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## Senate

The Senate met at 3:01 p.m. and was called to order by the Honorable TODD YOUNG, a Senator from the State of Indiana.

### PRAYER

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

Let us pray.

Beautiful Savior, You have been our dwelling place in all generations, and we are sustained by Your steadfast love. Today, surround our Senators with the shield of Your favor as they labor to keep our Nation strong.

Lord, this week our lawmakers must make critical decisions that may affect this legislative body for years to come. Teach them to be obedient to Your commands, doing Your will, and following Your leading. May they be quick to listen, slow to speak, and slow to anger.

Lord, manifest Your power through their labors so that this Nation will remain a shining city on a hill.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 3, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TODD YOUNG, a Senator from the State of Indiana, to perform the duties of the Chair.

ORRIN G. HATCH,  
President pro tempore.

Mr. YOUNG thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### OLD VESSELS EXEMPTION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 89, which the clerk will report.

The bill clerk read as follows:

A bill (S. 89) to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 5:30 p.m. will be equally divided in the usual form.

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

The Senator from West Virginia.

### NOMINATION OF NEIL GORSUCH

Mrs. CAPITO. Mr. President, I come to the floor today to express my strong support for the confirmation of Judge Neil Gorsuch to be the next Associate Justice of the U.S. Supreme Court. Few individuals over the last century have impacted the American legal discourse

as profoundly as the late Justice Antonin Scalia.

In the wake of his untimely passing last February, Justice Scalia left behind a legacy of faithfully applying the law and upholding the principles of our Constitution. Judge Neil Gorsuch is a worthy successor to Judge Antonin Scalia.

Judge Gorsuch understands the protections granted in the Constitution, including the separation of powers, federalism, and the Bill of Rights. He knows that the Constitution provides Americans with an indispensable safeguard against government overreach.

His past opinions demonstrate that he will honor constitutional protections afforded through due process, the right to bear arms, equal protection under the law, and religious freedom.

Legal experts from across the political spectrum are very much in agreement with the Gorsuch nomination. The American Bar Association's Standing Committee on the Federal Judiciary unanimously gave Judge Gorsuch the highest possible rating of "well qualified" for the Supreme Court. I couldn't agree more.

One of Judge Gorsuch's associates, the chief judge of the Tenth Circuit who served with Judge Gorsuch, has said about him:

Judge Gorsuch brings to the bench a powerful intellect combined with a probing and analytical approach to every issue. He brings to each case a strong commitment to limit his analysis to that case—its facts, the record, and the law cited and applicable. He does not use his judicial role as a vehicle for anything other than deciding the case before him.

President Obama's former Solicitor General Neal Katyal penned an op-ed in the New York Times supporting Judge Gorsuch and wrote:

I have no doubt that if confirmed, Judge Gorsuch would help restore confidence in the rule of law.

His years on the bench reveal a commitment to judicial independence—a record that should give the American people confidence

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



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that he will not compromise principle to favor the president who appointed him.

Those are the words of the Solicitor General who argued on behalf of President Obama's administration in front of the Supreme Court.

Judge Gorsuch has been through the confirmation process before—as we have heard many times on this floor—when Senators, some of them in this body today, approved his nomination to the Court of Appeals for the Tenth Circuit without opposition.

I was privileged to meet with Judge Gorsuch several weeks ago, and it was clear to me through our conversation, a thorough examination of his record, and watching last week's hearing in the Judiciary Committee that Judge Gorsuch will decide cases fairly, based on our Constitution and laws. Isn't that the way it should be? This is what West Virginians expect from a Supreme Court Justice.

Newspapers in my State have recognized this nominee's strong qualifications of independence and respect for the rule of law. The Charleston Daily Mail editorialized:

Gorsuch has strong legal credentials and deserves to be confirmed.

He is the kind of pick that any president should make, Democrat or Republican, because of his proven qualities necessary for any justice: a strong understanding and respect for the nation's founding document, the U.S. Constitution.

The *Wheeling Intelligencer* and *News Register* wrote:

During hearings last week, Gorsuch's suitability for a high court post was made abundantly clear.

He is precisely the type of judge—faithful to the Constitution not ideology on specific issues—the nation needs.

And the *Martinsburg Journal* said:

Gorsuch seems to believe in using the plain language of the Constitution to decide cases, regardless of his own preferences.

That—someone who believes only the people not the courts can change the Constitution—is precisely the type of Supreme Court justice we Americans need.

The American people benefited from an open and transparent Supreme Court process that led to Judge Gorsuch being nominated.

During the 2016 Presidential election, both candidates were transparent about the type of Supreme Court Justice they would appoint if elected. President Trump released a list of 21 names, a list that included Judge Gorsuch, and promised voters that he would fill this Supreme Court vacancy with someone from that list. Voters paid attention.

According to an NBC News exit poll, 70 percent of voters said the selection of a Supreme Court Justice was either the most important factor in their vote for President or an important factor. Let me state that again—70 percent.

The American people weighed in, and President Trump acted wisely in selecting Judge Gorsuch. He is a mainstream judge who is well qualified for the U.S. Supreme Court.

Unfortunately, the Democratic leader has indicated that his party intends

to engage in an unprecedented partisan filibuster of this nomination. A filibuster of a nominee of this caliber would be a tremendous mistake, I believe, that would harm the Senate as an institution. There has never been a Supreme Court nomination that has been defeated by a partisan filibuster of the type that the Senate Democrats are telegraphing. It is one thing to vote against a nominee on whatever grounds a Senator may wish, but it is quite another to filibuster in an effort to block a nomination that has been submitted by a duly elected President who has the support of the majority of the Senate.

Senators have always enjoyed the ability to filibuster nominations. That ability has remained available because Senators have shown restraint in applying the power that comes along with requiring unlimited debate. The clear tradition of the Senate—and this is a body of tradition, I have learned—over the course of its 230 years of history is a confirmation by a majority vote. That tradition has been demonstrated in recent Supreme Court nominations.

President Obama nominated both Sonia Sotomayor and Elena Kagan to the Supreme Court. Neither Justice Sotomayor nor Justice Kagan faced a filibuster in the Senate.

President George W. Bush nominated John Roberts as Chief Justice. There was no filibuster attempt against that nomination.

President Bill Clinton nominated Ruth Bader Ginsburg and Stephen Breyer to the Supreme Court. Neither faced a filibuster.

President George H.W. Bush nominated David Souter and Clarence Thomas to the Supreme Court. Neither Justice faced a filibuster even though 48 Senators voted against the Thomas nomination.

One recent Supreme Court nomination did require a cloture vote when a group of Democrat Senators attempted to block a vote on the nomination of Justice Alito's nomination, but a large majority of Senators—72, in fact—invoked cloture, which preserved the bipartisan practice of rejecting filibusters against Supreme Court nominees. Among those who rejected the Alito filibuster in 2006 were the two Democratic Senators from my State—Senator Robert C. Byrd and Senator Jay Rockefeller. There were 72 Senators who voted to invoke cloture on Justice Alito's nomination, but only 58 ended up voting for the final confirmation.

The Senate has a very clear history of rejecting the use of the filibuster on Supreme Court nominations, but there is no justification for a filibuster on the Gorsuch nomination. Neil Gorsuch is a mainstream judge with the highest possible rating from the American Bar Association. He was confirmed by the Senate, without objection, in the year 2006. His service on the Tenth Circuit Court of Appeals has earned him the respect of his judicial colleagues, and

he has demonstrated the independence and respect for the law that the American people expect from a Supreme Court Justice. I hope that at least eight of my Democratic colleagues will join us regardless of how they, ultimately, will vote on Judge Gorsuch's confirmation. I hope they will recognize the need to invoke cloture on this nomination.

The Senate will confirm Judge Gorsuch to the Supreme Court. For the good of the Nation and for the good of the Senate, there should be no filibuster of this well-qualified nominee.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, first, let me thank my friend and colleague from Nebraska for her indulgence.

#### EXPLOSION IN SAINT PETERSBURG, RUSSIA

Before I begin, Mr. President, I want to express our concern here in the United States for our friends in Saint Petersburg, Russia, in the wake of an explosion on their subway system this morning. Russia has been in the news a lot recently, typically in adversarial terms. Today is a time to remember that, whatever our differences, we wish no ill to the people of any nation. Our thoughts and prayers are with the families of the Russians who were killed this morning. We wish a swift recovery to the injured and hope the perpetrators are soon brought to justice.

#### NOMINATION OF NEIL GORSUCH

Mr. President, I rise this afternoon on the nomination of Judge Neil Gorsuch to the Supreme Court, which was just advanced by the Judiciary Committee.

This afternoon, it has become clear that Judge Gorsuch does not have the 60 votes that are necessary to end debate on his nomination. So now the focus is shifting away from the issue of whether Judge Gorsuch will get 60 votes on the cloture motion and toward the fundamental question before us: Will the majority leader break the rules of the Senate in order to get Judge Gorsuch on the bench?

My friend, the majority leader, has said several times that Judge Gorsuch will be confirmed by the end of this week one way or another. What he really means when he says that is, if Judge Gorsuch does not earn 60 votes in the Senate, which is now the likely outcome, the Republicans must—underline “must”—exercise the nuclear option to pass Judge Gorsuch on a simple majority vote.

I think the majority leader reasons that if he says it enough times, folks

will start believing it—that he has no choice—but they should not. It is a premise no one should swallow. The majority leader is setting up a false choice of supporting Judge Gorsuch or he will have no choice but to break the rules. Maybe, to the majority leader, the nuclear option is the only option, but there are many alternatives. The majority leader makes up his mind independent of what Democrats do on issue after issue, but on this one, he says he has no choice. Maybe he has no choice because the rightwing of the Republican Party—organizations like the Heritage Foundation—will go after him if he does not, but he certainly has a choice to do the right and courageous thing.

Instead, Republicans are playing the game of “they started it.” They say Democrats started this process by changing the rules for lower court nominees in 2013. They fail to mention the history that led to that change. The reason that Majority Leader Reid changed the rules was that Republicans had ramped up the use of the filibuster to historic proportions.

They filibustered 79 nominees in the first 4 years of President Obama’s Presidency. To put that in perspective, prior to President Obama, there were 68 filibusters on nominations under all other Presidents—from George Washington to George Bush. Under President Obama, exclusively, in the first 4 years of his administration, Republicans filibustered 79 nominees. They deliberately kept open the DC Court of Appeals because it has such influence over decisions that are made by the government.

We all know the hard-right Federalist Society and the hard-right Heritage Foundation want to limit what government can do. The deal we made in 2005—a group of Senators, the so-called Gang of 14—allowed several of the most conservative jurists in the land to become judges and be confirmed to that circuit court. Yet, when President Obama came in, our Republican colleagues insisted on holding three seats of that court open. They, literally, said that they would not allow the seats to be filled at all by President Obama.

Sound familiar? Merrick Garland knows it is.

At the time, I pleaded several times with Senator ALEXANDER, my dear friend from Tennessee, to let us vote on some of the judges for the DC Circuit. I asked him to go to Senator MCCONNELL and say that the pressure on our side to change the rules after all of these filibusters was going to be large. Let’s avoid it, I said. But Senator MCCONNELL said no.

Republicans had refused all of our overtures to break the deadlock that they had imposed. So if the majority leader wants to conduct this partisan “they started it” exercise, I am sure we could trace it all the way back to the Burr-Hamilton duel.

The fact is that the Republicans blocked Merrick Garland by using the

most unprecedented maneuvers. Now we are likely to block Judge Gorsuch, and that means neither party has gotten its party’s choice in the last 2 years.

We can go back and forth and blame each other, but in the recent history of the vacancy caused by Justice Scalia’s death, we have both lost. We lost Merrick Garland because of the majority leader’s unprecedented blockade, and Republicans will lose on Judge Gorsuch because we are doing something we think is reasonable in asking that he be able to earn 60 votes as so many others have. We think the two are not equivalent, but in either case, we have both lost.

We are back to square one, and Republicans have total freedom of choice in this situation. No one is forcing them to break the rules. They don’t have to treat the nuclear option as if it were their first and only option. It is a false choice.

To my friends on the other side, the answer isn’t to change the rules; the answer is to change the nominee. Presidents of both parties have done so in the past when Supreme Court picks failed to merit confirmation. Again, the answer isn’t to change the rules; the answer is to change the nominee.

The majority leader should have the vision and courage to see past this impasse, and I believe he should seriously consider a different option. The President, Senate Republicans, and Democrats should sit down together to come up with a mainstream nominee who can earn bipartisan support. We are willing to meet with them anywhere, anytime to discuss a consensus nominee.

Now, I know my colleagues on the other side will say Judge Gorsuch was a mainstream nominee and Democrats would never support any judge nominated by President Trump. We disagree. We probably can’t support any nominee whose sole vetting is by the Heritage Foundation and the Federalist Society. They were the sole gatekeepers for the Scalia vacancy, and each is well known to be a rightwing, wealthy special interest group dedicated to moving the bench way to the right. Their selection of Judge Gorsuch shows it. Both the New York Times and the Washington Post did analyses done by experts that showed that Judge Gorsuch would be a very, very conservative—many would say rightwing—Justice on the bench. The New York Times said he would be the second most conservative Justice on the bench—second only to Justice Thomas—and more conservative than the late Justice Scalia. The Washington Post actually said he would be the most conservative Justice on the bench, based on his record—even more conservative than the very, very conservative Justice Thomas.

In fact, we Democrats have never let special interest groups be the gatekeeper. We have never said to any special interest group, as President Trump

did: Give us a list, and we will choose from that list. That is what Republicans did. We have never done it.

In the past, Presidents have done just what we are suggesting for selecting Supreme Court Justices. President Bill Clinton sought and took the advice of Republican Judiciary Committee Chairman ORRIN HATCH in nominating Justices Ginsburg and Breyer instead of Bruce Babbitt. President Obama took the advice of Republican Senators when he picked Merrick Garland—a consensus, mainstream nominee.

President Trump, on the other hand, ignored the Senate and only sought the advice and consent of rightwing special interest groups when making Supreme Court picks. He was running. He had to shore up his support on the hard right. So he said: I am outsourcing the entire selection process to two groups—which, again, are not consensus groups. They would admit that themselves—the Heritage Foundation and the Federalist Society. Lo and behold, the process didn’t produce a nominee who could earn 60 votes. By contrast, Justice Ginsburg earned 93 votes and Justice Breyer earned 87.

So we are offering President Trump and our friends on the other side a way forward. They don’t have to break the rules to get a Justice on the bench. They don’t have to break the Senate confirmation process, fundamentally weakening the constitutional principle of advice and consent, to get a Justice on the bench. President Trump could simply consult with Members of both parties to try and come up with a consensus nominee who could get approved and meet a 60-vote threshold.

The answer, again, isn’t to change the rules. It is to change the nominee.

We Democrats are not going to oppose every Republican nominee. Of course, we realize a nominee selected this way would not completely agree with our views, but Judge Gorsuch is so far out of the mainstream that he isn’t able to earn votes to pass the Senate. Even Justices Roberts and Alito—two very conservative judges—earned a bunch of Democratic votes, and each got more than 60—one, in his nomination, and the other, 72 votes in the cloture process.

So the Republicans are free actors. They can choose to go nuclear or they can sit down with Democrats and find a way forward that preserves the grand traditions of this body.

The majority leader himself has said the one thing the two leaders have always agreed upon is to protect the integrity of this institution. He continued, and this is a direct quote: “I think we can stipulate . . . that in the Senate, it takes 60 votes on controversial matters.”

MITCH MCCONNELL: In the Senate, it takes 60 votes on controversial matters. He has long stood for that proposition for the many years I have been here.

A Supreme Court seat, I believe, meets the majority leader’s standard

for 60 votes. I hope that instead of crippling the Senate in a partisan way—removing that 60-vote threshold for controversial matters like the Supreme Court—my Republican friends consider the option of working together to find a solution we can both accept. It may seem like a novel concept around here, but that option is always on the table. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### WORKPLACE ADVANCEMENT ACT

Mrs. FISCHER. Mr. President, I rise this afternoon to discuss a true American value: equal pay for equal work. This is something that we all believe in, and tomorrow is National Equal Pay Day. It is a meaningful reminder that equal pay remains among the challenges before us.

Women make the world work. We are breadwinners for our families. We are also financial planners, nurses, and teachers. We have always been a powerful force, and our progress has been hard-earned.

Women today are managers, entrepreneurs, public servants, and CEOs, and our country is stronger for it. But despite these great strides, there is more work to do to encourage prosperity for America's families.

For nearly 4 years in this body, I have led discussions about equal pay. I am encouraged by the interest from the White House on addressing the workplace challenges that women face today. To that end, I have reintroduced a proposal I believe will make a real difference for families. It is called the Workplace Advancement Act.

The idea behind it is fairly universal and straightforward: equal pay through empowerment. The bill aims to empower employees—especially women—with information about wages so they can be informed advocates for their compensation. When it comes to discussing wages in the workplace, sometimes it can hurt to ask. A culture of silence and fear of retaliation can keep people in the dark about how their compensation compares to others. The Workplace Advancement Act would lift that fear, free up information, and create a more transparent workplace.

A simple principle is at play here. When workers, especially women, have more information, they can more confidently pursue favorable work and wage arrangements. Knowledge is power. With this flexibility, women can better negotiate arrangements that make sense for them. For example, they might be willing to accept less pay if they can have Fridays free for doctors' appointments or family time or simply as a day for self-care.

The Workplace Advancement Act contains language similar to an Executive order that President Obama issued in 2014. Many congressional Democrats requested this action, which is actually more limited in scope than my legislation. Some even praised it. Senator HEINRICH called the action "a critical step to ensure that every woman has a

fair shot at fairness and economic success." Congresswoman SUSAN DAVIS of California said the action was a "historic step forward."

Importantly, for employers, the Workplace Advancement Act would not impose new Federal regulations, and no employer would be compelled to disclose salary information. It simply prevents retaliatory action against employees who ask after it.

Fifty-three Republicans and five Democrats in the Senate supported a version of the Workplace Advancement Act last Congress. With bipartisan support like this, this bill is possible.

Let's take advantage of this rare moment when we have common ground on a commonsense and straightforward solution. Let's come together so we can look families in the eye and say: We heard you. We have heard you on this issue, and we are going to take action on it.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

#### NOMINATION OF NEIL GORSUCH

Mr. MCCONNELL. Mr. President, this week is an important one for the American people, for the Supreme Court, and for the Senate. The Judiciary Committee just reported out Judge Neil Gorsuch's nomination—the next step in considering the Supreme Court nominee before the full Senate. It was unfortunate to see our Democratic colleagues on the committee break with recent precedent and not support this clearly well-qualified and widely respected Supreme Court nominee.

I would remind colleagues that in addition to simply agreeing to an up-or-down vote on their nominations on the Senate floor, Republicans offered each of the last four first-term Supreme Court nominees of Democratic Presidents Clinton and Obama at least some bipartisan support in the committee votes. Judge Gorsuch is no less qualified than those four nominees of Presidents Clinton and Obama, and it is disappointing he didn't get the same bipartisan support in the committee today.

It now seems apparent that this well-qualified and widely respected judge will be subject to the first successful partisan filibuster in the history of the Senate—the first successful partisan filibuster in the history of the Senate. This is a new low but not entirely surprising given that the Democratic leader announced before the nomination was even made that it was hard for him to imagine a nominee this President would nominate whom he could sup-

port. He even went so far as to say that he would be willing to fight the nomination "tooth and nail" and might even "keep the seat open" in perpetuity. It is not too late for our Democratic colleagues to make the right choice.

This week, the Senate will continue to debate Judge Gorsuch's nomination here on the floor. This is a matter of great importance, which is why we are planning to dedicate this week's floor time almost entirely to continued robust debate of this nomination rather than double-tracking it with legislative items, as has been done in the past. Already, several Members from both sides of the aisle have come to the floor day after day to offer their viewpoints on Judge Gorsuch. I would encourage Members to take advantage of this time to continue discussing his excellent credentials, judicial background, and broad support from across the political spectrum in our country.

Let me remind colleagues the many ways in which Judge Gorsuch has shown himself to be an outstanding nominee to serve on the High Court.

Judge Gorsuch was unanimously confirmed to his current position as a Federal judge. Not a single Democrat opposed him then, including Senators Obama, Clinton, Biden, LEAHY, and SCHUMER. He has participated in more than 2,700 cases since then. He has been in the majority 99 percent of the time. He has enjoyed the unanimous support of his fellow judges 97 percent of the time.

The American Bar Association—a group the Democratic leader called the "gold standard" for evaluating judicial nominations—awarded him its highest possible rating, unanimously "well qualified."

He has amassed a wide array of supporters, including Democrats and Republicans, current and former colleagues, the legal community, and editorial boards all across our country. They say Gorsuch is eminently well-qualified. As Judge John Kane, a Carter appointee, put it, "I'm not sure we could expect better [than Judge Gorsuch], or that better presently exists."

They say that Gorsuch is independent. Neal Katyal, President Obama's former Acting Solicitor General, said he has "no doubt that if confirmed, Judge Gorsuch would help to restore confidence in the rule of law" because Gorsuch's "years on the bench reveal a commitment—a commitment—to judicial independence."

They say Gorsuch is fair and impartial. The Denver Post editorial board noted that "Gorsuch is a brilliant legal mind and talented writer whom observers praise for his ability to apply the law fairly and consistently." They went on: "[W]e appreciate his desire to strictly interpret the Constitution," the paper continued, "based on the intent of our nation's founders, even when those rulings might contradict his personal beliefs."

They say Gorsuch is highly revered by Democrats and Republicans. As USA TODAY noted in its editorial endorsing Gorsuch's confirmation just today, "He has gotten an array of glowing references, including from some Democrats and liberals." I mentioned some this morning; there are many more.

Here is just one additional example of how praise for Judge Gorsuch has bridged the political divide: Despite their ideological differences, former Colorado Governor Bill Ritter, a Democrat, and former Colorado attorney general John Suthers, a Republican, agree that Judge Gorsuch should be confirmed. They said:

Gorsuch's temperament, personal decency and qualifications are beyond dispute.

It is time to use this confirmation process to examine and exalt the characteristics of a judge who demonstrates that he or she is scholarly, compassionate, committed to the law, and will function as part of a truly independent, apolitical judiciary. Judge Gorsuch fits that bill.

It reminds us of what David Frederick, a board member of the left-leaning American Constitution Society and longtime Democrat, recently said: "The Senate should confirm [Gorsuch] because there is no principled reason to vote no."

"There is no principled reason to vote no." He is absolutely right. So it goes without saying that there is no principled reason to block an up-or-down vote on this supremely qualified nominee, either.

I look forward to joining my Senate colleagues in supporting Judge Gorsuch's nomination to the Supreme Court later this week.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### AMENDING THE VETERANS ACCESS, CHOICE, AND ACCOUNTABILITY ACT OF 2014

Mr. TESTER. Madam President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 544 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 (S. 544) to amend the Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes.

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

Mr. TESTER. Madam President, I know of no further debate on the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 544) was passed, as follows:

S. 544

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

#### SECTION 1. MODIFICATION OF TERMINATION DATE FOR VETERANS CHOICE PROGRAM.

Section 101(p)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note) is amended by striking "or the date that is 3 years after the date of the enactment of this Act, whichever occurs first".

#### SEC. 2. ELIMINATION OF REQUIREMENT TO ACT AS SECONDARY PAYER FOR CARE RELATING TO NON-SERVICE-CONNECTED DISABILITIES AND RECOVERY OF COSTS FOR CERTAIN CARE UNDER CHOICE PROGRAM.

(a) IN GENERAL.—Section 101(e) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146; 38 U.S.C. 1701 note) is amended—

(1) in the subsection heading, by striking "OTHER HEALTH-CARE PLAN" and inserting "RESPONSIBILITY FOR COSTS OF CERTAIN CARE";

(2) in paragraph (1), in the paragraph heading, by striking "TO SECRETARY" and inserting "ON HEALTH-CARE PLANS";

(3) by striking paragraphs (2) and (3);

(4) by redesignating paragraph (4) as paragraph (2); and

(5) by adding at the end the following new paragraph:

"(3) RECOVERY OF COSTS FOR CERTAIN CARE.—

"(A) IN GENERAL.—In any case in which an eligible veteran is furnished hospital care or medical services under this section for a non-service-connected disability described in subsection (a)(2) of section 1729 of title 38, United States Code, or for a condition for which recovery is authorized or with respect to which the United States is deemed to be a third party beneficiary under Public Law 87-693, commonly known as the 'Federal Medical Care Recovery Act' (42 U.S.C. 2651 et seq.), the Secretary shall recover or collect from a third party (as defined in subsection (i) of such section 1729) reasonable charges for such care or services to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished by a department or agency of the United States.

"(B) USE OF AMOUNTS.—Amounts collected by the Secretary under subparagraph (A) shall be deposited in the Medical Community Care account of the Department. Amounts so deposited shall remain available until expended."

(b) CONFORMING AMENDMENT.—Paragraph (1) of such section is amended by striking "paragraph (4)" and inserting "paragraph (2)".

#### SEC. 3. AUTHORITY TO DISCLOSE CERTAIN MEDICAL RECORDS OF VETERANS WHO RECEIVE NON-DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE.

Section 7332(b)(2) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(H)(i) To a non-Department entity (including private entities and other Federal

agencies) that provides hospital care or medical services to veterans as authorized by the Secretary.

"(ii) An entity to which a record is disclosed under this subparagraph may not redisclose or use such record for a purpose other than that for which the disclosure was made."

Mr. TESTER. Madam President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

Mr. TESTER. Madam President, I want to thank Senator MORAN and members of the Veterans' Affairs Committee for all their good work, Senator MCCAIN for his good work, and Chairman JOHN ISAKSON for his good work on this bill.

This Veterans Choice Program Improvement Act is an important piece of legislation that is going to really ensure that veterans can access care in their communities. It is a critically important piece of legislation that we should get done and get done now.

I think this body could learn from the work that was done on the Veterans' Affairs Committee under the leadership of Chairman ISAKSON for the veterans of this country. I don't think my home State of Montana is any exception. Veterans have been waiting far too long for an appointment at the VA and oftentimes had to drive 100 miles for an appointment. That is why we set up the Choice Program. It was supposed to allow these veterans to get their healthcare closer to home. Unfortunately, it did not work the way it should have. And we were inundated with redtape and a government contractor that struggled to schedule appointments with providers on time.

This Veterans Choice Program Improvement Act is not the end all. It is not what is going to fix the Choice Program in its entirety, but it certainly is a step in the right direction, a step that needed to be taken, and I commend the body for allowing this step to be taken.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Madam President, I thank the Senator from Montana for his efforts to see that this legislation gets passed. I am pleased to see that we have been joined in a unanimous way by the Senate, Republicans and Democrats working together to see that our veterans receive better care.

In addition to the Senator from Montana, I thank Mr. MCCAIN, the Senator from Arizona, who is joining us on the floor. I also thank Senator ISAKSON in particular, the chairman of the Veterans' Affairs Committee, for his leadership in seeing that we are here today to bring this legislation across the finish line.

The House passed legislation similar to this, so this is an opportunity for us to get an accomplishment—not for a pat on our backs but for the improvement in the care of those who served

our Nation. I asked this question on the Senate floor before: Of all the people in the United States, who would you expect to get the best care possible? While we want every American to have high-quality care and access to medical treatment, we certainly want to make certain those who served our country and to whom a commitment was made that they would receive care—we want that commitment fulfilled, and we want it done in a way that is advantageous and easy for our veterans.

The Senator from Montana is correct. The Choice Act is a significant improvement, in my mind, for accessing care. Kansas is not quite as large as the State of Montana, but we are a large rural State, and it is a long distance to a VA hospital. So Choice was brought into play to try to alleviate the backlog, the lack of providers within the VA, and the wait times that veterans faced, but also to try to satisfy the needs of veterans who live long distances from a VA facility.

So Choice is in place, but it still has been a difficult time for many veterans across the country and certainly at home. It is the most common conversation I have when I am back in Kansas. In fact, I had a townhall meeting in southwest Kansas, in Dodge City, and it is veterans who, in the public forum, will tell me about the problems with the VA and particularly with Choice, or they will line up after or before that meeting to tell me in person that they need help.

This legislation does three significant things. More is to come. We need a permanent act. This is an extension of the Choice Act that expires on August 7, so continuing the program is the first step while we work out the desired outcome of a long-term permanent program.

Secondly, it provides the money through that period of time. It allows the expenditure of dollars to pay for Choice.

Third, it eliminates the intermediary—somebody separate from the VA in paying the bills—and that reduces the bureaucracy and burden on our veterans.

I was just looking through what we call casework, things Kansans bring to our office to try to get solved. Front and center is the number of veterans who are being harassed by collection agencies for bills they thought would be paid by the VA through the Choice Program, and they are not being paid in a timely fashion. This eliminates the intermediary—the manager of the program—from paying the bills and restores that authority to the VA to write out the checks with the goal of reducing the bureaucracy and paperwork for the veterans. It also increases the timeliness for the payment that is due the healthcare provider—the doctor, the pharmacy, and the hospital.

Again, as a rural American, many of our providers are struggling. Hospital doors are a challenge to remain open in

rural communities across my State. And that long wait for a reimbursement check for services provided months ago also creates a burden on that hospital, that healthcare provider. So timely payment certainly will benefit the veterans, but it also increases the chances of the stability of healthcare providers in rural communities across my State and around the country.

Finally, it increases the ability for the sharing of medical records between the VA and that community healthcare provider.

Choice is in place to help those veterans who need to have care more quickly and who need to have care closer to home. This bill improves that program and extends it, and that is a significant development. I appreciate the opportunity I have had to work with the Senators from Arizona, Montana, and Georgia to make sure we got to the point we are today. I appreciate my colleagues' unanimous support for the passage of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I want to thank the Senator from Kansas for all the hard work he has done, and the Senator from Montana. On the rare occasion I come to praise him, I would like to give him my deep and heartfelt appreciation for his work in a bipartisan fashion on this issue. I mean that with all sincerity. I also thank our distinguished chairman, Senator ISAKSON. I also think I share with my colleagues an appreciation for Dr. Shulkin, the new Secretary of the Veterans' Administration, who has been an active and helpful participant in this effort.

Most everything has been said except that I would like to remind my colleagues that we now have—since the enactment in 2014, over 7 million appointments have been made using the Choice Program. Now, over 30,000 appointments are successfully made each week under the Choice Program.

The programs are set to expire in a few months, and, as pointed out by my colleagues, the VA has already begun to limit care for pregnant mothers, as well as cancer patients, because their treatment would extend beyond August. Soon all veterans will be kicked off the Choice Program.

I would just like to point out to my colleagues, if I could, that this crisis started in Phoenix, AZ, where 15,000 veterans were put on a wait list and over 40 veterans died while awaiting care. That is not acceptable in this Nation.

I believe the Choice Program is a major step forward. The truth is, the VA has a lot more to do to provide for the care we have obligated this Nation to on behalf of those who have fought and sacrificed for our Nation. The Choice Card has made a major step forward. I hope we can consider removing any geographic or other limitations as-

sociated with it. But what the Senators from Kansas and Montana have done today is to make sure this program continues and why it is important to pass it today—not one dollar Congress authorized to care for veterans under the Choice Program should go unused.

Let me mention what we have done. There are 7 million additional appointments for veterans in their communities, and over 1.5 million veterans have benefited from using the Choice Card that they would not have had otherwise. Some 350,000 more doctors, nurse practitioners, and physician assistants are available to treat veterans. There are 235,000 appointments per month through Veterans Choice—more than 10,000 per workday. The Veterans Choice Program more than doubles the number of medical providers nationwide that treat veterans. In Arizona, 11,700 medical providers in veterans communities have treated over 100,000 disabled veterans.

The Veterans Choice Card is being used at 700 hospitals and nearly 10,000 clinics nationwide. The Western Region is paying more than 90 percent of Veterans Choice doctors in less than 30 days and answering 900,000 phone calls per month, with an average time to answer of under 25 seconds. Over 3,000 veterans received hepatitis C treatments due to Veterans Choice funding.

There are still kinks in the operation. There are still bottlenecks. There are still times when veterans' payments, particularly, have not been done in a timely fashion, as the Senator from Kansas mentioned. Hopefully, that will change now. As with any program, it had its difficulties in its beginning. But I want to tell my colleagues that we should make the Choice Card available for any veteran, no matter where they happen to reside. It should be, I believe, the basis of our next effort. But in the meantime, I want to thank again the Senator from Kansas for his hard work.

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

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

#### OLD VESSELS EXEMPTION ACT— Continued

UVALDE COUNTY, TEXAS, BUS ACCIDENT

Mr. CORNYN. Madam President, I wanted to come to the floor to talk about the important work for the Senate this week, now that the Judiciary Committee has voted on the Judge Neil Gorsuch nomination and he is available for floor consideration. But I wanted, first, to extend my deepest condolences to the families and friends of those tragically killed in an automobile crash near New Valley, TX, last week.

A bus carrying a group of 14 members of the First Baptist Church in New



Braunfels collided with a pickup truck on Highway 83. Thirteen people were killed and two others, including the driver of the other vehicle, were injured. You can imagine how heart-breaking this has been to everyone involved. I can't begin to imagine the pain and the grief felt by their loved ones, their church family, and their entire close-knit community of New Braunfels, TX, just north of San Antonio.

I had the opportunity to speak with the pastor of First Baptist of New Braunfels, Pastor McLean, the day after the accident. He is leading his congregation and that community during this very difficult time. He is shepherding his flock, though, with grace and strength. There is a phrase I am reminded of in times like this. After the terrible explosion in West Texas, I had a county commissioner from that area tell me: Being a Texan doesn't describe where you are from, it describes who your family is.

Today, our family is mourning. But I know Pastor McLean and all of my fellow Texans and all Americans really lift up this community in prayer, along with the families and friends of those we lost.

I am grateful to the first responders and medical professionals who were first to arrive at the scene of the accident and lent a hand to those in need.

#### NOMINATION OF NEIL GORSUCH

Separately, Madam President, as I have indicated, this is an important week for the American people. Earlier today, the Judiciary Committee voted to send Judge Gorsuch's nomination to the Senate floor for full consideration. Later this week, he will be confirmed as the next Associate Justice of the U.S. Supreme Court. For the past several weeks and through 20 grueling hours of questioning before the Judiciary Committee, Judge Gorsuch has proven to be one of the most qualified nominees to the Court in modern history.

Republicans in the Senate said we would give the American people a voice in who would select the next Supreme Court Justice. In a sense, we had a referendum of whether it would be a nominee selected by Donald Trump or by Hillary Clinton. On November 8, we saw the outcome of that election. This week, that referendum will be answered when the country will have its ninth Justice on the Supreme Court.

Unfortunately, our Democratic colleagues are doing their very best to decide that they should mount the first partisan filibuster of a Supreme Court nominee in American history. This is truly unprecedented. I know sometimes people want to talk about 1968 and the Abe Fortas nomination, but not even then was there a partisan filibuster that successfully blocked the confirmation of a Supreme Court Justice.

What I am talking about is blocking the ability to have an up-or-down vote. I am not talking about how people vote on the confirmation vote. I am talking

about allowing us to have a vote—that up-or-down vote—or denying it by virtue of the filibuster. I, for one, have been encouraged to see people from across the country speaking out and urging our colleagues to drop their obstruction and to allow such an up-or-down vote on an incredibly qualified, upstanding, and brilliant judge.

Editorials from all over the country have registered their opposition to the idea of a filibuster and have done so rather bluntly. The Chicago Tribune, for example, said: "Neil Gorsuch earns his Supreme Court seat." The Boston Herald says: "Shame on Senate Dems." The Boston Herald specifically said that those going along with the strategy were "blindly partisan for whom any nomination made by President Trump would never be qualified."

The Denver Post, in the home State of Judge Gorsuch, urged Senators to confirm Judge Gorsuch to the Supreme Court and specifically urged the senior Senator from Colorado, Senator BENNET, not to cooperate with this blind partisanship and this filibuster but rather to allow the judge an up-or-down vote on the Senate floor.

Their editorial title made that much clearer. They said: "Michael Bennet should buck Democrats and speak up for Neil Gorsuch."

The Billings Gazette in Montana had this to say: "Democrats refuse to rise above petty partisan politics."

The Richmond Times-Dispatch took the junior Senator from Virginia to task and said: His opposition to Judge Gorsuch, "suggests he can't come up with a defensible reason to oppose the nomination."

Finally in New Hampshire, the New Hampshire Union Leader editorial last week was titled: "Confirm Gorsuch: Dems plan pointless filibuster." "Pointless" about sums it up. There is no doubt that Judge Gorsuch is qualified. He has received the highest rating from the American Bar Association, which reportedly interviewed 500 leading lawyers and practitioners in the country, and the ratings system of the American Bar Association has been called by many of our Senate Democratic colleagues the "gold standard" when it comes to confirmations.

Among the legal and local communities, Judge Gorsuch enjoys broad bipartisan support, but that seems to make no difference to our friends across the aisle who voted on a party-line vote not to send his nomination from the Judiciary Committee. Of course, their minority position lost when the majority of the committee voted today to send that nomination to the floor.

I can't help but think that they are in an unenviable position, torn by their desire to do what they know is the right thing when it comes to confirming a good judge, and, on the other hand, being attacked by their own party's political base, telling them that if they vote to confirm this judge, they are somehow going to suffer some political damage.

Of these newspapers I mentioned, not one of them endorsed Donald Trump for President—not one. But unlike some of our Senate colleagues, they are able to distinguish between President Trump and Judge Neil Gorsuch, instead of using Donald Trump as a proxy not to vote to confirm Neil Gorsuch.

These newspapers are urging Senate Democrats to drop this pointless filibuster because they understand that it will not be President Trump we will be voting on next week. It is Judge Neil Gorsuch. Now, after repeatedly moving the goalposts for this nominee, my Democratic friends are saying that he has to pass the "traditional" threshold of 60 votes. Well, that is a made-up standard.

Throughout our Nation's history, the Senate has not had a tradition of filibustering judges. It was a strategy cooked up by Senator SCHUMER, Laurence Tribe from Harvard Law School, and other liberal activists to try to block President George W. Bush's judges when he was President of the United States. So there is no 60-vote threshold in Senate tradition. Actually, there have only been four cloture votes for a Supreme Court nominee—only four—and none of them for a partisan filibuster that actually succeeded in blocking an up-or-down vote for a nominee.

One of the newspaper fact checks concluded with this. They said: "There is no traditional 60-vote 'standard' or 'rule' for Supreme Court nominations, no matter how much or how often Democrats claim otherwise." This should be a time when the Senate should come together in a bipartisan fashion and do what it is supposed to do when we receive the nomination of such a highly qualified person.

Judge Gorsuch has won bipartisan approval. People across the country understand that, as do a number of independent Democrats here in the Senate, and they understand the dangerous path the minority leader is setting us and them on. Unfortunately, the Democratic leader wants to mount the first successful partisan filibuster of a Supreme Court nominee in our history.

But I would point out that no Republican Senator in the Senate has ever voted to filibuster a Supreme Court nominee, including those nominated by Democratic Presidents. As a matter of fact, Justice Clarence Thomas was confirmed with 52 votes. If the threshold were really 60, then he would not currently be serving on the Supreme Court of the United States. Even such polar opposites as Justice Scalia and Justice Ginsburg were confirmed by virtually unanimous votes because people understood that once the President was elected, that the President's choice should matter, and the Senate should not artificially try to lift up a 60-vote threshold in order to block, effectively, the will of the voters in choosing the president.

A few years ago, when we considered the nominations of Justice Sotomayor

and Justice Kagan, we gave both nominees a simple up-or-down vote. So our friends across the aisle have a simple but very important decision to make. They can listen to the extremist groups on the left that are urging them to resist at all costs or they can assert some of their independence.

As of today, several of our Democratic colleagues have done exactly that. I congratulate them. I am glad Senator HEITKAMP, Senator MANCHIN, and Senator DONNELLY have said they will assert their prerogative, as Senators, to allow an up-or-down vote for this nominee and actually vote for them. I hope they stand firm, but I hope, more importantly, more of their colleagues will demonstrate the same sort of independence from the radical base of the Democratic Party that says no to everything this President does. I hope they at least afford Judge Gorsuch an up-or-down vote because, if the Democrats successfully block Judge Gorsuch, there is literally no nominee from this President who they will not block—plain and simple.

So as we have been saying, Judge Gorsuch will be confirmed at the end of this week, but it is up to the Democrats as to how that happens.

Madam President, I yield the floor.

Mr. CARDIN. Madam President, I wish to express my opposition to S. 89 because it exempts certain vessels—actually one specific vessel called the *Delta Queen*—from current fire retardant construction standards and, according to the U.S. Coast Guard, represents “an unacceptable degree of fire safety risk. . . .”

Maritime history has numerous examples of catastrophic on-board fires followed by the passage—or attempted passage—of laws designed to improve safety and protect passengers and crew.

In response to the sinking of the RMS *Titanic*, in 1914, the International Maritime Organization, IMO, prescribed emergency equipment and safety procedures IMO-flagged ships were required to have in place.

The 1934 fire on the SS *Morro Castle* prompted the adoption of multiple Federal safety regulations, including the use of fire retardant construction materials.

A series of fires aboard international passenger ships in the early 1960s prompted the U.S. to enact the Safety of Life at Sea Act, SOLAS, which mandated that “no passenger vessel of the United States shall be granted a certificate of inspection [. . .] unless the vessel is constructed of fire-retardant materials.”

Congress delayed the implementation of the SOLAS mandate first until 1968, then until 1970, then again until 1973, but only for U.S. passenger vessels operating on inland rivers.

In 1973, Congress again delayed the effect of the mandate, but this time EXPRESSLY for one ship—the *Delta Queen*—and only for one 5-year period “while a new [overnight passenger] riverboat is being constructed.”

Despite the clear intent of Congress in 1973, the various owners of the *Delta Queen* successfully secured exemptions from SOLAS for the *Delta Queen* in 1986, 1991, and 1996.

Their attempts to seek a 10-year extension in 2007 and a 15-year extension in 2013 were unsuccessful, so they made another run in the 114th Congress and now in the 115th Congress with S. 89.

Current law requires passenger vessels with overnight accommodations for 50 or more passengers to be constructed of fire-retardant materials, unless an exemption is made, but in the case of the *Delta Queen*, the U.S. Coast Guard has consistently opposed legislation to provide the *Delta Queen* an exemption to remain in service as an overnight passenger cruise vessel.

A Coast Guard Special Inspection Report on the *Delta Queen* in 2008 found “an unnecessary and unacceptable accumulation of combustible fire load.” In a January 8, 2016, letter to Senator BILL NELSON, the Coast Guard’s then-Assistant Secretary of Legislative Affairs wrote “the Department of Homeland Security is resigned to oppose continuously any legislation that would provide any form of statutory relief for the steamer *Delta Queen*.”

S. 89 is contrary to public safety. It is contrary to the Safety of Life at Sea Act regulations which have been in full force in the U.S. since 1966, and it is contrary to the guidance of the U.S. Coast Guard.

The *Delta Queen* is an old ship made of wood. The boilers are original and open to the wood superstructure. There are no structural boundaries to contain a fire and only one means of egress.

I understand that supporters of S. 89 are concerned about the historic preservation of this ship and the economic opportunities that operation of the ship could bring to its homeport.

We should first and foremost be concerned with the safety of the people who will work on the ship and vacation on the ship and that they can have the same opportunities and experiences on a ship that is compliant with the reasonable safety standards that have been in place in this country for more than 50 years.

Mr. CORNYN. 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. 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 NEIL GORSUCH

Mr. FLAKE. Madam President, as I have done from the time he was nominated and as I 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. I look forward to helping make sure he can receive a vote here on the Senate floor.

In the weeks since his nomination, I have spoken at length about his qualifications to serve on the Supreme Court. I have recognized him as a conservative champion of religious liberty, a defender of the separation of powers, and a westerner who will bring some much needed geographic diversity and a regional perspective to the Court.

During his confirmation hearing before the Senate Judiciary Committee, Judge Gorsuch showed the country what it means to be a judge.

Big or small, popular or unpopular, powerful or powerless, Judge Gorsuch promised to render judgments based on the facts of the case, nothing else. He also has a remarkable record of respectful cooperation with judges appointed by Presidents of both parties.

During his decade-long tenure on the Tenth Circuit Court of Appeals, Judge Gorsuch participated in more than 2,700 appeals. These comprised some of the most difficult cases across six States. Of those cases, 97 percent of them were decided unanimously—97 percent.

Judge Gorsuch was in the majority 99 percent of the time. He was in the majority on those cases 99 percent of the time. This is a testament to Judge Gorsuch’s ability to consider other points of view and to seek out consensus, where possible. To try to paint Judge Gorsuch as an ideologue simply doesn’t work. Those are essential qualities for any prospective Supreme Court Justice.

Now that we have reported Judge Gorsuch out of committee as of today, I would like to say a few words on the obstacles that stand in the way of his being considered here on the Senate floor.

As we proceed with Judge Gorsuch’s confirmation, I would like to explain my support for confirming him in light of what transpired in the waning months of the previous administration.

For nearly 230 years, Presidents have been making nominations to the Supreme Court. According to the Congressional Research Service: “From the appointment of the first Justices in 1789 through its consideration of Nominee Elena Kagan in 2010, the Senate has confirmed 124 Supreme Court nominations out of 160 received.”

I would like to reiterate that number. Out of 160 Supreme Court nominations in our Nation’s history, 124 were confirmed.

The Congressional Research Service goes on to state: “Of the 36 nominations which were not confirmed, 11 were rejected outright in roll-call votes by the Senate, while nearly all of the rest, in the face of substantial committee or Senate opposition to the nominee or the President, were withdrawn by the President, or were postponed, tabled, or never voted on by the Senate.”

The manner in which the Senate decides to provide its constitutional advice and consent on Presidential nominations has varied over the centuries



with respect to nominations. This includes decisions not to take up Supreme Court nominees.

As Jonathan Adler put it in his article in the *George Mason Law Review*:

Much as the Senate may reject a legislative proposal that originated in the House of Representatives by voting it down, killing it in committee, or simply refusing to take up the measure, the Senate may withhold its consent by voting against confirmation of a nominee, rejecting the nominee in committee, or simply refusing to act.

Is refusing to act the preferred outcome? I can certainly see where some would say no, as would I.

However, the history of the Senate demonstrates that to do otherwise in similar circumstances, as we just experienced is, in fact, a rare exception.

To cite Adler's law review article again, he states: "The last time a Supreme Court vacancy arose in the calendar year of a Presidential election and was filled prior to [the] election was in 1932."

President Obama nominated Judge Merrick Garland to the Supreme Court in the heat of the 2016 Presidential election. When he was nominated, I understood the frustration of those on the other side of the aisle over the fate of that nomination.

I met Judge Garland. He is a good man and a good judge, but the decision by the majority not to take up Judge Garland's nomination was not inconsistent with a longstanding practice of filling Supreme Court vacancies after elections.

This brings us today to why I support confirming Judge Gorsuch to the Supreme Court. There is no question about the appropriateness of confirming Supreme Court nominees during the first years of the President's term, let alone the first 3 months. In fact, there is absolutely no justification for filibustering a highly qualified Supreme Court nominee put forward by the President who was just elected. That is just unprecedented.

There was an attempt to use this tactic in 2006 with Justice Samuel Alito's nomination to the Supreme Court, but he garnered sufficient bipartisan support so that cloture was invoked.

Today, it appears that we will not enjoy that same rational support. My preference would be to change the behavior of Senators rather than change the rules of the Senate. But here we are, where a nominee who would have received unanimous or nearly unanimous support just a few years ago is about to be filibustered.

My question is this: If we can't confirm a judge like Judge Gorsuch under contemporary use of Senate rules, who can we confirm?

It looks as if we will move forward later this week and make the rest of the Executive Calendar subject to the same simple majority threshold. Again, a change in Senate rules is not my preferred outcome, but this rule change will simply make de jure what was de facto prior to 2003, when filibusters

were virtually never used on the President's Executive Calendar.

Now, I want to make clear my steadfast support to preserve the legislative filibuster. We need to distinguish between the President's Executive Calendar, which has traditionally never been filibustered or subject to filibuster, and the legislative filibuster, which is used frequently here to ensure that we work across the aisle.

The Framers of our Constitution had the wisdom to create a Senate with a strong minority to serve as a check on runaway power. If we were to eliminate the legislative filibuster, we would cease to be that check, and, indeed, the Senate would cease to be the Senate.

We have a qualified mainstream jurist before us. That is Judge Gorsuch. I encourage all of my colleagues to give him fair consideration and to advance his nomination to an up-or-down vote. I will be voting to confirm him, and I urge my colleagues to do the same.

I yield back the remainder of my time.

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.

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

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

Mrs. McCASKILL. Mr. President, I rise to ask my colleagues to support the bill that is in front of us, S. 89, which will allow the historic *Delta Queen* paddle wheeler to return to operation on the Mississippi and Ohio Rivers.

This bill is supported by the National Trust for Historic Preservation, the Seafarers International Union of North America, along with a whole lot of excited people who live in Kimmswick, MO, where this boat will have its home base.

The *Delta Queen* is an important piece of history. The vessel connects us to a time before railroads and highways, when rivers were key arteries of travel and commerce in this country. It was first placed on the National Register of Historic Places in 1970 and was designated as a national historic landmark in 1989.

The *Delta Queen*'s steel hull was originally built in pieces in Scotland and then was assembled in Stockton, CA, in 1926, until the beginning of World War II, when it ferried passengers between Sacramento and San Francisco. During the war, she was acquired by the U.S. Navy to support its operations in the San Francisco Bay. Following the war, she was taken to Cincinnati, where she took passengers up and down the river system for the next 60 years.

Three different U.S. Presidents have sailed on the *Delta Queen*—Herbert Hoover, Missouri's own Harry Truman, and Jimmy Carter. In fact, President

Carter went on a week-long campaign tour on the vessel in 1979, along the Upper Mississippi.

For years, this vessel was homeported in Cincinnati and was later used as a hotel in Chattanooga. Should the bill before us be enacted, the *Delta Queen* will be homeported in Kimmswick, MO, just south of St. Louis. There, its operations will create more than 170 jobs and have an economic impact of more than \$36 million, which is a big impact for one boat in a small community.

The bill before the Senate today would reinstate the exemption that the *Delta Queen* repeatedly received in the past when it was grandfathered from regulations that occurred in 1966, which prevented wooden boats from having passengers overnight. Congress repeatedly renewed this waiver from 1968 to 2008 and recognized that these regulations were primarily designed for ships on the high seas and that this ship was a link to an important time period in American history.

Over the 40 years that the *Delta Queen* had its exemption, it operated without incident, but the exemption was allowed to expire in 2008. S. 89 adds a new number of safety provisions as a condition of the waiver, making it a very strong improvement over every previous waiver that was issued by Congress during that time period.

I will not go through the long list of safety requirements that are contained in this legislation. Suffice it to say that they must alter the boat; they must protect the engine and boiler systems with non-flammable materials, and they must receive special training.

The owner cannot disclaim any liability for any crewmember's or passenger's injury or death.

The Coast Guard has to conduct an annual audit and inspection of the vessel. In order to receive the waiver, the vessel must have the boilers and generators that meet current Coast Guard standards, which means that the current owners of the boat are going to invest millions in order to bring it up to the safety standards that are necessary for today's traveling public. It has to have noncombustible enclosures that are equipped with fire suppression systems, and multiple forms of egress are provided off the vessel's bow and stern.

It is also reiterated in this legislation that the Coast Guard has the authority to immediately withdraw its certification of inspection for the owners' failure to comply with any requirement in this bill, in addition to other penalties permitted by law.

In short, we have taken important steps to make this historic piece of riverboat history safe for the traveling public. Frankly, I think people need to remember the lengths to which we go in restoring and preserving historic buildings in this country. We do not make them tear them down. Rather, we make them comply with certain safety standards. We treasure the fact that we are saving historic buildings all over this country.

This is saving a historic vessel. It is very important that we save this vessel not only for what it represents to our country but also for what it means in jobs and economic activity to an important area of the State that I love to call home.

I thank Senators BROWN, BLUNT, BOOZMAN, CASSIDY, COTTON, KENNEDY, and PORTMAN, who joined me in introducing this legislation, and Chairman THUNE and Ranking Member NELSON, who have been so helpful in moving it through the Commerce, Science, and Transportation Committee.

I know it is a phrase that we like to use around here and that sometimes it is not true, but this really is a bipartisan effort. This really is an example of people coming together who have common sense in order to put a boat back on the river that means a lot to history, that means a lot to the traveling public, and that uses common sense in addressing safety concerns that are necessary because of the historic nature of the boat.

I ask that all of my colleagues support this bill and return the *Delta Queen* to her rightful place on the Mighty Mississippi.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

All time has expired.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Georgia (Mr. ISAKSON) and the Senator from Pennsylvania (Mr. TOOMEY).

Mr. DURBIN. I announce that the Senator from Washington (Ms. CANTWELL) is necessarily absent.

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

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

[Rollcall Vote No. 102 Leg.]

#### YEAS—85

Alexander	Booker	Carper
Baldwin	Boozman	Casey
Barrasso	Brown	Cassidy
Bennet	Burr	Cochran
Blunt	Capito	Coons

Corker	Hirono	Roberts
Cornyn	Hoeben	Rounds
Cortez Masto	Inhofe	Rubio
Cotton	Johnson	Sanders
Crapo	Kaine	Sasse
Cruz	Kennedy	Schatz
Daines	King	Schumer
Donnelly	Klobuchar	Scott
Duckworth	Lankford	Shaheen
Enzi	Leahy	Shelby
Ernst	Lee	Stabenow
Feinstein	Markey	Strange
Fischer	McCain	Sullivan
Flake	McCaskill	Tester
Franken	McConnell	Thune
Gardner	Merkley	Tillis
Graham	Moran	Udall
Grassley	Nelson	Warner
Harris	Paul	Warren
Hassan	Perdue	Whitehouse
Hatch	Peters	Wicker
Heinrich	Portman	Young
Heitkamp	Reed	
Heller	Risch	

#### NAYS—12

Blumenthal	Gillibrand	Murphy
Cardin	Manchin	Murray
Collins	Menendez	Van Hollen
Durbin	Murkowski	Wyden

#### NOT VOTING—3

Cantwell	Isakson	Toomey
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The bill (S. 89) was passed, as follows:  
S. 89

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

#### SECTION 1. FIRE-RETARDANT MATERIALS EXEMPTION.

Section 3503 of title 46, United States Code, is amended to read as follows:

##### “§ 3503. Fire-retardant materials

“(a)(1) A passenger vessel of the United States having berth or stateroom accommodations for at least 50 passengers shall be granted a certificate of inspection only if—

“(A) the vessel is constructed of fire-retardant materials; and

“(B) the vessel—

“(i) is operating engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators that meet current Coast Guard regulations;

“(ii) is operating boilers and main electrical generators that are contained within noncombustible enclosures equipped with fire suppression systems; and

“(iii) has multiple forms of egress off the vessel's bow and stern.

“(2) Before December 1, 2028, this section does not apply to any vessel in operation before January 1, 1968, and operating only within the Boundary Line.

“(b)(1) When a vessel is exempted from the fire-retardant standards of subsection (a)—

“(A) the owner or managing operator of the vessel shall—

“(i) notify in writing prospective passengers, prior to the sale of any ticket for boarding and to be affirmatively recognized by such passenger prior to purchase, and any crew member that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas; and

“(ii) display in clearly legible font prominently throughout the vessel, including in each state room the following: ‘THIS VESSEL FAILS TO COMPLY WITH SAFETY RULES AND REGULATIONS OF THE U.S. COAST GUARD.’;

“(B) the owner or managing operator of the vessel—

“(i) may not disclaim liability to a passenger or crew member for death, injury, or any other loss caused by fire due to the negligence of the owner or managing operator; and

“(ii) shall acquire prior to entering service, and maintain, liability insurance in an

amount to be prescribed by the Federal Maritime Commission;

“(C) the penalties provided in section 3504(c) of this title apply to a violation of this subsection;

“(D) the owner or managing operator of the vessel shall—

“(i) make annual structural alteration to not less than 10 percent of the areas of the vessel that are not constructed of fire retardant materials;

“(ii) prioritize alterations in galleys, engineering areas of the vessel, including all spaces and compartments containing, or adjacent to spaces and compartments containing, engines, boilers, main electrical distribution panels, fuel tanks, oil tanks, and generators;

“(iii) ensure, to the satisfaction of the Coast Guard, that the combustible fire-load has been reduced pursuant to clause (i) during each annual inspection for certification; and

“(iv) provide advance notice to the Coast Guard regarding the structural alterations made pursuant to clause (i) and comply with any noncombustible material requirements prescribed by the Coast Guard;

“(E) the Coast Guard, in making the determination required in subparagraph (D)(iii), shall consider, to the extent practicable, the goal of preservation of the historic integrity of the vessel in areas carrying or accessible to passengers or generally visible to the public;

“(F) the owner or managing operator of the vessel shall annually notify all ports of call and State emergency management offices of jurisdiction that the vessel does not comply with applicable fire safety standards due primarily to the wooden construction of passenger berthing areas;

“(G) the crews manning such vessel shall receive specialized training, above minimum standards, in regards to shipboard firefighting that is specialized for exempted vessels and approved by the Coast Guard; and

“(H) the owner or managing operator of the vessel shall, to the extent practicable, take all steps to retain previously trained crew knowledgeable of such vessel or to hire crew trained in operations aboard exempted vessels.

“(2) The Secretary shall conduct an annual audit and inspection of any vessel exempted from the fire-retardant standards of subsection (a).

“(c) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include the manner in which prospective passengers are to be notified.

“(d) In addition to other penalties permitted by law, the Secretary is authorized to immediately withdraw a certificate of inspection for a passenger vessel that does not comply with any requirement under this section.”.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider Executive Calendar No. 24, which the clerk will report.

The senior assistant legislative clerk read the nomination of Elaine C. Duke, of Virginia, to be Deputy Secretary of Homeland Security.

The PRESIDING OFFICER. The Senator from Wisconsin.

## LEGISLATIVE SESSION

## MORNING BUSINESS

Mr. JOHNSON. 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.

## NOMINATION OF ELAINE DUKE

Mr. JOHNSON. Mr. President, I rise today in support of Elaine Duke's nomination to be the seventh Deputy Secretary for the Department of Homeland Security.

The Department of Homeland Security Deputy Secretary serves as the chief operating officer of the Federal Government's third largest agency. The Deputy Secretary manages 240,000 men and women responsible for securing our borders and aviation system, enforcing immigration laws, defending cyberspace, preparing for disasters, assisting in counterterrorism efforts, and preventing terrorist attacks. In short, the Deputy Secretary is critically important to our homeland security.

On March 15, Ms. Duke was approved by the Senate Committee on Homeland Security and Governmental Affairs by a voice vote. She has overwhelming bipartisan support.

I want to remind everyone of Ms. Duke's qualifications and, particularly, of her dedication to public service through both Republican and Democratic administrations. Ms. Duke is no stranger to this body. In 2008, she was confirmed by a voice vote to be the Department's Under Secretary for Management. As a testament to her character and dedication, she was asked by President Obama to stay on when he came into office. She served in the Obama administration for a year and a half before retiring from Federal service. In total, Ms. Duke has been a public servant for 28 years.

It is also noteworthy that Ms. Duke has been endorsed by at least the last five Department of Homeland Security Deputy Secretaries, from both Democratic and Republican administrations. This is what they had to say about her:

For this job, the Nation needs someone with impeccable integrity, strong management and leadership skills and experience in protecting the safety, security, and resilience of our Nation. This person must be able to collaborate routinely . . . and ensure that every Congressionally-appropriated dollar is well and wisely spent.

Together, we respectfully attest that Elaine is extraordinarily well qualified to serve in the position for which she has now been nominated. Elaine knows DHS. She has been a senior leader at DHS under two presidents. She sets an unwavering standard of excellence for all who consider themselves committed to public service.

As chairman of the Homeland Security and Governmental Affairs Committee, I worked hard to move 30 of President Obama's nominees through

the committee on a bipartisan basis. I am pleased that we will be sending to DHS a career public servant whose experience and management skills will immediately assist Secretary Kelly and the mission of the Department to defend our homeland.

For the sake of our national and homeland security, I encourage my colleagues to support Ms. Duke's nomination to be the next Deputy Secretary for the Department of Homeland Security.

## NOMINATION OF NEIL GORSUCH

Mr. JOHNSON. Mr. President, I would like to use my remaining time to voice my strong support of Judge Gorsuch's nomination to the Supreme Court. Let me stress that Judge Gorsuch won my vote when I first heard his definition of the role of a judge. Let me quote:

It is the role of a judge to apply, not alter, the work of the people's representatives. 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 quintessential definition of the role of a judge. I met with Judge Gorsuch last Tuesday morning, and in that meeting he further reinforced my support. I asked Judge Gorsuch and voiced my concern that far too often we have seen judges evolve into super-legislators—judicial activists on the court. I asked the judge: How can I be assured that won't happen with you? To paraphrase his response to me, he said: Senator, I am going to follow the law; you will not like some of my decisions.

That was music to my ears. I realize there is a lot of bad law, and we have a judge who follows the law and applies it. Sometimes I am not going to like those decisions, but that is OK. That is the role of a judge.

He went on to say: I am not itching to be anything other than a good judge. He further said that legislative power cannot be delegated. Judge Gorsuch gave me a great deal of confidence that he is well qualified and that he deserves to fill some pretty big shoes—Justice Scalia's seat on the Supreme Court.

It is not just I who considers Judge Gorsuch well qualified. The ABA has given Judge Gorsuch their "well qualified" rating, which is the highest possible rating. Of course, Democratic Leader SCHUMER, in a Washington Post article from March 18, 2001, said: "The ABA'S evaluation is the gold standard by which judicial candidates are judged."

Vice President Biden, back in 1994, talking about the ABA rating system said:

I look at no other recommendation more closely. I value no recommendation more highly.

So the ABA says Judge Gorsuch is highly qualified, and I agree. Judge Gorsuch also has bipartisan support. I

am heartened by the fact that three of our Democratic colleagues in the Senate have already voiced their support for Judge Gorsuch. Of course, President Obama's Solicitor General, Neal Katyal, also said:

Judge Gorsuch is one of the most thoughtful and brilliant judges to have served our Nation over the last century. As a judge, he has always put aside his personal views to serve the rule of law. To boot, as those of us who have worked with him can attest, he is a wonderfully decent and humane person. I strongly support his nomination to the Supreme Court.

Again, that is a quote from President Obama's Solicitor General. My final comment has to do with the fact that this is the will of the American people. In my lifetime, I really cannot remember when a Presidential election elevated the issue of Supreme Court nominations to as high a level as it was elevated in this election. As a matter of fact, this election, point blank, elevated this particular vacancy.

So many of my Republican colleagues said exactly what I said: It is so close to the election; so why don't we let the American people decide not only the direction of this country but the composition of the Supreme Court. The American people spoke. The voters in my State of Wisconsin spoke. They voted for the 10 electoral votes in support of President Trump, and they voted to elect me to confirm President Trump's nominee to this Supreme Court vacancy.

I believe it is our duty to listen to the voices of the voters, the American people, the voters of Wisconsin. I am hoping that my junior Senator colleague from Wisconsin will listen to the voices of Wisconsin voters and vote at least for cloture. Maybe you don't have to vote for confirmation, but let's vote for cloture so this good, fine, decent, humane, high-integrity, well-qualified judge—Judge Neil Gorsuch—will be the next Supreme Court Justice of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## U.S.-CHINA RELATIONSHIP

Mr. GARDNER. Mr. President, I thank my colleague from Wisconsin for his remarks on Judge Gorsuch. I look forward to this debate this week as we work to confirm Judge Gorsuch to the U.S. Supreme Court in a bipartisan fashion.

This evening, though, I come to the floor to talk about another very important issue that is happening in this country this week; that is, the U.S.-China relationship that will be highlighted this week as President Trump prepares to meet with President Xi for the first time later this week.

This summer presents a tremendous opportunity for President Trump to expressly state our hope for the relationship, while also elucidating the valid concerns and questions we have about

some of China's policies and its future directions.

I am also leading a bipartisan letter with Senator SCHATZ, and I hope my colleagues will join me in expressing our thoughts about this important relationship.

The U.S.-China relationship is the most consequential relationship in the world. We must get it right. Beijing must also get it right. So today I will address what I hope President Trump will focus on in his conversation with President Xi and also outline a legislative initiative that I am leading in Congress to strengthen our policies in the Asia-Pacific region.

I believe the most urgent challenge between our two nations is the coming nuclear crisis on the North Korean Peninsula. Last year alone, North Korea conducted two nuclear tests and a staggering 24 ballistic missile launches. Kim Jong Un is committed to developing his nuclear missile program with one goal in mind—to have a reliable capability to deliver a nuclear warhead to Seoul, Tokyo, and, most importantly, to the continental United States.

President Trump has said that the United States will not allow that to happen. I am encouraged by the President's resolve. However, the road to stopping Pyongyang undoubtedly lies through Beijing. Beijing is the reason the regime acts so boldly and with relative few consequences.

China is the only country that holds the diplomatic and economic leverage necessary to put the real squeeze on the North Korean regime. So while the United States argues over strategic patience or measured resolve, China must go beyond mere articulation of concern and lay out a transparent path forward on how they will work to denuclearize North Korea.

For our part, President Trump must lay out a simple calculus for President Xi: The United States will deploy every economic, diplomatic, and, if necessary, military tool at our disposal to deter Pyongyang and to protect our allies. China has a responsibility globally to do the same. As part of our toolbox, the administration should tell China it will now significantly ramp up the sanctions track. Last Congress, I led the North Korea Sanctions and Policy Enhancement Act, which passed the Senate by a vote of 96 to 0.

This legislation was the first stand-alone legislation in Congress regarding North Korea to impose mandatory sanctions on the regime's proliferation activities, human rights violations, and malicious cyber behavior. The administration must fully enforce this legislation, including imposing secondary sanctions on any Chinese entities that are aiding Pyongyang.

In addition, China must faithfully implement all United Nations Security Council resolutions with regard to North Korea, particularly resolutions 2270 and 2321, negotiated last year, which require China to drastically re-

duce coal imports from North Korea. China's record in this has been lackluster so far. China should stop being complicit in the labor abuses of Pyongyang and shut off avenues of cyber attack, as well, that are being perpetrated by North Korea through Chinese channels.

Two weeks ago, China's Foreign Minister, Wang Yi, called on the United States and South Korea to halt their annual joint military exercises in exchange for North Korea's suspending its missile and nuclear activities, a deal that the Trump administration rightfully rejected. We should let Beijing know that the United States will not negotiate with Pyongyang at the expense of the security of our allies.

Moreover, before any talks, we must demand that Pyongyang first meet the denuclearization commitments it had already agreed to and subsequently chose to discard. President Trump should unequivocally condemn the economic pressure exerted by Beijing on Seoul over the deployment of the Terminal High Altitude Area Defense, or THAAD, on South Korean territory. THAAD is a defensive system that in no way threatens China, and Beijing knows this.

Most importantly, President Trump should indicate to President Xi that a denuclearized Korean Peninsula is in both nation's interests. But to achieve this goal, Beijing must be made to choose whether it wants to work with the United States as a responsible leader to stop the madman in Pyongyang or bear and acknowledge the consequences of keeping him in power.

Another looming crisis in U.S.-China relations is the escalation of tension in the East and South China Seas. China's recent destabilizing activities and actions in the East China Sea and the South China Sea are contrary to international law, pose an increased risk of future conflict, and necessitate a strong U.S. and regional response.

Their actions seem at odds with their words. China has declared an illegitimate air defense identification zone in the East China Sea, has dramatically expanded its land reclamation activities in the South China Sea, and has clearly added a military element to it. Since 2013, according to the Department of Defense, China has reclaimed over 3,200 acres of artificial features in the South China Sea.

On July 12, 2016, an international tribunal in the Hague ruled that China violated the sovereignty of the Philippines with regard to maritime disputes between the two nations. Since 2015, China has also built facilities with potential military uses on the artificial islands, including three airstrips—two more than 10,000-foot long, and one nearly 9,000-foot long—hangers that can shelter jet fighters, harbors, anti-aircraft batteries, radars, and structures that could house surface-to-air missiles.

This last week, the Center for Strategic and International Studies Asia

Maritime Transparency Initiative reported that major construction of military dual-use infrastructure on the "Big 3"—Subi, Mischief, and Fierly Cross Reefs—is wrapping up, with naval, air, radar, and defensive facilities largely complete.

Beijing can now deploy military assets, according to AMTI, including combat aircraft and mobile missile launchers to the Spratly Islands at any time.

The United States must have consistent and assertive diplomatic engagement with China to reinforce that these rogue activities fall outside of accepted international norms. The U.S. defense posture in this region should remain exactly what Secretary of Defense Ashton Carter said at the Shangri-La Dialogue in Singapore on May 30, 2015. I quote Secretary Carter:

The United States will fly, sail, and operate wherever international law allows, as U.S. forces do all over the world. America, alongside its allies and partners in the regional architecture, will not be deterred from exercising these rights—the rights of all nations.

A consistent, deliberate, and assertive policy to do just that is imperative for the United States. During the upcoming summit, I hope that President Trump can set an agenda for positive economic engagement with China and recognize that this is a two-way street. As the top two economies in the world, our nations are inextricably linked, and we must continue to build a trade partnership that benefits the United States, our companies, and U.S. exporters. However, this engagement also means ensuring that China plays fair.

First and foremost, China must stop its state-sponsored and state-endorsed theft of foreign intellectual property. According to a report by the Intellectual Property Commission, chaired by ADM Dennis Blair, the former U.S. Commander of the Pacific Command, and John Huntsman, the former Ambassador to China, the theft of U.S. intellectual property is estimated at over \$300 billion annually, and China accounts for about 50 to 80 percent of that amount.

China must understand that this behavior with regard to the massive and well documented theft of foreign intellectual property is unacceptable and antithetical to international norms. China also needs significant improvement to its legal system and to further open its economy to foreign and private investment.

China must understand that new regulations that seek to discriminate against American companies, anti-market policies that favor state-owned enterprises, lack of transparency, and other policies that create an uneven playing field for the United States and our enterprises in China are not acceptable, and that those protectionist behaviors will only further isolate China or hurt their global competitiveness, if they are adopted globally, as they seek to engage further in the world's economy.

While many American firms still look to China as a top priority to grow and succeed in the global marketplace, without tangible economic and legal reforms within China, I fear that these opportunities will be more limited in the future and seriously jeopardize the bilateral commercial relations between our two nations. But if Beijing changes course, the upside of these reforms for China and the United States can be enormous.

A pillar of any nation that seeks a prosperous future and a future with a strong relationship with the United States must be international freedoms. As President Kennedy once stated: “The rights of every man are diminished when the rights of one man are threatened.”

President Trump should heed President Kennedy’s wise words and raise China’s deplorable human rights record with President Xi. Chinese authorities are intensifying human rights abuses and cracking down on civil society. According to the State Department’s 2015 Human Rights Report on China: “Repression and coercion markedly increased during the year against organizations and individuals involved in civil and political rights advocacy and public interest and ethnic minority issues.”

According to the State Department’s 2015 International Religious Freedom Report on China: “Over this past year, there continued to be reports that the government physically abused, detained, arrested, tortured, sentenced to prison, or harassed adherents of both registered and unregistered religious groups for activities related to their beliefs and practices.”

We simply cannot and will not accept this type of behavior from a nation that wants to be thought of as a genuine global partner of the United States. I believe that China’s rise can only be peaceful and balanced with a vigorous U.S. presence in the Asia-Pacific region that is able to check Beijing’s worst impulses.

Last May, while attending the Shangri-La Dialogue, I heard a tremendous amount of concern from the region’s top leaders about U.S. presence in the Asia-Pacific region and our commitment to remaining engaged in this critical part of the world. The Trump administration is inheriting a flawed Asia rebalance policy from the previous administration, which was right in rhetoric but ultimately came up short in meaningful action. The new administration and the new Congress ushers in a new era of opportunities with regard to U.S. policy toward the Asia Pacific.

But despite the political changes in Washington, U.S. policy imperatives will remain the same. The Asia-Pacific region has been and will be crucial and critical to U.S. economic and national security interests for generations to come. By 2050, experts estimate that Asia will account for over half of the global population and half of the world’s gross domestic product.

We cannot ignore the fundamental fact that this region is critical for the U.S. economy to grow and to create jobs through export opportunities. Last week, I held a committee hearing with Ambassador Bob Gallucci, former Ambassador to South Korea, and Congressman Randy Forbes, from Virginia, who was the chairman of some key committees as they dealt with Asia and our naval forces.

In Congressman Forbes’ testimony, he also expressed the importance of this region, the Asia Pacific, in these terms: In the coming decades, this is the region where the largest armies in the world will camp. This is the region where the most powerful navies in the world will gather. This is the region where over one-half of the world’s commerce will take place and two-thirds will travel. This is the region where a maritime superhighway—transporting good or bad things—linking the Indian subcontinent, Southeast Asia, Australia, Northeast Asia, and the United States begins. This is the region where five of America’s seven defense treaties are located. This is the region where two superpowers will compete to determine which world order will prevail. This is the region where the seeds of conflict that could most engulf the world will probably be planted.

This is why I am pursuing legislation called the Asia Reassurance Initiative Act, ARIA, a new approach that will put American interests first by reassuring our allies, deterring our adversaries, and securing U.S. leadership in the region for future generations.

The ARIA will pursue three broad goals.

First, it will strengthen U.S. security commitments to our allies and build partner capacity in the Asia Pacific to deter aggression, project power, and combat terrorism. To do so, the ARIA legislation will authorize funds to bolster U.S. military presence in the region, grow partner nation maritime capabilities to deter aggression in their territorial waters, and build new counterterrorism partner programs in Southeast Asia to combat the growing presence of ISIS and other terrorist organizations.

ARIA will also enshrine a policy of regularly enforcing U.S. freedom of navigation and overflight rights in the East and South China Seas.

We will reaffirm our longstanding treaty alliances with Australia, South Korea, and Japan, and call for building new regional security partnerships. We will unequivocally back our ally Taiwan, including authorizing new arms sales and providing for enhanced diplomatic contacts with Taipei.

Second, ARIA will promote diplomatic engagement and securing U.S. market access in the Asia Pacific region as essential elements for the future growth of the U.S. economy and success of American businesses. To do so, ARIA will also require that the Trump administration find new and innovative ways to economically engage

the region. We will require the U.S. Government to enhance our trade facilitation efforts and increase opportunities for U.S. businesses to find new export markets in the Asia Pacific. U.S.-made exports to Asia will mean more good-paying American jobs at home, which is a great situation for this country.

Third, it will enshrine promotion of democracy, human rights, and transparency as key U.S. policy objectives in the Asia Pacific region, particularly in Southeast Asia. From Manila to Rangoon, we should advocate for principled policies that emphasize accountability and transparency as indispensable elements of building any security or economic partnerships with the United States.

To inform this initiative, I have met with numerous key stakeholders in Congress and the administration. I am also holding a series of hearings in my subcommittee, the first of which took place last week.

I look forward to working with the Congress and all of our colleagues as we work to advance this initiative. I welcome the input of my colleagues as well.

There is no doubt that the rise of China over the last 30-plus years has been remarkable. China has lifted 500 million people from poverty since Premier Deng Xiaoping began his economic reforms in 1979, and it is now the second largest economy in the world. In that time, our relationship with China has emerged as perhaps the world’s most important bilateral relationship, both from an economic and security perspective.

I believe that a mature, productive, and peaceful relationship with Beijing is in the national security and economic interests of the United States. For both nations, the importance of this relationship can make a significant difference for the world.

While the United States can and should seek to engage China, we must do so with a clear vision of what we want from Beijing, not just over the next 4 years but also over the next 40 years. So it is my sincere hope that President Trump leads with this sense of strategy and purpose when he meets President Xi later this week.

I know my colleague from Ohio has joined us, so I again want to express my appreciation to my colleague from Ohio for his leadership on a number of issues, including the opiate epidemic that has struck so many of our communities and States. It is so terrifying.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I want to thank my colleague from Colorado. He does chair a subcommittee that I am a part of. We had a great hearing last week, talking about China and the South China Sea issues, as he mentioned. We did talk about North Korea and the need for this summit between President Xi and President Trump to

include a discussion of how China could be more constructive, including the possibility of additional sanctions on North Korea to try to get some sort of pressure on the North Koreans to do the right thing and back off their nuclear program.

We also talked about trade. To level the playing field, we need trade, particularly allowing U.S. companies to have the ability to do what Chinese companies can do here in this country. And my colleague talked a little about that this evening.

I will say—because he mentioned the issue of opioids—there is another topic that I hope President Trump will raise with President Xi, and that is this issue of synthetic heroin being produced in China, which actually comes into our communities. In Denver, CO, or in Columbus, OH, we have through the mail system these poisons coming in, synthetic heroin coming through the mail from China.

We are told by law enforcement officials that most of these laboratories are in China. These are evil scientists in China who are making this incredibly potent, dangerous drug. It is 30 to 50 times more powerful than heroin. Three flakes of it can kill you. They are putting it into packages and sending it into our communities through the mail.

It is a topic that I hope comes up—in addition to the very important ones that my colleague has raised and we talked about in the hearing last week—which is: How do you get China to actually crack down on these laboratories? And how do you get them to schedule these drugs so that they are illegal in China, to ensure the inputs into the laboratories and the final drug itself?

By the way, the Chinese should have a strong interest in this because, I will guarantee you, there are people in China who are also becoming addicted to opioids because of this inexpensive, incredibly dangerous synthetic heroin that is being promoted by these Chinese scientists.

My hope is that this will be a successful summit and among the very important issues raised is this opioid issue, which is so important to our communities.

#### THE “DELTA QUEEN”

Mr. PORTMAN. Mr. President, I also wanted to talk briefly, if I could, about the legislation we just passed, S. 89. It has to do with the *Delta Queen*. The *Delta Queen* is a wooden ship that is very important to my community of Cincinnati. It is part of our Queen City heritage.

The boat was actually in Cincinnati during my childhood. From 1946 until 1985, it called Cincinnati home. It is a beautiful paddle wheeler, and people love to get on it and go down the Mississippi River.

It is no longer docked in Cincinnati, which is why the folks in Missouri were

interested in this legislation tonight too. We just had a big vote, over 80 votes in favor of simply saying, for the first time since 2008: Let's allow people to spend the night on this boat and go overnight on this boat, despite the fact that there is legislation called the 1966 Safety at Sea law, which prohibits wooden boats of a certain size from carrying overnight passengers. Let's make an exception here because the *Delta Queen* is willing to undergo the kind of renovations that are necessary to make it safe. It also requires new safety requirements for the *Delta Queen* going forward.

So I really appreciate the fact this vote was taken tonight. It is about a treasured part of our history. It is also about the economy because it will produce tourism and economic advancements all along the river everywhere the river stops, including in my hometown of Cincinnati. We are going to welcome the *Delta Queen* back if this legislation can be enacted into law.

It is now going over to the House. It is in committee there. We hope that the House will do as the Senate did tonight and pass this legislation.

This is my button. It says “Save the Delta Queen,” which I am not going to wear on the floor of the Senate because of the rules. It doesn't mean I don't care.

I thank my colleagues tonight for helping us to be able to get this legislation through.

#### NOMINATION OF ELAINE DUKE

Mr. PORTMAN. Mr. President, I want to talk briefly about a nomination that is coming before us this week. This is for Elaine Duke to be the Deputy Homeland Security Secretary.

This is an incredibly important job. Some of you remember the Homeland Security Department was made up of about 23 different departments and agencies coming together. It is a huge management challenge. The key job of the Deputy Secretary is to try to manage all of that.

We are very fortunate that Elaine Duke is willing to step forward and take on this responsibility. My hope is that we will have a bipartisan vote here on the floor of the Senate for her confirmation and that we do it quickly this week because they need her there.

She came before our Committee on Homeland Security and Governmental Affairs last month. We had a very productive hearing. I had the honor of introducing her to the committee because she has Ohio roots. We are very proud of those Ohio roots.

She has had a long, distinguished career all across the country in the Federal Government, but she still calls Ohio home, and much of her family continues to reside in Ohio. Her dad, Frank Costanzo, is a first-generation American who still lives in Cleveland, OH. I have also known her uncle, Dominick Costanzo, for over 25 years. He is a friend and a neighbor. Boy, he

is very proud of his niece, as is her whole family.

This family has instilled in her a midwestern work ethic that you see in the great work she has done for the Federal Government over the past 28 years. She has worked as a senior member of various administrations. We are really fortunate that she is willing to now continue to serve.

She started her career as a GS-7 contract specialist for the U.S. Air Force. Over the next 28 years, she assumed bigger and bigger responsibilities in the Air Force, the Navy, the Federal Railroad Administration, the Smithsonian, and finally, the Department of Homeland Security.

In 2008, she was confirmed unanimously by this Senate to serve as the Under Secretary for Management at DHS. In this latest role, she, of course, was a key member of the DHS leadership team for both Secretary Chertoff and Secretary Napolitano, and they strongly support her.

She has earned a reputation for being an expert on issues of contracting, on acquisitions, on procurement, on property management, on organizational change, and on human resources. All of these, as I said earlier, are key issues right now at the Department of Homeland Security, so she will help it to be managed better, which will protect all of us.

Serving in these administrations—both Republican and Democrat—she did earn the respect of folks from both sides of the aisle. I find it interesting that all five previously confirmed DHS Deputy Secretaries have unanimously and strongly recommended her confirmation—all five of the previously confirmed ones. They said in their letter:

Elaine is extraordinarily well-qualified to serve in the position for which she has now been nominated. . . . Elaine knows DHS. She has been a senior leader at DHS under two presidents. She sets an unwavering standard of excellence for all who consider themselves committed to public service.

I look forward to having this vote. I hope we will have resounding support on a bipartisan basis for the nomination.

Secretary Kelly is doing a good job. General Kelly has an incredibly distinguished career. We are fortunate that he has stepped up as Secretary also. He needs her. He needs his deputy in place to help him run the Department, and the men and women serving in DHS today need her on the job.

Mr. President, I yield the floor.

#### MAIN STREET FAIRNESS ACT

Ms. COLLINS. Mr. President, I wish to speak in support of the Main Street Fairness Act, which will help to create tax parity for passthrough companies, the significant majority of which are small businesses. I was very pleased to be joined by my friend and colleague from Florida, Senator NELSON, in introducing this bipartisan bill.



Small businesses are our Nation's job creators. According to the Small Business Administration, small businesses employ more than half of all workers and have generated two-out-of-three net new jobs since the 1970s.

Small businesses also make an outsized contribution to our Nation's economy, generating half of our Nation's GDP, 54 percent of all U.S. sales, 41 percent of private sector payroll, and one-third of our Nation's export value. Their success is critical to the health of our economy.

Unfortunately, our Nation's small businesses face a higher tax burden that affects their ability to compete with large firms in the marketplace. In fact, a recent survey by the National Federation of Independent Business, NFIB, found that concerns about Federal taxes on business income ranked third on the list of the top 10 problems facing small businesses.

Nearly all of our Nation's small businesses are organized as passthroughs, meaning that their profits are passed on to their owners and reported on individual income tax returns. This means that small business income is subject to taxation at individual rates, which can be as high as 39.6 percent at the Federal level and can exceed 50 percent in some States. If we want our small businesses to grow and create jobs, we must reduce these high marginal rates.

I believe Congress should undertake comprehensive tax reform to make our Tax Code simpler, fairer, and more pro-growth. As we do so, we must make sure American businesses of every size are given the opportunity to compete. Aligning the tax rate for passthroughs with our corporate tax rate will ensure small businesses are not left behind. That is why Senator NELSON and I introduced the Main Street Fairness Act, which will link the tax rates of passthrough entities and large corporations, to ensure that small businesses never pay a higher tax rate than large companies.

This simple change will help make sure that small businesses remain healthy and strong, so they can continue to serve as our Nation's job creators, as they have for so many years. I would note that the Main Street Fairness Act has been endorsed by the NFIB, the leading voice for America's small businesses, and I urge my colleagues to join us in supporting it.

I ask unanimous consent to have a letter of endorsement from the NFIB printed in the RECORD.

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

NATIONAL FEDERATION OF  
INDEPENDENT BUSINESS,  
Washington, DC, April 3, 2017.

Hon. SUSAN COLLINS,  
U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.

Hon. BILL NELSON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATORS COLLINS AND NELSON: On behalf of the National Federation of Inde-

pendent Business (NFIB), the nation's leading small business advocacy organization, we write in strong support of S. 707—The Main Street Fairness Act. This legislation would reduce taxes on pass-through businesses and make them more competitive, and ensure that all businesses, large and small alike, compete on a level playing field going forward.

The vast majority of small businesses are organized as pass-through entities, which pay tax on business income at the individual tax rates, which are currently as high as 39.6 percent, and not at the corporate tax rate, which is currently as high as 35 percent. Such entities include any company organized as a sole proprietorship, partnership, LLC, or S-Corporation. The Main Street Fairness Act would ensure that those pass-through businesses never pay a higher tax rate than businesses organized as C-Corporations, and immediately reduce the tax rate on pass-through businesses currently paying more than 35 percent.

Small businesses are the major source of growth and job creation in our economy. In fact, according to the Small Business Administration (SBA), small businesses account for 64 percent of the net new private sector jobs created in America and make up 99.7 percent of U.S. employer firms. The high tax burden currently facing small businesses holds back investments, growth, hiring, and entrepreneurship. One in five small businesses struggles with cash-flow, which is needed to not only run their businesses but also support their families. Specifically, after-tax income is an especially important source of capital for small businesses. High tax rates mean less money that small business owners have to reinvest back into their business.

Because of this, small businesses strongly support tax reform that simplifies the tax code, lowers tax rates on businesses, and promotes economic growth. The Main Street Fairness Act will help ensure that all businesses, regardless of how they organize, enjoy the benefits of any reduction in tax rates that would be included in tax reform. We appreciate your continued leadership on this key issue and look forward to working with you as Congress considers tax reform.

Sincerely,

JUANITA D. DUGGAN,  
President & CEO.

Mr. NELSON. Mr. President, today I want to join my friend SUSAN COLLINS and talk about why I support the Main Street Fairness Act. I am glad to partner on this bill with the Senator from Maine.

The bill does one simple thing: It ensures small businesses don't have to pay higher taxes than the largest corporations. This is the type of common sense that we need more of in Washington.

There are 2.3 million small businesses in Florida, employing around 43.2 percent of the State's workforce. They are the primary engine of job growth in the country, and are a proven means for economic mobility.

Under most circumstances, small businesses are subject to the same rules as large corporations but are treated differently under the Tax Code. They already have a hard enough time competing with large multinational corporations, which can hire an endless stream of high-priced tax lawyers to shift their income abroad and avoid U.S. taxes.

We should be doing all we can to put small businesses on a more level play-

ing field. Part of that starts with this bill, but it doesn't end here. We need to do comprehensive tax reform.

This bill should be part of that conversation, as one way we could help small businesses. It is not the only way, and I am certainly open to other ideas, but we need to have a serious talk about how we are going to freshen up the Tax Code and help the economy grow.

I know a lot of my colleagues have different ideas about what tax reform should look like, but I think we should all be able to agree that it needs to be real reform, not just a temporary tax cut. It needs to support a technology-driven economy and help us transition to a greener, fairer economy—with a lot less disparity.

Tax reform should also generate enough added revenue to pay for the infrastructure we desperately need. That includes the crumbling roads and bridges that threaten the safety of millions of Americans and are a tax on small businesses. We also need to invest in our water infrastructure, energy infrastructure, ports, railways, public schools, and affordable housing infrastructure.

At the same time, tax reform needs to be deficit neutral. You might ask, how are we going to pay for all this? Well, we can start by getting rid of outdated special interest tax breaks that are no longer needed or don't make sense in the 21st century.

We can also eliminate tax loopholes that allow companies to shift profits abroad and lead to corporate inversions.

This bill, the Main Street Fairness Act, is a good start, but it shouldn't end here. We need to have a serious, deliberative effort to develop a bipartisan tax reform package.

#### TRIBUTE TO WAYNE KINNEY

Mr. WYDEN. Mr. President, today I wish to commemorate the retirement of my friend Wayne Kinney.

Wayne is retiring as my central Oregon field representative after more than two decades of outstanding service to our State—and more specifically serving at one point or another the residents of Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler, and Wasco Counties.

Suffice to say, Wayne knows everyone, and most of those folks could spend hours recounting their own tales of this quintessential public servant.

Simply put, he will be deeply missed.

But before Wayne takes his well-deserved retirement to his native New England—where he can be nearer to family and maintain closer supervision of his beloved Boston Red Sox and New England Patriots—I want to share my personal appreciation for this exemplary public servant, all-around good guy, and wonderfully avuncular curmudgeon.

Wayne can forever lay claim to a significant piece of Oregon history. He opened Oregon's first Senate field office east of the Cascades shortly after I first took office in 1996.

Wayne opened and ran my eastern Oregon office in La Grande before moving to Bend.

In his service to Oregonians, he has put more miles than anybody I know on Oregon roads, at all hours, in all kinds of weather, to towns where there often are more cows than people.

Wayne's fierce sense of loyalty and commitment to public service has driven him to cover all the ground he has over the years from Wasco to Wagontire, Ontario to Olene, Joseph to John Day, Bend to Burns, Madras to Mitchell, and all points in between.

That loyalty extends to the rural communities he serves and the Oregonians in those communities who might not otherwise have a voice.

Wayne always keeps the door open for cattlemen, farmers, and countless others who often feel the government is removed from their struggles.

It is Wayne's ability to reach out and make connections with all of those folks that played such a large part in ensuring "every nook and cranny" in Oregon gets a voice.

Wayne is not just a champion in general for rural Oregon communities. He has also proven to be an able advocate for creating opportunities for rural women that allows them to bring their voices into statewide discussions.

Let me tell a couple of anecdotes about Wayne to provide a glimpse into this wonderful character—and all that he has meant to Oregon.

For my colleagues who have not been to central and eastern Oregon, I would only note that the distances between towns can be great, but Wayne never let those long drives be a roadblock.

In fact, his goal was to be anywhere and everywhere. He achieved that goal by—I believe in his words—making sure that, if anybody was so much as dedicating a new soda machine, he would be there to put in the first dollar.

Just as great at times as the challenges of distance in his area are the weather challenges. Again, Wayne never let that be a roadblock.

I remember well flying into rural Condon, OR, for a townhall in the snow, and who should I see with the local police chief sweeping the runway of snow? Wayne.

It has been said by some that there is an unbridgeable urban-rural divide in Oregon. I know from more than 800 townhalls in every part of Oregon, that is untrue.

In fact, I have come to use the term "the Oregon way" to describe how it is in our State's DNA to put aside partisanship in favor of civil conversations to find the best solutions.

Among the many tributes in recent days in Oregon to my friend, I was struck by something I read about Wayne that captures how he "lived and breathed" the Oregon way.

On Wayne's Facebook page recently, a Republican posted this powerful praise: "Had lunch today with a good friend. Politically, Wayne and I are polar opposites. He is a Democrat, an officer with the Oregon Democratic Party and staff member with Senator Wyden, and I have served on the Executive Committee of the Oregon Republican Party, as well as County Central Committee Chairman. Over the years, we have had some great discussions, even disagreements about some very important issues, but we have handled our disagreements respectfully and remained friends. Wayne has announced his retirement and is also leaving our great state to move back east so he can be near family. The Oregon Democrats, and Senator Wyden are losing a tremendous asset, and a great leader of their Party."

Oregon truly is losing a tremendous asset, and so am I.

I will miss Wayne tremendously, but I take heart that his work will live on in the issues he has resolved for Oregon and the relationships he has deepened among Oregonians.

As Wayne begins his well-earned retirement, he has my eternal gratitude, and he has Oregon's.

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### PRESIDENTIAL MESSAGE

#### REPORT RELATIVE TO PRINCIPLES FOR REFORMING THE MILITARY SELECTIVE SERVICE PROCESS—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

*To the Congress of the United States:*

I transmit herewith Principles for Reforming the Military Selective Service Process, in accordance with section 555 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), which calls for the President to establish principles for reform of the military selective service process in support of the National Commission on Military, National, and Public Service.

DONALD J. TRUMP.  
THE WHITE HOUSE, April 3, 2017.

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-1161. A communication from the Chief of Staff, Wireline Competition Bureau, Fed-

eral Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund; Universal Service Reform—Mobility Fund" ((WC Docket No. 10-90, WT Docket No. 10-208) (FCC 17-11)) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1162. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Mullin, Texas)" ((MB Docket No. 16-362) (DA 17-237)) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Commerce, Science, and Transportation.

EC-1163. 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 "Functional Design, Qualification, and Inservice Testing Programs for Pumps, Valves, and Dynamic Restraints" (NUREG-0800, Section 3.9.6) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Environment and Public Works.

EC-1164. 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 "Control Rod Drive Systems" (NUREG-0800, Section 3.9.4) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Environment and Public Works.

EC-1165. 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 "Dynamic Testing and Analysis of Systems, Structures, and Components" (NUREG-0800, Section 3.9.2) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Environment and Public Works.

EC-1166. 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 "Reactor Pressure Vessel Internals" (NUREG-0800, Section 3.9.5) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Environment and Public Works.

EC-1167. A communication from the Director of Congressional Affairs, Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Evaluation by the Office of Nuclear Reactor Regulation License Renewal Appendix A for 'BWRVIP-241: BWR Vessel and Internals Project, Probabilistic Fracture Mechanics Evaluation for the Boiling Water Reactor Nozzle-to-Vessel Shell Welds and Nozzle Blend Radii,' and 'BWRVIP-108NP: BWR Vessel and Internals Project, Technical Basis for the Reduction of Inspection Requirements for the Boiling Water Reactor Nozzle-to-Vessel Shell Weld and Nozzle Blend' Project No. 704" (BWRVIP-241, appendix A and BWRVIP-108NP) received in the Office of the President of the Senate on March 29, 2017; to the Committee on Environment and Public Works.

EC-1168. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the Corporation's fiscal year 2016 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-1169. A communication from the General Counsel, Government Accountability Office, transmitting, pursuant to law, the Office'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-1170. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Internal Control Weaknesses Found in Marion S. Barry Summer Youth Employment Program"; to the Committee on Homeland Security and Governmental Affairs.

EC-1171. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "DCHD Should Improve Management of the Housing Production Trust Fund to Better Meet Affordable Housing Goals"; to the Committee on Homeland Security and Governmental Affairs.

### EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Neil M. Gorsuch, of Colorado, to be an Associate Justice of the Supreme Court of the United States.

Rod J. Rosenstein, of Maryland, to be Deputy Attorney General.

Rachel L. Brand, of Iowa, to be Associate Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LEE (for himself, Mr. ALEXANDER, Mr. BLUNT, Mrs. CRAPO, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. FLAKE, Mr. HATCH, Mr. JOHNSON, Mr. KENNEDY, Mr. MCCONNELL, Mr. PERDUE, Mr. RISCH, Mr. ROUNDS, Mr. SCOTT, Mr. TOOMEY, Mr. UDALL, and Mr. WICKER):

S. 801. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN (for himself, Mr. BOOKER, Mr. PORTMAN, Mr. MENENDEZ, Mr. GRAHAM, and Mr. SCOTT):

S. 802. A bill to award a Congressional Gold Medal in honor of Lawrence Eugene "Larry" Doby in recognition of his achievements and contributions to American major league athletics, civil rights, and the Armed Forces during World War II; to the Committee on Banking, Housing, and Urban Affairs.

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

S. 803. A bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations; to the Committee on Finance.

By Mr. HELLER (for himself and Mrs. MURRAY):

S. 804. A bill to improve the provision of health care for women veterans by the Department of Veterans Affairs, and for other

purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS:

S. 805. A bill to impose a tax on certain trading transactions to invest in our families and communities, improve our infrastructure and our environment, strengthen our financial security, expand opportunity and reduce market volatility; to the Committee on Finance.

By Mr. SANDERS (for himself, Ms. HARRIS, Ms. WARREN, Mr. BLUMENTHAL, Mr. MURPHY, and Mrs. GILLIBRAND):

S. 806. A bill to amend the Higher Education Act to ensure College for All; to the Committee on Health, Education, Labor, and Pensions.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. CARDIN (for himself, Mr. RUBIO, Mr. KAINE, Mr. YOUNG, and Mr. MENENDEZ):

S. Res. 108. A resolution reaffirming the commitment of the United States to the United States-Egypt partnership; to the Committee on Foreign Relations.

### ADDITIONAL COSPONSORS

S. 89

At the request of Mrs. MCCASKILL, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 89, a bill to amend title 46, United States Code, to exempt old vessels that only operate within inland waterways from the fire-retardant materials requirement if the owners of such vessels make annual structural alterations to at least 10 percent of the areas of the vessels that are not constructed of fire-retardant materials and for other purposes.

S. 175

At the request of Mr. MANCHIN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 175, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 178

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 178, a bill to prevent elder abuse and exploitation and improve the justice system's response to victims in elder abuse and exploitation cases.

S. 198

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 198, a bill to require continued and enhanced annual reporting to Congress in the Annual Report on International Religious Freedom on anti-Semitic incidents in Europe, the safety and security of European Jewish communities, and the efforts of the United States to

partner with European governments, the European Union, and civil society groups, to combat anti-Semitism, and for other purposes.

S. 324

At the request of Mr. HATCH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 324, a bill to amend title 38, United States Code, to improve the provision of adult day health care services for veterans.

S. 339

At the request of Mr. NELSON, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of S. 339, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 382

At the request of Mr. MENENDEZ, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Washington (Ms. CANTWELL) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors 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. 407

At the request of Mr. CRAPO, the names of the Senator from Indiana (Mr. DONNELLY) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 407, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 413

At the request of Mrs. CAPITO, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 413, a bill to amend title XVIII of the Social Security Act to prohibit prescription drug plan sponsors and MA-PD organizations under the Medicare program from retroactively reducing payment on clean claims submitted by pharmacies.

S. 430

At the request of Mr. COTTON, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 430, a bill to provide for compliance enforcement regarding Russian violations of the Intermediate-Range Nuclear Forces (INF) Treaty, and for other purposes.

S. 445

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) 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. 473

At the request of Mr. TESTER, the name of the Senator from Washington

(Mrs. MURRAY) was added as a cosponsor of S. 473, a bill the amend title 38, United States Code, to make qualification requirements for entitlement to Post-9/11 Education Assistance more equitable, to improve support of veterans receiving such educational assistance, and for other purposes.

S. 540

At the request of Mr. THUNE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 544

At the request of Mr. TESTER, the name of the Senator from Maine (Mr. KING) 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.

S. 583

At the request of Mr. CORNYN, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Delaware (Mr. COONS), the Senator from Arkansas (Mr. COTTON), the Senator from North Dakota (Ms. HEITKAMP), the Senator from West Virginia (Mr. MANCHIN), the Senator from Alaska (Mr. SULLIVAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 583, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize COPS grantees to use grant funds to hire veterans as career law enforcement officers, and for other purposes.

S. 593

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

S. 616

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 616, a bill to amend section 721 of the Defense Production Act of 1950 to include the Secretary of Agriculture and the Secretary of Health and Human Services as members of the Committee on Foreign Investment in the United States and to require the Committee to consider the security of the food and agriculture systems of the United States as a factor to be considered when determining to take action with respect to foreign investment, and for other purposes.

S. 623

At the request of Mr. RUBIO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 623, a bill to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in devel-

oping countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes.

S. 655

At the request of Mr. RISCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 655, a bill to exempt certain 16- and 17-year-old individuals employed in logging operations from child labor laws.

S. 681

At the request of Mr. TESTER, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 692

At the request of Mrs. FISCHER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 692, a bill to provide for integrated plan permits, to establish an Office of the Municipal Ombudsman, to promote green infrastructure, and to require the revision of financial capability guidance.

S. 733

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

S. 751

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 751, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 774

At the request of Ms. HEITKAMP, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 774, a bill to address the psychological, developmental, social, and emotional needs of children, youth, and families who have experienced trauma, and for other purposes.

S. 792

At the request of Mr. TILLIS, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 792, a bill to amend the Immigration and Nationality Act to establish an H-2B temporary non-agricultural work visa program, and for other purposes.

S. 796

At the request of Mr. WARNER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend

the exclusion for employer-provided education assistance to employer payments of student loans.

S.J. RES. 11

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S.J. Res. 11, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Bureau of Land Management relating to "Waste Prevention, Production Subject to Royalties, and Resource Conservation".

S. RES. 54

At the request of Mr. BLUMENTHAL, the names of the Senator from Virginia (Mr. KAINE) and the Senator from Wisconsin (Mr. JOHNSON) were added as cosponsors of S. Res. 54, a resolution expressing the unwavering commitment of the United States to the North Atlantic Treaty Organization.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 803. A bill to amend the Internal Revenue Code of 1986 to deny tax deductions for corporate regulatory violations; to the Committee on Finance.

Mr. REED. Mr. President, today I am reintroducing, along with Senator GRASSLEY, the Government Settlement Transparency and Reform Act. This bill closes a loophole in the Tax Code that allows corporations to claim tax writeoffs for payments made at the direction of the government to settle investigations into illegal and abusive corporate behavior.

Corporations accused of illegal activity routinely settle out of court with government agencies because it allows all parties to avoid the time, expense, and uncertainty of going to trial. While there is nothing wrong with settlements that correct wrongful corporate practices and compensate for the resulting harm caused by a corporation, the Tax Code often permits offending companies to claim a business tax deduction for any portion of a settlement that is not paid directly to the government as a penalty or fine for a violation of the law. The Tax Code on this point is vague, and big businesses exploit this by characterizing settlement penalties as tax-deductible business expenses.

Illegal corporate behavior is not an ordinary business activity, and it shouldn't be subsidized by taxpayers. Yet, according to a 2015 study by U.S. Public Interest Research Group, PIRG, corporate settlements over a single 3-year period totaled nearly \$80 billion, and corporations could claim business deductions for at least \$48 billion of that amount. Moreover, there is no consistent, transparent way to track how these settlements can and will be treated by businesses for tax purposes.

The Reed-Grassley bill addresses these problems by amending the Tax

Code to require the government and the settling party to reach clear agreements on how settlement payments should be treated for tax purposes. It also clarifies which settlement payments are punitive and therefore non-deductible. It increases transparency by requiring the government to file a return at the time of settlement that accurately states the tax treatment of amounts to be paid by offending businesses. Last Congress, it was estimated that this legislation would raise \$218 million in revenue over a ten-year budget window.

When a major corporate scandal breaks national news, Rhode Islanders and all Americans deserve to know that Federal regulators are protecting their interests by handing down punishments that deter future illegal and abusive business practices. That deterrent effect is undermined if corporations can claim a deduction for any penalty and build the cost of breaking the law into their business models.

I want to thank Senator GRASSLEY for working with me again on this legislation and for being a champion for reform in this area. I urge our colleagues to join us by cosponsoring this legislation and seeking its passage.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 108—RE-AFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE UNITED STATES-EGYPT PARTNERSHIP

Mr. CARDIN (for himself, Mr. RUBIO, Mr. KAINE, Mr. YOUNG, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 108

Whereas after almost four decades of close cooperation, the United States-Egypt partnership has been built on shared objectives and interests with enduring bipartisan support in Congress;

Whereas the Government and people of Egypt play a critical role in global and regional politics;

Whereas the United States-Egypt partnership is vital for the peace, stability, and prosperity of the Middle East;

Whereas Egypt has been an intellectual and cultural center of the Arab world, and continues to be an important country based on its geography, demography, and historic leadership role;

Whereas Egypt remains one of the top recipients of United States foreign assistance worldwide, having received \$77,000,000,000 in bilateral foreign aid from the United States, including \$1,300,000,000 per year in military aid;

Whereas Egypt's 1979 peace treaty with Israel remains one of the most significant diplomatic achievements for the promotion of Arab-Israeli peace;

Whereas for almost forty years, Egypt, Israel, and the United States have collaborated to counter terrorism, prevent illicit smuggling, and enhance regional stability;

Whereas the United States has welcomed Egypt's participation in the Global Coalition to Counter ISIS;

Whereas Egypt and the United States held a Strategic Dialogue in Cairo, Egypt on August 2, 2015, based on the shared commitment to deepen the bilateral relationship;

Whereas Egypt can play an important role in facilitating negotiated settlements to end the conflicts in Libya, Syria, and Yemen, re-starting the Middle East Peace Process, and defeating ISIS;

Whereas the Egyptian people continue to be the victims of heinous terrorist attacks, including the December 11, 2016, ISIS bombing of the Saint Mark's Coptic Orthodox Cathedral, which killed 28 people including women and children;

Whereas the Government of Egypt reached an agreement with the International Monetary Fund in November 2016 to take important steps toward economic stabilization, such as liberalizing its foreign exchange system and reducing costly fuel subsidies;

Whereas President Abdel Fattah el-Sisi, in a televised interview on September 16, 2016, said that he is very committed to preserving human rights in Egypt and that Egypt will not return to tyranny;

Whereas the Department of State's 2016 Country Reports on Human Rights Practices notes, with respect to Egypt, that—

(1) “[t]he most significant human rights problems were excessive use of force by security forces, deficiencies in due process, and the suppression of civil liberties”;

(2) “[t]here were numerous reports that the government [of Egypt] or its agents committed arbitrary or unlawful killings while making arrests or holding persons in custody”;

(3) “[c]onditions in the prisons and detention centers were harsh and potentially life-threatening due to overcrowding, physical abuse, inadequate medical care, poor infrastructure, and poor ventilation”;

(4) “[s]everal international and local human rights groups . . . reported a spike in enforced disappearances [in Egypt], alleging authorities increasingly relied on this tactic to intimidate critics”;

Whereas credible local organizations estimate that thousands of people are detained solely for political reasons in Egypt, including for peacefully protesting or calling for a change in government;

Whereas in March 2017, President el-Sisi pardoned 203 prisoners many of whom had been jailed for taking part in protests;

Whereas United States citizen Aya Hijazi, her husband Mohammed Hassanein, and other members of the Belady Foundation have been unjustly imprisoned in Egypt since May 2014;

Whereas the Parliament of Egypt's passage of legislation restricting the work of non-governmental organizations undermines Egypt's stated commitment to protecting constitutionally guaranteed rights and to furthering Egypt's democratic transition;

Whereas the media is regularly harassed by Egyptian authorities and Egypt was the world's third-highest jailer of journalists in 2016, according to the Committee to Protect Journalists;

Whereas respect for democracy, inclusive governance, human rights, and civil liberties have been core pillars of United States foreign policy since at least the 1970s;

Whereas Egypt will ensure its security, economic prosperity, and transition to democracy by protecting the constitutionally guaranteed rights of all Egyptians;

Whereas the last official visit to the United States by an Egyptian head of state was in August 2009;

Now, therefore, be it

Resolved, That the Senate—

(1) welcomes Egyptian President Abdel Fattah el-Sisi to the United States;

(2) expresses hope that President el-Sisi's visit will open a new chapter in United States-Egyptian relations as both sides pledge to work toward greater cooperation based on shared interests and values;

(3) acknowledges the central and historic importance of the United States-Egypt partnership in advancing the common interests of both countries;

(4) hopes that President el-Sisi will highlight in public statements the value of ties between the United States and Egypt;

(5) recognizes that Egypt faces legitimate security threats and expresses condolences for the loss of life suffered by the Egyptian people in attacks by violent extremist organizations;

(6) stands with the Egyptian people as they confront violent extremism and threats on land and sea borders;

(7) appreciates Egypt's regional role as a partner and mediator;

(8) recognizes the necessity for Egypt's leaders to take steps toward genuine political reform that prioritizes human rights, fundamental freedoms, and the rule of law;

(9) demands the immediate release of unjustly imprisoned American citizens, including Aya Hijazi, who has been detained in Egypt since May 2014 on unsubstantiated charges;

(10) demands an immediate end to the harassment and interference in the operations of independent civil society and media organizations in Egypt, including the closure of Case 173 and the revision of Egypt's non-governmental organization law in accordance with international best practices;

(11) encourages the United States and Egypt to increase cooperation—

(A) to combat terrorism in a manner consistent with international human rights law;

(B) to promote principles of good governance; and

(C) to ensure respect for the universal rights of the Egyptian people;

(12) reaffirms the commitment of the United States to support the Government of Egypt with assistance, training, and other resources as it combats terrorism, addresses security in the Sinai Peninsula, and enhances Egypt's border security and maritime security while recognizing the need to monitor security assistance to ensure accountability and due process of law;

(13) clarifies that any proposed restructuring of United States assistance to Egypt, which is subject to the approval of Congress, will take into account progress on meaningful political reform, human rights, and fundamental freedoms;

(14) congratulates the Egyptian government on their engagement with the International Monetary Fund and their difficult, but necessary, steps to stabilize the economy;

(15) supports Egypt's economic reform efforts;

(16) calls on the United States Government to develop a new strategy for joint efforts—

(A) to bolster trade between the United States and Egypt and investment in the Egyptian private sector;

(B) to combat corruption; and

(C) to promote higher education; and

(17) urges the President of the United States and the Secretary of State to engage the Egyptian Government on new ways to advance the bilateral relationship economically, militarily, diplomatically, and through cultural exchanges, while ensuring respect for the universal rights of the Egyptian people.

AUTHORITY FOR COMMITTEES TO  
MEET

Mr. FLAKE. Mr. President, I have one request for a committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

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

## COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on April 3, 2017, at 10 a.m., in SH-216 of the Hart Senate Office Building.

The PRESIDING OFFICER. The majority leader.

ORDERS FOR TUESDAY, APRIL 4,  
2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, April 4; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; further, that following leader remarks, the Senate resume executive session to consider the nomination of Elaine Duke, with the time until 12 noon equally divided in the usual form; further, that at 12 noon, the Senate vote on confirmation of the Duke nomination with no intervening action or

debate; finally, that following the disposition of the Duke nomination, the Senate recess until 2:15 p.m.

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

ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

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

There being no objection, the Senate, at 7:02 p.m., adjourned until Tuesday, April 4, 2017, at 10 a.m.