one resident of Ketchikan about Evelyn.

Evelyn met her husband Terry in Seward, AK, where she was a nurse in 1976. From Seward, they set out on a journey to help people around the world—Nigeria, Lithuania, Russia.

In 2009, Evelyn—now with a Ph.D. in theology and ordained by the Methodist Church—went up the Alaskan

Highway from Bellingham to Ketchikan with her husband. She didn't know when she accepted the job at the Methodist Church in Ketchikan as co-pastor that she would be overseeing the day shelter. At first, according to her, the work was a bit unsettling. ''I never intentionally walked side by side with people who are homeless,'' she said. She continued: ''Initially, I may have been biased. I was using the word 'them' when I would describe the people I was working with. One day, the Lord said to me, Evelyn, you are them. You are my child no less or no more than they are.'' She said that after hearing that voice, she realized she wasn't working with ''them'' anymore. ''I was working with men and women who were in a place that I easily could have been.''

In her years working to help the homeless in her community in Ketchikan, she realized that not everybody who is homeless fits neatly into ''one basket.'' There are lots of reasons for homelessness, she said, and the homeless may have many, many faces: men, women, children, families, the old, and the young.

As the Presiding Officer knows, homelessness is a big challenge across our Nation. On any given day, tens of thousands of Americans—hundreds of thousands—don't have a permanent place to call home. Of course, the best way to address this is to have a strong economy and job opportunities, and that is what we need to be focusing on here in the Senate. But we also need people like Pastor Evelyn not only in Alaska but across the country, who are tireless advocates for helping the homeless. I thank all of them. I especially thank her, and I thank her for being our Alaskan of the Week.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF HERBERT MCMASTER

Mr. SCHUMER. Madam President, since coming to office, the President's National Security Council has experienced more turmoil than any in history at this stage in a Presidency. The President's first National Security Advisor and head of the NSC, Michael Flynn, was fired after only a month in his position. The Council itself has been reshaped in ways that concern all of us. Permanent postings for the Chairman of the Joint Chiefs of Staff and the Director of the National Intelligence Agency have been removed and a permanent seat has been installed for White House Political Adviser Steve Bannon.

This organization is a disturbing and profound departure from past administrations. On the most sensitive matters of national security, the President should be relying on the informed counsel of members of the intelligence and military communities, not political advisers who made their careers running a White nationalist website.

The Chairman of the Joint Chiefs of Staff is the President's primary military adviser and, along with that of the Director of National Intelligence, is the only independent, apolitical voice on the NSC. President Trump's move to strip them of their seats is baffling and potentially endangers our national security. The President has installed in their stead one of the most strident, ideological voices in his orbit.

On the most sensitive issues of national security, we have to have fact-based decisions. The President has to get the most dispassionate and accurate advice. With all due respect, that is not Mr. Bannon's forte. His installation on the principals list of the NSC moves it further away from what it needs to be and closer toward a shadow council of a dangerously ideological West Wing.

The bottom line is, this decision was poorly thought out and ill-conceived. It puts a filter on the information going to the President and will make us less safe. My concerns are shared by Members on both sides of the aisle. I know that from conversations I have had with some.

It has special relevance today because we are about to vote on reappointing H.R. McMaster to lieutenant general, who will be the next head of the NSC. General McMaster, by all accounts, will have a grounding presence in the national security apparatus of the White House. I have met him. I have a great deal of respect for both his integrity and his abilities, but I remain deeply concerned that General McMaster's judgment may not be followed and instead the fevered dreams of Mr. Bannon will influence the most sensitive national security discussions and decisions. It has been reported he doesn't want to see NATO exist or the European Union. Those are political decisions in a body charged with giving the President advice on security.

So this should concern all of us, especially Lieutenant General McMaster.

Madam President, 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. FLAKE. 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.

NOMINATION OF NEIL GORSUCH

Mr. FLAKE. Mr. President, as I did 2 weeks ago and will continue to do until he is confirmed, I rise to support the nomination of Neil Gorsuch to serve on the Supreme Court. Judge Gorsuch is an accomplished, mainstream jurist, and I look forward to helping to make sure that he receives an up-or-down vote on the Senate floor.

Next week, my colleagues and I on the Judiciary Committee will hold confirmation hearings on Judge Gorsuch. I look forward to hearing his testimony. I am confident that he will impress the country with his knowledge of and respect for the law, just as he has impressed me and my colleagues.

But before the hearings get under way, I thought I would use this opportunity today to highlight an additional aspect of his life and his jurisprudence that make him an ideal nominee to serve on the High Court. So far I have spoken on the floor about his fitness to fill Justice Scalia's seat, as well as his defense of the separation of powers and his support for religious liberty. Today I would like to discuss a more personal aspect of Judge Gorsuch's background—the fact that he is a westerner. As an Arizonan, I cannot overstate how important it will be to have a fellow westerner serving on the Supreme Court.

Where you are from influences your understanding of cultural and regional sensitivities. When you look at the current makeup of the Supreme Court, there is an unmistakable lack of geographic diversity. Of the eight current Justices, five of them were born in New York or New Jersey, and that number was six before Judge Scalia's passing. Granted, Justice Kennedy is from Northern California, but to be frank, much of Northern California is about as culturally western as Justice Breyer's hometown of Boston.

The Supreme Court is in desperate need of a western perspective. Judge Gorsuch fits that bill. When I had the opportunity to meet Judge Gorsuch in my office last month, we discussed our respective western backgrounds. I talked to him about my days growing up on a cattle ranch in rural Arizona. He told me that his heart has always been in the American West. You can learn a lot about a person by how they spend their time with their friends and their family, and there is no mistaking this aspect with Judge Gorsuch. He is a westerner through and through.

He told me about his home outside of Boulder, where his daughters raise and show chickens and goats. I was pleased to learn that each year he takes his law clerks to the National Western Stock Show in Denver, one of the Nation's largest rodeos. By now, I think we have all seen the picture of him fly fishing with Judge Scalia. While all this demonstrates how much he has embraced the western lifestyle, what makes Judge Gorsuch a true westerner is more than just where he lives or where his personal interests are. Judge Gorsuch's western values are evident in his jurisprudence, which reflects a strong commitment to public service. Arizona has had its share of distinguished public servants. In fact, it was from this very desk that the late Barry Goldwater, one of Arizona's favorite sons, steered the public policy debate

for years after he chose to leave a successful career in the private sector. Judge Gorsuch's career reflects the same ethos.

Early on, a young Neil Gorsuch rocketed to the top of the legal profession, becoming a partner in one of Washington's most elite law firms. But instead of enjoying the comforts of a lucrative private sector career, he left it all behind for a high-responsibility, low-profile job at the Department of Justice.

After his time at DOJ, Neil Gorsuch could have easily retired or returned to a white-shoe legal practice. Instead, he returned to his home State of Colorado to serve as a judge on the U.S. Court of Appeals for the Tenth Circuit. Throughout his tenure on the Federal bench, Judge Gorsuch's western disposition has shone through in his jurisprudence.

I have already spoken of his skepticism toward the administrative state, with its executive bureaucracies, which, he cautions, ''swallow huge amounts of core judicial and legislative power and concentrate Federal power in a way that seems more than a little difficult to square with the Constitution of the framers' design.''

He shares a healthy skepticism over an overly intrusive and heavy-handed bureaucracy with millions of his Federal westerners. Judge Gorsuch recognizes how Federal regulations interfere with the ability of Western States to govern themselves, whether it is a former administration's Clean Power Plan, its ozone rules, or even management of the Mexican gray wolf.

In numerous opinions, Judge Gorsuch has given voice to many of the frustrations experienced by his western neighbors. From his criticism of an overly assertive DC court that often feels compelled to intervene from 2,000 miles away to his recognition of excessive litigation that arises from the complexities of split-estate property rights out West, he speaks our language.

These are perspectives any westerner is familiar with, but they may not be obvious to others, including folks from New York and New Jersey. If confirmed, Judge Gorsuch will already bring generational and religious diversity to the Court. Perhaps more than anything, it will be his western perspective that most enriches the debate in the years to come.

As I have said before, Judge Gorsuch deserves fair consideration by those who serve in this body, and he deserves an up-or-down vote on the Senate floor. He should be confirmed overwhelmingly, and I am confident that he will be.

Joining us on the floor today are several members of the Senate from Western States. I see that the Senator from Wyoming has joined us. I think he has some thoughts about Neil Gorsuch and his nomination to the Court.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, joining my colleague here on the floor, I agree with all of the comments the Senator from Arizona has made. They are interesting because as to the history of the State of the Senator from Arizona and his family history, Judge Gorsuch has a similar history, to the point that his great-grandfather built a hotel in Wyoming called the Wolf Hotel, in Saratoga, WY. I found a picture of that hotel from 1878, which was 12 years before Wyoming became a State. I got that picture from the American history museum at the University of Wyoming and got a copy of the picture and gave it to Judge Gorsuch.

In front of the hotel in 1878, there was a stagecoach with six horses lined up ahead of it. The Wolf Hotel was a halfway stop on the stagecoach line between a couple of communities in Wyoming. They were about 40 miles apart. So that is the heritage from which Judge Gorsuch comes.

I think that western heritage is important. But I think that additionally important is what the Senator referred to—his judicial temperament, being such a mainstream member of the judiciary, and this general belief inherent within him that the role of a judge is to apply the law, not to legislate from the bench.

We have seen so much legislating from the bench. I think you just don't get that if you take somebody from the Rocky Mountain West who has this view of the Nation and an understanding of the rule of law and the Constitution.

So I think we are going to see that when the Senate Judiciary Committee begins its hearings next week on Judge Gorsuch's nomination to the Supreme Court. I visited with him, reviewed his writings, and then compared it to what I saw when I visited with Justice Scalia when he came to Wyoming. The Senator from Arizona mentioned the picture of the two working together, fishing together.

I just think he is the right person to continue that incredible legacy of Justice Scalia.

Mr. FLAKE. Will the Senator yield?

Mr. BARRASSO. Yes.

Mr. FLAKE. You point out the sensitivities that you have when you come from the West. A lot of it has to do with, if you are in a rural area in particular, you are—as my family grew up—working on the land. Much of that land is either owned by or controlled by the Federal Government, the State government, or Tribal governments in Arizona's case. In fact, 85 percent of the State of Arizona is publicly owned. So when you live in the West and you work the land on a ranch or farm, you are dealing specifically with Federal regulators and Federal property managers. I think those who were raised in the West and have lived here understand the impact of the Federal Government's decisions. The administrative state has an outsized impact on those who live in the West, and I think that is evident in the jurisprudence you see from Judge Gorsuch.

How much of Wyoming is publicly owned?

Mr. BARRASSO. Well, it is about 50–50. But when you talk about the heavy hand of a bureaucratic government and the impact on the lives of the people who live there, it is dramatic. It can be very punishing, as we have seen over the last 8 years with regulations that have come out of agencies—sometimes, I believe, in defiance of the law, sometimes reversed by the Supreme Court.

That is why I think it is critical to have Neil Gorsuch on the Supreme Court, because he is someone who realizes that the Constitution is a legal document—not a living document, not built for flexibility, but really a rigid legal document. That is where I believe he stands. That is what his writings indicate. It is the sort of thing we have seen from him. I visited with him, and other Members have. These are the things we read about.

With regard to his writings over the years, this is a judge who has faithfully applied the law—applied the law, focusing on the Constitution. He has not been afraid to rule against the government or for unpopular parties when the law demands it because he is going to go right back to the law. I believe his opinions show great reverence for all of the Constitution—a key respect for the importance of the separation of powers.

I support his nomination completely. It is interesting, because when he was nominated for the position he currently holds, the Democratic Senator from Colorado—and I am expecting Senator CORY GARDNER to be here in a little bit to talk about the quote from Ken Salazar, the former Senator from Colorado, who talked about what a wonderful man Judge Gorsuch was and how he should be put onto that bench. He was unanimously confirmed here in the Senate.

I have full confidence in Judge Gorsuch as a son of the West, as the only Justice from the Rocky Mountain West who would be on the Court. Specifically, though, I would support him no matter where he was from because of his belief that it is the role of a judge and a justice to apply the law, not to legislate from the bench, which I think goes above and beyond where someone is from, what their background may be. But I will just tell you that his background, combined with his philosophy and mainstream approach to the law, is exactly what we need now in 2017 on the U.S. Supreme Court. I believe he deserves an up-or-down vote. I believe he will be confirmed as people get a chance to see him, get to know him better.

I see I am joined on the floor by another colleague, also from the Rocky Mountain West, the Senator from Montana. You have heard from Arizona, Wyoming, and now Montana. I would ask him about his thoughts about this nomination by President Trump of Neil Gorsuch to the Supreme Court.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, I want to thank my esteemed colleague from Wyoming, Senator BARRASSO, for his comments. He shared many of the same views I have.

As I think about the job I do as a Senator—perhaps one of the most important jobs we have as Senators is approving a Supreme Court Justice. An Associate Justice of the Supreme Court can serve an average of 27 years. We think about Justice Scalia; he served 30 years. Neil Gorsuch is 49 years old. God willing, he probably will serve 30 years or more, perhaps. Think about that. My wife and I have four children. They are going through the college years and so forth. They are in their early and midtwenties. They will likely be grandparents when Judge Gorsuch wraps up his career on the Supreme Court, assuming he is approved. That is why a decision like this about whom to vote for, whom to stand behind, whom to stand with is so important. It is not just for today, it is for our children and our grandchildren.

The people want a Supreme Court Justice who does not legislate from the bench. The people want a Supreme Court Justice who upholds the rule of law and follows the Constitution. The people want a Supreme Court Justice with a record of constitutional jurisprudence and legal restraint to match what we saw from Justice Antonin Scalia. The people want a Supreme Court Justice with the academic credentials, who is well prepared to serve the American people on our highest Court, to wrestle with some of the most complicated issues that the High Court wrestles with.

When President Trump announced that he was appointing Judge Neil Gorsuch to the U.S. Supreme Court, the American people knew he was truly a supreme pick. He has a brilliant legal mind. He understands the role a judge plays in our judicial system—to interpret the law and not to legislate from the bench. In fact, on the night he was announced, when President Trump revealed his pick, I was at the White House, and I heard Judge Gorsuch say: ''A judge who likes every outcome he reaches is very likely a bad judge, stretching for results he prefers rather than those the law demands.'' That is the humility of a great judge.

Judge Gorsuch has impeccable legal qualifications that demonstrate he will be the type of Justice every American deserves to have on the highest Court. He graduated from Harvard Law School. He was a Harry Truman Scholar, graduated with honors in 1991. He earned his law degree and then attended Oxford University as a Marshall Scholar and received his doctorate degree in 2004 from Oxford.

As we say out West, and as a Montanan, I have to say I am thrilled to see somebody from Colorado be nominated for the Supreme Court. We say out West: Go get a good education and then get over it. And he brings that kind of humility to the bench. He understands that he is beneath the law, he is subject to the law. He is there to interpret the law, not to make the law.

He clerked for Justice Byron White. He clerked for Justice Kennedy of the Supreme Court of the United States. In fact, in 2006, Judge Gorsuch was nominated by then-President Bush to the Tenth Circuit in Denver, CO. He was confirmed without any opposition, including the support of 11 current Democratic Senators. In fact, some of those Democrats included Harvard Law classmate Barack Obama, Vice President Joe Biden, and the current minority leader, CHUCK SCHUMER. During his time as a judge on the Tenth Circuit, he has built a solid reputation as a respected jurist with a very distinguished record.

One thing about serving on the Tenth Circuit Court for 10 years: You can run, but you can't hide. He has left a track record. It is an impressive track record. It is a consistent record of defending the Constitution, including respecting the separation of powers and respecting federalism and the Bill of Rights to protect every American from government overreach and government abuse.

When I had the opportunity to sit down with Judge Gorsuch, it was back in early February. We spoke about the role of government and federalism. We spoke about the Second Amendment. We spoke about protecting life and upholding our civil liberties. We spoke about our shared western values, mine as a native Montanan, his as a native Coloradan, both of us westerners. I know he understands our way of life. He understands Montana values. In fact, his face lit up as we talked about the love of the outdoors and his passion for hiking and fishing.

As chairman of the Western Caucus, it is important to me to have someone who understands western values, someone who understands the impact the law and his decisions will have on the West.

As westerners, we fight to protect our Fourth Amendment rights. We champion federalism so that power not expressly given to the Federal Government in the Constitution is returned back to the States and to the people. We will tirelessly fight to protect the Second Amendment. These are western values.

By the way, the Second Amendment is not primarily about hunting. Our Founding Fathers were not thinking about deer hunting or elk hunting when they were discussing the Second Amendment. It was about liberty. It was about freedom. These are western values. Judge Gorsuch's background and record strongly suggest that he recognizes and adheres to these values. He will uphold the law. He will rightfully check the administration and Congress when their actions are not done under the law, like President Obama's EPA power plan or the WOTUS rule. These are actions that cripple western economies, and they are politically charged.

I would also like to mention that Senator CORY GARDNER of Colorado and I were just at the White House meeting, just an hour ago. We were at the White House meeting with over a dozen Tribes who represent hundreds of other Tribes. We were there to discuss our support for Neil Gorsuch to be a Supreme Court Justice. I can tell you, it was great to be there with one of my hometown Tribes from Montana, the CSKT. They have endorsed Neil Gorsuch. They understand that we need a mainstream, commonsense westerner on the Supreme Court.

By the way, when you look at Neil Gorsuch's record on Indian Country issues, as a member of the Tenth Circuit Court for 10 years, he has a track record of ruling on some very complicated issues that face Indian Country. He understands sovereignty. That is very important. That is why you are seeing Tribes endorsing Judge Gorsuch.

More importantly, the American people deserve nine members on the Supreme Court. Neil Gorsuch is the mainstream judge the American people want and deserve to fill out the Court.

I am looking forward to what will happen next week in those hearings. You are going to see a very, very bright, a very, very thoughtful, a very, very kind, and a very, very humble jurist who understands and upholds the rule of law. I am excited for our country that we have such a phenomenal nominee. I look forward to casting my vote to confirm him to the highest Court in our great country.

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. MCCAIN. 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. MCCAIN. Mr. President, what is the parliamentary situation right now?

The PRESIDING OFFICER. The Senate is considering the Coats nomination.

Mr. MCCAIN. Mr. President, I understand that we will be voting in about 10 minutes; is that correct?

The PRESIDING OFFICER. That is correct, sir.

Mr. MCCAIN. Mr. President, I have had the great honor and privilege of knowing the nominee to be our Director of National Intelligence for many years. In fact, I came to the House of Representatives in the election of 1984, and I had the honor of knowing Dan Coats beginning at that time.

As is well known, Dan Coats left the Senate and became our Ambassador to Germany, where he did an outstanding job. He came back to the U.S. Senate and served in this body with distinction and honor. Now he goes on to serve as the Director of National Intelligence.

I could argue that a dedicated, experienced, knowledgeable, and courageous Director of National Intelligence

is now needed more than at any time that I can remember in the last many years.

With divisions within the intelligence community, there are challenges to the credibility of the intelligence community along the lines that I have never seen. There are questions about the activities of the intelligence community. For example, the President of the United States alleges that Trump Tower was ''wiretapped,'' in his words, by the previous administration, and we see the former Director of National Intelligence both before the Congress and on national television stating that those allegations are not true.

There are probably more questions and more controversy surrounding our intelligence services than at any time since anyone can remember, since Watergate. So this is a perfect time, in my view, for Dan Coats to assume the highest responsibilities of our Director of National Intelligence. He has the respect and indeed affection of Members on both sides of the aisle because of his successful efforts at working in a bipartisan fashion. He served on the Intelligence Committee. He served on that committee in a very dedicated and knowledgeable fashion.

I hope my colleagues will unanimously vote in favor of our former colleague. Both sides of the aisle know him, and we know him well. I wish I had some of his qualities of congeniality and pleasantry. He has always been respectful of other views. Even in the fiercest debates that we might have, he has always been respectful of those who disagree. So he comes to the job with the much needed credibility that will make him immediately effective.

Let's be frank. The intelligence communities are probably under greater attack in a whole variety of ways, both on whether the American people trust them to do the job that they are doing or whether they have become a partisan organization. I think that with the respect and appreciation and affection that those of us who had the privilege of knowing him—on both sides of the aisle—and knowing what an honorable and decent person he is, he will not only serve as an effective Director of National Intelligence, but he will serve to restore credibility.

God knows we need credibility at this time, as we see the Russians trying to affect the outcome of our election, as we see today the Russians trying to affect the French election and possibly the German election, as we see unprecedented cyber attacks—more than at any time in the past. With the challenge of cyber alone, where our adversaries or our potential adversaries are equal to or even, in some cases, more capable of exercising their abilities and capabilities in the cyber realm, then we are in a very difficult and challenging struggle.

That is why I think that many times in history, not only does the man make the job but the job makes the man. I am confident, in the case of Senator Dan Coats, that will be the case.

I thank the Democratic leader for allowing this vote to take place so Dan Coats can get to work immediately.

I urge my colleagues to offer their support with their vote for this nomination of a great and good and gentle man who has again volunteered to serve his Nation, for which all of us should be appreciative, and I am sure we are.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), and the Senator from Georgia (Mr. ISAKSON).

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

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

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 89 Ex.]

YEAS—85

Barrasso	Franken	Nelson
Bennet	Gardner	Perdue
Blumenthal	Graham	Peters
Blunt	Grassley	Portman
Boozman	Hassan	Reed
Brown	Hatch	Risch
Burr	Heinrich	Roberts
Cantwell	Heitkamp	Rounds
Capito	Heller	Rubio
Cardin	Hirono	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Johnson	Scott
Cochran	Kaine	Shaheen
Collins	Kennedy	Shelby
Coons	King	Stabenow
Cornyn	Klobuchar	Strange
Cortez Masto	Lankford	Sullivan
Cotton	Leahy	Tester
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McCain	Toomey
Donnelly	McCaskill	Van Hollen
Durbin	McConnell	Warner
Enzi	Menendez	Whitehouse
Ernst	Moran	Wicker
Feinstein	Murkowski	Young
Fischer	Murphy	
Flake	Murray	

NAYS—12

Baldwin	Harris	Sanders
Booker	Markey	Udall
Duckworth	Merkley	Warren
Gillibrand	Paul	Wyden

NOT VOTING—3

Alexander	Corker	Isakson

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I move to reconsider the vote, and I move to table the motion to reconsider.

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

The motion was agreed to.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate for 1 minute.

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

NOMINATION OF HERBERT MCMASTER

Mr. MCCAIN. Mr. President, I urge my colleagues to render an ''aye'' vote for the nomination of Herbert McMaster to remain in active duty at the three-star level. He is experienced. He is talented. He knows what it is like to be in combat with the enemy, and I believe he is badly needed in this important position.

I urge my colleagues to render an ''aye'' vote.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Lt. Gen. Herbert R. McMaster, Jr., to be Lieutenant General in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601.

The PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn.

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

Mr. TOOMEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Wyoming (Mr. BARRASSO), the Senator from Tennessee (Mr. CORKER), and the Senator from Georgia (Mr. ISAKSON).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea,'' the Senator from Wyoming (Mr. BARRASSO) would have voted ''yea,'' and the Senator from Tennessee (Mr. CORKER) would have voted ''yea.''

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

The result was announced—yeas 86, nays 10, as follows:

[Rollcall Vote No. 90 Ex.]

YEAS—86

Baldwin	Flake	Paul
Bennet	Franken	Perdue
Blumenthal	Gardner	Peters
Blunt	Graham	Portman
Boozman	Grassley	Reed
Brown	Hassan	Risch
Burr	Hatch	Roberts
Cantwell	Heinrich	Rounds
Capito	Heitkamp	Rubio
Cardin	Heller	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Scott
Cassidy	Johnson	Shaheen
Cochran	Kaine	Shelby
Collins	Kennedy	Stabenow
Coons	King	Strange
Cornyn	Klobuchar	Sullivan
Cortez Masto	Lankford	Tester
Cotton	Leahy	Thune
Crapo	Lee	Tillis
Cruz	Manchin	Toomey
Daines	McCain	Udall
Donnelly	McConnell	Van Hollen
Duckworth	Menendez	Warner
Durbin	Moran	Whitehouse
Enzi	Murkowski	Wicker
Ernst	Murphy	Wyden
Feinstein	Murray	Young
Fischer	Nelson	

NAYS—10

Booker	Markey	Schumer
Gillibrand	McCaskill	Warren
Harris	Merkley	
Hirono	Sanders	

NOT VOTING—4

Alexander	Corker
Barrasso	Isakson

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I move to reconsider the vote, and I move to table the motion to reconsider.

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

The motion was agreed to.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I voted to support Lieutenant General H.R. McMaster retaining the grade of lieutenant general while serving as the National Security Advisor to the President. To be clear, this vote was to permit Lieutenant General McMaster to remain in the grade of lieutenant general while serving in this position. It is not to confirm him as the National Security Advisor.

Lieutenant General McMaster was appointed by the President to a position that does not require Senate confirmation. Indeed, he is already serving as National Security Advisor. The only remaining question is whether he will serve in the military grade of lieutenant general on Active Duty.

The position of National Security Advisor is one of the most important in our government. Not only does it require someone capable of providing timely and thoughtful counsel on national security matters, it entails coordinating advice and action across multiple executive agencies with responsibilities in the national security arena. Further, it necessitates a large measure of independence and knowledge.

This is not the first time we have considered an Active-Duty military officer for this position. Lieutenant General McMaster would be the third such officer to so serve, following Admiral John Poindexter under President Reagan and General Colin Powell under President George Herbert Walker Bush.

Many of my colleagues are rightly concerned about this and question whether it would be more appropriate for him to retire and serve in a civilian capacity. While I strongly believe it would be better for Lieutenant General McMaster to retire and avoid all perceptions of politicizing the military, he believes that serving in uniform will help him remain apolitical in service to this Administration. He can expect Congress to hold him to his word that wearing the uniform in this position will serve to keep the military above the political fray.

Some Members have expressed concern about the proper functioning of our national security apparatus and clear chains of command with respect to military advice provided to the President under this arrangement. While Lieutenant General McMaster would be the National Security Advisor to the President, providing day-to-day advice and counsel on all national security matters, General Joseph Dunford, as the Chairman of the Joint Chiefs of Staff, would continue to be the ''principal military advisor'' to the President, while Secretary Mattis is the ''principal assistant to the President in all matters related to the Department of Defense.''

As Senator Sam Nunn described the issue with respect to the nomination of then-Lieutenant General Powell, in Senator Nunn's words, ''A military officer who knows that his next promotion depends on the Secretary of Defense and the top generals and admirals in the Pentagon may simply not, over a period of time, be able to make completely objective decisions based on the fact that his promotion, his pay, and his future depend on one department, and that one department is an active player in the government.''

This question centers on Lieutenant General McMaster's ability to retain the necessary measure of independence as he discharges his duties to the President. I ultimately believe, after careful consideration, that Lieutenant General McMaster will be able to balance these roles and provide advice and direction designed to further the Nation's interests and not simply those of the Department of Defense or indeed, to advance his own ambitions.

It is also my hope that Lieutenant General McMaster will be a moderating influence on a White House that desperately needs talented, informed, and professional advisers. This Administration has proposed a reorganization of the National Security Council structure that excludes the Chairman of Joint Chiefs of Staff and the Director of National Intelligence from meetings unless specifically invited. Lieutenant General McMaster assured the Committee that General Dunford and the DNI will be invited to attend any meeting of the Principals Committee of the National Security Council, and I appreciated that assurance.

The Trump Administration reorganization also added the President's chief strategist, Steve Bannon, to the National Security Council. This politicization of the NSC is unsound, and I think without merit. The law creating the National Security Council is purposeful in trying to create a managerial and policy process that develops the best national security policy for our Nation. The idea that a partisan political operative like Mr. Bannon should serve on the National Security Council runs counter to longstanding practice, and must, in my view, be reversed.

It is my hope that Lieutenant General McMaster has the vast experience and knowledge and the requisite temperament and independence to provide the national security expertise that is sorely needed in the White House.

Moreover, Lieutenant General McMaster must have the support and the backing of the President so it is clear that he runs the National Security Council on the President's behalf. That support is not yet apparent. According to Politico just a few days ago, the President overruled Lieutenant General McMaster's advice and chose to listen to Mr. Bannon and the President's son-in-law, Mr. Kushner, in regard to the retention of a key intelligence analyst who had been brought in by Major General Flynn. This is a worrisome sign that Lieutenant General McMaster might have a title and responsibilities but not the authority he needs. I indeed hope he has that authority and exercises it wisely.

I would also like to note that there have been reports about decisions Lieutenant General McMaster made as Commanding General at Fort Benning in allowing lieutenants under his command to attend schools while being investigated for allegations of sexual misconduct. I want to assure my colleagues that the Committee held a closed and classified executive session with Lieutenant General McMaster present to answer all our questions. The Committee thoroughly considered the facts and voted to confirm his third star by a strong bipartisan vote.

We are again taking a rather extraordinary step in voting on an Active-Duty military officer to serve as National Security Advisor for the first time in 25 years, but these are extraordinary times. Our Nation faces complex national security challenges, and 3 months into a new administration, we are on a second National Security Advisor already. We see a disorganized National Security Council and an enormous number of vacancies in the State and Defense Departments.

Lieutenant General McMaster has the opportunity to bring order to the chaos. Therefore, I believe the Senate should confirm his grade of Lieutenant General while he serves as National Security Advisor.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

TRUMPCARE

Mr. CARDIN. Mr. President, I take this time to talk about the Republican American Health Care Act that was released, I guess, about a week or two ago, affectionately known as TrumpCare. I start by saying, what is this legislation trying to achieve? When I listen to the Republicans talk about why they have introduced this bill, what their concern is with the Affordable Care Act, they usually mention their No. 1 concern is to deal with the increased premium costs that Americans have had under the Affordable Care Act. They normally will point to the individual marketplace, where we have seen increases in premium costs as the market has adjusted to the ratings of those who entered the individual marketplace.

So it was very interesting, as I took a look at the Congressional Budget Office analysis of what the Republican TrumpCare bill would do. The Congressional Budget Office, let me remind my colleagues, is the objective scorekeeper. The leader of the Congressional Budget Office was appointed by the Republican leadership. It is the professional career people who make their best judgment of the impact of legislation that we are considering.

Remember, the Republicans have said their principal objective is to bring down the cost, particularly for those entering the individual marketplace, but according to the Congressional Budget Office, in 2018–19, the average rate in the individual marketplace will increase by 15 to 20 percent. Let me say that again. The Congressional Budget Office tells us the premium increases under TrumpCare will increase for the individual 15 to 20 percent.

Now, that could be a lot higher. That is the average. So let me give you the number. If you happen to be 64 years of age, with an income of $26,500, under the Affordable Care Act, you would pay $1,700 in premiums. Under TrumpCare, you would pay $14,600, or a 750-percent increase. That would equal to about 55 percent of your income in the health insurance premiums. Obviously, that is not affordable. A person of that age and income would have no ability to purchase insurance at an affordable rate under the American Health Care Act or TrumpCare.

Let me take a look at some other reasons why we may be looking at this repeal-and-replacement bill. I listened to the President. I listened to my colleagues, and they say, first, they want to make sure they do no harm, that everyone will be at least as well off as they are today, and that there would be more choice to the consumers in buying health insurance.

Once again, I point to the Congressional Budget Office, the objective scorekeepers. What would happen if TrumpCare were enacted? What would happen as far as individuals who currently have health insurance today? According to the Congressional Budget Office, next year, 2018, there would be 14 million less people insured than there are under the Affordable Care Act. If you project that out to 2026, they indicate there would be 24 million more people who would lose their insurance.

Let me quote from The Baltimore Sun in this morning's editorial, where they pointed out that number: Twenty-four million would equal all the residents of Utah, Mississippi, Arkansas, Nevada, Kansas, Nebraska, West Virginia, Idaho, Montana, North Dakota, South Dakota, Alaska, Wyoming combined would have no insurance coverage. That is what 24 million represent in America. Clearly, this bill is not carrying out the commitment to do no harm because 24 million more Americans will certainly be in worse shape.

Then I heard the President talk about the fact that he wants to do no harm to the Medicare Program or the Medicaid Program. I took a look again at what this bill does in regard to Medicare because the bill repeals the tax on high income; that is, there is currently in law a tax for unearned income above $250,000, a tax that goes into the Medicare trust fund, Part A. The TrumpCare repeals that tax. Therefore, the Medicare trust fund doesn't get the income. That would reduce the solvency of the Medicare trust fund by 3 years, jeopardizing the Medicare system. Clearly, if this bill was aimed at not hurting Medicare, it hasn't achieved that purpose.

Let's talk a little about Medicaid. What does this bill do to Medicaid? According to the Congressional Budget Office, it shifts hundreds of billions of dollars from the Federal Government to our States. Our States clearly cannot handle that. I have heard from my Governor. I am sure my colleagues heard from our other Governors. There is no possibility that they could pick up that. The Medicaid Program will be in very serious jeopardy of being able to continue anything like it is today. For Maryland—the State I have the honor of representing—the passage of TrumpCare would jeopardize the over 289,000 Marylanders who have received insurance coverage as a result of Medicaid expansion under the Affordable Care Act. They very well would lose their coverage.

What does that mean? Well, they better stay well because they are not going to get preventive healthcare covered by insurance. They are less likely to get their preventive healthcare services and the screenings, and, yes, they will return once again to use the emergency room of hospitals as their last resort in order to get their family's healthcare needs met—the most expensive way to get healthcare in our Nation.

With the elimination of essential health benefits for Medicaid expansion enrollees, what does that mean? That means the Medicaid population—which in Maryland is hundreds of thousands of people—would lose their essential health benefits, which includes mental health and addiction services.

We are in the midst of an opioid drug addiction epidemic in America. I have traveled my entire State and have had roundtables with law enforcement and health officials, and they tell me about the growing number of addictions in their community. One of the things they need to do is to be able to get people care and treatment, and we are saying we are going to cut off treatment for millions of Americans. That is what TrumpCare would do, cutting off those benefits.

This bill would shift costs. What do I mean by that? Well, it adds costs to the healthcare system. If an individual stays healthy and uses our healthcare system the way they should, it is a lot less costly than entering our healthcare system in a more acute fashion or using our emergency rooms rather than using healthcare providers who are a lot less expensive and more efficient.

So we are going to add to the cost of our healthcare system because of inefficiencies. Many times that extra cost is not paid for by those who have no health insurance; the fact is, it becomes part of what we call uncompensated care. We had that before the Affordable Care Act. With the increase in uncompensated care, all of us who have insurance will pay more because we are going to pay for the people who don't have health insurance, who use the healthcare system and don't pay for the healthcare system. That is a formula for extra costs for all of us.

This legislation would be an attack on women's healthcare. It would attack and eliminate not only the funding for Planned Parenthood, which is critically important in many parts of our country where they are the only healthcare provider for women's healthcare needs, but also eliminate essential health benefits for Medicaid expansion enrollees, which include maternal health. Those guarantees that exist today would no longer be there. With the pressure on the States, it is unlikely that they would be able to maintain the same degree of coverage for our women. Women are more likely to be vulnerable and on Medicaid.

It is an attack on our elderly. I have already talked about Medicare solvency, reducing Medicare solvency by 3 years, but there are more attacks than that. Over half—I think it is 60 to 65 percent of the cost of Medicaid goes to senior care, long-term care or to care

for individuals with disabilities. Most families in America get their costs covered for long-term care through Medicaid. The States are not going to be able to maintain the same level of coverage with the loss of hundreds of billions of dollars of Federal funds. Our seniors and individuals with disabilities will be in jeopardy of losing a lot of their long-term care coverage.

The legislation, TrumpCare, increases the loss ratios for older people from 3 to 1 to 5 to 1. That increases the cost dramatically for older Americans. That is one of the reasons the AARP opposes the legislation. Let me quote them:

This bill would weaken Medicare's fiscal sustainability, dramatically increase healthcare costs for Americans age 50 to 64, and put at risk the healthcare of millions of children and adults with disabilities and poor seniors who depend on the Medicaid program for long-term care services and support and other benefits.

That is AARP. I already talked about the Congressional Budget Office being a neutral observer. The AARP, of course, is interested in what impact it has on our elderly population. They very clearly say that they are being put at risk.

Let me also talk about affordability. When you have a person who can no longer afford coverage—I already mentioned that person 64 years of age who would have to pay 55 percent of their income in order to get health coverage. That person can't afford coverage. Let's say that person is relatively healthy, so they go without insurance. Well, they need insurance. Maybe someone is young and decides not to get health coverage; they will get it when they need it. There is a 30-percent surtax if you don't keep insurance. That is going to keep people out of the health insurance marketplace who desperately need healthcare.

Once again I am going to quote from the Sun paper. The Baltimore Sun really summed it up fairly well, particularly with their attack on the Congressional Budget Office. I think that is a very unfair attack. We all obviously take issue at times with the estimates of the Congressional Budget Office, but it is the objective scorekeeper. It has the most accurate assessments we get on legislation we consider here. That is why we created the Congressional Budget Office—to give us that advice.

The Sun paper, in their editorial this morning, said:

Small wonder that President Donald Trump and certain Republican leaders were busy bad-mouthing the CBO even before its report came out. The last thing they needed is the nonpartisan number crunchers to offer an informed view instead of the usual political caterwauling about the ''failings'' of the Affordable Care Act. And this is particularly rich: Republicans say the CBO blew ObamaCare estimates years ago when it was circumstances well beyond the CBO's control that caused analysts to incorrectly predict ObamaCare enrollment. Should analysts have expected the Supreme Court to deem the Medicaid expansion optional and GOP-controlled States to refuse to accept it? Were they mistaken to assume Congress could actually follow the law and fund programs to stabilize state insurance exchanges?

Might the CBO be off-target again? Absolutely. But it's at least as likely that the office is low-balling the most damaging effects of TrumpCare as it is potentially over-stating the harm. The Congressional Budget Office is as close to an umpire as exists in Washington. It has certainly been a lot more on target than the Trump administration, which has consistently misled Americans on almost everything from the definition of ''wiretapping'' to the claims of ''millions of illegal voters'' casting ballots in the last election. Even those overstated ObamaCare enrollment estimates were closer to being on the nose than those produced by the CBO's fellow forecasters at the Centers for Medicare and Medicaid Services and RAND Corporation.

Once again, Mr. Trump and his minions have been caught making up facts. The President promised the ObamaCare replacement would provide insurance for everyone and it would be less expensive. Nobody can make that claim about TrumpCare. As the CBO points out, premiums will rise 15–20 percent overall for the first two years, and more for older Americans.

The American public expects us to work together to improve our healthcare system. Instead of repealing and replacing the Affordable Care Act with this legislation that will put us in much worse shape, we should be looking at how we can build on the progress we have made under the Affordable Care Act.

Yes, we can bring down costs. Let's bring down costs by taking on the cost of prescription drugs. We know that Americans overpay on prescription drugs. There is bipartisan support in the Senate to pass legislation using America's buying power to help our consumers pay less for prescription costs.

Yes, we should have more competition with insurance carriers. Why not have a public option and see how well the private companies can compete with a public option?

Yes, we can improve the way we deliver care and make it more cost-effective. We, in a bipartisan manner, went down that path in the last Congress under the Comprehensive Recovery and Addiction Act and the 21st Century Cures Act, where we looked at ways that we can collaborate on care for addiction services and mental health so people can get the care they need in the setting they need, whether it is an emergency room or a primary care physician's office.

We have made progress making our healthcare system more cost-effective and efficient. That is what we should be doing—building on the Affordable Care Act rather than taking away critically important benefits. The Republican plan moves us in the wrong direction, and it should be rejected.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for as long as I want.

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

The Senator from Arizona is recognized.

MONTENEGRO'S ACCESSION INTO NATO

Mr. MCCAIN. Mr. President, I am pleased to be in the company of the distinguished Senator from Maryland, Mr. CARDIN, the ranking member on the Foreign Relations Committee and one who is most knowledgeable on issues of national security and foreign policy. I believe that Senator SHAHEEN from New Hampshire will be joining us.

This is an issue that I am sorry has to be brought up in this fashion. It concerns a little country that wants to be a part of the European Union, that wants to be a part of the values, customs, and ideals of the West and has been under significant pressure and even assault from Russia.

In fact, although it wasn't as recognized as it should have been at the time, Russia has sought to keep Montenegro from becoming a NATO member, launching an anti-NATO campaign that has been both brazen and unscrupulous. Russia has exerted outsized influence to stop Montenegro's membership, calling further NATO enlargement a ''provocation.'' Russia went so far as to plot a coup d'etat in which they planned to assassinate the Montenegrin Prime Minister and seize control of government buildings in the capital. I repeat: The Russians tried a coup in Montenegro. They wanted to kill the Prime Minister and overthrow the government in order to keep Montenegro from becoming a part of NATO.

If we send this clear message to Russia that it won't have veto power over NATO enlargement decisions—and, frankly, I am puzzled that there is any objection to this, considering the fact that Montenegro has spent the last 7 years preparing for NATO eligibility. This has strengthened the country's defense and intelligence forces and transformed the country into a strong Western ally.

It is a small country and a beautiful country, but it is an important Balkan nation. Its membership in NATO would improve the stability in the region, where, I know my colleagues would agree, there is great instability.

Stopping Montenegro's NATO candidacy would represent a significant shift in U.S. policy and signify an acquiescence to Moscow's growing influence in the Balkans, producing a ripple effect throughout the region that would have profound ramifications on our shared security interests.

The United States has benefited tremendously from peace and stability in Europe, and the foundation of that

peace and stability is NATO. That is why we should stand with Montenegro or risk undermining our vision of a Europe that is whole, free, and at peace.

I see my two colleagues here, Senator CARDIN and Senator SHAHEEN. So I will conclude by saying this. This is a small country. This is a small country that has been the scene of conflict for centuries. This is a small country with a freely elected democratic government. This is a small country whose population wants to be part of NATO. They want to be part of the West. If we keep turning this down after 25 of the 28 governments in NATO have voted in favor of Montenegro's accession to NATO, my friends, we would be sending a terrible, terrible message.

So in a few minutes, I will ask unanimous consent for us, as the U.S. Senate, to move forward with treaty consent.

First, I would like to yield to my colleague from Maryland, Senator CARDIN.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first let me thank Senator MCCAIN for his strong leadership on this issue and so many issues that deal with U.S. national security.

Montenegro is a small country, but the principle that no non-NATO country can veto accession into NATO is very much a major national security issue for the United States. Make no mistake about it. Russia is trying to interfere with Montenegro's accession into NATO.

I am also pleased to hear from Senator SHAHEEN, who has been one of the great leaders in the Senate on our European transatlantic relations, and I know how strongly she feels.

I just want to underscore points that Senator MCCAIN made. I am the ranking Democrat on the Senate Foreign Relations Committee, and the Senate Foreign Relations Committee did approve unanimously by voice vote the accession of Montenegro into NATO. The Presiding Officer was part of that discussion, and I thank him for his help in moving this issue forward.

This is not a controversial issue among the Members of the Senate or the Congress. This is something that should have been done by now.

As Senator MCCAIN has pointed out, 25 of the 28 nations have already ratified Montenegro's accession into NATO. It requires all 28. Another two are working actively on confirmation, and the last is the United States. We should be first, not the last. We should get this done. It should have been done before now.

The point that Senator MCCAIN made I have to underscore because we know about Russia's engagement here in the United States in our election. Well, let me tell you something. As to what Montenegro experienced during their parliamentary elections, where Russia put money into that country and tried to do violence in order to prevent their Parliament from ratifying the accession into NATO, we have to stand up against that type of bullying by Russia, that interference by Russia.

As we are here today debating, Montenegro has been subject to a wave of anti-NATO and anti-Western propaganda emanating from Russia. There are also allegations that a recent coup planned had Russian ties.

Blocking Montenegro's ability to join NATO will have real implications for how NATO is perceived. Once again, Russia does not have a veto on our enlargement of NATO. It is in the United States' national security interests that we ratify Montenegro's accession into NATO as soon as possible. I hope we can do it yet today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am happy to join my colleagues, Senator MCCAIN and Senator CARDIN, in urging the Senate to approve Montenegro's accession into NATO. It is long overdue, as they have both said. This is something that has been approved by the Foreign Relations Committee not once but twice—last year in the last Congress and again in January of this year. We have heard expert testimony from a whole bipartisan group of diplomats, national security experts, and former administration officials, urging quick action on Montenegro's accession. There is no reason for any further delay.

My colleagues here who have been such great leaders on the importance of responding to Russia's actions, of addressing their interference in our elections here in America, but also of addressing what they are doing in Europe, have said it very eloquently. We need to get this done; and 25 of the 28 member states have already ratified the protocol, according to their own procedures. The Senate must act.

One of the priorities of the NATO summit last year in Warsaw was bolstering NATO's resilience and its capacity to deter Russian aggression against NATO's eastern flank. At that summit, NATO invited Montenegro to become its 29th member.

As Senators MCCAIN and CARDIN have already said, Russia is opposed to Montenegro's accession into NATO. It has warned Montenegro of retaliation if it pursues NATO membership. Furthermore, we have seen what that retaliation looked like.

During Montenegro's general election last October, 20 people were arrested on suspicion of plotting, with support from Russia, to overthrow the government and assassinate the Prime Minister—all because he has supported NATO accession.

When we were in Munich for the security conference a couple of weeks ago, Senator MCCAIN and I and the congressional delegation that was there heard from Montenegrin Prime Minister Djukanovic, who talked about what he experienced from the Russians and about the Russian effort to overthrow his government, a duly elected democracy.

Just last month, their chief special prosecutor announced that his government had evidence that Russia's Federal Security Service was involved in a failed coup.

Mr. President, I have two news articles about this story that I ask unanimous consent be printed in the RECORD so that everybody understands that it is very clear what is going on.

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

[From CNN, Feb. 21, 2017]

MONTENEGRO: RUSSIA INVOLVED IN ATTEMPTED COUP

(By Milena Veselinovic and Darran Simon)

Montenegro's chief special prosecutor has told a local TV station authorities believe Russian security services were involved in a plot to kill the country's then-prime minister and overthrow the government last October.

Milivoje Katnic said Montenegro officials have evidence that Russia's Federal Security Service was involved in the failed coup, according to his statements Sunday on Atlas TV. The allegation drew an immediate rebuke and denial from Russian officials.

Katnic said the plot was an attempt to stop Montenegro from joining the North Atlantic Treaty Organization, or NATO. ''Behind these events are nationalist structures from Russia, but we now know that certain Russian state authorities were involved also on a certain level,'' Katnic said.

Katnic said the alleged mastermind behind the failed coup was a man named Eduard Sismakov, who is a former deputy Russian military attaché in Poland. Sismakov was deported to Russia for espionage in 2014, according to the prosecutor.

According to Katnic, Sismakov is also known as Eduard Shirokov, and was issued a passport with the different name by Russian authorities.

''The passport was given to him by certain Russian state bodies under another name, and he is a member of the Russian military structures,'' Katnic said. ''And his name is Eduard Sismakov, that is his personal identity and we will charge him under that personal identity.''

Katnic added: ''It is clear that the passport could not have been issued under another name as well as everything else—sending to Serbia, organizing everything—without the involvement of certain structures.''

The Interpol Red Notice says Sismakov—listed under the name Eduard Shirokov—prepared acts against the constitutional order and security of Montenegro. The Interpol Red Notice is an international database of suspects that is shared with other law enforcement agencies. Sismakov's country of birth is listed as Russia.

Katnic said another alleged plotter is Vladimir Popov. Popov, who is of Russian origin, is also wanted by Interpol for the same acts, according to the Interpol Red Notice.

Katnic said another alleged plotter, Nemanja Ristic, was involved in the coup attempt, and Ristic has said he was connected to Russia's Federal Security Service. His task was to recruit a team to send to Montenegro to execute the coup, Katnic said. Ristic is wanted by Montenegro for attempted terrorism, according to Interpol's Red Notice.

The Kremlin's spokesman, Dmitry Peskov, on Monday dismissed Katnic's accusations.

''Day after day, we are faced with absurd accusations about Russia. Day after day we

deny these accusations. We say absolutely that there cannot be talk about the official involvement of Moscow in the internal events in Montenegro. Russia does not get involved and will not get involved especially in such countries as Montenegro with which we have a very good relationship,'' Peskov said during a conference call with journalists.

Montenegro is in accession talks to join the alliance after NATO formally invited the southeastern European county in December 2015. The move spurred threats from Russian officials, who are at odds with NATO over a multitude of issues, including Turkey's downing of a Russian warplane in December 2015.

At the time, Russian President Vladimir Putin called the incident ''an enemy act.''

Becoming an official member of NATO would be significant for Montenegro because, under the alliance's charter, any attack on Montenegro would be seen as an attack on all NATO members.

The ratification process for Montenegro to join NATO is in its final stages, according to NATO.

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[From the Guardian, Nov. 11, 2016]

SERBIA DEPORTS RUSSIANS SUSPECTED OF PLOTTING MONTENEGRO COUP

Serbia has deported a group of Russians suspected of involvement in a coup plot in neighbouring Montenegro, the Guardian has learned, in the latest twist in a murky sequence of events that apparently threatened the lives of two European prime ministers.

The plotters were allegedly going to dress in police uniforms to storm the Montenegrin parliament in Podgorica, shoot the prime minister, Milo Đjukanović, and install a pro-Moscow party.

The Russian fingerprints on the October plot have heightened intrigue about Moscow's ambitions in a part of Europe hitherto thought to be gravitating towards the EU's orbit.

A group of 20 Serbians and Montenegrins, some of whom had fought with Moscow-backed separatists in eastern Ukraine, were arrested in Podgorica, the Montenegrin capital. In Serbia, meanwhile, several Russian nationals suspected of coordinating the plot were caught with €120,000 and special forces uniforms.

According to a Belgrade daily, the Russians also had encryption equipment and were able to keep track of Đjukanović's whereabouts.

Diplomatic sources told the Guardian the Belgrade government quietly deported the Russians after the intervention of the head of the Russian security council, Nikolai Patrushev, who flew to Belgrade on 26 October in an apparent effort to contain the scandal. The country's interior minister Nebojša Stefanović denied the government carried out any deportations connected to the plot.

A source close to the Belgrade government said Patrushev, a former FSB (federal security service) chief, apologised for what he characterised as a rogue operation that did not have the Kremlin's sanction. In Moscow, a Security Council official told Tass that Patrushev ''didn't apologise to anyone, because there is nothing to apologise for''.

The Serbian government was further rattled three days after Patrushev's visit when a cache of arms was found near the home of the prime minister, Aleksandar Vučić. The weapons were discovered at a junction where Vučić's car would normally slow down on his way to the house.

Stefanović said there were ''strong suspicions'' that an organised crime gang had been hired to kill Vučić for €10m, but he would not specify who was behind the alleged plot, saying further investigation would show whether people ''outside the region'' were involved.

''You know the people who don't like a strong Vučić or a strong government of Serbia and who could contribute some money, €10m or so, to see this kind of thing done,'' Stefanović told the Guardian.

''We know that the people who were potentially hired to do this kind of thing were from the region, but not from Serbia, and that there were crime groups that are operating in the region that were involved. But these were just the trigger persons,'' the minister added.

''We believe that criminal gangs are just being used to do the job, but the motives are not linked to the gangs. The assassination of the prime minister is not something that even they would do lightly, we believe they are being used.''

Since the discovery of the weapons, Vučić has announced plans to shake up the intelligence service, saying the security situation was ''even more serious than we expected.''

''There will be changes in the secret service,'' he told the public broadcaster, RTS. ''I believed in the skills of people who didn't show that they have these capacities, but I'll take responsibility for this.''

It is unclear whether there is a connection between the alleged assassination plots against Vučić and Đjukanović. But the intrigue of the past month comes against a backdrop of fierce east-west competition.

Đjukanović has been instrumental in pulling his country to the verge of NATO membership—an accession protocol was signed in May—which has dashed Russian hopes of securing a naval foothold on the Adriatic. According to the Montenegrin press, Moscow lobbied hard in recent years for transit and maintenance facilities at the ports of Bar and Kotor.

The importance of such facilities was demonstrated late last month when a Russian carrier and its battle group was denied refueling in European ports along the way to support the Russian military effort in Syria.

In Serbia, Vučić has been seeking a delicate balance between NATO and Russia, and the country's armed forces have conducted military exercises with both, although far more frequently in recent years with NATO. Vučić has also refused to grant diplomatic status to Russian officials staffing a Serbian-Russian humanitarian center established in the city of Niš in 2012, infuriating Moscow.

Western officials suspect the center of being a Trojan horse, which could expanded as a hub for intelligence and paramilitary operations in the region. Diplomatic status, they point out, would have allowed equipment to be brought in without oversight by Serbian customs.

Some analysts have suggested the operation could have been mounted as a ''semi-freelance'' one, giving enough distance from Moscow to be plausibly deniable if was uncovered.

''Both sides have an interest in playing this as a freelance, vigilante-type thing, it allows them both to save face. Whether that's actually true is unclear. There's simply not enough evidence either to support or disprove it,'' said Vladimir Frolov, a Moscow-based analyst.

''Judging from the amount of logistical and financial support they got, it looks likely they acted with at least a tacit understanding that this was sanctioned.''

A few days after the would-be coup, a former intelligence officer, Leonid Reshetnikov, who ran a hawkish research institute in Moscow, was relieved of his duties by Putin. The Russian Institute for Strategic Studies has a branch office in Belgrade, and Reshetnikov had given strong backing to the anti-Nato opposition party in Montenegro.

A regional analyst who did not want to be named said his understanding from intelligence sources was that the incidents in the Balkans were probably linked to Russian attempts to gain influence and leverage in the Balkans in the run-up to an anticipated Hillary Clinton US presidency, which was expected to take a harder line on Russian activity in the region.

In Moscow, the Russian foreign ministry took a dim view of this Guardian report on the Balkan events. Maria Zakharova, spokeswoman for the Russian foreign ministry wrote: ''The publication in the Guardian with a link to 'sources' saying that Patrushev apologised for 'Russian nationalists' who had planned to kill the prime minister of Montenegro is a classic provocation aimed at spreading knowingly false information.''

Mrs. SHAHEEN. The best thing we can do in the United States in the Senate is to approve Montenegro's accession because that sends a very clear message to Russia that we are not going to put up with that kind of interference.

What I don't understand is why anybody in this body wants to prevent us from approving this accession. Are they supporting Russia in their activities? Are they opposed to NATO? What is the deal here? They need to come forward and tell us what their objections are. Why aren't they letting this go through? Why are they willing to stand up for Russia and not for Montenegro and not for Europe and not for the United States?

Those are the questions that I have, and I want whoever objects to come to the floor and tell us why they are objecting, because Montenegro and our NATO partners deserve at least that much.

It is now time to stand up strong for Montenegro, for their right to self-determination, for their right to join NATO, for the West and for NATO. I hope that we are going to be able to get this through this afternoon.

I will defer to my colleague from Arizona to make the unanimous consent request.

Mr. MCCAIN. Mr. President, I want to thank the Senator from New Hampshire and the Senator from Maryland. This issue probably doesn't matter a lot to many of our voters. It probably is not something that is uppermost in their minds. But because of your hard work here in the Senate and your in-depth knowledge of the issues and challenges that face this country, in what is arguably the most uncertain and turbulent time in the last 70 years, you have taken the time and the effort to learn about this small country, this small beautiful country whose only wish, whose only desire is to be a part of our community of NATO so that they can come under the umbrella of protection and move forward with a thriving democracy in a very volatile part of Europe.

I want to especially thank Senator SHAHEEN and Senator CARDIN for their advocacy, affection, and appreciation

of the citizens of the small country who are only seeking what we sometimes take so much for granted. So I especially want to thank them.

I also want to thank the chairman of the Foreign Relations Committee, Senator CORKER, who also was very involved in getting this through.

So, Mr. President, if there is objection—and I note that the Senator from Kentucky is on the floor, and I will say before I read this, if there is objection, you are achieving the objectives of Vladimir Putin. You are achieving the objectives of trying to dismember this small country that has already been the subject of an attempted coup.

I have no idea why anyone would object to this, except that I will say, if they object, they are now carrying out the desires and ambitions of Vladimir Putin, and I do not say that lightly.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

So, Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to executive session to consider Calendar No. 1, Montenegro, Treaty Document No. 114–12; that the treaty be considered as having advanced through the various parliamentary stages up to and including the presentation of the resolution of ratification; that any committee declarations be agreed to as applicable; that there be no amendments in order to the treaty or the resolution of ratification; that there be 2 hours for debate, equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote on the resolution; that any statements be printed in the RECORD; that if the resolution of ratification is agreed to, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that if the resolution is not agreed to, the treaty be returned to the calendar, and that there be no motions or points of order in order other than a motion to reconsider; and the Senate then resume legislative session.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I note the Senator from Kentucky is leaving the floor without justification or any rationale for the action he has just taken. It is really remarkable that a Senator is blocking a treaty that is supported by an overwhelming number—perhaps 98, at least, of his colleagues. To come to the floor and object and walk away—walk away—the only conclusion that can be drawn when he walks away is that he has no argument to be made. He has no justification for his objection to having a small nation that is under assault from the Russians be part of NATO.

So I repeat again: The Senator from Kentucky is now working for Vladimir Putin.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I just have to follow up on Senator MCCAIN's comments. How disappointing it is that we saw the Senator from Kentucky come to the floor to object to something that is clearly in the national security interests of this country—to support Montenegro's accession to NATO. It is in Europe's interest, in Montenegro's interest, and it is in America's interest.

I have to agree with Senator MCCAIN. He is working in support of Russia's interests in America or he is holding this hostage for something that is totally unrelated to what we are doing with Montenegro's accession into NATO. In either case, it is totally inappropriate.

When are people in the Senate going to stop holding hostage things that are totally unrelated to the work on the floor of the Senate and start acting like adults and doing what we ought to be doing in this body? It is so hard to understand why somebody is here doing that, and, you know, I am disappointed that he is not willing to come to the floor and say why he is holding this up. If he has a good reason, he should be here talking about that reason, and let's see if we can find a compromise. But if he is not willing to come to the floor and talk about it, what does that mean? What does that mean for the future of this kind of treaty? And what is Montenegro's right to self-determination and our national security interests? It is just unfathomable.

So I am going—I think we should all keep coming to the floor on a regular basis, and I am hopeful that if we do that, we will eventually be able to find out what Senator PAUL's objection is and address that because we can't let this stay in limbo in perpetuity.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I want to underscore one point here because people watching this may not understand the specific request that Senator MCCAIN made.

What Senator MCCAIN asked is that this resolution be brought to the floor of the U.S. Senate with debate and vote. Every Member can voice their views and then vote up or down. Senator MCCAIN is absolutely right: On a vote there are going to be 97, 98, maybe even more Senators voting in favor of this resolution. I hope it is 100 at the end of the day. But we have one Senator objecting to the consideration.

We have to have some democratic principles here. This is a national security issue. I think we should underscore the point of what Senator MCCAIN was requesting. He didn't ask unanimous consent that it be passed; it is unanimous consent that we have a chance to vote on it.

Each of us could have cast our vote and expressed our views. We are not denying any Senator the right to be heard on this issue or to cast their vote on this issue. It is disappointing that one Senator is holding this issue up, and it is affecting our national security.

I yield the floor.

Mr. MCCAIN. Mr. President, I thank my colleagues, and I know I speak for 90-some U.S. Senators with a message to the brave people of Montenegro who are upholding democracy, who have fought against a coup that would have overthrown their government, who cherish freedom, who cherish the alliance that it has held so long for so many years.

We will not stop until we ratify your entrance into the North Atlantic Treaty Organization. I pledge to the people of Montenegro that Senator SHAHEEN, Senator CARDIN, and I, and many other Senators, will not stop until this resolution is passed and we can strengthen not only Montenegro the nation and NATO, but the region.

Mr. President, I yield the floor.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SUBSTANCE MISUSE CRISIS

Ms. HASSAN. Mr. President, I rise to deliver my first official speech on the Senate floor. I begin by saying how deeply grateful I am to the people of New Hampshire for the great trust they have bestowed upon me.

I come from a State that combines rugged individualism with a strong sense of community. It is what I often call our ''all hands on deck'' approach, where we come together, we pitch in, and we help our friends and neighbors when they need it.

Right now, we see this approach each and every day with those on the front lines of our State's devastating substance misuse crisis. Law enforcement officials, medical professionals, and citizens in every corner of our State work together to try to turn the tide of this deadly epidemic. The heroin, opioid, and fentanyl crisis is the most pressing public health and safety challenge facing New Hampshire. This epidemic takes a massive toll on our communities, our workforce, and our economy, and I know it is ravaging other States all across our Nation too.

This crisis does not discriminate. It affects people in every community and from all walks of life. In 2016 alone, roughly 500 people in New Hampshire lost their lives as a result of this epidemic, and the spread of synthetic drugs, like fentanyl, is increasing dramatically the number of lives lost and

is killing people faster with smaller amounts of drugs. Last year, more than 70 percent of confirmed New Hampshire drug deaths involved fentanyl. Lives are at stake, so every Member of this body must come together and put partisan politics aside to get results for our people.

The people of my State have a long tradition of sharing their stories and making their priorities known to the elected officials who represent them, and everywhere I go, I hear stories from those who have been affected by this crisis. I hear inspiring stories from those in recovery who are working to put their lives back together, and I hear tragic stories from siblings, parents, and friends who know the pain of having a loved one taken from them far too soon. All of these stories are critical in breaking down the stigma of addiction and pushing for solutions. Instead of simply writing in an obituary that a loved one died suddenly, more and more families, including the families of one of my son's high school classmates, are speaking out and telling the painful stories of addiction and loss.

Last year, at our annual Easter egg hunt that I hosted as Governor, I was approached by a woman on our statehouse lawn who was carrying a baby. After I took a picture and I admired the baby, she pulled me aside and said the little boy she was holding was not her son but her grandson and that his mother had died from an overdose 1 month earlier. She was there on the day before Easter, as we celebrated our spring ritual of renewal and hope, and shared that pain with me so we could move forward to help others in her situation.

Just this week, on Monday, I met with a man named Phil, from Laconia, who is now in recovery. Phil said that over a year and a half ago, he had lost his home and nearly everything because of his substance use disorder. Now, thanks, in part, to the fact that he was able to gain coverage through the Affordable Care Act's Medicaid expansion, Phil is substance-free. He has gone on to become a recovery coach, and he helped found a recovery center in Laconia, where he works to help others with the same challenges he had.

We can never thank those in recovery and the families who have lost loved ones enough for speaking out about this issue and for working tirelessly and courageously to try to prevent others from suffering as they have, but while thanking them is appropriate, it is not enough. The bravery of survivors and those in recovery needs to be marked by our constant vigilance and by urgent action.

I am grateful to the Senators who have been true leaders on this issue, especially my fellow Senator from New Hampshire, JEANNE SHAHEEN, who has fought tirelessly to secure funding to combat this crisis and help the people of our State. The passage of the Comprehensive Addiction and Recovery Act was an important step, as was the 21st Century Cures Act, which included some funding to fight the opioid epidemic. The Cures Act will not provide enough funding for our State, and I will continue fighting, alongside Senator SHAHEEN, to ensure that the Federal Government provides New Hampshire with the resources we need.

I am pleased there has been bipartisan support for combating this crisis in the Senate, but we must continue to work together at all levels of government and with those on the front lines to battle this crisis.

During my time as a member of the National Governors Association, I worked with my fellow Governors from both parties to push for steps, including passing emergency Federal funding to support States' efforts to combat this crisis, and at the State level in New Hampshire, we proved that we could come together to implement a comprehensive, ''all hands on deck'' strategy to support those on the front lines and help save lives.

During my time as Governor, we secured $5 million in additional State funding for treatment, prevention, recovery, and housing programs. We worked together to provide law enforcement with additional resources through a program called Operation Granite Hammer. We expanded drug courts throughout New Hampshire, and we worked to crack down on fentanyl. In order to prevent the overprescribing of opioids, we took steps to improve provider training and update the rules for prescribers.

Critically, Republicans and Democrats put their differences aside and came together to pass and reauthorize the New Hampshire Health Protection Program, also known as Medicaid expansion. Passing and reauthorizing this program included healthy debate and, at times, heated argument. What matters is that after those debates, we were able to take this essential step forward to continue strengthening our families, our businesses, and our economy.

Medicaid expansion is providing quality, affordable health coverage to over 50,000 Granite Staters, including coverage for behavioral, health, and substance use disorder treatment. Thousands of people have received addiction treatment after gaining coverage through the Medicaid expansion program in New Hampshire. What is clear and what I hear from people in recovery centers all across my State is that lives are being changed and saved as a result of Medicaid expansion.

Take, for example, Ashley, of Dover, NH. I first met Ashley at the Farnum Center in Manchester, and I have been inspired by her story ever since. Ashley is living proof of the positive impact of Medicaid expansion.

Ashley had struggled for nearly a decade with heroin addiction, during which time she was arrested, her husband died from an overdose, and she lost the custody of her young child. Yet, as a result of her courage, perseverance, and the treatment she received for her substance use disorder under Medicaid expansion, Ashley's story is one of progress. She has been in recovery for over a year. She is employed, is working at Safe Harbor Recovery Center to help others who are struggling with addiction, and has moved to employer-sponsored insurance coverage.

It was an honor to have Ashley attend the President's joint address to Congress as my guest of honor, and I will continue to carry her story with me in these Chambers and beyond.

It is not just in New Hampshire. Republican Governors and some of my Republican colleagues in the Senate have made clear just how critical Medicaid expansion is to their States. As the Center on Budget and Policy Priorities has found, 2.8 million people with substance use disorders, including 220,000 with opioid disorders, have coverage under the Affordable Care Act. That is real and essential progress, but we know we have far more work to do. I am committed to working with Members of both parties in the Senate to continue building on these efforts.

What we cannot afford to do, however, is to allow a partisan agenda to pull us backward. I am extremely concerned about the effect that legislation introduced by House Republicans last week—also known as TrumpCare—would have on our efforts to combat substance misuse. Make no mistake, this legislation would end Medicaid expansion, which experts have said is the most important tool available to fight the substance misuse crisis. This plan also cuts and caps the traditional Medicaid Program, which means States will be forced to either raise taxes or cut eligibility and services.

As a former Governor, I know full well the impact the decisions in Washington can have on our communities. Repealing Medicaid expansion and capping traditional Medicaid would severely hurt the ability of those on the front lines to save lives and combat this deadly epidemic.

Substance use disorder treatment providers have been clear that if Medicaid expansion is repealed, they will have to significantly cut back on the help they can provide to those in need. To pull the rug out from millions of people across the country who are seeking a lifeline from the throes of addiction is unconscionable. We cannot let that happen.

In addition to making the substance misuse crisis worse, TrumpCare would affect countless others across New Hampshire and America, from individuals who buy their own insurance who would see their premiums skyrocket to older Americans who would now be forced to pay an age tax, to women and families who would be hurt by the provision that defunds Planned Parenthood.

We know there is more work to do to improve and build on the Affordable

Care Act, but this TrumpCare bill is not the answer, and I am working with my colleagues to fight against this legislation.

Furthermore, I am working on additional legislation that would help combat this substance misuse crisis. I joined Senator PORTMAN in introducing the STOP Act, bipartisan legislation that would help stop dangerous synthetic drugs like fentanyl and carfentanyl from being shipped through our borders to drug traffickers here in the United States. These synthetic drugs are only making this crisis more dangerous, causing a spike in deaths in New Hampshire and across the Nation. We must do everything possible to stop them from entering our country.

I joined a bipartisan group of colleagues, led by Senator KLOBUCHAR, to introduce the SALTS Act, which would empower law enforcement to crack down on synthetic substances and better prosecute drug traffickers.

I also joined Senators MANCHIN, SHAHEEN, and several of our colleagues to reintroduce the LifeBOAT Act, which would establish a permanent funding stream to provide and expand access to substance misuse treatment.

These are essential steps we need to take now. I will also continue evaluating additional legislative steps to support treatment, prevention, recovery, and law enforcement efforts. We know the road ahead will not be easy. The scourge of addiction requires us, at times, to change the way we have always done things at a quicker pace than is sometimes comfortable but that can never be an excuse for inaction.

Every day, I am reminded of the stories like those of the grandmother I met at the annual Easter egg hunt, Phil's and Ashley's, and those of the thousands in my State who continue to feel the impacts of a crisis that is taking far too many lives. By making their voices heard, citizens in New Hampshire are breaking through the stigma of addiction and, in turn, are helping others seek the treatment and recovery they need. It is incumbent upon all of us to ensure that those critical services are there for them.

We must all continue to speak up and fight for those who are voiceless and those who continue to struggle. We must reach out and work toward policies that can truly make a difference because often when we reach out, people reach back, but if we are silent or if we allow the rug to be pulled out from under those seeking help, this epidemic will only get worse. It will devastate even further our families, our communities, and our businesses.

I am going to continue to fight to make progress, and I am willing to work with anyone to help those struggling to get the treatment they need and to support all of the dedicated professionals who are on the frontlines of battling this crisis. We will have to continue to fight together, each and every one of us, every single day, to build on our efforts to combat this epidemic, and by working together, we can and we will stem and turn the tide.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from New Hampshire.

CONGRATULATING SENATOR HASSAN

Mrs. SHAHEEN. Mr. President, I just wanted to say how pleased I am to be able to join my colleague from New Hampshire on the floor for her official maiden address. It is so nice to see so many of our women colleagues here for this as well.

As she pointed out, I just wanted to echo the great work Senator HASSAN has done, especially as Governor, in expanding the Medicaid Program in New Hampshire so that it provides treatment for so many people, especially when it comes to the heroin and opioid epidemic, and why we are so concerned about any efforts to roll that back—because that would kick thousands of people in New Hampshire off of treatment with nowhere else to go. I certainly plan to continue to join her as we fight for this effort, and I know our colleagues are going to help us in that. I believe that if we all work together, we can make progress, as she has so eloquently stated.

So congratulations to Senator HASSAN for her first official maiden speech. I know it will be just one of many more to come.

(The remarks of Mrs. SHAHEEN pertaining to the submission of S. 630 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.)

Mrs. SHAHEEN. 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.

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

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

REPUBLICAN HEALTHCARE BILL

Ms. WARREN. Mr. President, last week Republicans in the House released a bill to repeal the Affordable Care Act and cut Medicaid to the bone. On Tuesday, the Congressional Budget Office—those are the independent budget experts who analyze policies under consideration here in Congress—estimated that the plan would rip health insurance coverage away from 24 million Americans and cut $880 billion in the Medicaid program. And as a bonus, the plan provides hundreds of billions of dollars in tax breaks for the rich. Who comes up with a plan like this? What kind of healthcare bill has, as its central feature, ripping away health insurance from tens of millions of American citizens?

What kind of politician thinks they were sent to Congress to destroy the financial stability of millions of middle-class families and give wealthy donors a tax break that they certainly don't need? Who thinks that the central problem in America is that middle-class families have too much healthcare coverage and that the richest people in America need government to hand them more money? There is no other way to say it: This bill is just part of a Republican plan to help the rich get richer and kick dirt in everyone else's face.

This bill is an economic disaster, and at its center, it is cruel—cancer survivors losing coverage, seniors facing premium increases of $12,000 a year, people with disabilities forced into nursing homes. And one of the cruelest things is what this bill will do to individuals, to families, and to communities struggling with the opioid crisis.

Last year in Massachusetts, nearly 2,000 people died from opioid use. That is more than double the number who died in 2013. That is right, double. Between 2014 and 2015, Massachusetts had a bigger jump in its death rate from drug overdoses than any other State except North Dakota.

Last week, I was on the front lines in Lynn Community Health Center, where dedicated staffers are trying to meet this opioid epidemic head on. This week, I went to Manet Community Health Center, where a coordinated team in Quincy is battling the opioid crisis. While I was there, I not only met with the professionals, I saw the mamas and the babies, the people who are in recovery, and people who reach out to those who are still in the grip of drugs. The opioid crisis isn't happening to someone else's family or in someone else's community. It is happening to our families in our communities, and we need to do more to stop this plague before it takes another of our loved ones.

We need to do more; what we absolutely cannot do is less. We cannot take away the resources already committed to fighting the opioid crisis so that some millionaire can get a tax break. Current law, the ACA, requires all insurance plans to cover substance use disorder treatment and prevention as an essential health benefit. That means that your insurance company can't turn off the access to treatment just when you need it most by saying: Sorry, we just don't cover that. Current law, the ACA, gave people the chance to get that insurance through health exchanges and subsidies. Millions more people got private insurance. And through Medicaid expansion, millions more were covered by Medicaid. So there it is, our first line of defense in the war on opioid addiction.

The ACA currently means that more people are covered, and that coverage includes substance abuse treatment. What does the Republican plan do? It

takes away coverage for 24 million people. That is 24 million people who no longer have any access to substance use disorder treatment and prevention services. And then they want to let insurance companies jack up the out-of-pocket costs for substance abuse programs and mental health programs. In fact, some Medicaid plans would be able to drop this coverage altogether. So millions more people would lose their one lifeline if someone in their family is taken by drugs.

Don't get me wrong. What we are doing right now is not enough. Even now, only 10 percent of those who need treatment for substance use disorder receive it and 90 percent can't get help, but that means we need more, not less help.

Repealing the protections for mental health and substance use disorders in the ACA would yank more than $5 billion in actual funding that is currently going to mental health and treatment services. That is the Republican plan to deal with the opioid crisis. Ask any family trying to get treatment for a loved one who is addicted to drugs. We already have an opioid treatment gap. Gutting the ACA is like shoving a stick of dynamite into the treatment gap and then lighting the fuse. And if the Republicans get their way, people will lose health coverage. People will lose access to recovery services. People will die.

Now is the time to stop this cruel bill in its tracks before it hurts real people. Now is the time to speak out about the importance of the ACA and Medicaid to you and to your family.

If you or someone you know has been touched by the opioid epidemic, you know how much this matters. Maybe you have a sister, a child, a church member, or a high school friend who has struggled with substance use disorder. Maybe you know someone who has fought on the frontlines of this crisis as a healthcare provider, community advocate, as a first responder.

If you do, then you know the stakes in this debate over the ACA and Medicaid. Now is the time to act. Don't wait. If the Republicans end up destroying help for millions of people, don't wake up the next morning and wonder if you could have said more or if you could have raised your voice back when it mattered. No, the Republicans are trying to pass this terrible healthcare bill now, now is the time to speak out. It is time to stand up and to tell Republicans to end their cruel healthcare plan. Our families and our communities are counting on us and we cannot let them down. Please, speak out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

RECOGNIZING THE 45TH IDITAROD RACE

Ms. MURKOWSKI. Mr. President, we have been talking a lot about the weather here in Washington, DC, the past couple of days. We got a little bit of snow yesterday in some parts. People are still kind of plowing out of their driveways. I am looking at the daffodils that were out 3 days ago, and they are now buried, and the cherry blossoms are a little bit crispy on the trees.

So many of us are not feeling like spring has really sprung here. But in Alaska, in my home State, when we think of spring, one of the things that brings a smile to the face of so many of us is that it means it is time for the Iditarod, the Last Great Race on Earth. It is an exciting time of the year for so many, when we come together to celebrate a 1,000-mile race across some pretty desolate territory in the State of Alaska.

The race itself has a much storied history, one that is somewhat unique to the State of Alaska and to our culture. The race commemorates a life-saving diphtheria serum run to the community of Nome. Back in 1925, diphtheria had raged through the community, and there was no way to get the serum to Nome. We did not have aircraft that could make it that far. Remember, it is pretty cold in February and in March. We still don't have a road. We really had no way to move the diphtheria serum.

So it was determined, after a great deal of debate and discussion and pros and cons that they would use a dog team relay to get the diphtheria serum to Nome. There are names of dogs that have now become infamous, like Togo, Fritz, and Balto, which led this amazing race. Today, the memory of that lifesaving race is lived on in a race that features just a little bit shy of 1,000 miles, again across pretty frozen isolated areas. It involves 1,000-plus dogs that are in the running.

For many of us, there are 1,000 more reasons that you really would not want to do that. But I have to tell you, as I look at these mushers, as I look at these dogs, and as I look at all that goes into the mushing history of our State, it makes me excited about not only the men and women who are the mushers but the true athletes, the K–9 athletes, and all that they give up.

I was home in Anchorage last weekend for the ceremonial start on Saturday. It is a great deal of hoopla. There are not too many communities in America where you actually truck snow into the downtown part of your community, fill the streets up with snow so that the dog teams can launch from downtown. Thousands of people gather to watch the start. We were commemorating the 45th annual Iditarod race.

The official start was on Monday morning in Fairbanks, AK, a town that I also call home, having gone to high school there. The route this year was from Fairbanks, what they call the northerly route, up to Nome. It shaves a little bit of the miles off. I think this year it was about 979 miles. So it was not quite 1,000 miles, but still good enough to test a man or a woman and their dogs.

It was kind of tough starting in Fairbanks on the morning of the race. Temperatures were around 50 below. They hit the river, went right past the house where I grew up, and went downriver. By the time they got to the first checkpoint there at Tanana, the temperatures were 50 below and people were talking about how you stay warm on a sled and who has bad frostbite that is coming back after years of running.

Let's just put it this way. The Iditarod is not for the timid or the weak. It takes real grit to run this race. When you think about all the hoopla that comes with the ceremonial start and all the people who came out in the community, then you get on the trail and you are alone. You are by yourself. We have 26 different checkpoints between Fairbanks and Nome. As a musher reaches a checkpoint, there is an appreciative audience of the villagers who come out to cheer them on.

Again, the villagers can't offer help with taking care of the teams. The mushers have to do it all themselves. But there is a lot of time to think and reflect about the beauty surrounding you, a lot of time to worry about whether or not you have moose or wolf or bear or whatever is out there keeping them company. But truly, this is not only an endurance race, but it is a race that challenges the mind. There are stretches of just almost mind-numbing isolation in the cold where you are just focusing on your team in front of you.

But as you can see, when you get out—this is right on the outskirts of Nome; this is coming in at the end of the race—there is a lot of isolation out there. The temperatures that you are dealing with are tough on a human being. Over the course of this past week, the temperature range was a 70-degree range. The temperature in Nome yesterday at the conclusion was 4 degrees above zero. So it is on the positive side, which was good news for the mushers. But that is a pretty substantial range that you are going through.

It is an amazing race in terms of the strategy that goes into it. You would think: Well, you just get your dogs in line. You know where you are going to feed them. You know where you are going to let them rest.

But the strategy that goes into a race like this is really quite unique to the various mushers. What we have seen with this race is an extraordinarily fast race, where the winner was averaging between 10 and 11 miles per hour between some of these checkpoints. It is pretty extraordinary to have your dogs keep up a pace like this.

Some mushers will hop off their sleds and run alongside their dogs when they are going uphill, just to take some of

the weight off the sled. But think about that. You have been going for a week. You have been going around the clock pretty much for some of these. You are exhausted. You are freezing cold. Now you are going to jog behind your dogs to lighten the load. This is, again, extraordinary. Many of the others, as they are approaching the end, will keep their strongest dogs, shed the nonessential gear, and switch to a lighter sled to push through on the final stretch.

But there are a lot of different tactics. When a dog is tired, you can put them in the basket so the dog can rest, kind of like a coach on a basketball team: You need to be put on the bench and just kind of take a breather here. We do it with the dogs as well. But this is a race not only about the endurance, but it also is one where there is a great deal of work to ensure that these high-performance athletes are cared for and that their safety is looked after.

Again, if a dog gets too tired and is just not right, mushers can leave them at a checkpoint to ensure their well-being so that they are not pushed too much. Again, putting them in a basket, making sure that the dogs are cared for. There is a veterinarian at every step along the way. The vets check the dogs out at every checkpoint. The mushers have to carry the veterinary check record, if you will.

These vets are not local vets. There are some 50 vets that volunteer to come to Alaska for the Iditarod and go out there along the trail to one of these checkpoints and to do the checks before the race and after the race.

When I was in Anchorage last week, I was visiting with a veterinarian from Colorado. The Presiding Officer probably might even know him. But he comes every year. This was his eighth Iditarod. He volunteers his time because, again, it is an amazing race with amazing K–9 athletes. They are the ones who get the care and attention. I don't know that there are any doctors out along the trail for the mushers, but the dogs are well cared for.

It is required and there is mandatory rest that is taken. Mushers can determine where the 24-hour rest period is taken. There are two 8-hour stops, one along the Yukon River and one at White Mountain, just before you get to Nome. But, again, you think about the demands on the individual as they are mushing along at this pace.

There is a story out of this year's race about a musher. I think it was day 3 into the race. A team comes into the checkpoint. They are clipping right along, but there is no musher. The musher had fallen asleep while standing on the runners of his sled and just kind of fell off his sled.

He had a pretty good team, if I can just say. They were obviously following the trail from teams ahead of them. That team just went on and ended up at the checkpoint there. It was a little while later that another musher came along and saw this musher walking, following his dog's footprints. He gave him a ride to the next checkpoint where his dogs were all there just waiting for him, saying: You know, we got here first. Where were you?

But it kind of speaks to some of the issues that go on along the trail. There used to be a time, up until this year, when there was no two-way communication devices that were allowed—none at all. So as to your cellphone, you could not have your cellphone with you.

It was designed to make sure you were not gaining unfair advantage in determining where other mushers were ahead of you or behind you. But for safety reasons, I think there is a recognition that being able to send out an alert if you need it is probably wise and important. A thousand miles is a lot of land to cover. There are a lot of things that can go wrong when it is just you and your dogs along the trail.

The news. The news is big about the 45th Iditarod race. This year, the winner, a fabulous gentleman by the name of Mitch Seavey, blasted the overall record—extraordinarily impressive. He set the Iditarod record of 8 days, 3 hours, 40 minutes, and 13 seconds. What is wonderful to add to this story is that this is the fastest time. The next fastest time, the fastest time that we had had up until this year, was the year prior, which was set by his son. Think about that. What athletic competition, what sport can you have a father and a son go in toe to toe beating the all-time record? Last year, the 29-year-old son was the winner. This year, the 57-year-old dad is the winner. And who came in second this year? The son.

When I was at the ceremonial start and I had the opportunity to see Mitch Seavey, I went up to him, and I said: OK, I know everyone is betting on Dallas Seavey to win because it would be win No. 5 for him, but I am going with the old guy.

Fifty-seven is not so old. Mitch Seavey certainly demonstrated that just yesterday.

The Seavey family is Iditarod legend. Dan Seavey, who is Mitch's father, ran the very first Iditarod in 1973, and then some 44 years later, his son Mitch and his grandson Dallas are still going at it. Mitch won in 2004 and in 2013, and his son Dallas won in 2012, 2014, 2015, and 2016—again, a father and son kind of trading off second and third places during each of these.

It is extraordinary when you think about the records that have been broken with this race, and the closeness of the race is exciting to look at. When the second and third place finishers came in—Dallas came in just 5 minutes ahead of the third place musher, Nicolas Petit, who calls Girdwood his hometown, as does one of our young pages here, and it is a place I call home as well.

So there is a lot of excitement with the winners, not only with Mitch Seavey's record-smashing race but also the fact that he is the oldest racer to win, at 57. Again, as he has reminded us, 57 isn't that old.

I will acknowledge that both Dallas and Nicolas Petit came in breaking last year's record as well.

So for the sixth year in a row, we have had a Seavey champion. You talk about a family of champions, this is pretty amazing. This one is Mitch's third win, and it is an extraordinary win.

I spoke to Mitch not too long ago to offer him my congratulations, and I told him: As a parent of two 20-somethings, I like the command you demonstrate. You have still got it in you. You are going to be a fierce competitor.

But what Mitch told me was really a lovely statement. He said that what was so great was to be at the finish line seeing his son coming in and seeing Dallas genuinely happy at Mitch's win. He said that they were head-to-head competitors all throughout the race, and Dallas didn't make that five-time win that he was hoping for, that so many of us Alaskans were hoping for, but he was so genuinely proud of his father.

As of this afternoon, we have 10 mushers who have crossed the finish line. I wish all of the other mushers and their fearless dogs good luck as they continue to make their way to Nome over the next few days and beyond.

This is an event that I love to celebrate with my colleagues. I love to brag about the amazing men and women, not just the Alaskans but from all over the country and really from all over the world. Our fourth place finisher is from Norway, Joar Leifseth Ulsom. He was right up there all the way to the end. It is men. It is women. Jessie Royer was the first woman in, and she came in fifth place. Aliy Zirkle crossed in eighth place. So they are remarkable men and women—Alaskans, Americans, and people from truly around the globe—who come to compete.

Truly the ones we celebrate with great enthusiasm and gusto are these canine athletes that demonstrate to us all that there is no end, there is no limit to their love to run, their love to compete, and their desire to excel.

I am pleased to be able to celebrate with colleagues from the Senate in recognizing the 45th Iditarod race, the Last Great Race on Earth.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LEE). The Senator from Oklahoma.

CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. LANKFORD. Mr. President, I want to take the chance to have just a moment to be able to reflect on what the Senate has just completed. We have worked through a process of identifying what is called the Congressional Review Act. Most Americans are not

familiar with this because it is so seldom used. In fact, it has only been used one time before this Congress successfully.

It is a moment for the Congress to be able to look back at regulations that have been promulgated by the administration and say: Was that the intent of the law?

It is something that we have worked at for a long time to be able to get as a frequent part of this national conversation. We call it the REINS Act. It allows Congress to be able to look at each major regulation when it comes out from the administration and ask the simple question: When the regulations are created, are they consistent with the statute? That is what regulations are. No administration can just invent policy and say: We think this is a good thing to do. That is the task of Congress. That is why the Constitution says that all legislative powers shall reside in the Congress, because an administration can't make up the law. It has to come from this body, from the House of Representatives, and then be signed by the President. After that is done, then regulations are created that have to be consistent with the law.

The Congressional Review Act was created years ago to allow Congress to have a second glance at regulations as they are put out and say: Is that consistent with the statute we passed? This Congress has already gone through multiples of those.

In the last 6 months of the Obama administration, many regulations were created. When they were created, they were not consistent with the statute. This Congress has already turned back billions of dollars of regulations from the American people. One of those was done this week. Ironically, it is an issue that deals with unemployment benefits and drug testing.

Many States have requested the ability to be able to do drug testing for unemployment benefits. And this is not a situation where this Congress believes that all people on unemployment benefits need to be drug tested or are unemployed because of drug use—far from it.

In 2012, Congress passed the Middle Class Tax Relief and Job Creation Act. In that, it allowed States, if they chose to—they don't have to but if they chose to—to do drug testing for benefits eligibility, for unemployment benefits under two circumstances. One of them is if the applicant was terminated from their employment based on the unlawful use of a controlled substance. In other words, if they were just fired from a previous job because they were using drugs, they wouldn't be able to get unemployment benefits because they had already been certified as a drug user. The second one is that if the only available suitable work meant that they had to be drug tested, then they could be drug tested.

What is the design of this? The design of the policy was to encourage people to get back to work. If they were fired from a previous job because they used drugs, it is a natural thing to say: Before you can get unemployment benefits, we want to make sure you have gotten off drugs since that time period you were fired, or if you will be drug tested for the only job that is available to you in your targeted area, you are not available to be able to take that job if you haven't already had some sort of drug testing.

It is a commonsense measure, and it is given to the States to say to the States: You can choose to do this or not to do this, but if you choose to do it, you can, because unemployment benefits are a partnership between the Federal Government and local States.

We believe this is one tool of many to be able to help people who are trapped in the addiction of drugs to have one more incentive to be able to get off that addiction. Multiple different methods are also used within States to enable them to walk alongside families and individuals and help them get off their substance abuse habits as well.

It is a powerful motivator to say to people: If you want to get some support into your family to help you transition back into a job, the law says that to be on unemployment benefits, you have to be available for work. And if this person is currently addicted to drugs and using drugs, they are not available for work.

This measure was passed in 2012. The Obama administration took 4 years to promulgate the rules off of this commonsense measure, and once they finally promulgated the rules, they created a set of rules so complex, so complicated, with so many exceptions built into it, that the rule meant nothing. It put us in the situation of saying: What Congress passed 4 years ago, we actually wanted that to go into effect to give those States the right to be able to do it.

So this Congress—the House of Representatives overwhelmingly voted and this week the Senate also voted to be able to block out that last-minute regulation from the Obama administration, which they took 4 years to promulgate, and to be able to say to the States: If you choose to do drug testing with someone who was fired from a previous job because of drug use or because the only job available to that person will have drug testing, if you want to help families be able to get off substance abuse and to be able to set this standard for them, you can.

We have an epidemic of drug use in our Nation. We should do everything we can to not only deal with the interdiction of drugs coming into the country but to also deal with abuse of drugs in our country. This is one of those measures, and I am glad my State and other States will again have that opportunity to be able to use this.

OKLAHOMA WILDFIRES

Mr. LANKFORD. Mr. President, on January 15, 2017, an incredible ice storm came through my State. For some States that haven't seen ice storms, they are beautiful, but boy are they destructive. As freezing rain comes down, it lands on power lines, lands on trees, destroys the trees, power lines come down, and it is incredibly difficult for families and for regions when this happens. You can't move. You can't function. You can't travel the streets because they are covered with ice. It is very destructive.

The northwest part of our State experienced an ice storm like that on January 15. That ice storm devastated the Woodward area and all over the northwest—trees, debris, damage, power out for weeks in that area.

Then, in early March, it was starting to warm up. The forecasters from the National Weather Service and the Forest Service saw the forecast coming out of rapidly dropping humidity levels and very high winds, with a lot of debris damage still in the area. It was the perfect storm for wildfires.

They prepositioned assets in that area to be able to respond if they broke out, but on March 6—just a week and a half ago—wildfires broke out all across northwestern Oklahoma. Four large fires in particular broke out simultaneously in multiple areas. Some of them were started by some of those same power lines that were weakened by the ice storm. Now the high winds—60 miles an hour—are taking down those weak power lines, and they are striking the ground and starting a fire spontaneously out in a field.

There were four individual fires across this area covering 315,000 acres just in Oklahoma. One of those fires spread straight across the Kansas border and burned an additional 472,000 acres. To give you a point of reference of how large these fires were, the total fire damage that was done in acres is greater than the entire State of Rhode Island. Twenty homes were destroyed, 3,000 cattle were killed in the field, 6,500 hogs were killed, and 7 people died in the fire.

Let me give you a picture of what we faced in this area as I went out last Friday with Senator INHOFE to tour the area both from the air and on the ground and to talk to farmers and those individuals who are trying to work through this very difficult process. Those farmers and ranchers are facing something you can't even imagine in their fields. For miles, there is no grass. The cattle that did survive the fire had literally no food on their ranch for miles. Hundreds of miles of fence line were taken down. Each mile of fence in Oklahoma, just a simple barbed wire fence, costs about $10,000, and hundreds of miles of fence line were destroyed.

We have animals that burned alive as they tried to escape the fire. We had deer that, as they were running across the fields, got caught up in the barbed wire fence and 16-mile-per-hour winds, and the 16-mile-an-hour flame caught up with the deer in the fence and burned them alive as they tried to escape.

We have families who have lost absolutely everything.

We have volunteer firefighters across much of this area who would literally be fighting the fire in one county in one area and hear on the radio about how a fire had broken out in another county on a road right near their own home, and literally volunteer firefighters fighting one fire could hear on the radio about the destruction of their home at a different fire.

In different places, the volunteer firefighters and those who were gathered, both career and volunteers, would see a raging fire at the home of their neighbor, of people they knew. In western Oklahoma, you know your neighbors in that area. You know the folks in the county. They would head out to a home as the fire was rushing at them and try to fight it off, try to cut a fire line to be able to stop it. Eventually, the fire would get so close, they would literally take their fire equipment and park the equipment between the fire and the home and spray down their equipment in hopes that the fire would jump over the house as the firefighters just huddled behind their own equipment hoping the fire didn't come to them. They saved several homes by using that extreme method.

Neighbors took their own farm equipment and their own tractors and created fire lines to be able to protect their neighbors' homes.

These small community firefighters fought fires for hours and hours. They saved a lot of lives, and they saved a lot of structures.

I can't even begin to tell you the pain of walking through that area, what has been described by many as walking across a moonscape of destruction where there is literally nothing left.

What have we seen in that? I will state that what we have seen is a tenacious spirit from people who survived an ice storm, were without power for weeks in many areas, and then had a wildfire come right behind it and destroy what was left. Over 20,000 bales of hay have already been donated from farmers all over Oklahoma who are trying to feed the cattle that are still left—20,000 bales. Understand the expense of 20,000 bales of hay being donated but also understand the efforts of all the truckdrivers who loaded up their vehicles and personally paid the gas money and the travel expenses to be able to deliver that hay over hundreds of miles to those folks. Oftentimes, the travel of that truckdriver and the gas required are more expensive than the hay that is in the back of it, and they are delivering as much as they possibly can.

I have to thank the folks from the Farm Bureau; the Oklahoma Cattlemen's Association; Western Equipment; Oklahoma Farm Credit; the Red Cross of Oklahoma; the Salvation Army; the Oklahoma Department of Agriculture; the Oklahoma Forestry Service; Southern Baptist Disaster Relief; Oklahoma emergency management—first responders from all over the State, volunteer and career firefighters who worked very long and difficult hours. USDA and FEMA were also on site. I thank Harper County Extension; all the emergency management folks from Beaver, Harper, and Woodward Counties; all the folks who have donated, places like Love's Travel Stops that have donated so much to be able to move things there; the United Way; Cleanline Energy and their donations; and untold numbers of civic organizations and churches from around that community.

As I looked at many of those folks in the area last week and met with some leaders and pastors in the area, I reminded the folks that the devastation they face is not something that will be recovered from quickly. Springtime will come soon, and the area that is just black earth right now will spring to life with green grass again in the weeks ahead. But the loss of those fence lines, the loss of thousands of animals, the loss of homes, the loss of structures, will take a very long time for the folks—the farmers and ranchers who don't live on a high profit margin.

I have continued to encourage the pastors and churches in that area to walk alongside some families who will have a hard time recovering from this for a long time. I have encouraged our Oklahoma agencies and our Federal agencies to do what we can to be able to step in with repairing fence lines and helping them recover from a very traumatic event.

My wife and I stood with a rancher who talked about going out into the field after the fire. His home was completely destroyed. As he traveled out to the field around him checking on his cattle, he found dead cattle but also found cattle with their faces completely burned, blinded, with coyotes chasing them down. He said all he could do was stand there in the field and cry. These are going to be long days.

I am grateful that there are neighbors taking care of neighbors. I am proud of the people of Oklahoma watching out for each other. As we walk through this, God willing, we will continue to be able to hug and take care of our neighbors in the days ahead.

I want to tell this Senate and the people of the United States that this was a wildfire as big as the State of Rhode Island, and many people haven't even heard of it. But I can assure all of you that the folks in Oklahoma have experienced it, and we will walk through it together as a Nation.

With that, Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Oklahoma.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LANKFORD. 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.

SUNSHINE WEEK

Mr. GRASSLEY. Mr. President, this week is Sunshine Week, an annual nationwide celebration of the good that comes from peeling back the curtains on government. Sunshine Week coincides with the National Freedom of Information Day and President James Madison's birthday, both of which occur on March 16.

James Madison understood the value of an informed citizenry as a necessary check against those in power. We shouldn't forget his call for the people to ''arm themselves with the power which knowledge gives.''

More recently in our Nation's history, Justice Brandeis declared, ''sunlight is said to be the best of disinfectants.''

These sentiments hold true to this day. A government that operates in darkness—and a public that's kept in the dark—sows the seeds of waste, fraud, and abuse.

In the face of secrecy and obstruction, the public has a vital weapon: the Freedom of Information Act, FOIA.

Over 50 years ago, President Lyndon Johnson signed FOIA into law, establishing the public's judicially enforceable right to government information.

Before FOIA, the people had to justify their need for information to the government, but after FOIA, the government has to justify its refusal to release information to the public. FOIA's enactment marked a crucial step toward a government more accountable to the people.

No doubt, FOIA manifests Congress's recognition of the need to carefully balance the public's right to know and the government's interest in protecting certain information from disclosure, but practice and history demonstrates this balance has all too often been tilted away from transparency.

Many in government have continued to find ways to undermine citizens' right to know under FOIA. Transparency should be the norm, not the exception; yet, when it comes to FOIA requests, we have continued to see a government culture of delay, deny, and defend. When this happens, FOIA's effectiveness is undermined and the public becomes even more skeptical of its government.

We have seen this in one way or another under every administration, both Republican and Democratic, since FOIA's enactment, but the trend toward secrecy and obstruction in recent years should alarm all of us.

According to a March 14 Associated Press report, ''The Obama administration in its final year in office spent a record $36.2 million on legal costs defending its refusal to turn over federal records under [FOIA.]''

In 2016, the Obama administration set records for ''outright denial of access to files, refusing to quickly consider requests described as especially newsworthy, and forcing people to pay for records who had asked the government to waive search and copy fees.''

To top it off, ''The government acknowledged when challenged that it had been wrong to initially refuse to turn over all or parts of records in more than one-third of such cases, the highest rate in at least six years.''

We simply cannot continue down this path.

Fortunately, a truly bipartisan and bicameral effort last year resulted in the enactment of the FOIA Improvement Act of 2016. I was proud to be a cosponsor of this important piece of legislation and to have worked closely with my colleagues on the Judiciary Committee, as well as the open government community, in ensuring its passage. It achieves some of the most meaningful and necessary reforms to FOIA in history.

We are already witnessing some of the positive impacts of these reforms.

For example, the National Security Archive, a nonprofit open government advocate, fought for years to achieve the public release of certain historical documents about the Bay of Pigs invasion. But time and again, they were met with legal hurdles put up by the Central Intelligence Agency, CIA.

This past October, however, the CIA released these historically significant documents. In doing so, the CIA's Chief Historian stated that the Agency is ''releasing this draft volume today because recent 2016 changes in the [FOIA] requires us to release some drafts that are responsive to FOIA requests if they are more than 25 years old.''

This is excellent news. It is just one example of the good that can result from bipartisan work toward a common goal for the American people. I look forward to hearing many other such stories of important information finally being made publicly available under FOIA, thanks to these recent reforms.

But we can't just rest on our laurels. No matter which party is in control of Congress or the White House, continuing oversight of FOIA—and the faithful implementation of its amendments—is essential to ensure the law's effectiveness as a tool for the public good.

As chairman of the Judiciary Committee, I am proud during this Sunshine Week to join Senators Feinstein, Cornyn, and Leahy in sending letters to the Trump administration to learn more about specific steps taken to carry out the FOIA Improvement Act of 2016 and efforts underway to improve the proactive disclosure of information.

Compliance with both the letter and spirit of FOIA should always be a top priority of any administration, so I look forward to hearing back about progress made.

Before President Trump took office, I stood on this floor and urged him to reverse the secrecy and obstruction that defined the Obama administration's FOIA track record. Today I reiterate that call.

A new administration provides a new opportunity to get it right.

This Sunshine Week, let's recommit to working together toward improving open government, fulfilling FOIA's promise, and ensuring a more informed citizenry.

DISCHARGE PETITION—S.J. RES. 34

We, the undersigned Senators, in accordance with chapter 8 of title 5, United States Code, hereby direct that the Senate Committee on Commerce, Science, and Transportation be discharged from further consideration of S.J. Res. 34, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services,'' and further, that the resolution be placed upon the Legislative Calendar under General Orders.

Jeff Flake, Mike Rounds, Thom Tillis, John Boozman, Todd Young, John Thune, Cory Gardner, Steve Daines, David Perdue, Tim Scott, Dan Sullivan, Mitch McConnell, Thad Cochran, Michael B. Enzi, Dean Heller, John Hoeven, James M. Inhofe, Roger F. Wicker, Bill Cassidy, Patrick J. Toomey, Ron Johnson, Richard C. Shelby, John Cornyn, Orrin Hatch, Shelley Moore Capito, Jerry Moran, Mike Crapo, Rob Portman, Deb Fischer, Pat Roberts.

ADDITIONAL STATEMENTS

REMEMBERING JOSEPH ''JOE'' CELESTINO GALLEGOS

● Mr. BENNET. Mr. President, I wish to honor the life of Joseph ''Joe'' Celestino Gallegos, a beloved leader and constituent from my home State of Colorado. Mr. Gallegos passed away on December 11, 2016, at the age of 60, after a battle with cancer. He was a true visionary and leader in his hometown of San Luis, the oldest town in Colorado, where he was elected to a fourth term as Costilla County commissioner just a few months ago.

Mr. Gallegos was a fifth-generation farmer and rancher with deep ties to the American West. His family property, the Corpus A. Gallegos Ranches, was settled in 1860 and recognized as a ''Colorado Centennial Farm'' in 1990. The son of educators, Mr. Gallegos spent his youth in Pagosa Junction and Colorado Springs, CO, and in Questa, NM. He spent his weekends, vacations, and summers working the family ranch in San Luis and tending to livestock in the surrounding mountains of the Sangre de Cristo Range.

After graduating from Colorado State University in Fort Collins with a degree in mechanical engineering, Mr. Gallegos became an engineer in the oil fields. His work took him to Texas, Louisiana, North Dakota, Wyoming, Ireland, and Africa before he returned to San Luis permanently in 1986.

Working with his father on the family ranch, Mr. Gallegos soon became a trailblazing advocate for the land, water, people, and culture of San Luis and Costilla County, working selflessly to preserve the area's rich local traditions. Mr. Gallegos was one of the founders of the Sangre de Cristo Acequia Association, which protects some of the oldest water rights in the State of Colorado, and his work has inspired younger generations to respect local water rights and acequia conservation. He served on the Costilla County Conservancy Board for 13 years and was also a member and ditch rider of the San Luis People's Ditch, which holds the oldest water right in Colorado.

Mr. Gallegos was elected as a Costilla County commissioner four times, serving in office for 12 years. He was passionate about creating and sustaining local jobs; rehabilitating infrastructure and historic structures; and supporting veterans, senior citizens, and youth. One of the projects of which he was most proud was the restoration of the old Costilla County courthouse. Built in 1883, it is one of just two intact adobe courthouses in Colorado. Mr. Gallegos also worked to restore the Lobatos Bridge, the southernmost bridge over the Rio Grande River in Colorado, originally built in 1892.

He oversaw the construction of a Health and Human Services complex and a senior citizens' center; helped create a county Trails, Open Space, and Recreation Program; supported the effort to name State Highway 159 as the Costilla County Veterans Memorial Highway; and developed the Costilla County Biodiesel Project. He also pursued other renewable energy initiatives such as biomass heat for county shops and solar electricity for county buildings.

Outside of his work, Mr. Gallegos also earned a second-degree black belt in martial arts and was gifted at training and riding horses.

Mr. Gallegos was a man whose generosity touched the lives of countless others. Over 500 people attended his funeral service at Centennial High School in San Luis. He is survived by his daughter Patricia Vialpando, her sisters Annmarie Gonzales and Cristina Miers, and their families; his sister Marie Rafaela Gallegos-McCord, his brothers Aquino ''Jerry'' Gallegos, James ''Jimmy'' Gallegos, and their families; his niece Elaiza Gallegos; his nephews Adrien and Django Gallegos; and two very special people, Rose Mendoza-Green and her granddaughter Celena.

I join with the people of Costilla County and the San Luis Valley in honoring Mr. Gallegos's life, and I send my deepest condolences to his family and loved ones.●

TRIBUTE TO ROCKY ERICKSON

● Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing Rocky Erickson for his long run as the voice of Montana sports. When traveling along the many roads in Big Sky Country or stopping in at a local watering hole for a bite to eat, if you are in earshot of a radio and that radio is tuned to local sports, there is a good chance that Rocky is on the other end of the broadcast.

Rocky grew up on his family's wheat farm in the small McCone County community of Vida. After high school, he studied telecommunications at Liberty University in Lynchburg, VA. Shortly after completing his degree, Rocky returned to eastern Montana and began to provide Montana sports fans with high quality commentary. Rocky's distinguished broadcasting career began in the early 1980s and continues today. This past weekend, he was calling the play by play for the Montana High School State Basketball Championship tournament games. Rocky's Montana sports program is broadcast daily on 40 stations, and he has been recognized by his peers as the ''Montana Sportscaster of the Year'' on nine separate occasions. The native son of Vida, population 70, has gone on to do great things within his industry. His broadcasts are sincerely appreciated by sports fans across Montana.

Attending a Montana sporting event helps one appreciate how valued and unifying local sports can be to our communities. Rocky has shared these treasured experiences with many Montanans by giving his audience a rich texture and personal touch in each broadcast. Thank you, Rocky, for your outstanding work, and I hope to hear you again soon.●

HONOREES OF THE 28TH ANNUAL MAINE WOMEN'S HALL OF FAME

● Mr. KING. Mr. President, today I wish to honor two exceptional women, Dr. Ann Koch Schonberger and the late Clara Swan, who are the new inductees to the Maine Women's Hall of Fame. Ann and Clara have made a vital impact on the lives of women in their communities and across the State of Maine. We celebrate their dedication to improving the lives of women in Maine.

Dr. Arm Koch Schonberger, from Bangor spent more than 20 years as the director of the women's studies program at the University of Maine and now serves as faculty emerita, focusing on women's, gender, and sexuality studies. Ann also spent many years as a mathematics professor. Ann has published numerous papers and presented at dozens of conferences on her research and experiences on the intersection between STEM careers and gender. She has also spent countless hours volunteering at the Spruce Run Womancare Alliance, helping women heal from domestic abuse and other forms of violence. Ann strives to bring to Maine the Spruce Run mantra of ''imagining communities without isolation, violence, abuse and fear.''

The late Clara Swan was born in Princeton, ME, and spent her life serving-as an educator, administrator, and coach. Clara touched the lives of thousands of students during her 30-plus years at the Husson University campus in Bangor. Clara herself was a graduate of the school, known as the Maine School of Commerce when she graduated in 1933. She returned to Husson in 1939, and spent 34 years as a professor and administrator. She was also a women's basketball coach for 19 years, amassing a record of 240 wins, 34 losses, and 7 ties, which included two undefeated seasons. Clara's legacy will not only live on in her former students and players, but at her former institution as well. In 2002, Husson named its fitness center in Clara's honor. She somehow found the time to volunteer at St. Joseph's Hospital, and she delivered meals to seniors' homes as part of the Meals on Wheels program. Clara lived an active life until she died at the age of 104 this past January.

Congratulations to both Ann and Clara for their induction into the Maine Women's Hall of Fame. With this well-earned honor, Ann and Clara join the ranks of Senator Margaret Chase Smith, Senator Olympia Snowe, and Senator Susan Collins, remarkable women who have inspired women in Maine and across the country. Maine is lucky to benefit from such outstanding leaders and pioneers for women in higher education. I thank Ann and Clara for their service and their many contributions to the women and communities of our State.●

MESSAGE FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 36 U.S.C. 2302, and the order of the House of January 3, 2017, the Speaker appoints the following Members of the House of Representatives to the United States Holocaust Memorial Council: Mr. DEUTCH of Florida and Mr. SCHNEIDER of Illinois.

MEASURES DISCHARGED

The following joint resolution was discharged by petition, pursuant to 5 U.S.C. 802(c), and placed on the calendar:

S.J. Res. 34. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Federal Communications Commission relating to ''Protecting the Privacy of Customers of Broadband and Other Telecommunications Services''.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1015. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemptions for Security-Based Swaps'' (RIN3235–AL17) received during adjournment of the Senate in the Office of the President of the Senate on March 10, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–1016. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1017. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 on April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–1018. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Banking, Housing, and Urban Affairs.

EC–1019. 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 Implementation Plans; California; California Mobile Source Regulations'' (FRL No. 9959–00–Region 9) received during adjournment of the Senate in the Office of the President of the Senate on March 10, 2017; to the Committee on Environment and Public Works.

EC–1020. 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; District of Columbia; Update to Materials Incorporated by Reference'' (FRL No. 9955–98–Region 3) received during adjournment of the Senate in the Office of the President of the Senate on March 10, 2017; to the Committee on Environment and Public Works.

EC–1021. 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 and Designation of Areas; KY; Redesignation of the Campbell County, 2010 1-Hour SO2 Nonattainment Area to Attainment'' (FRL No. 9959–10–Region 4) received during adjournment of the Senate in the Office of the President of the Senate on March 10, 2017; to the Committee on Environment and Public Works.

EC–1022. A communication from the Attorney, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Steel Import Monitoring and Analysis System'' (RIN0625–AB09) received in the Office of the President of the Senate on March 9, 2017; to the Committee on Finance.

EC–1023. A communication from the General Counsel, Office of the Inspector General of the Intelligence Community, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Intelligence Community received in the Office of the President of the Senate on March 9, 2017; to the Select Committee on Intelligence.

EC–1024. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska Natural Gas Pipeline; to the Committee on Energy and Natural Resources.

EC–1025. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Special Topics for Mechanical Components'' ((NUREG–0800) (SRP 3.9.1)) received in the Office of the President of the Senate on March 13, 2017; to the Committee on Environment and Public Works.

EC–1026. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Determination of Rupture Locations and Dynamic Effects Associated with the Postulated Rupture of Piping'' ((NUREG–0800) (SRP 3.6.2)) received in the Office of the President of the Senate on March 13, 2017; to the Committee on Environment and Public Works.

EC–1027. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Applicable Code Cases'' ((NUREG–0800) (SRP 5.2.1.2)) received in the Office of the President of the Senate on March 13, 2017; to the Committee on Environment and Public Works.

EC–1028. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Seismic and Dynamic Qualification of Mechanical and Electrical Equipment'' ((NUREG–0800) (SRP 3.10)) received in the Office of the President of the Senate on March 13, 2017; to the Committee on Environment and Public Works.

EC–1029. A communication from the Director of Congressional Affairs, Office of New Reactors, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Postulated Rupture Locations in Fluid System Piping Inside and Outside Containment'' (NUREG–0800) received in the Office of the President of the Senate on March 13, 2017; to the Committee on Environment and Public Works.

EC–1030. A communication from the Chief Human Resources Officer, United States Postal Service, transmitting, pursuant to law, the Postal Service's fiscal year 2016 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–1031. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, a report relative to the memorial construction; to the Committee on Rules and Administration.

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–11. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to recognize that the Louisiana coastal area is an area in crisis and to enact federal regulatory reform and disaster recovery regulations that minimize delays in the processes by which the state of Louisiana responds to the crises faced as a result of coastal land loss and natural disasters; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, the citizens of Louisiana are no strangers to natural disasters and have been heavily involved in the fight for flood protection infrastructure that will protect our vital region, home to two million people who live and work at the epicenter of our nation's valuable energy, wetlands, and seafood resources; and

Whereas, Louisiana's three million acres of wetlands are lost at the rate of about sixteen square miles per year, but reducing these losses is proving to be very difficult and extremely costly; and

Whereas, Louisiana's wetlands today represent nearly forty percent of the wetlands located in the continental United States, but account for nearly eighty percent of the losses experienced in the continental United States; and

Whereas, many studies indicate that major shifts in the course of the Mississippi River over thousands of years built the land in south Louisiana through its delta building process; and

Whereas, man-made levees have contributed significantly to the degradation of the wetlands with the disintegration intensified by the channelization caused by the construction of the Mississippi River levees and man-made canals; and

Whereas, the seasonal flooding that previously provided sediments critical to the healthy growth of wetlands that sustain our deltaic system has been virtually eliminated by construction of massive levees that channel the river for over a thousand miles which in turn cause the sediment carried by the river to now be discharged into the Gulf of Mexico far from the coast, thereby depriving wetlands of vital sediment; and

Whereas, Louisiana's coastal area is critical to our nation's energy security with half of the country's oil refineries, a network of pipelines that serve ninety percent of the nation's offshore energy production and thirty percent of its total oil and gas supply, and a port complex supporting twenty percent of all waterborne commerce vital to thirty-one states; and

Whereas, these valuable and necessary human activities such as energy exploration, commercial and recreational navigation, agriculture, and development during the past century have affected the wetlands, directly and indirectly, enabling salt water from the Gulf of Mexico to intrude into brackish and freshwater wetlands and contributing to wetlands deterioration and loss increasing the vulnerability of our coastal communities; and

Whereas, the state has committed extensive resources to address this crisis, through the establishment of the Coastal Protection and Restoration Authority tasked with development of a state Master Plan to provide hurricane protection, coastal restoration, the reduction of saltwater intrusion, and improving hydrology throughout the coastal area by allowing water to move between the interior and exterior marshes of the system, including a mitigation plan that will create an additional one thousand three hundred and fifty-two acres of coastal marsh, and risk reduction benefits; and

Whereas, the state has substantially increased its financial commitment to the coast resulting in significant progress on projects that maintain land and reduce risk, however capricious regulatory requirements waste tax payer money, delay or deny projects, and increase risk both to the federal treasury and our citizens resulting in increased construction and emergency response costs: Now, therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to recognize that the Louisiana coast is in a state of crisis and in need of recognition by the President and the federal government, that federal disaster attention and cooperation are acutely needed to assist the state to better provide for the health, safety, and welfare of the people who need it most, and to increase federal investment in infrastructure that provides coastal protection in coastal Louisiana; and be it further

Resolved, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress as well as the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and the Federal Emergency Management Agency (FEMA) to enable collaboration between the federal, state, and local officials to clear regulatory hurdles, and inform Americans everywhere about the value of our critical communities, ecosystems, and our unique hurricane protection and disaster recovery needs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. JOHNSON for the Committee on Homeland Security and Governmental Affairs.

*Elaine C. Duke, of Virginia, to be Deputy Secretary of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. SHAHEEN (for herself, Mr. MCCAIN, Mr. REED, Mr. TILLIS, Mr. BLUMENTHAL, and Mr. KAINE):

S. 630. A bill to amend the Afghan Allies Protection Act of 2009 to make 2,500 visas available for the Afghan Special Immigrant Visa program, and for other purposes; to the Committee on the Judiciary.

By Mr. MARKEY:

S. 631. A bill to amend the FAA Modernization and Reform Act of 2012 to provide guidance and limitations regarding the integration of unmanned aircraft systems into United States airspace, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COONS (for himself, Ms. STABENOW, Mr. RUBIO, and Mr. NELSON):

S. 632. A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges; and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mrs. MCCASKILL, and Mr. WYDEN):

S. 633. A bill to amend the Congressional Accountability Act of 1995 to apply whistleblower protections available to certain executive branch employees to legislative branch employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GARDNER (for himself and Mr. LEE):

S. 634. A bill to require reductions in the direct cost of Federal regulations that are proportional to the amount of increases in the debt ceiling; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WHITEHOUSE, Mr. MARKEY, and Mrs. MURRAY):

S. 635. A bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BOOKER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. REED, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL, Mr. VAN HOLLEN, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, and Mr. PETERS):

S. 636. A bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN (for himself, Mr. BROWN, and Ms. HEITKAMP):

S. 637. A bill to amend titles XI and XVIII of the Social Security Act to provide greater transparency of discounts provided by drug manufacturers; to the Committee on Finance.

By Mr. PORTMAN (for himself, Ms. STABENOW, and Mr. BROWN):

S. 638. A bill to amend the Internal Revenue Code of 1986 to provide appropriate rules for the application of the deduction for income attributable to domestic production activities with respect to certain contract manufacturing or production arrangements; to the Committee on Finance.

By Mr. PORTMAN (for himself, Mr. BENNET, and Mrs. CAPITO):

S. 639. A bill to clarify that nonprofit organizations such as Habitat for Humanity may accept donated mortgage appraisals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself, Mr. BROWN, Mr. MARKEY, Mr. CARDIN, Mr. CASEY, and Mr. VAN HOLLEN):

S. 640. A bill to prioritize funding for an expanded and sustained national investment in biomedical research; to the Committee on the Budget.

By Mr. DURBIN (for himself and Ms. BALDWIN):

S. 641. A bill to prioritize funding for an expanded and sustained national investment in basic science research; to the Committee on the Budget.

By Mr. PAUL (for himself, Mr. LEE, Mr. CRAPO, Mr. KING, Mr. UDALL, and Mr. HEINRICH):

S. 642. A bill to restore the integrity of the Fifth Amendment to the Constitution of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. CORNYN, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. MARKEY):

S. 643. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

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

S. 644. A bill to authorize the Secretary of the Interior to conduct a special resource study of the Medgar Evers House, located in Jackson, Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mrs. CAPITO, Mr. KING, Ms. HEITKAMP, Mr. BOOZMAN, Mr. FRANKEN, and Mr. SULLIVAN):

S. 645. A bill to require the Secretary of Commerce to conduct an assessment and analysis of the effects of broadband deployment and adoption on the economy of the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BLUMENTHAL (for himself, Ms. HIRONO, Mr. FRANKEN, Mr. DURBIN, and Mr. WHITEHOUSE):

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; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for himself, Mr. BROWN, Mr. MARKEY, Mr. FRANKEN, Mrs. MURRAY, Mr. MERKLEY, and Mr. WHITEHOUSE):

S. 647. A bill to amend title 9, United States Code, with respect to arbitration; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Mr. WICKER):

S. 648. A bill to establish a grant program to promote the development of career education programs in computer science in secondary and postsecondary education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. FRANKEN, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 649. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

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

S. 650. A bill to amend the Small Business Act to expand tax credit education and training for small businesses that engage in research and development, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. MCCASKILL (for herself and Mr. TESTER):

S. 651. A bill to require the posting online of certain government contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PORTMAN (for himself and Mr. KAINE):

S. 652. A bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 653. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to make the maintenance of effort provision less burdensome on States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY (for himself, Mr. BLUMENTHAL, Mr. DURBIN, and Mrs. FEINSTEIN):

S. 654. A bill to revise section 48 of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

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

S. 655. A bill to exempt certain 16- and 17-year-old individuals employed in logging operations from child labor laws; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON (for himself, Mr. LEE, and Mr. RUBIO):

S. 656. A bill to help individuals receiving disability insurance benefits under title II of the Social Security Act obtain rehabilitation services and return to the workforce, and for other purposes; to the Committee on Finance.

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

S. 657. A bill to provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans; to the Committee on Health, Education, Labor, and Pensions.

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

S. 658. A bill to treat all controlled substance analogues, other than chemical substances subject to the Toxic Substances Control Act, as controlled substances in schedule I regardless of whether they are intended for human consumption; to the Committee on the Judiciary.

By Mr. RUBIO (for himself and Mr. CARDIN):

S. 659. A bill to impose sanctions with respect to the People's Republic of China in relation to activities in the South China Sea and the East China Sea, and for other purposes; to the Committee on Foreign Relations.

By Mr. GARDNER (for himself and Mr. BENNET):

S. 660. A bill to amend the Higher Education Act of 1965 in order to fulfill the Federal mandate to provide higher educational opportunities for Native American Indians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL:

S. 661. A bill to assist entrepreneurs, support development of the creative economy, and encourage international cultural exchange, and for other purposes; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mr. SANDERS, Mr. MARKEY, Mr. DURBIN, Mr. MERKLEY, Mr. KAINE, Ms. BALDWIN, Mr. WYDEN, and Ms. HIRONO):

S. 662. A bill to provide incentives for hate crime reporting, grants for State-run hate crime hotlines, a Federal private right of action for victims of hate crimes, and additional penalties for individuals convicted under the Matthew Shephard and James Byrd, Jr. Hate Crimes Prevention Act; to the Committee on the Judiciary.

By Mr. THUNE:

S. 663. A bill to establish the position of Choice Program Ombudsman within the Office of Inspector General of the Department of Veterans Affairs to manage complaints regarding the provision of hospital care and medical services under section 101 of the Veterans Access, Choice, and Accountability Act of 2014; to the Committee on Veterans' Affairs.

By Mr. HATCH:

S. 664. A bill to approve the settlement of the water rights claims of the Navajo in Utah, to authorize construction of projects in connection therewith, and for other purposes; to the Committee on Indian Affairs.

By Mr. CASSIDY (for himself, Mr. TILLIS, Mr. KENNEDY, and Mr. COCHRAN):

S. 665. A bill to amend the Outer Continental Shelf Lands Act to authorize additional lease sales to be added to an approved 5-year leasing program; to the Committee on Energy and Natural Resources.

By Mr. SCOTT (for himself, Mr. GRAHAM, and Mr. ISAKSON):

S. 666. A bill to amend the Internal Revenue Code of 1986 to modify the credit for production from advanced nuclear power facilities; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mrs. CAPITO, Ms. KLOBUCHAR, and Mr. CORNYN):

S. 667. A bill to amend titles 5, 10, 37, and 38, United States Code, to ensure that an order to serve on active duty under section 12304a or 12304b of title 10, United States

Code, is treated the same as other orders to serve on active duty for determining the eligibility of members of the uniformed services and veterans for certain benefits and for calculating the deadlines for certain benefits; to the Committee on Armed Services.

By Mr. CARPER (for himself, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KAINE, Mr. LEAHY, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. VAN HOLLEN, Ms. WARREN, Mr. WYDEN, and Ms. HARRIS):

S. 668. A bill to nullify the effect of the recent executive order regarding border security and immigration enforcement; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KAINE (for himself, Mr. MCCAIN, Mr. RUBIO, and Mr. MURPHY):

S. Res. 87. A resolution expressing the sense of the Senate concerning the ongoing conflict in Syria as it reaches its six-year mark in March, the ensuing humanitarian crisis in Syria and neighboring countries, the resulting humanitarian and national security challenges, and the urgent need for a political solution to the crisis; to the Committee on Foreign Relations.

By Ms. STABENOW (for herself, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. BROWN, Mr. DURBIN, Mr. FRANKEN, Mr. PETERS, and Ms. BALDWIN):

S. Res. 88. A resolution expressing the sense of the Senate that the President and the Secretary of State should ensure that the Government of Canada does not permanently store nuclear waste in the Great Lakes Basin; to the Committee on Foreign Relations.

By Mr. ENZI (for himself and Mr. MENENDEZ):

S. Res. 89. A resolution supporting the designation of March 2017 as ''National Colorectal Cancer Awareness Month''; considered and agreed to.

By Mr. KAINE (for himself and Mr. WARNER):

S. Con. Res. 9. A concurrent resolution recognizing the George C. Marshall Museum and George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 29

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 29, a bill to permit disabled law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, members of the Supreme Court Police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled.

S. 34

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 34, a bill to amend chapter 8 of title 5, United States Code, to provide for the en bloc consideration in resolutions of disapproval for ''midnight rules'', and for other purposes.

S. 82

At the request of Mr. REED, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 82, a bill to amend the Internal Revenue Code of 1986 to expand the denial of deduction for certain excessive employee remuneration, and for other purposes.

S. 204

At the request of Mr. JOHNSON, the name of the Senator from Alabama (Mr. STRANGE) was added as a cosponsor of S. 204, a bill to authorize the use of unapproved medical products by patients diagnosed with a terminal illness in accordance with State law, and for other purposes.

S. 205

At the request of Mr. THUNE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 236

At the request of Mr. WYDEN, the names of the Senator from Iowa (Mrs. ERNST) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 236, a bill to amend the Internal Revenue Code of 1986 to reform taxation of alcoholic beverages.

S. 255

At the request of Mr. SCHATZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 255, a bill to increase the rates of pay under the General Schedule and other statutory pay systems and for prevailing rate employees by 3.2 percent, and for other purposes.

S. 275

At the request of Ms. HEITKAMP, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 275, a bill to allow the financing by United States persons of sales of agricultural commodities to Cuba.

S. 324

At the request of Mr. HATCH, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Maine (Mr. KING) were added as cosponsors 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. 341

At the request of Mr. GRAHAM, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 341, a bill to provide for congressional oversight of actions to waive, suspend, reduce, provide relief from, or otherwise limit the application of sanctions with respect to the Russian Federation, and for other purposes.

S. 374

At the request of Mr. BLUNT, the name of the Senator from Michigan (Mr. PETERS) 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 Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) 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. 415

At the request of Ms. CORTEZ MASTO, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 415, a bill to nullify the effect of the recent Executive order that makes the vast majority of unauthorized individuals priorities for removal and aims to withhold critical Federal funding to sanctuary cities.

S. 445

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 445, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 448

At the request of Mr. BROWN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 448, a bill to amend title XVIII of the Social Security Act to provide for treatment of clinical psychologists as physicians for purposes of furnishing clinical psychologist services under the Medicare program.

S. 459

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 459, a bill to designate the area between the intersections of Wisconsin Avenue, Northwest and Davis Street, Northwest and Wisconsin Avenue, Northwest and Edmunds Street, Northwest in Washington, District of Columbia, as ''Boris Nemtsov Plaza'', and for other purposes.

S. 479

At the request of Mr. BROWN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 479, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

S. 497

At the request of Ms. CANTWELL, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Pennsylvania (Mr. CASEY), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors 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. 515

At the request of Mr. CASEY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 517

At the request of Mrs. FISCHER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 517, a bill to amend the Clean Air Act with respect to the ethanol waiver for Reid vapor pressure limitations under such Act.

S. 518

At the request of Mr. WICKER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 518, a bill to amend the Federal Water Pollution Control Act to provide for technical assistance for small treatment works.

S. 544

At the request of Mr. TESTER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 544, a bill to amend Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes.

At the request of Mr. MCCAIN, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 544, supra.

S. 608

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 608, a bill to nullify the effect of the March 6, 2017 executive order that temporarily restricts most nationals from six countries from entering the United States.

S. 629

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 629, a bill to amend the Federal Food, Drugs, and Cosmetic Act to ensure the safety and effectiveness of medically important antimicrobials approved for use in the prevention, control, and treatment of animal diseases, in order to minimize the development of antibiotic-resistant bacteria.

S.J. RES. 27

At the request of Mr. CASSIDY, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S.J. Res. 27, a joint resolution disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. SHAHEEN (for herself, Mr. MCCAIN, Mr. REED, Mr. TILLIS, Mr. BLUMENTHAL, and Mr. KAINE):

S. 630. A bill to amend the Afghan Allies Protection Act of 2009 to make 2,500 visas available for the Afghan Special Immigrant Visa program, and for other purposes; to the Committee on the Judiciary.

Mrs. SHAHEEN. Mr. President, I come to the floor again today to speak about a program I have been working on that has had bipartisan support for a number of years; that is, the Afghan Special Immigrant Visa Program. This program allows Afghans, including interpreters, who have supported the U.S. mission in Afghanistan and who face threats as a result of their service to apply for refuge in the United States. As I said, this has had strong bipartisan support. I have worked with Senators MCCAIN, TILLIS, LEAHY, GRAHAM, and so many others here in the Chamber to try to make sure we provide enough visas for those Afghans who are being threatened and who want to come to the United States.

I wish to point out that the Trump administration, even as it has sharply restricted immigration and refugee programs, has made exceptions for those who served alongside our soldiers and diplomats. In fact, when the administration's original Executive order on immigration was released, there was bipartisan anger that Iraqi interpreters were not protected because this program has served not just those in Afghanistan who have helped us but also those in Iraq. So the administration recognized its mistake and has made an exception for Iraqi SIV recipients, and now they have exempted Iraq from their Executive order.

It is really past time that we rally renewed support for the Afghan SIV Program. Last week, we learned that the State Department has stopped interviewing applicants for the Afghan program because there are more applicants in the final stages of the process than there are visas. Unless Congress acts, the final visas will be exhausted by the end of May. It is estimated that more than 10,000 applicants are still in some step of the process of obtaining these visas.

For these Afghans, it really is no exaggeration to say that this is a matter of life and death. Interpreters who served the U.S. mission are being systematically hunted down by the Taliban, and unless Congress acts, this program will lapse and we will abandon these Afghans to a harsh fate.

The United States promised to protect those Afghans who served our mission with great loyalty and at enormous risk, and it would be a stain on our national honor to break this promise. It would also carry profound strategic costs. U.S. forces and diplomats have always relied on local people to help us accomplish our missions. We continue to require this assistance in Afghanistan, and we will need this support in other places in the future where we face conflict. So we have to ask, if we don't keep our promise, why would anyone agree to help the United States if we abandon those who assist us? This is exactly why the former commander of U.S. forces in Afghanistan, GEN David Petraeus, and his predecessor, GEN Stanley McChrystal, have pleaded with Congress to extend the Afghan SIV Program. In a letter to Congress last year, more than 30 additional prominent generals, including Gen. John Allen, the former commander in Afghanistan, GEN George Casey, the former commander in Iraq, and two former Chairmen of the Joint Chiefs of Staff also urged Congress to extend the program.

In addition, our soldiers and marines are keenly interested in protecting the interpreters who served with them in Afghanistan. Many of them owe their lives to the interpreters who went into combat with them. In recent years, I have gotten to know one of those servicemen, a former Army captain, Michael Breen, who is a Granite Stater. He served with the infantry in Iraq and led paratroopers in Afghanistan. He speaks with admiration about one interpreter in particular who was an Iraqi—part of the Iraqi program—a woman in her early twenties who was named Wissam.

On one occasion, Captain Breen and his soldiers were at a small forward operating base in Iraq. He said that a man approached, frantically pointing to his watch and indicating an explosion with his hands. The Americans didn't speak Arabic, so they couldn't tell if the man was trying to warn them or threaten them. Wissam hurried over toward Captain Breen to assist. Wissam was beloved by her American comrades, always cheerful and eager to help. She listened to the man and said that he was actually there warning of an improvised explosive device on the main road.

As Captain Breen later told me, ''A trusted interpreter can be the difference between a successful patrol and a body bag.'' He noted that every night, he and his fellow soldiers would hunker down in their heavily guarded perimeter, but Wissam would leave the compound and go home. One evening after she left the American compound, three gunmen ambushed her car. She was killed—one more interpreter who paid

the ultimate price for serving the American mission. As Captain Breen later said, one day there will be a granite monument with the names of all of the American servicemembers who died in Iraq and Afghanistan. Wissam deserves to have her name on that monument, too, because she took great risks and she gave her life while serving the United States.

To be eligible for a visa through the Afghan SIV Program, new applicants must demonstrate at least 2 years of faithful and valuable service to the U.S. mission. To receive a visa, they must also clear a rigorous screening process that includes an independent verification of their service and then an intensive interagency review.

We know that the service of these individuals has been critical to our successes in Afghanistan.

Last month in Keene, NH, I met with a remarkable recent immigrant from Afghanistan named Patmana Rafiq Kunary. Patmana had worked closely with the U.S. Agency for International Development in Kabul. She went door to door, encouraging women to take out microloans to start their own businesses. Patmana eventually became vice president for operations at the USAID-sponsored Microloan Program.

In fact, just today I talked to a woman reporter from Afghanistan who wanted to know what message of hope I could provide to the women of Afghanistan. Well, I told her about Patmana, and I told her that one of the things that keep us in Afghanistan supporting our soldiers is concern about what is happening to the women in Afghanistan.

For Patmana, going door to door and working closely with Americans—this was dangerous work. She drew unwelcome attention wherever she went, and she became a high-profile target for the Taliban and others. And then one day in 2013, she got a call at her USAID office. It was from the distraught wife of one of her USAID colleagues, another Afghan. The caller's husband had just been murdered, apparently in retaliation for his work with the Americans.

Realizing that her life was in danger, too, Patmana applied for a special immigrant visa. For 2 years, she and her husband were subjected to repeated interviews at the U.S. Embassy in Kabul. Her background was checked and rechecked before visas were finally granted. She told me that they would move frequently. They couldn't stay in one place very long because the Taliban would find them. And she said occasionally there was a knock on her relatives' door, saying ''We know where Patmana is,'' and that would be a signal to move.

She and her husband now live happily in Keene, NH. I am pleased to say her husband has found work as an auditor with a local financial company, and they have a 2-year-old daughter. They are welcomed as valued members of the Keene community and of our larger Granite State family.

The many contributions of these Afghans—both in Afghanistan and now as residents or citizens of the United States—those contributions help explain why senior U.S. commanders and diplomats have urged Congress to extend the Afghan SIV Program. Our Secretary of Defense, GEN James Mattis, during the confirmation process, said: ''Most of our units could not have accomplished their missions without the assistance, often at the risk of their lives, of these courageous men and women.''

We would never leave an American warrior behind on the battlefield. Likewise, we must not leave behind the Afghan interpreters who served side by side with our warriors and diplomats.

We made a solemn promise to these brave people, and I am going to do everything I can to ensure that we keep this promise. I know there is a lot of bipartisan support in this body to do that. So today I am introducing the Keep Our Promise to Our Afghan Allies Act with Senators MCCAIN, REED, and TILLIS. This legislation would authorize additional special immigrant visas and would help ensure that the program does not lapse and leave behind thousands of Afghans who helped us with the threat by the Taliban.

In addition, I intend to work closely with Senators who are negotiating legislation to fund the Federal Government in order to ensure that additional visas are included. I urge my colleagues to join me. Let's keep the promise we made to our Afghan allies and support these efforts.

By Mr. DURBIN (for himself, Mr. BROWN, Mr. MARKEY, Mr. CARDIN, Mr. CASEY, and Mr. VAN HOLLEN):

S. 640. A bill to prioritize funding for an expanded and sustained national investment in biomedical research; to the Committee on the Budget.

S. 640

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 ''American Cures Act''.

SEC. 2. CAP ADJUSTMENT.

(a) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following:

''(D) BIOMEDICAL RESEARCH.—

''(i) NATIONAL INSTITUTES OF HEALTH.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the National Institutes of Health at the Department of Health and Human Services, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $2,966,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $4,718,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $6,643,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $8,743,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $10,981,000,000 in additional new budget authority.

''(ii) CENTERS FOR DISEASE CONTROL AND PREVENTION.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the Centers for Disease Control and Prevention at the Department of Health and Human Services, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $1,430,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $1,828,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $2,264,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $2,740,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $3,247,000,000 in additional new budget authority.

''(iii) DEPARTMENT OF DEFENSE HEALTH PROGRAM.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the Department of Defense health program, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $135,100,000 in additional new budget authority;

''(II) for fiscal year 2018, $241,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $356,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $482,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $618,000,000 in additional new budget authority.

''(iv) MEDICAL AND PROSTHETICS RESEARCH PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the medical and prosthetics research program of the Department of Veterans Affairs, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $36,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $65,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $98,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $134,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $172,000,000 in additional new budget authority.

''(v) DEFINITIONS.—As used in this subparagraph:

''(I) ADDITIONAL NEW BUDGET AUTHORITY.—The term 'additional new budget authority' means—

''(aa) with respect to the National Institutes of Health, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the National Institutes of Health;

''(bb) with respect to the Centers for Disease Control and Prevention, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the Centers for Disease Control and Prevention;

''(cc) with respect to the Department of Defense health program, the amount provided for a fiscal year, in excess of the

amount provided in fiscal year 2016, in an appropriation Act and specified to support the Department of Defense health program; and

''(dd) with respect to the medical and prosthetics research program of the Department of Veterans Affairs, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the medical and prosthetics research program of the Department of Veterans Affairs.

''(II) CENTERS FOR DISEASE CONTROL AND PREVENTION.—The term 'Centers for Disease Control and Prevention' means the appropriations accounts that support the various institutes, offices, and centers that make up the Centers for Disease Control and Prevention.

''(III) DEPARTMENT OF DEFENSE HEALTH PROGRAM.—The term 'Department of Defense health program' means the appropriations accounts that support the various institutes, offices, and centers that make up the Department of Defense health program.

''(IV) MEDICAL AND PROSTHETICS RESEARCH PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.—The term 'medical and prosthetics research program of the Department of Veterans Affairs' means the appropriations accounts that support the various institutes, offices, and centers that make up the medical and prosthetics research program of the Department of Veterans Affairs.

''(V) NATIONAL INSTITUTES OF HEALTH.—The term 'National Institutes of Health' means the appropriations accounts that support the various institutes, offices, and centers that make up the National Institutes of Health.''.

(b) FUNDING.—There are hereby authorized to be appropriated—

(1) for the National Institutes of Health, the amounts provided for under clause (i) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year;

(2) for the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, the amounts provided for under clause (ii) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year;

(3) for the Department of Defense health program, the amounts provided for under clause (iii) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year; and

(4) for the Medical and prosthetics research program of the Department of Veterans Affairs, the amounts provided for under clause (iv) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year.

(c) MINIMUM CONTINUED FUNDING REQUIREMENT.—Amounts appropriated for each of the programs and agencies described in section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as added by subsection (a)) for each of fiscal years 2017 through 2021, and each subsequent fiscal year, shall not be less than the amounts appropriated for such programs and agencies for fiscal year 2016.

(d) EXEMPTION OF CERTAIN APPROPRIATIONS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Advances to the Unemployment Trust Fund and Other Funds (16–0327–0–1–600).'' the following:

''Appropriations under the American Cures Act.''.

(2) APPLICABILITY.—The amendment made by this section shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

By Mr. DURBIN (for himself and Ms. BALDWIN):

S. 641. A bill to prioritize funding for an expanded and sustained national investment in basic science research; to the Committee on the Budget.

S. 641

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 ''American Innovation Act''.

SEC. 2. CAP ADJUSTMENT.

(a) IN GENERAL.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C), the following:

''(D) BASIC SCIENCE RESEARCH.—

''(i) NATIONAL SCIENCE FOUNDATION.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the National Science Foundation, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $429,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $834,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $1,279,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $1,764,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $2,279,000,000 in additional new budget authority.

''(ii) DEPARTMENT OF ENERGY, OFFICE OF SCIENCE.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the Office of Science at the Department of Energy, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $378,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $674,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $998,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $1,351,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $1,727,000,000 in additional new budget authority.

''(iii) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the Department of Defense science and technology programs, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $931,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $1,661,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $2,456,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $3,320,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $4,258,000,000 in additional new budget authority.

''(iv) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the scientific and technical research and services of the National Institute of Standards and Technology at the Department of Commerce, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $42,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $73,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $108,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $147,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $188,000,000 in additional new budget authority.

''(v) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE MISSION DIRECTORATE.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies amounts for the Science Mission Directorate at the National Aeronautics and Space Administration, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for such programs for that fiscal year, but shall not exceed—

''(I) for fiscal year 2017, $302,000,000 in additional new budget authority;

''(II) for fiscal year 2018, $600,000,000 in additional new budget authority;

''(III) for fiscal year 2019, $928,000,000 in additional new budget authority;

''(IV) for fiscal year 2020, $1,286,000,000 in additional new budget authority; and

''(V) for fiscal year 2021, $1,666,000,000 in additional new budget authority.

''(vi) DEFINITIONS.—As used in this subparagraph:

''(I) ADDITIONAL NEW BUDGET AUTHORITY.—The term 'additional new budget authority' means—

''(aa) with respect to the National Science Foundation, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the National Science Foundation;

''(bb) with respect to the Department of Energy Office of Science, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the Department of Energy Office of Science;

''(cc) with respect to the Department of Defense science and technology programs, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the Department of Defense science and technology programs;

''(dd) with respect to the National Institute of Standards and Technology scientific and technical research services, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the National Institute of Standards and Technology scientific and technical research services; and

''(ee) with respect to the National Aeronautics and Space Administration Science Mission Directorate, the amount provided for a fiscal year, in excess of the amount provided in fiscal year 2016, in an appropriation Act and specified to support the National Aeronautics and Space Administration Science Mission Directorate.

''(II) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY PROGRAMS.—The term 'Department of Defense science and technology programs' means the appropriations accounts that support the various institutes, offices, and centers that make up the Department of Defense science and technology programs.

''(III) DEPARTMENT OF ENERGY OFFICE OF SCIENCE.—The term 'Department of Energy Office of Science' means the appropriations accounts that support the various institutes, offices, and centers that make up the Department of Energy Office of Science.

''(IV) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION SCIENCE MISSION DIRECTORATE.—The term 'National Aeronautics and Space Administration Science Mission Directorate' means the appropriations accounts that support the various institutes, offices, and centers that make up the National Aeronautics and Space Administration Science Mission Directorate.

''(V) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.—The term 'National Institute of Standards and Technology scientific and technical research and services' means the appropriations accounts that support the various institutes, offices, and centers that make up the National Institute of Standards and Technology scientific and technical research and services.

''(VI) NATIONAL SCIENCE FOUNDATION.—The term 'National Science Foundation' means the appropriations accounts that support the various institutes, offices, and centers that make up the National Science Foundation.''.

(b) FUNDING.—There are hereby authorized to be appropriated—

(1) for the National Science Foundation, the amounts provided for under clause (i) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year;

(2) for the Department of Energy Office of Science, the amounts provided for under clause (ii) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year;

(3) for the Department of Defense science and technology programs, the amounts provided for under clause (iii) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year;

(4) for the National Institute of Standards and Technology scientific and technical research and services, the amounts provided for under clause (iv) of such section 251(b)(2)(D) in each of fiscal years 2017 through 2021, and such sums as may be necessary for each subsequent fiscal year; and

(5) for the National Aeronautics and Space Administration Science Mission Directorate, the amounts provided for under clause (v) of such section 251(b)(2)(D) in each of fiscal years 2016 through 2021, and such sums as may be necessary for each subsequent fiscal year.

(c) MINIMUM CONTINUED FUNDING REQUIREMENT.—Amounts appropriated for each of the programs and agencies described in section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as added by subsection (a)) for each of fiscal years 2017 through 2021, and each subsequent fiscal year, shall not be less than the amounts appropriated for such programs and agencies for fiscal year 2016.

(d) EXEMPTION OF CERTAIN APPROPRIATIONS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Advances to the Unemployment Trust Fund and Other Funds (16–0327–0–1–600).'' the following:

''Appropriations under the American Innovation Act.''.

(2) APPLICABILITY.—The amendment made by this section shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

By Mr. GRASSLEY (for himself, Ms. KLOBUCHAR, Mr. CORNYN, Mr. DURBIN, Mr. GRAHAM, Mr. LEAHY, Mr. FRANKEN, Mr. BLUMENTHAL, and Mr. MARKEY):

S. 643. A bill to provide for media coverage of Federal court proceedings; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, affirming the public's right to know how their government is run, Sunshine Week is an annual reminder of the importance of transparency and accountability in a government of the people, by the people, and for the people. In the spirit of government transparency, I am pleased to join a bipartisan group of colleagues to introduce the Sunshine in the Courtroom Act of 2017. This important piece of legislation furthers the public's access to court proceedings by permitting Federal judges at all Federal court levels to open their courtrooms to television cameras and radio broadcasts.

For decades, and with great results, States such as my home State of Iowa have allowed cameras in their courtrooms. In fact, all 50 States and the District of Columbia now allow some news coverage of proceedings, and it is time we join them. This openness in our courts improves the public's understanding of the legal system and what happens inside our courts.

However, our Federal judicial system unnecessarily remains a mystery to many across the country. The bill I am introducing today, along with Senator KLOBUCHAR and a number of cosponsors from both sides of the aisle, will greatly improve public access to Federal courts by letting Federal judges open their courtrooms to television cameras and other forms of electronic media. Letting the Sun shine in on our Federal courtrooms will allow Americans to better understand the judicial process.

The Sunshine in the Courtroom Act will ensure that the introduction of cameras and other broadcasting devices into courtrooms goes as smoothly as it has at the State level. This legislation leaves the presence of the cameras in Federal trial and appellate courts to the sole discretion of the judges—it is not mandatory. The bill also provides a mechanism for Congress to study the effects of this legislation on our judiciary before making this change permanent through a 3-year sunset provision. The bill protects the privacy and safety of nonparty witnesses by giving them the right to have their faces and voices obscured. Additionally, the bill prohibits the televising of jurors and includes a provision to protect the due process rights of each party.

It is time to open the courthouse doors and let the light shine in on the Federal judiciary. Granting the public greater access to an already public proceeding will inspire greater faith in and appreciation for our judges who pledge equal and impartial justice for all.

Mr. President, I ask unanimous consent that the text of this 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. 643

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 ''Sunshine in the Courtroom Act of 2017''.

SEC. 2. FEDERAL APPELLATE AND DISTRICT COURTS.

(a) DEFINITIONS.—In this section:

(1) PRESIDING JUDGE.—The term ''presiding judge'' means the judge presiding over the court proceeding concerned. In proceedings in which more than 1 judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term ''appellate court of the United States'' means any United States circuit court of appeals and the Supreme Court of the United States.

(b) AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.—

(1) AUTHORITY OF APPELLATE COURTS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the presiding judge of an appellate court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(B) EXCEPTION.—The presiding judge shall not permit any action under subparagraph (A), if—

(i) in the case of a proceeding involving only the presiding judge, that judge determines the action would constitute a violation of the due process rights of any party; or

(ii) in the case of a proceeding involving the participation of more than 1 judge, a majority of the judges participating determine that the action would constitute a violation of the due process rights of any party.

(2) AUTHORITY OF DISTRICT COURTS.—

(A) IN GENERAL.—

(i) AUTHORITY.—Notwithstanding any other provision of law, except as provided under clause (iii), the presiding judge of a district court of the United States may, at the discretion of that judge, permit the photographing, electronic recording, broadcasting, or televising to the public of any court proceeding over which that judge presides.

(ii) OBSCURING OF WITNESSES.—Except as provided under clause (iii)—

(I) upon the request of any witness (other than a party) in a trial proceeding, the court

shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding; and

(II) the presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request the image and voice of that witness to be obscured during the testimony of the witness.

(iii) EXCEPTION.—The presiding judge shall not permit any action under this subparagraph—

(I) if that judge determines the action would constitute a violation of the due process rights of any party; and

(II) until the Judicial Conference of the United States promulgates mandatory guidelines under paragraph (5).

(B) NO MEDIA COVERAGE OF JURORS.—The presiding judge shall not permit the photographing, electronic recording, broadcasting, or televising of any juror in a trial proceeding, or of the jury selection process.

(C) DISCRETION OF THE JUDGE.—The presiding judge shall have the discretion to obscure the face and voice of an individual, if good cause is shown that the photographing, electronic recording, broadcasting, or televising of the individual would threaten—

(i) the safety of the individual;

(ii) the security of the court;

(iii) the integrity of future or ongoing law enforcement operations; or

(iv) the interest of justice.

(D) SUNSET OF DISTRICT COURT AUTHORITY.—The authority under this paragraph shall terminate 3 years after the date of the enactment of this Act.

(3) INTERLOCUTORY APPEALS BARRED.—The decision of the presiding judge under this subsection of whether or not to permit, deny, or terminate the photographing, electronic recording, broadcasting, or televising of a court proceeding may not be challenged through an interlocutory appeal.

(4) ADVISORY GUIDELINES.—The Judicial Conference of the United States may promulgate advisory guidelines to which a presiding judge, at the discretion of that judge, may refer in making decisions with respect to the management and administration of photographing, recording, broadcasting, or televising described under paragraphs (1) and (2).

(5) MANDATORY GUIDELINES.—Not later than 6 months after the date of enactment of this Act, the Judicial Conference of the United States shall promulgate mandatory guidelines that a presiding judge is required to follow for obscuring of certain vulnerable witnesses, including crime victims, minor victims, families of victims, cooperating witnesses, undercover law enforcement officers or agents, witnesses subject to section 3521 of title 18, United States Code, relating to witness relocation and protection, or minors under the age of 18 years. The guidelines shall include procedures for determining, at the earliest practicable time in any investigation or case, which witnesses should be considered vulnerable under this section.

(6) PROCEDURES.—In the interests of justice and fairness, the presiding judge of the court in which media use is desired has discretion to promulgate rules and disciplinary measures for the courtroom use of any form of media or media equipment and the acquisition or distribution of any of the images or sounds obtained in the courtroom. The presiding judge shall also have discretion to require written acknowledgment of the rules by anyone individually or on behalf of any entity before being allowed to acquire any images or sounds from the courtroom.

(7) NO BROADCAST OF CONFERENCES BETWEEN ATTORNEYS AND CLIENTS.—There shall be no audio pickup or broadcast of conferences which occur in a court proceeding between attorneys and their clients, between co-counsel of a client, between adverse counsel, or between counsel and the presiding judge, if the conferences are not part of the official record of the proceedings.

(8) EXPENSES.—A court may require that any accommodations to effectuate this Act be made without public expense.

(9) INHERENT AUTHORITY.—Nothing in this Act shall limit the inherent authority of a court to protect witnesses or clear the courtroom to preserve the decorum and integrity of the legal process or protect the safety of an individual.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. FRANKEN, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 649. A bill to permit the televising of Supreme Court proceedings; to the Committee on the Judiciary.

S. 649

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 ''Cameras in the Courtroom Act''.

SEC. 2. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''§ 678. Televising Supreme Court proceedings

''The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

''678. Televising Supreme Court proceedings.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 87—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE ONGOING CONFLICT IN SYRIA AS IT REACHES ITS SIX-YEAR MARK IN MARCH, THE ENSUING HUMANITARIAN CRISIS IN SYRIA AND NEIGHBORING COUNTRIES, THE RESULTING HUMANITARIAN AND NATIONAL SECURITY CHALLENGES, AND THE URGENT NEED FOR A POLITICAL SOLUTION TO THE CRISIS

Mr. KAINE (for himself, Mr. MCCAIN, Mr. RUBIO, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 87

Whereas the transnational Salafi-jihadi organizations ISIL and al Qaeda are utilizing the conflict in Syria and the actions of the Assad regime to recruit and mobilize fighter and popular support;

Whereas the crisis in Syria has led to the creation of terrorist safe havens controlled by ISIL and al Qaeda, along with other extremist groups, which have become bases from which to plan, direct, and inspire attacks against the United States and its allies and partners;

Whereas the spread of violence perpetuated by the Syrian conflict and the flow of refugees is a threat to the security of United States allies in the Middle East and Europe, placing immense domestic and humanitarian burdens on Syria's neighbors, most notably Lebanon and Jordan, as well as Turkey and Iraq;

Whereas the Syrian conflict has allowed Iran's Islamic Revolutionary Guard Corps and its proxies to increase their influence in parts of Syria and potentially threaten Israel's borders;

Whereas United Nations Security Council resolutions 2332 (2016), 2268 (2016), and 2139 (2014) call for the implementation of a cessation of hostilities in Syria and reaffirm the international community's support for the immediate, direct, and uninhibited access of humanitarian workers throughout the Syrian Arab Republic;

Whereas the United Nations High Commissioner for Refugees estimates that the Syrian conflict has created 4,800,000 refugees and 6,600,000 internally displaced persons;

Whereas widespread and systematic attacks on civilians, schools, hospitals, and other civilian infrastructure, in violation of international humanitarian law, continue in Syria, in particular as result of the actions of the Assad regime and its Russian and Iranian supporters;

Whereas widespread and systematic violations of the human rights of the people of Syria continue to be perpetrated by the Assad regime;

Whereas, according to Amnesty International, the Assad regime has a documented record of committing mass human rights abuses against detainees, including 5,000 to 13,000 detainees summarily executed by hanging between September 2011 through December 2015;

Whereas the regime of Bashar al-Assad has repeatedly blocked civilian access to or diverted humanitarian assistance, including medical supplies, from besieged and hard-to-reach areas, in violation of United Nations Security Council resolutions;

Whereas the Assad regime is subject to and in violation of both United Nations Security Council Resolution 2118 (2013) on the Framework for Elimination of Syrian Chemical Weapons and United Nations Security Council Resolution 2209 (2015) Condemning the Use of Chlorine Gas in Syria;

Whereas the Governments of the Russian Federation and Iran have supported the Assad regime, perpetuated the conflict, and deployed tactics and strategies that have caused grave harm to civilians, including their conduct in the siege of eastern Aleppo, constituting war crimes and crimes against humanity;

Whereas there exists sufficient documentation, as well as credible, clear, and convincing reporting, to charge Bashar al-Assad with war crimes and crimes against humanity due to the Assad regime's confirmed use of chemical weapons, use of barrel bombs against noncombatants, widespread use of torture, summary executions, prolonged sieges, forcible relocations, and indiscriminate targeting of civilians and humanitarian actors;

Whereas the United States Government has provided over $5,800,000 since 2011 in humanitarian assistance to communities and people directly impacted by the Syrian conflict, including $364,000,000 that will be provided in fiscal year 2017 for refugees and other people displaced by the Syrian conflict; and

Whereas the United States Armed Forces are leading the Global Coalition to Counter ISIL and are deployed with Coalition allies within the territory of Syria and are working by, with, and through local Syrian partner forces to defeat ISIL and stabilize territory taken from it: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the regime of Bashar al-Assad for committing war crimes and crimes against humanity during the Syrian conflict, including the use of chemical weapons, in violation of its obligations as required by United Nations Security Council Resolutions 2118 (2013) and 2209 (2015), and for the widespread use of torture, summary executions, prolonged sieges, forcible relocations, and indiscriminate targeting of civilians and humanitarian actors;

(2) condemns the Assad regime and the Government of the Russian Federation for using indiscriminate cluster munitions on civilian areas and infrastructure and for the deliberate targeting of United Nations humanitarian aid convoys;

(3) urges all parties to the conflict, particularly the Russian Federation, Iran, and Iranian-backed militias, to immediately halt indiscriminate attacks, the imposition of starvation sieges, and other forms of warfare directed against civilians and civilian infrastructure;

(4) strongly urges all parties to the conflict to allow for and facilitate immediate, unfettered access to humanitarian assistance throughout Syria, respecting the safety, security, independence, and impartiality of humanitarian workers and ensuring freedom of movement to deliver aid, particularly in areas of Syria controlled by opposition forces;

(5) affirms the neutrality of medical professionals providing humanitarian assistance and health care on a non-political basis, and condemns attacks against such personnel or interference in the provision of medical care, particularly in areas of Syria controlled by opposition forces;

(6) encourages the President to make it the policy of the United States Government to continue to coordinate a comprehensive and generous response to the Syrian humanitarian crisis, including assistance and development, and protection of human rights inside Syria and in the region;

(7) urges all parties in Syria to support the immediate and full implementation of United Nations Security Council Resolution 2268 (2016), which calls for a cessation of hostilities in the conflict, except with ISIL and al Qaeda and their affiliated organizations, to facilitate the provision of humanitarian assistance and reconstruction of war-affected communities in Syria;

(8) affirms that the elimination of al Qaeda and ISIS safe havens in Syria, from which those organizations can plan and launch attacks against the United States and its partners, is a vital national security interest of the United States;

(9) commends the Syrian Democratic Forces, the Syrian Arab Coalition, and other local, Syrian partner forces for their support of Operation Inherent Resolve and the efforts of the Global Coalition to Counter ISIL;

(10) affirms that the stability of key European and Middle Eastern partners is vital to the national security of the United States and preventing the Syrian conflict from undermining that stability is a top priority for the United States;

(11) calls on the international community to continue to support neighboring countries and host communities who are generously supporting refugees and internally displaced persons fleeing the conflict in Syria;

(12) calls on the President to continue the active participation of the United States Government in a robust and effective diplomatic process to achieve a political agreement to the Syrian conflict; and

(13) urges the President to develop and submit to the Committees on Foreign Relations and Armed Services of the Senate within 90 days a strategy for providing long-term stability and security in areas seized from ISIL.

Mr. KAINE. Mr. President, 6 years ago, the Syrian people rose up against the tyranny of the Assad regime and hoped that the international community would stand by their side in this monumental endeavor. Nearly half a million Syrians have been killed by this conflict. More than 13 million Syrians have been forced to flee their homes and continue to face starvation and sieges by pro-Assad forces. Assad's barrel bombs and Russian airstrikes still target hospitals and schools. Syria's neighbors have provided refuge to nearly 5 million, mostly women and children. At the same time, many Syrians continue to risk their lives in an attempt to find safety on Europe's shores.

In the vacuum left by Assad's devastation, extremist groups like ISIS and al-Qaida have found fertile ground. Ankara, Baghdad, Beirut, Brussels, Paris, San Bernadino—these are just a few of the places impacted by ISIS. As long as the Syrian conflict continues, violence and extremism will continue to spiral out of the region. It is time for the United States and international community to hold the Assad regime and its backers accountable for their actions. The Trump administration should take an active role in resolving this conflict. The Syrian conflict has many dimensions—leaving this to the Russians and hoping that they can end this war is not a strategy. American leadership, along with support from regional actors and the international community, is the only meaningful approach towards bringing peace to Syria and its citizens and justice to the Assad regime for its brutal actions.

I am pleased to introduce this resolution with Senators MCCAIN and RUBIO and MURPHY that condemns the Assad regime's blatant disregard for international law and human life and asks the Trump administration to pursue a strategy that can help bring the brutal conflict to a peaceful conclusion. The resolution also denounces Iran and Russia for their political and military support of the Assad regime and calls for protection of civilians and humanitarian workers.

SENATE RESOLUTION 88—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT AND THE SECRETARY OF STATE SHOULD ENSURE THAT THE GOVERNMENT OF CANADA DOES NOT PERMANENTLY STORE NUCLEAR WASTE IN THE GREAT LAKES BASIN

Ms. STABENOW (for herself, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. BROWN, Mr. DURBIN, Mr. FRANKEN, Mr. PETERS, and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 88

Whereas the water resources of the Great Lakes Basin are precious public natural resources, shared by the Great Lakes States and the Canadian Provinces;

Whereas the United States and Canada have, since 1909, worked to maintain and improve the water quality of the Great Lakes through water quality agreements;

Whereas over 40,000,000 people in both Canada and the United States depend on the fresh water from the Great Lakes for drinking water;

Whereas Ontario Power Generation is proposing to build a permanent geological repository for nuclear waste less than one mile from Lake Huron in Kincardine, Ontario, Canada;

Whereas nuclear waste is highly toxic and can take tens of thousands of years to decompose to safe levels;

Whereas a spill of nuclear waste into the Great Lakes could have lasting and severely adverse environmental, health, and economic impacts on the Great Lakes and the people that depend on them for their livelihood:

Whereas 187 local, county, State, and tribal governments have passed resolutions in opposition to Ontario Power Generation's proposed nuclear waste repository;

Whereas tribes and First Nations' citizens have a strong spiritual and cultural connection to the Great Lakes, and its protection is fundamental to treaty rights;

Whereas Ontario Power Generation has promised not to move forward with their current proposal without the support of the First Nations that would be impacted; and

Whereas, during the 1980s, when the Department of Energy, in accordance with the Nuclear Waste Policy Act of 1982, was studying potential sites for a permanent nuclear waste repository in the United States, the Government of Canada expressed concern with locating a permanent nuclear waste repository within shared water basins of the two countries: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of Canada should not allow a permanent nuclear waste repository to be built within the Great Lakes Basin;

(2) the President and the Secretary of State should take appropriate action to work with the Government of Canada to prevent a permanent nuclear waste repository from being built within the Great Lakes Basin; and

(3) the President and the Secretary of State should work together with their Government of Canada counterparts on a safe and responsible solution for the long-term storage of nuclear waste.

SENATE CONCURRENT RESOLUTION 9—RECOGNIZING THE GEORGE C. MARSHALL MUSEUM AND GEORGE C. MARSHALL RESEARCH LIBRARY IN LEXINGTON, VIRGINIA, AS THE NATIONAL GEORGE C. MARSHALL MUSEUM AND LIBRARY

Mr. KAINE (for himself and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 9

Whereas General George C. Marshall served as Army Chief of Staff during World War II,

Special Ambassador to China, Secretary of State, and Secretary of Defense;

Whereas General George C. Marshall was promoted to General of the Army in 1944, one of only five Army five-star generals in the history of the United States;

Whereas General George C. Marshall was awarded the Congressional Gold Medal in 1946 for his military strategy and vital role during World War II;

Whereas General George C. Marshall was awarded the Nobel Peace Prize in 1953 for developing the European economic recovery strategy known as the Marshall Plan;

Whereas the George C. Marshall Foundation was established in 1953 and is devoted to preserving the legacy of General George C. Marshall through educational scholarship programs and facilities;

Whereas the George C. Marshall Foundation opened the George C. Marshall Museum and George C. Marshall Research Library in 1964 in Lexington, Virginia, on the post of the Virginia Military Institute, which is the alma mater of General George C. Marshall;

Whereas the George C. Marshall Museum educates the public about the military and diplomatic contributions of General George C. Marshall through extensive exhibits; and

Whereas the George C. Marshall Research Library maintains the most comprehensive collection of records documenting the life and leadership of General George C. Marshall: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress recognizes the George C. Marshall Museum and George C. Marshall Research Library in Lexington, Virginia, as the National George C. Marshall Museum and Library.

Mr. KAINE. Mr. President. I would like to recognize the George C. Marshall Foundation's museum and library as the National George C. Marshall Museum. General George C. Marshall was born in Uniontown, PA to a Virginia family. He is a distant relative of Chief Justice John Marshall, the fourth Supreme Court Justice of the United States. General Marshall graduated from the Virginia Military Institute in 1901 as senior first captain of the Corps of Cadets.

General Marshall served in a variety of posts in the Philippines, the United States, France, and China, distinguishing himself as a military leader. In 1939 he was named Chief of Staff by President Roosevelt and was responsible for building, supplying, and deploying over 8 million soldiers. Marshall also urged military readiness prior to the attack on Pearl Harbor.

After World War II, President Truman sent General Marshall to China to broker a coalition government between the Nationalist allies under Generalissimo Chaing Kai-shek and the Communists under Mao Zedong. In 1946, General Marshall received the Congressional Gold Medal of Honor. President Truman appointed Marshall Secretary of State in 1947. In what became known as the Marshall Plan, as Secretary of State Marshall oversaw the postwar European economic recovery strategy. In 1953, General Marshall received the Nobel Peace Prize for his postwar work, the only career officer in the U.S. Army to ever receive this honor.

The George C. Marshall Foundation was established in 1953 and officially opened in 1964. The foundation's museum is located in Lexington, Virginia and is dedicated to educating the public and the military and diplomatic career of General George C. Marshall. The foundation has devoted its mission to educating the public about the important contributions of General Marshall through its museum and research Library. The Museum has five extensive exhibits and houses General Marshall's Nobel Peace Prize.

I am proud to introduce this resolution which will recognize and honor General George C. Marshall.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SULLIVAN. Mr. President, I have 10 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:

BANKING, HOUSING, AND URBAN AFFAIRS COMMITTEE

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on March 15, 2017, at 10 a.m. to conduct a hearing entitled ''Assessing U.S. Sanctions on Russia: Next Steps.''

COMMERCE, SCIENCE, AND TRANSPORTATION COMMITTEE

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Wednesday, March 15, 2017, at 10 a.m. in room 106 of the Dirksen Senate Office Building.

ENVIRONMENT AND PUBLIC WORKS COMMITTEE

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, March 15, 2017, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, March 15, 2017, at 11 a.m., to hold a hearing entitled ''Six Years of War in Syria: The Human Toll.''

HOMELAND SECURITY COMMITTEE

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, March 15, 2017, at 10 a.m.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on March 15, 2017, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Vows for Visas: Investigating K–1 Fiancé Fraud.''

VETERANS' AFFAIRS COMMITTEE

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, March 15, 2017, at 2:30 p.m. in SR–418, to conduct a hearing entitled, ''GAO's High Risk List and the Veterans Health Administration.''

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Wednesday, March 15, 2017, from 1:30 p.m., in room SH–219 of the Senate Hart Office Building.

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, March 15, 2017, at 3:30 p.m.

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON CRIME AND TERRORISM

The Committee on the Judiciary, Subcommittee on Crime and Terrorism, is authorized to meet during the session of the Senate on March 15, 2017, at 2:30 p.m. in room SD–226 of the Dirksen Senate Office Building.

PRIVILEGES OF THE FLOOR

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Alexander Haberstroh, a military fellow for my office, as well as Charlotte Regula-Whitefield, an oceans fellow for my office, for the remainder of 2017.

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

FALEOMAVAEGA ENI FA'AUA'A HUNKIN VA CLINIC

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 1362 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1362) to name the Department of Veterans Affairs community-based outpatient clinic in Pago Pago, American Samoa, the Faleomavaega Eni Fa'aua'a Hunkin VA Clinic.

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

Mr. LANKFORD. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 1362) was ordered to a third reading, was read the third time, and passed.

EXPRESSING THE SENSE OF THE SENATE REGARDING THE TRAFFICKING OF ILLICIT FENTANYL INTO THE UNITED STATES FROM MEXICO AND CHINA

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Foreign

Relations Committee be discharged from further consideration of S. Res. 83 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 83) expressing the sense of the Senate regarding the trafficking of illicit fentanyl into the United States from Mexico and China.

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

Mr. LANKFORD. 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. 83) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 8, 2017, under ''Submitted Resolutions.'')

HONORING IN PRAISE AND REMEMBRANCE THE EXTRAORDINARY LIFE, STEADY LEADERSHIP, AND REMARKABLE, 70-YEAR REIGN OF KING BHUMIBOL ADULYADEJ OF THAILAND

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 9.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 9) honoring in praise and remembrance the extraordinary life, steady leadership, and remarkable, 70-year reign of King Bhumibol Adulyadej of Thailand.

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

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

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

The resolution (S. Res. 9) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of January 10, 2017, under ''Submitted Resolutions.'')

EXPRESSING SUPPORT FOR THE DESIGNATION OF MARCH 21, 2017, AS ''NATIONAL ROSIE THE RIVETER DAY''

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to the consideration of S. Res. 76.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 76) expressing support for the designation of March 21, 2017, as ''National Rosie the Riveter Day.''

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

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

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

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 1, 2017, under ''Submitted Resolutions.'')

SUPPORTING THE DESIGNATION OF MARCH 2017 AS ''NATIONAL COLORECTAL CANCER AWARENESS MONTH''

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 89, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 89) supporting the designation of March 2017 as ''National Colorectal Cancer Awareness Month.''

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

Mr. LANKFORD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 89) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 21, 2017.)

ORDERS FOR THURSDAY, MARCH 16, 2017, THROUGH TUESDAY, MARCH 21, 2017

Mr. LANKFORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn, to then convene for pro forma sessions only, with no business being conducted, on the following dates and times and that following each pro forma session, the Senate adjourn until the next pro forma session: Thursday, March 16 at 11:30 a.m. and Monday, March 20 at 10 a.m.; I further ask that when the Senate adjourns on Monday, March 20, it next convene at 10:30 a.m. on Tuesday, March 21; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein; finally, that the morning business hour be equally divided, with the majority controlling the first half and the Democrats controlling the final half.

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

ORDER FOR ADJOURNMENT

Mr. LANKFORD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator HATCH.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF NEIL GORSUCH

Mr. HATCH. Mr. President, I rise today to once again address the nomination of Judge Neil M. Gorsuch to be the next Associate Justice of the U.S. Supreme Court.

I am extraordinarily pleased that the President has nominated such an outstanding individual to fill the seat that was held by my friend, the late Justice Antonin Scalia, for nearly three decades.

In the weeks since Judge Gorsuch's nomination, I have done my best to make the case that he is exactly the kind of Justice that we need: one that will—in the timeless words of Marbury v. Madison—say what the law is, not what he wishes the law would be.

In my view, his outstanding credentials and his understanding of the proper role of a judge under our Constitution make him a choice that should command universal support. Unfortunately, this feeling does not appear to be as broadly shared as it should be.

Leftwing activists are demanding a scorched-earth approach to Judge Gorsuch's nomination, and I am afraid that some of my colleagues on the other side of the aisle appear to have been swept up in this fervor. Their opposition stems from two different

sources and has taken two different forms.

The first cause is the visceral reaction among some to our new President. After last year's bitterly fought election campaign, many on the left simply refuse to accept the legitimacy of the new administration and are dead set on all-out opposition to every initiative, every policy, and every nominee of this President. As a case in point, we are in mid-March and the President is still waiting for the Senate to confirm his Cabinet nominees. This hasn't happened, to my knowledge, in the 40 years I have been in the Senate.

Skeptical of any nominee's willingness to hold the administration that nominated him accountable to the law, they are demanding assurances about how Judge Gorsuch would rule on the administration's most controversial moves.

The Supreme Court confirmation process should not be treated as just another forum to litigate the wisdom and lawfulness of the new administration's policies. Not only does such an approach distract from the proper focus on the nominee's qualifications and judicial philosophy, but it also threatens to undermine the very independence Democrats claim to want in a Supreme Court Justice.

As I have explained in detail as recently as last week, nominees of both parties for decades have refused to speculate on cases that may come before them in order to not prejudice their potential future judgments. Moreover, as a sitting Federal judge, Judge Gorsuch is bound by the code of conduct for United States judges, one of the canons of which prohibits a judge from making ''public comment on the merits of a matter pending or impending in any court.''

In light of this longstanding, necessary, and, in Judge Gorsuch's case, legally mandated practice, I have found it extraordinarily disappointing to hear some of my colleagues try to turn on its head Judge Gorsuch's admirable efforts to protect his independence. For example, the minority leader has repeatedly castigated Judge Gorsuch for refusing to take a definitive stand on the legality of the new administration's policies, accusing him of ''avoiding answers like the plague.''

For those of us of all political stripes who want a Supreme Court Justice who decides cases on the basis of what the law commands, rather than whether the result serves a particular political or policy agenda—be it Republican or Democrat, conservative or liberal, pro-Trump or anti-Trump—Judge Gorsuch's refusal to prejudice his approach to future cases should be celebrated, not condemned.

As Justice Sotomayor said recently: ''Any self-respecting judge who comes in with an agenda that would permit that judge to tell you how they will vote is the kind of person you don't want as a judge.''

Put more colorfully, there is a plague threatening judicial independence; here, this plague takes the form of the minority leader's attempt to extract these sorts of inappropriate answers, and Judge Gorsuch is wise to avoid that. The minority leader should know better.

Moreover, we know the minority leader does know better, given his many years of service on the Judiciary Committee and, in particular, how he acquiesced to the same approach when now-Justices Sotomayor and Kagan were presented with similar timely hypotheticals during their confirmation processes.

Sadly, I have little doubt that this line of attack on Judge Gorsuch will continue to infect the confirmation process, but we should be completely clear and unambiguous about what these attempts to get Judge Gorsuch to answer hypothetical questions about the legality of the administration's policies represent. They are illegitimate, partisan attempts to derail his nomination, cleverly shrouded in a cloak of alleged concern about his independence. Americans should not be under any illusions that these proper concerns about independence amount to anything else.

To turn to the second source of opposition to Judge Gorsuch's nomination, one need only examine this week's New York Times heading, which blared: ''Democrats' Line of Attack on Gorsuch: No Friend of the Little Guy.''

This same theme has been repeated by various leftwing interest groups and by some of my colleagues here in the Senate. They should be ashamed. As I have explained extensively in the past, the judge's critics view the judiciary as simply an extension of politics, just another forum to relitigate battles that they lost in the policymaking process. In their view, the job of a judge is not to apply the law to the facts dispassionately, but rather to pick winners and losers on the basis of the political popularity of the litigants and the policy consequences of the decision.

While such an approach is antithetical to the role of a judge under the Constitution, it has become an entrenched article of faith for most of those on the left. As such, they have approached Judge Gorsuch's nomination in a predictable manner: cherry-picking and mischaracterizing his opinions as evidence of a political agenda with total disregard of what the law commanded in each of those cases.

Simply put, this line of attack on Judge Gorsuch is ludicrous. Any reasonable analysis of his opinions shows that his decisions apply to laws enacted by the people's elected representatives, without regard to his own personal preferences. His approach manifests the Constitution's vision of the appropriate role of a judge that has been prominently embraced by Justice Scalia: ''If you're going to be a good and faithful judge, you have to resign yourself to the fact that you are not always going to like the conclusions you reach. If you like them all the time, you're probably doing something wrong.''

Today, I want to examine just a few of the cases seized on by Judge Gorsuch's liberal critics to demonstrate just how unfounded their attacks are. Compass Environmental v. Occupational Safety and Health Review Commission involved a Tenth Circuit ruling against a firm for failing to provide adequate training to protect its employees from electric shock hazards. Judge Gorsuch did indeed rule in the firm's favor, but the case did not present the question of whether the company should do more to protect its workers. Rather, the case turned on the question of whether the Secretary of Labor satisfied the standard of showing any evidence to demonstrate that the firm in question was providing less training than what is the norm in the industry.

One need only examine the judge's opinion to understand how that specific legal burden was met, reaching the same conclusion as the administrative law judge below.

Next, Riddle v. Hickenlooper touches on one of the liberals' faith talking points: the supposed need to regulate political speech in order to fight money in politics. While this case has been characterized as some invitation for wealthy and large corporations to exert undue influence in politics, it actually turned on a rather narrow and technical question of whether a $200 disparity in the contribution limits for major party and write-in candidates for Colorado's State House of Representatives amounted to an equal protection violation.

Judge Gorsuch joined the majority opinion of his colleagues—an Obama appointee, by the way—in agreeing that it did constitute such a violation, and then wrote a brief concurrence outlining how unclear Supreme Court precedent was on this particular point.

Moreover, he stated how ''clear'' it was that ''with a little effort, Colorado could have achieved its stated policy objectives . . . without offending'' the Constitution.

In essence, Judge Gorsuch adopted a particularly narrow position on a relatively minor issue in the grand scheme of campaign finance law, meriting none of his opponents' extrapolations about larger issues of political speech.

Finally, several of Judge Gorsuch's writings have called into question the so-called Chevron doctrine, under which Federal courts defer to administrative agencies' interpretations of the law. His opponents have seized on this skepticism to argue that Judge Gorsuch is somehow reflexively opposed to regulation. Nothing could be further from the truth.

These critics of Judge Gorsuch should recall that the Chevron deference first flourished as a reaction against liberal judges overturning the deregulatory actions of the Reagan administration. I myself am a skeptic of

Chevron and have led the fight to overturn it with my Separation of Powers Restoration Act. But as the name of my legislation suggests, overturning Chevron is about restoring the constitutional allocation of powers between the three branches, maintaining fidelity to the text of the Administrative Procedure Act, and ensuring that the bureaucracy abides by the law no matter its policy goals.

These are a few of Judge Gorsuch's opinions that have been most prominently mischaracterized as driven by a political agenda, when in reality their results are demanded by the law. Sadly, I expect that these mischaracterizations and inappropriate demands of Judge Gorsuch will continue to appear in this confirmation process. They don't have any better arguments, and those arguments are not only flawed, but they are wrong and inappropriate.

Let me quote from a prominent liberal law professor, Harvard's Noah Feldman, to sum up how I think we all should feel about this strategy:

I'm not sure who decided that the Democratic critique of U.S. Supreme Court nominee Judge Neil Gorsuch would be that he doesn't side with the little guy. It's a truly terrible idea. . . . [S]iding with workers against employers isn't a jurisprudential position. It's a political stance. And justices—including progressive justices—shouldn't decide cases based on who the parties are. They should decide cases based on their beliefs about how the law should be interpreted.

That is a liberal law professor agreeing with me, really, and condemning these types of ad hominem attacks by people who know better or should know better.

I urge my colleagues on the other side of the aisle to resist the temptation to give in to partisan and ideological pressure to engage in these tactics I described earlier, and I hope people will pay attention to what I have suggested. These are unworthy of the Senate's role, and they are unmerited with respect to such a stellar nominee as Judge Gorsuch, a man who is clearly committed to the proper, independent role of a judge.

I urge all of my colleagues to join me in helping to ensure his speedy confirmation. This man is a decent, honorable, intelligent man who deserves the support of this decent, honorable, intelligent body. The arguments of the other side are without merit and, frankly, are really abysmal, and I sure hope they will reconsider and vote for this man who will be an excellent Justice on the U.S. Supreme Court.

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

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

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 11:30 a.m. tomorrow.

Thereupon, the Senate, at 6:04 p.m., adjourned until Thursday, March 16, 2017, at 11:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 2017:

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

LT. GEN. HERBERT R. MCMASTER, JR.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

DANIEL COATS, OF INDIANA, TO BE DIRECTOR OF NATIONAL INTELLIGENCE.