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Senate

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

PRAYER

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

Let us pray.

Almighty God, Ruler of the Universe, the Sustainer of Life, and the Father of Humanity, great is Your faithfulness. Lord, forgive us when our courage wavers in the face of difficulties because we ignore Your abiding presence. Thank You for imparting wisdom, patience, and strength to our lawmakers. Sustain them with Your presence, and strengthen them with Your love. Lord, keep them strong, hold them steady, and carry them through each challenge with honor. Grant that they will meet their hardships and setbacks with a firm faith in Your sustaining presence.

We pray in Your merciful Name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The majority leader is recognized.

COAST GUARD AUTHORIZATION BILL

Mr. MCCONNELL. Madam President, yesterday afternoon I filed cloture on S. 1129, the Coast Guard Authorization Act, a comprehensive package that equips an adaptable force to meet a variety of important missions. I hope my colleagues will join me in ensuring its swift consideration and passage this week.

CONGRESSIONAL REVIEW ACT RESOLUTION

Mr. MCCONNELL. First, Madam President, the Senate will consider yet another chance to use the Congressional Review Act and repeal yet another of the last administration's runaway regulations. Thanks to Senator MORAN and Senator TOOMEY, today's effort will protect consumers from a brazen attempt by the past Director of the Consumer Financial Protection Bureau to stretch his authority and interfere in the auto industry.

The Dodd-Frank Act of 2010 got a lot of things wrong, but one thing Dodd-Frank got right was protecting auto dealers from meddling by the CFPB.

Our Democratic colleagues are usually fans of Federal regulations. I guess even they had a hunch that, left unchecked, the Federal bureaucracy would find a way to put the brakes on this key industry—and how right they were.

In 2013, Federal regulators concocted a loophole. They bypassed standard review and public comment periods for Federal regulations and instead issued guidance that would regulate auto dealers' ability to negotiate loan terms with their customers.

Dodd-Frank already gave the CFPB unprecedented insulation from the American people's elected representatives, but apparently that wasn't enough because they still attempted an end run around the express prohibition on the regulation of auto dealers with guidance they assumed would not be subject to the Congressional Review Act. Well, today Senator TOOMEY foiled that plan when he asked GAO for an opinion on whether this guidance was, in fact, intrusive rulemaking that should be subject to congressional review. GAO decided that indeed it was, and now Congress will have its say.

Republicans are chopping away at the tangled mess of regulations that the last administration left behind. Our whole economy is getting a tune-up, and now it is time for the front end of the auto industry to come along for the ride.

We used the Congressional Review Act a record 15 times last year. Let's join with our colleagues from Pennsylvania and Kansas and add another victory to that list.

TAX REFORM

Mr. MCCONNELL. Madam President, today is tax day, the deadline for most Americans to file their tax returns. For many middle-class households, that means sending too much of their hard-earned money off to the IRS—hardly cause for celebration. But this year, the gray clouds of tax day have a silver lining. Today is the very last time that American families will have to file under the unfair, outdated Tax Code that Congress and the President got rid of a few months ago. Out with the old and in with the new.

Republicans' historic overhaul cut taxes for families and small businesses. We doubled the standard deduction, expanded the child tax credit, and lowered rates as well. And we accomplished all of this while preserving key middle-class provisions, such as the mortgage interest deduction. The upshot of all of this is simple: major tax relief for middle-class families and a big shot in the arm for the U.S. economy, which will lead to more—and higher-paying—homegrown American jobs.

Already, tax reform has given American workers a raise, since less of each paycheck needs to be withheld for the IRS. When all is said and done, the Treasury Department estimates that our tax cuts will leave 90 percent of wage-earners with more take-home pay—that is 90 percent of wage earners with more take-home pay as a result of our tax reform measure.

In addition, millions of Americans are receiving special bonuses, pay raises, or new benefits from their employers as a direct result of tax reform. Thousand-dollar bonuses for workers at Kansas City Southern Railway in Missouri; a higher starting wage at First Farmers Bank & Trust in Indiana;

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

higher wages and new job opportunities at CSS Distribution Group, a small business packaging and distribution company in Kentucky; billion-dollar investments in pension plans for UPS and FedEx workers—the list goes on and on.

My Democratic colleagues from New York and San Francisco scoff publicly at the idea that a $2,000 tax cut or a $1,000 bonus would make a difference for American families. They have called these things ''crumbs.'' Something tells me they haven't tried that talking point around many middle-class kitchen tables. I suspect they would be laughed out of the room.

And these are just the first fruits. Tax reform laid the foundation for a more prosperous future with more good-paying American jobs. That is because we made sending jobs overseas less appealing. We created new incentives for businesses to invest, expand, build, and hire right here at home. We gave overseas competitors something to worry about—a healthy, competitive U.S. economy. Already, job creators of all shapes and sizes are investing more and expanding. For example, a furniture store in Ohio is planning a 4,500-square-foot expansion, a craft brewery in Iowa is planning to open a new production line, and a deck and patio builder in Virginia is hiring 10 new employees to meet rising demand, just to name a few.

Republicans designed every piece of tax reform to benefit middle-class families and small businesses, both right now and in the years and decades ahead. That used to be a bipartisan priority, but this time, Democrats chose to put political posturing ahead of America's best interests. Every single Democrat in the House and every single Democrat in the Senate voted to block tax reform—and by extension, every bit of this good news—from happening. Later today, in fact, some of our colleagues across the aisle will be demonstrating against the law right here on the grounds of the Capitol. I wonder whether they are protesting all the new jobs, or maybe it is the big family tax cuts, or maybe they are protesting the bonuses and wage hikes or all of the small business expansions. Their first mistake was voting to block all of this in the first place. Now, even as the economy is starting to thrive, they want to repeal these historic tax cuts and literally claw back the money. But make no mistake—Republicans will continue to stand and fight for the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

CONGRATULATING THE PRESIDING OFFICER

Mr. SCHUMER. Madam President, congratulations. This is the first time, at least when I am speaking on the floor, that the Presiding Officer is in the Chair.

Is this the first time the Presiding Officer is in the Chair?

The Presiding Officer cannot answer. Let the record show that she nodded her head in an affirmative way.

TRIBAL LABOR SOVEREIGNTY BILL

Mr. SCHUMER. Madam President, first, a brief comment on the Tribal Labor Sovereignty Act, which failed to move forward in the Senate last night. Indian Affairs has very rarely found its way to the floor of the Senate, despite a number of very pressing issues in Indian Country, including homelessness, educational disparities, language loss, healthcare access, broadband access, and many more. For a number of years, Democrats and Republicans on the Indian Affairs Committee have pushed legislation that would alleviate these problems. On our side of the aisle, Senators UDALL, TESTER, SMITH, BALDWIN, HEINRICH, HEITKAMP, CANTWELL, and MURRAY have worked very hard on bills that deal with these very, very significant issues in Indian Country, but none of these bills have reached the floor.

The leader has refused to put bills that would dramatically help Indian Country on the floor. When, finally, a Tribal bill was brought forward by the majority leader, it was closed to amendments and debate. Senator UDALL, our ranking member, wished to have amendments. Senator HOEVEN, the chairman of the Indian Affairs Committee, told me he wanted amendments. But the way Leader MCCONNELL brought it to the floor was with no amendments, no debate, and no discussion. Even worse, it was a bill to scrap labor rights at a time when we should be doing everything we can to strengthen labor protections. The only bill the leader would bring to the floor is one that was divisive and destined to fail—a political act, not an act to help Indian Country.

The AFL–CIO said that passage of the measure ''would have amounted to the most aggressive erosion of labor protection since the 1940s.''

After many years of waiting for Tribal issues to reach the floor, I think many of us were sorely disappointed that the majority leader opted for this incredibly divisive bill, done in such an incredibly divisive way.

I hope, now that the measure has failed to advance, that the majority leader will consent to putting other Tribal bills on the floor, so many of which have broad bipartisan support and could pass at least the Senate.

RUSSIA AND SPECIAL COUNSEL LEGISLATION

Mr. SCHUMER. Madam President, on another issue, Russia and Mueller, yesterday it was reported that President Trump overruled the decision of his administration to implement new sanctions against Russia for its support of the brutal Assad regime in Syria in the wake of a chemical weapons attack that was devastating. Our hearts go out when we see pictures like this.

It is only the latest action in a long pattern of behavior in which President Trump opts to treat Russia and President Putin with kid gloves. It took a very long time for President Trump to even utter a negative word about Mr. Putin, and his administration has time and again delayed the implementation of sanctions.

Reports in the press said that President Trump was unhappy with his administration's decision to expel 60 Russian diplomats after British citizens were victims of a Russian-linked attack. The decision to expel those diplomats was correct, in my view, but apparently the President wasn't happy with the decision by his own appointed national security team.

The White House shouldn't have to drag the President kicking and screaming to do the right thing when it comes to punishing Vladimir Putin and Russia. His refusal to stand up to the Kremlin is troubling, and it leaves many Americans wondering: Why and what does the President have to hide? That is what 90 percent of all Americans are asking themselves—Democrat, Republican, liberal, conservative. His actions with Putin have been so confounding and so contrary to American interests that there is virtually no rational explanation for them.

At the same time, the President's rhetoric about the Russia probe should concern all of us. Should he seek to shut down or impede the investigation by firing the Deputy Attorney General or Special Counsel Mueller, interfering with the chain of command, or issuing pardons, we would—make no mistake about it—be in a full-fledged constitutional crisis.

I urge my colleagues, all of my colleagues—Democrat, Republican, Independent—to support the bipartisan legislation in the Judiciary Committee that would protect the special counsel from a political firing. The rule of law is not a partisan issue. It is one of the most serious issues we face because that is what is at the core of being an American. That is why the whole world admires us. That is why so many families like mine have been able to climb the ladder, starting out in poverty as my grandparents did, to a decent life. We cannot let the rule of law become a partisan issue. Let us speak in one

loud, clear voice by passing this legislation through the Senate as soon as possible.

Finally, as well, the contradictions, I might add, in the administration are enormous. Nikki Haley must be so embarrassed today. She forthrightly said that we are going to be tough on Russia and do additional sanctions one day, and then the President contradicted her the next. Do they talk to each other? Do they have a set plan? Or is it just up to the President's whim, day by day, moment by moment? When it comes to Russia, it is far too serious to rely on whim, changing attitudes, and maybe an 800-pound gorilla in the room. There is something the President is worried about.

REPUBLICAN TAX BILL

Mr. SCHUMER. Mr. President, finally, today is tax day. That is probably America's least favorite holiday. It is appropriate today to look back at what has happened since the Republicans passed their tax bill last year. Since the beginning of the tax debate, Republicans have insisted their bill is about cutting taxes for working Americans. Even though the crux of their bill was a massive corporate tax cut, they said that workers would benefit the most. Even though it would direct 83 percent of the benefits to the top 1 percent, they said that the bill would be a ''middle-class miracle.''

How many middle-class people today think that tax bill is a miracle? Not many. The only way that could have been true was if corporations had decided to invest a substantial amount of their newfound profits in workers. That is what Republicans, after all, argued would happen.

We Democrats warned that if you gave the big corporations the lion's share of the tax cuts, corporations would do what they always do when they have higher profits and extra cash—distribute it amongst themselves, have a nice little party. Unfortunately, the evidence is mounting that our predictions, as much as we wish they hadn't come true, were prescient.

Since the passage of the tax bill—listen to this—corporations have spent over $250 billion on share buybacks. That is putting corporations on track to spend between $800 billion and $1 trillion on share buybacks this year alone, outstripping the previous pace.

People may ask: What is a share buyback? Here is what it is. A corporation has a lot of money. Some things they can do are pay workers more, give family leave, treat their employees better. Another thing they could do is invest in new plants and equipment, new training to make that corporation more efficient and to sell more of its goods. Those are good things.

What is a bad thing? Buying back the stock. What is buying back the stock? The corporation says: We have a million shares outstanding. If we buy back 100,000 of them, the price of the remaining ones will go up.

Who benefits? Above all, those who have a lot of the stock shares—the CEOs of the corporations and the wealthiest heads of those companies. Who else benefits? Shareholders. Eighty percent of all shares in America, despite pensions and despite 401(k)s, are held by the 10 percent—the richest people in America. And one-third of all shares, totally, go to people overseas. That is who benefits from stock buybacks: corporate CEOs, wealthy shareholders, people overseas—more than the average American worker. That is what has happened.

Listen to this. According to a recent analysis by JUST Capital, only 6 percent of the capital allocated by companies from the tax bill's savings has gone to employees, while nearly 60 percent has gone to shareholders. That statistic gets to the very core of the debate. Who benefited from the tax bill? It was mainly wealthy CEOs, a lot of foreigners, and the wealthiest people in America—not the average working person.

As USA Today put it last week:

> The number of companies letting workers know they are getting a bonus, raise or other form of financial compensation has slowed to a trickle. Most of the extra cash from tax savings is going into the pockets of stock shareholders through dividend increases and companies buying back their own stock in hopes of boosting its price.

The whole theory of the Republican tax bill can be summed up in two words: ''trickle down.'' The whole theory was to lavish corporations and the already wealthy with tax cuts and maybe the benefits might trickle down to everyone else. We are already seeing the balloon burst on that idea as corporations dedicate an enormous percentage of the tax savings to stock buybacks and only a sliver to worker compensation. That is why the Republican bill is not popular. A poll out from NBC News/Wall Street Journal—Wall Street Journal, hardly a working man's newspaper—showed that only 27 percent of Americans think the tax cuts were a good idea. That is fitting news on tax day, one of the least popular days of the year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Carlos G. Muniz, of Florida, to be General Counsel, Department of Education.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Massachusetts.

CONGRESSIONAL REVIEW ACT RESOLUTION

Ms. WARREN. Mr. President, just weeks after making it harder to stop discrimination in mortgage lending, the Senate is now on the verge of voting to make it harder to stop discrimination in auto lending.

About 40 years ago, Congress passed the important civil rights law called the Equal Credit Opportunity Act. That law said companies couldn't discriminate when offering a loan. It was a simple idea: Loan terms should be based on creditworthiness, not on the color of someone's skin.

The Consumer Financial Protection Bureau is one of the Federal agencies responsible for enforcing that 40-year-old law. The CFPB found out that when auto dealers were helping customers get financing for a car loan, minority customers were often given worse loans than their White counterparts. The underlying reason was something called a dealer reserve, where the lenders providing the financing for a car loan gave the dealer discretion to mark up the interest rate on the loan and the dealer could keep some of the additional profit from the markup. The problem was the growing evidence that dealers marked up loans higher for minorities than for Whites with similar credit profiles.

In 2013, the CFPB issued guidance to these lenders about how they could make sure they were complying with the Equal Credit Opportunity Act. They could institute more rigorous oversight of their auto financing process to get rid of these discriminatory practices or they could stop using the dealer reserves that facilitated these discriminatory practices and just pay dealers a flat fee per loan instead.

After issuing the guidance, the CFPB found that a few auto lenders were not following the guidance. It entered into settlements with Fifth Third and the financing arms of both Honda and Toyota. These settlements returned millions of dollars to people who had been charged more for car loans simply based on the color of their skin.

A lot of auto dealers and auto lenders don't like the CFPB's guidance, which brings us to today, when the Senate is about to vote on reversing this guidance and prohibiting the CFPB from ever issuing similar guidance again.

This is part of the broader Republican attack on the efforts to fight economic discrimination. House Republicans have passed multiple bills that would make it harder to enforce fair lending laws. Since assuming control of the CFPB, Mick Mulvaney has taken steps to undermine the agency's Office of Fair Lending.

The vote today is also a troubling followup to the recent bank deregulation bill that just passed the Senate. That bill reduced data reporting requirements for 85 percent of the banks in this country, making it harder for Federal agencies to monitor mortgage lending, uncover discrimination, and enforce the law. Now the Senate is considering rolling back guidance that explains how lenders can avoid discrimination when providing auto loans.

Let's be clear. Discrimination in auto lending is alive and well. The National Fair Housing Alliance recently sent two people—one White, one non-White—to eight car dealerships in Virginia. Even though the non-White person had better credit than the White person in each instance, the non-White person ended up with a more expensive loan half of the time. Think about that—better credit and paid more for the loan. In fact, in those cases, the non-White person would have paid $2,500 more over the life of their loan than the White person with worse credit.

The last thing we should be doing is making it harder to crack down on that kind of discrimination. As a wide array of civil rights and consumer groups recently wrote, ''Discrimination in auto lending continues to extract billions of dollars a year in extra loan payments from borrowers of color; Congress should be taking action to end this injustice, not interfering with efforts to enforce fair lending laws.''

A vote in favor of the resolution today is a vote to support the Trump administration's systemic dismantling of fair lending laws in this country. It is a vote in favor of Mick Mulvaney's efforts to leash up the CFPB's Office of Fair Lending. It is a vote in favor of allowing some auto lenders and dealers to continue to charge African Americans and Latinos hundreds and thousands more just because of their race.

I urge all of my colleagues to oppose this resolution.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Michigan.

COAST GUARD AUTHORIZATION BILL

Ms. STABENOW. Mr. President, today I rise to talk about an issue that is extremely important to my State of Michigan. In Michigan, we take great pride in the fact that we are never more than 6 miles from a body of water or more than 85 miles from one of our incredibly amazing Great Lakes.

In fact, one out of five jobs in Michigan in some way is tied to the water. So this is really about who we are. It is in our DNA in Michigan when we talk about the Great Lakes. In terms of the country, it is important for all of us to care about the Great Lakes because 95 percent of the surface fresh water in the United States is in the Great Lakes. It is 20 percent of the world's fresh water, but 95 percent of our fresh water in the United States is in the Great Lakes. Through our Great Lakes Task Force, we are always working together. All the Senators and House Members around the Great Lakes have a special responsibility to step up and protect them, but we all should care because of the incredible natural resources they provide.

Unfortunately, perhaps no other body of water in the United States has been as harmed by invasive species as the Great Lakes. It is ballast water that has brought the majority of these invasive species into the Great Lakes. They are first brought in from salt water into the Great Lakes, and then they are moved around within the Great Lakes after they get there.

I am very concerned about legislation in front of us that would weaken our ability to protect the Great Lakes. We need to do everything we can to maintain strong ballast water standards and maintain what we need to under the Clean Water Act to protect the waters. It is incredibly important for me to speak out, along with my colleagues, about what is in front of us.

I strongly support the Coast Guard bill. In fact, I strongly support the Coast Guard. I think we have the best and the brightest in the Michigan Coast Guard. I am very proud of them, but I am deeply opposed to attaching a bill to that critical legislation that would undermine our ability to fight invasive species under the Clean Water Act and that would take away the rights of our States to be able to protect our waters.

This new version of what has been dubbed VIDA, or the Vessel Incidental Discharge Act, requires the Coast Guard to set ballast water standards in consultation with the EPA, but it has always been in reverse. The Coast Guard is not responsible for the protections. They do fantastic work, but it is not their job in terms of water quality. That is the EPA. Unfortunately, this legislation that has been attached to the Coast Guard bill removes the authority to regulate ballast water discharges under the Clean Water Act. That is a problem for a lot of reasons.

First of all, it means that States like the Great Lakes State of Michigan will see our authority to set standards disappear, repealing what the State of Michigan—the Governor of the State and the legislature—has done over the years to protect the water that literally surrounds our peninsula. It means that legal challenges to ensure strong standards will be curtailed as well.

Why is this important?

Legal action under the Clean Water Act has arguably been the primary driver for requiring new ballast water standards. Preventing invasive species from hitching a ride in ballast water is really a big deal. In fact, the cost of fighting invasive species nationwide is about $120 billion every year. In Michigan, we are spending anywhere up to $800 million a year dealing with invasive species that are already here. One of our big nightmares is that Asian carp that have been coming up the Mississippi and Illinois Rivers will hit the Great Lakes. If we don't have the capacity to do what we need to do there, it is going to be a disaster for the Great Lakes.

Let me also say that on the Great Lakes, we have what we call our lakers, which are huge cargo vessels. If you have been to the Great Lakes, you can look out at it. It looks like you are looking at the ocean with big barges. We call the Great Lakes, of course, the ocean without the salt or sharks. We have barges.

I have been a strong supporter of the lakers. They are vital to our economy, and they really do a wonderful job. But unfortunately, when we look at protecting the Great Lakes, giving a de facto exemption, which is in this bill, from these vessels ever having to be required to install ballast water control technologies is not in the interest of protecting our waters.

The good news is that, as the lakers travel within the Great Lakes, they aren't bringing in the salt water ballast, but, unfortunately, they move them around. We saw this with zebra mussels that were in the lower part of the Great Lakes. Unfortunately, they get moved around all the way up to Lake Superior because of the vessels that are moving. It does make a difference having those standards.

Beyond the ballast water though, one of the things that I just recently found out about this addition to the Coast Guard bill that is concerning in a very large way, on top of all this, is that it not only curtails State ballast water laws, but many States have regulations to limit other discharges of oils and chemicals and so on. Often times, these rules are in place to protect sensitive areas like oyster beds or corals, which, again, are out in the salt water. For us, this is about the fact that it would remove the ability for States to regulate other harmful chemicals.

I will give you one example that is becoming a nightmare for us in Michigan. I think it will eventually be in every State. That is a runoff of a regulated type of foam that has been used

forever in fire suppression. There is a group of chemicals that they dump called PFOS. That is the acronym. We have fire suppression equipment that has been used at training facilities and others on our Air Force bases, Army bases, National Guard bases, and so on, for a long time. It is not used anymore. On the west side of Michigan, we have private companies making footwear and other kinds of products where these water-resistant chemicals have been used in all kinds of ways for a long time.

Across the country, States like Michigan are struggling to address serious contamination of drinking water caused by a chemical that has been used in this firefighting foam. At our National Guard training center, Camp Grayling in Northern Michigan—which is the largest one in the country for the National Guard—we have a beautiful lake. We have a lot of lakes. This beautiful lake is in the middle of this very large facility. We now see this foam flowing on top of the water. For people with private property around the lake, this foam chemical now is floating on top of the water. The townships are looking at ways that they can go from individual wells to some kind of municipal water system, but it is touching every part of Michigan. My guess is that before it is done, because these types of foams were used all over the country, we are going to see it everywhere, and we are going to have real challenges.

I am very appreciative that the Department of Defense appropriations money was added for a study to look at the broader safety issues and public health issues that relate to this so we know that the right standards are set. There are standards now, but we need to be looking more deeply at the impacts on ground water and so on. We are going to have a lot of remediation to do for the public sector as well as private sector.

Here is the problem. This bill says that States can no longer issue any regulation on the use of these foams which may contain toxic substances. It is not only ballast water that we care deeply about. States that don't have the beautiful Great Lakes around them or our coastlines are impacted by these toxic substances that we are finding more of every day—these chemicals that were used everywhere. I am sure people thought they were safe when they were using them. Now we are finding out they were not, and they have a huge impact.

This is especially problematic when the States—not the Federal Government—are on the frontline in addressing this new awareness of citizens about the impact of the ground water contamination. This bill would take away the capacity for States to be able to act. I don't think any of the supporters of the bill intended for this to happen. In fact, many of the proponents of the bill have been leaders in the effort in the Senate to address these chemicals.

I urge us to take a step back, and before voting to proceed to concur with this, that we take a step back together and take a look at the broader implications of the way this language is put together. I strongly support the Coast Guard bill. I think everybody here is going to regret it if this moves forward with this additional language. Certainly, I am not going to support it. Because of the ballast water concerns alone, I would not. But you add on top of that taking away the State's capacity to be able to address these toxic chemicals that we are now finding everywhere—not only in Michigan, but across the country—and I think they should be sending off alarm bells to everyone.

I know that Senator CARPER and the EPW Committee have been working on a real solution to address this issue. I personally think we can do that on a bipartisan basis. I hope we will.

This is a vote, I think, that many will regret down the road as this PFOS chemical contamination becomes more widespread. The firefighting foam wasn't just used in Michigan or in a few States. It was around the country. I think taking away the State's ability to be able to address that in their State is a very serious issue. I would urge my colleagues to vote no on this motion. Let us go back and take another look at it and figure out some different language. Certainly, we all support the Coast Guard. If we want to take VIDA out and do the Coast Guard bill, that is great. If we want to look at the issues around VIDA—and I appreciate the concerns around that—let's do it in a way that makes sense for the people we represent and the States who need to be able to act now. In Michigan, this has become a huge issue around this group of toxic chemicals.

I urge a ''no'' vote. Whenever we vote—I believe it may be tomorrow—I hope that we take a step back and work together to get this right.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

TAX REFORM

Mr. BARRASSO. Mr. President, today is the last tax day under the old, awful, and broken tax system that the American people have had to put up with for decades.

Under the tax relief law that Republicans passed in this body in December—it was signed by President Trump and passed the House, as well—we now a have a simpler and fairer system and, so importantly, one that is much less expensive for American families.

One big thing we did in the tax law was to double the standard deduction that people can take. This is what it means. This one change alone, all by itself, means that 95 percent of taxpayers will be taking the standard deduction from now on. It means people will not have to waste a lot of time wading through paperwork and boxes of receipts. People will not have to spend hours chasing after little itemized deductions, as they have done year after year on tax day. They will not just be crossing their fingers, hoping they are doing everything right, hoping they don't overpay, and hoping they don't run afoul of the law by not paying the amount that is required by law. It is going to be much simpler and much fairer.

When I thought of all of the things we have been working on with tax relief, tax reform, tax reductions, to me, it can be summed up in just two words: simpler and lower. Taxes needed to be lower, and they needed to be simpler. So what we are seeing now is both simpler and lower taxes. That is a big change that people are going to notice. They are noticing it now in their paychecks, but they are really going to notice it next April 15 when they file their taxes.

Americans will not have to wait until next year to see a lot of the benefits of this tax relief law. They are seeing it today because the law wasn't just tax reform and simplification; it was an immediate, big tax cut as well. It means hard-working Americans are seeing money in their paychecks, and they are seeing it today.

Average wages have gone up nearly 3 percent. That is a big increase compared to the stagnant wage growth we saw during the entire previous administration.

According to the Bureau of Economic Analysis, American workers brought home almost $200 billion more in February than they did in December. Some of it came right away in the form of bonuses that companies handed out because of the tax law; some of it came when employers cut the amount of income tax that they were withholding from a worker's paycheck; and some of it was because of higher wages we have seen with raises announced across the country. It all adds up to about $200 billion more for hard-working Americans.

That is money people can then spend on things that are important to them and their families. It is about American families' priorities, not necessarily how the government thinks it can spend its money better than the American people. It is money people can save for things such as tuition for their kids, a new car, or whatever they want to save for. People notice that kind of difference in their take-home pay. It makes a big difference in their lives.

Another thing that happens when we cut taxes is that businesses have more money to hire more workers. I have seen it happen in Wyoming. I have seen it as I travel the State. In city after city, town after town, community after

community, businesses are hiring more workers locally. In fact, the American economy has added over 600,000 new jobs just since Republicans passed and President Trump signed the tax law in December.

These are jobs at places like Kroger. That grocery store chain—and they have a number of convenience stores, as well, serving all around Wyoming—said last week that they are going to be hiring 11,000 new workers. Those aren't just people at headquarters; these are people in stores all across the country—cashiers, produce clerks, workers in prepared food sections of the store. It is good for the American economy and good for the communities where these people are being hired.

If someone has money in their pocket, they can decide to spend some of it, give some to charity, invest some, or save some—whatever they want to do. It is their money.

In some of the stores similar to Kroger in Cheyenne, Casper, Gillette, Rock Springs—but we are seeing it all around the country—stores are hiring more people. They are increasing benefits for people who want to continue their education or get a GED. All of these things are benefiting our country. The companies say it is directly because they are saving money under the tax law.

We have heard this story again and again. You have heard it in your State, and I have heard it in mine. They are hiring because they are saving more money under the tax law.

A lot of companies are paying more because they want to hold on to the workers they have. That is one reason the initial jobless claims number for the first week of April has dropped. The claims of people who are out of work and have filed for benefits from the government have dropped by 9,000 people. That is a sign that people are keeping their jobs and don't need to apply for unemployment benefits.

The number of jobless claims has been low now for the longest stretch ever. They have been keeping records since 1967, and nobody has ever seen it like this.

One economist looked at all the good news and said: ''The job market is riproaring.'' The American people don't need an economist to tell them that. All they need to do is look around their own hometown. I see it at home in Wyoming. Businesses are hiring. Workers are getting bonuses. They are getting raises. They are seeing more money in their paychecks. People all across America are feeling better about their jobs. I see confidence and optimism at home. People are feeling better about their own personal financial situation. It is certainly the case at home in Wyoming.

There have been a couple of surveys that have come out recently. In one of them, the Pew Research Center found that the number of people who say that this economy is in good or excellent condition is now the highest it has been in two decades—20 years. That is the confidence of the American people in the economy.

In a second survey, the polling firm Gallup found that investor optimism is at ''the highest levels . . . in 17 years.'' When we talk about investors, we are talking about families in Wyoming who are saving for their retirement. They have seen the effects of Republican policies like the tax relief law. They have seen what we are doing to cut regulations so the economy can grow, so people can be free to live their lives and make decisions for themselves. They have seen what happens when Washington starts to put America first again. All of those things, added together, make people confident in our economy, and it gives them optimism for the future.

The only people who aren't feeling optimistic right now are the Democrats in Congress who, across the board, voted against this tax relief law. Republicans voted to lower taxes, and Democrats voted for higher taxes. Now Democrats seem to be desperately trying to spin their way out of the terrible choices that they have made.

Over the weekend, the former Speaker of the House of Representatives, NANCY PELOSI, said that the Republican tax cuts ''are unfair to America's working families.'' Who is she kidding? The only thing unfair would be if Democrats get their wish and repeal the tax cuts that we passed and raise taxes, which apparently is what they want to do.

I have spoken to a lot of working families at home in Wyoming. They are overjoyed at the extra money they have gotten in their paychecks since the Republicans cut taxes. Americans know that the economy has created 605,000 new jobs since we passed tax relief. They know we are breaking records for low numbers of people filing for unemployment. People see that the average wages are up—much higher than they were a year ago. They know the Republicans cut taxes, doubled the standard deduction, got rid of the ObamaCare individual mandate tax, and changed the death tax, which is a big issue for our farmers and ranchers in Wyoming and for small business owners.

Hard-working Americans who just filled out their taxes know the Republicans are on their side, and the last thing they want is to hear Democrats talking about raising taxes again.

Thank you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REPUBLICAN TAX PLAN

Mr. DURBIN. Mr. President, today, as millions of Americans in Illinois and across the Nation finish filing their taxes, I come to the floor to discuss the most recent tax reform bill considered by the U.S. Senate and House of Representatives.

Last year, Republicans followed through with their promise and used a special procedural approach called reconciliation, which allowed them to bring a tax reform plan to the floor outside of regular order and without committee hearings and the ordinary amendment-invoked process. Democrats were not really participants in this but only observers, under the reconciliation process. That tax plan has now become the law of the land, and now we know what it is doing. It has created a massive tax giveaway to the largest multinational corporations, to the wealthiest corporate CEOs, and to well-connected campaign donors.

In passing this plan, Republicans said that if they could just cut taxes enough for large corporations, these corporations would invest in America, give breaks to their employees, and create more employment. The benefits of these tax breaks to the corporations supposedly would trickle down to workers in the form of higher wages, and the economy would explode, creating new jobs.

The tax plan was voted on favorably by every Republican in the U.S. Senate, and it added $1.5 trillion to the national debt, to fund these massive corporate tax cuts. So what did the corporations do with their tax cut benefits? They turned around and took their taxpayer-funded tax cut and gave their wealthy CEOs and shareholders a raise. So far, in 2018, large corporations have announced over $235 billion in stock buybacks—far outpacing the rate of companies announcing one-time bonuses for their workers. Not only that, but more than 100,000 employees in large corporations have actually been terminated. You couldn't get further from tax relief for working families if you tried.

It gets worse. The Congressional Budget Office reported last week that the Republican tax plan will actually cost another $300 billion beyond the $1.5 trillion estimate. Our children and grandchildren will pay off the cost of this tax cut for the wealthiest people in America and the largest corporations. So much for the promise that these tax cuts would pay for themselves. It will cost us roughly $1.9 trillion over 10 years for these tax cuts for major corporations and wealthy people. This is a burden our children and grandchildren will bear.

So what are we hearing now when it comes to the budget? Just last week, after seeing that the plan they voted for was expected to add $1.9 trillion to the deficit, Republican Tennessee Senator CORKER said: ''If it ends up costing what has been laid out here, it could well be one of the worst votes I've made.''

The so-called fiscal conservatives here in the Senate didn't seem as concerned about the deficit when they

were voting for a 10-figure increase that would go to cut taxes for wealthy people and large corporations. But make no mistake—as predictably as night follows day, we now have a renewed call in the House of Representatives for a budget amendment—a constitutional, balanced budget, ''stop me before I sin again'' amendment. Now that Republicans have exploded the deficit, the absolutely vital public assistance programs like Social Security, Medicare, and Medicaid are now at risk. If there is a balanced budget amendment, they have said that we have to get to the basic programs like Social Security, Medicare, and Medicaid to make up the difference. I think it is unconscionable to give tax breaks to people who are well off and comfortable and then to cut the basics of human existence for many senior citizens in Social Security and Medicare.

The devastating first act of the Republican tax plan and fiscal conservatives, as they define it, has exploded our Nation's deficit and provided enormous benefit to those who, frankly, don't need it. We can't let the second act be a balanced budget constitutional amendment that will end up pillaging the basic programs that help low- and middle-income Americans the most in the name of fiscal responsibility.

COAST GUARD AUTHORIZATION BILL

Mr. President, there was a poll in the city of Chicago a few years ago by the Chicago Tribune, and they asked the residents of that city: What is the greatest asset in the city of Chicago? Overwhelmingly, they all said the same thing: Lake Michigan. That is understandable. If you have been to that beautiful city and seen that lakefront and realized the impact it has on the quality of life, it is understandable that Chicagoans would value it the most.

Millions of people visit Lake Michigan each year. They swim, kayak, and boat. They just walk along the beach and have little picnics. It really is a major asset. The lake is the primary source of drinking water for more than 10 million people not just in Illinois but in Wisconsin, Indiana, Michigan, and many other States. Together, the Great Lakes support a multibillion-dollar fishing industry, dozens of local economies, and thousands of small businesses. However, the Coast Guard reauthorization bill, which could come before the Senate as early as tomorrow, will do irreversible damage to the Great Lakes, and I am urging my colleagues to oppose it.

It is not uncommon in this Chamber for Members from each State to stand up from time to time and tell a story to their colleagues about something in their State of great personal value to them and to plead with their colleagues to understand what this means and to stand by them in protecting a great natural resource or a great natural asset.

The bill itself—the Coast Guard reauthorization—I don't have a problem with. It does a lot of good things for an important part of our military service. It helps equip the Coast Guard with the tools they are going to need so they can keep us safe and be part of the critical homeland security mission. There is, however, one provision in the bill that should not be there.

This bill was reported by the Commerce Committee. One of the provisions in this bill should never have started in the Commerce Committee; it should be in the Environment Committee. It is known as the Vessel Incidental Discharge Act, or VIDA. This provision in the Coast Guard reauthorization bill will undermine the Clean Water Act just to give a generous deal to one specific industry.

VIDA exempts the shipping industry from being regulated by the Environmental Protection Agency under the Clean Water Act. It places it instead under the Coast Guard. The Coast Guard is a great organization, and there are great men and women serving there. The Coast Guard, however, has no expertise in setting standards for clean water; the Environmental Protection Agency has that responsibility. This bill takes that responsibility away from the EPA.

This bill also preempts the States and their rights to implement their own standards that would meet specific needs and limits the public's ability to seek action in court.

Who opposes this bill? The attorney general of the State of Illinois, as well as the attorneys general from New York, California, Maine, Massachusetts, Michigan, Oregon, Rhode Island, Vermont, and Washington, so far.

The bill's supporters say all of this is necessary to establish a uniform national standard, but the bill doesn't do that. Instead, it cuts a big Great Lakes-sized doughnut hole out of its own standard and exempts ships operating on the Great Lakes from meeting the same ''best available control technology'' standard that all other shippers are required to meet. It is a sweetheart deal for shippers on the Great Lakes.

VIDA also makes it almost impossible for anyone to ever require ships operating on the Great Lakes to install new pollution controls in the future. This means these ships would likely never be required to use any available technology to prevent the spread of invasive species like mussels, blood red shrimp, and Asian carp.

I can't tell you how much money we have spent to stop the Asian carp from invading the Great Lakes. We think it is going to destroy the Great Lakes as a marine habitat if we are not careful, and we have stopped them so far. This irresponsible measure as part of the Coast Guard reauthorization goes in exactly the opposite direction. It opens the door for invasive species invading our Great Lakes through ballast water. That is unacceptable.

Chicagoans deserve to know that ships operating on Lake Michigan are using the best technology available to prevent the discharge of harmful chemicals into their primary drinking water and invasive species, but the bill's exemptions go far beyond the Great Lakes.

Another provision of VIDA would prevent EPA and States from enforcing standards to stop the shipping industry from releasing fluorinated chemicals into the lakes and oceans across the country. Many of my colleagues have become familiar with chemicals like PFAS and PFOA after they contaminated critical groundwater sources in their own States.

As the ranking member of the Defense Appropriations Subcommittee, I can't tell you how many colleagues from all across the United States have now discovered that these perfluorinated chemicals are a danger to their drinking supply and a public health hazard. They come to me begging for Federal funds to clean up the messes at military bases and airports. Now we are considering a bill on the floor that weakens the standard for release of those chemicals into our water supply. What are we thinking? Is the shipping industry worth that much that we turn our backs on this public health hazard?

I have seen how the military has used these chemicals over the years for legitimate purposes like firefighting. Now we are going to spend millions of dollars cleaning them up, and this Coast Guard bill is going to make it worse. Allowing the commercial shipping industry to freely release these chemicals into bodies of water without proper oversight is downright disgusting.

All of these reasons are why more than 115 environmental organizations have announced their opposition to this Coast Guard bill. It has nothing to do with the Coast Guard—we value them; we treasure them; we want to help them—but to slip this provision in, this environmental rider which endangers the water supply for millions of Americans, is just wrong.

Despite all these objections, Senator MCCONNELL now wants to bring this bill to the floor in a way that will limit debate, doesn't allow for any amendments to change it, and provides no pathway to improve the bill or to delete this terrible provision. This is not how to consider an issue that is so important with so many people concerned about it.

I urge my colleagues, when this measure of the Coast Guard reauthorization comes up for a vote on cloture on concurrence, to vote no.

Today it is the Great Lakes. Tomorrow it is your backyard, it is your water supply that some special interest group will want to contaminate in the name of more profits. We can do better. We owe it to our kids to do better.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—H.R. 1551

Mr. FLAKE. Mr. President, I rise today, as I have and will continue to do until we find a resolution to this issue. I rise to advocate for a solution to address the issue of securing our border and protecting those young immigrants impacted by an uncertain future in the DACA Program.

Last month, I offered legislation to extend DACA for 3 years and to provide 3 years of increased funding for border security—this so-called 3-for-3 plan. Unfortunately, some of my colleagues have repeatedly chosen to block this measure from coming to the floor, but the President's decision to send National Guard troops to the border displays a continued interest to secure the border. To take care of that aspect, this bill would provide significant resources to do just that, to help secure the border, at the same time protecting these young immigrants from possible deportation.

I am the first to admit this solution is far from perfect, but it provides a temporary fix for these critical problems and will provide all sides of the debate with just enough of what they want. It is a compromise. It would begin the process of funding the President's plan to improve border security and, as I mentioned, ensure DACA recipients will not lose protections and face possible deportation.

These young immigrants were brought here through no fault of their own. They have waited long enough for these protections. Likewise, border communities, like in my home State of Arizona, have waited long enough for increased security along our southern border.

As I have said before, we in Congress have too regularly confused action with results and have been entirely too comfortable ignoring problems that are just actually tough to solve. We may not be able to deliver a permanent solution to these problems at this time, but we now have an opportunity to offer at least some action on them. There are many people whose lives and well-being depend on our ability to deliver meaningful results.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 300, H.R. 1551. I further ask that the Flake substitute amendment at the desk be considered and agreed to, the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Arkansas.

Mr. COTTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

The majority whip.

SYRIA

Mr. CORNYN. Mr. President, I come to the floor to offer some remarks on the decision of the President of the United States to order precision missile strikes on three facilities in Syria last Friday night.

This action demonstrates American leadership in the face of gross human rights violations and, as we all recall, President Obama's redline, which was not enforced, which indeed is a provocation in and of itself.

I am glad this President has seen fit now, not just once but on two occasions, to punish the Syrian regime for such gross human rights violations. These actions are consistent with our values and legal authorities provided to the President under the Constitution. They are similar to decisions made by Presidents Clinton and Obama in Kosovo and Libya.

While not unprecedented, clearly what occurred is very serious. So I want to take just a few moments to explain why I think the strikes were justified and were the appropriate course of action taken against the Assad regime.

What we now know is, the Syrian government, on April 7, attacked civilians in the city of Duma, killing at least 70 and injuring 500 more. To carry out the attack, the regime used chlorine and sarin gas against its own people. We know this because credible medical personnel—including the World Health Organization—reported physical symptoms that indicated these substances had been used. People were convulsing in the streets, their nervous systems were attacked, their pupils were constricted, all telltale signs of these chemicals.

When civilians suffer in this way, there is nothing normal or acceptable about it—even in a country grappling with a brutal civil war. That Bashar al-Assad inflicted these crimes on his own people makes them even darker and more insidious.

Chemical weapons have long been the kind of redline in the realm of armed, international conflict. After World War I, the 1925 Geneva Protocol banned chemical and biological weapons because they are different in kind from guns, sabers, and bombs.

One reason they are different is because of the suffering they inflict on their victims. Another reason is because of their indiscriminate nature. Gases, by their very nature, are impossible to control. They spread in the atmosphere. You can't quarantine gas inside of a defined battlefield, which means civilians can't and will not be spared. In other words, there is nothing surgical or targeted about these weapons. The use of them can't be tailored to avoid harming children and innocent bystanders. They are instruments of terror, short and simple, and their brutality and lethality are stunning.

A third reason these weapons are so atrocious is because of the slippery slope they provide. If gas attacks are tolerated in the international community, what comes next—biological, radiological, or nuclear weapons? That is not an unreasonable question. The free world must therefore stand unified against the use of chemical weapons. The failure to do so sends a signal of idleness or even complicity to the dictators of the world.

The Geneva Protocol that eventually led to the Chemical Weapons Convention has been ratified by more than 190 nations. This means there is a near global consensus that the kinds of gas attacks perpetrated by Bashar al-Assad are completely out of bounds, even in war zones.

As I stand here today, I want to offer my support for both the mission that was carried out and the underlying objective, which was to degrade Syria's capability to research, develop, and deploy chemical weapons—ones that have clearly done tremendous amounts of harm.

The targets of our Syrian missile strikes were a research center and two storage facilities used in the production and testing of chemical and biological weapons. We hope that now that these facilities are destroyed, Assad will be perhaps persuaded not to use chemical weapons once and for all. There is reason to be skeptical, as we know, since he has before. We all remember last year when we struck Syrian airfields after similar provocations. Bashar al-Assad ignored our warning, gassed his own people, and has now paid a higher price. Will it be enough? Who can know, but I hope so. The consequences of his cruel and repressive tactics were swift and circumscribed airstrikes ordered by the President of the United States. They protected against the loss of innocent life and avoided sparking a larger regional conflict.

We are grateful to our allies, Great Britain and France, which played a pivotal role in the mission. We are also grateful to our uniformed military for their meticulous planning, flawless execution, and courageous leadership.

TAX REFORM

Mr. President, on another matter that is very much on Americans' minds, today is tax day. This is the day our 2017 tax returns are due, and I know many Texans are breathing a sigh of relief, knowing what lies just around the corner, and that is because today is the last time Americans will file taxes under the old, broken Tax Code that we overhauled last year in the Tax Cuts and Jobs Act.

Yesterday, our friend Representative KEVIN BRADY in the House wrote that now we can finally say ''Goodbye and good riddance to that outdated monstrosity of a tax code that took [so] much of [Americans'] money, sent [so many American] jobs overseas, and kept our economy so slow, many workers didn't see a pay raise for a decade or more.''

It has been estimated that after-tax income in Texas will increase by close to $2,600 because of the changes that we enacted into law and which were signed by the President. All across the State,

our constituents are seeing signs that the law is positive and has wide-reaching effects. I, like the Presiding Officer, my colleague from Texas, have spoken to many of those families and businesses, both great and small. Some of the most recent ones I talked to were in College Station. One of the folks I spoke to was a woman by the name of Claudia Smith. Claudia owns and operates a small mom-and-pop flooring business. She told me that tax reform has impacted her company in many important ways.

The first is that, with more money in their pockets, her customers feel more optimistic. They are more willing to make purchases that for years before they had been putting off.

The second is that Claudia is using her tax savings to hire more employees and buy expensive equipment that previously the company could not afford.

The third way the changes are helping Claudia is that she is able to sleep a little more soundly at night. In years past, one thing that kept her up was the rising cost of health insurance. Because of the size of her business, Claudia has never been required to provide it, but since she considers her coworkers to be family, health insurance is something she felt obligated to offer. When she did her annual budgeting each year, health insurance was often on the chopping block—something she just couldn't afford. Up until the very last minute, Claudia was never quite sure whether she would be able to keep offering it. Now, thanks to the Tax Cuts and Jobs Act, she feels more confident in her ability to provide not only health insurance for the foreseeable future but other new employee benefits as well.

Claudia's is a great story—not because it is unique but because it is typical of the sort of response I have heard across my State when it comes to the benefits of the Tax Cuts and Jobs Act.

Although I am very glad that last fall we were able to pass the first major overhaul of the Tax Code in more than 30 years, now is not the time to let up. We can't stop fighting for taxpayers like Claudia. In fact, today I am reintroducing the Small Business Taxpayer Bill of Rights Act, legislation that reduces redtape for taxpayers and allows small businesses to spend more time growing and creating jobs and less time dealing with burdensome IRS procedures and improper targeting practices. I am proud to have my colleague, the senior Senator from Nevada, as my original cosponsor. In some ways, it is a complement to the Tax Cuts and Jobs Act.

This year, research has shown, taxpayers will spend more than 8 billion hours completing IRS forms, costing almost $200 billion in cumulative monetized costs. That is a 14-percent increase from 2017. This legislation will hopefully improve that situation. It will notably lower the compliance burden, strengthen taxpayer protections, and ensure that small businesses are not unfairly targeted with unjustified levels of scrutiny by the IRS. For example, the bill makes it a fireable offense for an IRS employee to use auditing methodologies based in whole or in part on the political or ideological views of a taxpaying individual or entity. The bill also allows more small businesses to petition for attorney's fees when a court determines that the IRS's legal actions weren't substantially justified. I hope we can act on this legislation soon.

To all of my fellow Texans, happy tax day. Just remember: Today, it is out with the old and in with the new.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I rise to speak in opposition to the nomination of Carlos Muniz to be the general counsel at the Department of Education. One of the most important responsibilities that the Department of Education has is to uphold title IX and fight back against gender discrimination in all its forms. This is an enormous responsibility, but it is also an urgent one.

Thousands of men and women have survived sexual assaults on college campuses, and they are demanding that the Education Department and their universities take these crimes seriously. But over the last year, we have heard over and over again that Secretary DeVos has let down these survivors. Instead of working to uphold and even strengthen title IX, she has used her position to weaken title IX. We should not be arming her with more staff who are determined to carry out that plan, but that is what Mr. Muniz will do if he is confirmed.

Mr. Muniz's nomination sends a cynical message to survivors of campus sexual assault all over our country—that the Education Department is not taking survivors seriously and that they are not interested in protecting a law that is supposed to keep our students safe.

If this nominee is confirmed, I have no doubt that he is going to accelerate Secretary DeVos's attack on title IX. This is an insult to the thousands of students who have suffered through sexual assaults on their college campuses. Mr. Muniz has spent his career on the wrong side of this issue, and he has made it clear through his actions that he does not respect the important role title IX actually plays in protecting our students and keeping our campuses safe.

The general counsel of the Education Department should work to uphold and strengthen our anti-discrimination laws, but I fear this nominee is going to do the exact opposite. I urge all of my colleagues to do what is best for our students and join me in opposing this nomination.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

ORDER OF PROCEDURE

Mr. CORNYN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, if applicable, at 1 p.m. on Wednesday, April 18, the Senate resume consideration of the Muniz nomination, with 1 hour of debate remaining, equally divided between Senator GILLIBRAND or her designee and Senator ALEXANDER or his designee, on the nomination; further, that following the use or yielding back of that time, the Senate vote on the nomination as under the previous order; finally, that the Senate now proceed to legislative session for a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

LEGISLATIVE SESSION

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will now proceed to legislative session for a period of morning business.

ORDER OF BUSINESS

Mr. CORNYN. Mr. President, for the information of our colleagues, I know the leader plans to make a motion to proceed to S.J. Res. 57, the auto lending CRA, at 2:15 p.m., and we will have a rollcall vote on that motion.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, I ask unanimous consent to be able to complete my remarks.

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

TAX REFORM

Mr. YOUNG. Mr. President, I rise today on tax day to recognize this as the very last time Americans will have to file their taxes under the complicated, burdensome, outdated system of the past. Today, we officially kick off a new tax code—one that is simpler, fairer, and allows hard-working Americans to keep more of their hard-earned money.

Since we passed the Tax Cuts and Jobs Act last December, success stories have poured into my office from Indiana businesses that are paying their workers more and from constituents who are earning more. Tax reform has provided needed relief across Indiana and across the entire country.

To date, we have found scores of companies in my home State of Indiana that have invested in their employees, invested in capital improvements, or lowered energy rates for consumers. They range in size from large companies, such as Walmart and AT&T, to smaller Indiana businesses, such as Family Express, which has 70 convenience stores across the State and is building 10 more and increasing its starting wage. ''We feel obligated to pass on a significant portion of the tax savings to our staff,'' said Family Express president and CEO Gus Olympidis.

My guest to this year's State of the Union Address was another beneficiary of this historic tax overhaul. Chelsee Hatfield is a young mother of three children and a teller at a rural branch of First Farmers Bank & Trust in Tipton, IN. Chelsee received a raise and a bonus as a result of this tax reform effort. This additional income will help Chelsee go back to school to earn her associate's degree. It will enable her to put money away for her children's future college education. Chelsee represents so many Americans who work in small towns and who live in our rural communities and are going to get a fair shot because of the benefits from tax reform.

The tax reform success stories don't stop there. NIPSCO, or the Northern Indiana Public Service Company, is an electric utility company in Merrillville, IN. It is passing on $26 million in new savings to its customers. Andy Mark, a mechanical and electrical parts supplier in Kokomo, is hiring more employees. Muncie Aviation Company is providing tax reform bonuses for all of its employees. One Hoosier, who lives in Cedar Lake, IN, is growing his third-generation milk-hauling business, and another, who lives in Southern Indiana and works for U-Haul in Louisville, used his $500 tax bonus to pay a bill. These bonuses and raises are allowing more Hoosiers to save for a rainy day, to put more money away towards their child's education, to make repairs to their home, and to keep food on the table.

It is worth noting that when we were debating tax reform, I listened carefully to feedback from my constituents across Indiana. I spent a lot of time traveling the State, holding roundtables, visiting businesses, and talking to folks on the street. I am glad to say that Hoosier voices were heard, and they are receiving the tax relief they asked for. I look forward to continue hearing Hoosiers' tax reform stories, and, like the rest of America, I look forward to this being the last day of the old, outdated tax system.

Mr. President, I yield the floor.

RECESS

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

Thereupon, the Senate, at 12:30 p.m, recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BLUNT).

The PRESIDING OFFICER. The majority leader.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 57.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 378, S.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act.''

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from North Carolina (Mr. TILLIS).

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

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—50

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

NAYS—47

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

NOT VOTING—3

Duckworth	McCain	Tillis

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION

The PRESIDING OFFICER. The clerk will report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act.''

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I rise today to offer my support for Senator MORAN and Senator TOOMEY's resolution using the Congressional Review Act to disapprove of the CFPB's 2013 auto finance guidance.

It is important that Congress disapprove this guidance because it was an attempt by the CFPB to make substantive policy changes through guidance rather than through the rulemaking process governed by the Administrative Procedure Act. It was also an attempt to regulate auto dealers who were explicitly exempted from the CFPB's supervision and regulation under the Dodd-Frank Act.

According to an internal CFPB memo, the CFPB rejected developing a rule using its statutory authority to regulate unfair, deceptive, and abusive acts and practices because ''the potentially unfair, deceptive, or abusive actions are ostensibly those of dealers, over whom we have no regulatory authority.''

As the Wall Street Journal editorial board noted, ''That didn't stop former CFPB chief Richard Cordray, who used the back door of auto-financing to regulate dealers.''

Make no mistake—the CFPB's decision to develop guidance instead of a rule was intentional. At Senator TOOMEY's request, the Government Accountability Office evaluated the bulletin to see if it should have been submitted to Congress as required by the Congressional Review Act.

The GAO concluded:

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

Plainly, the CFPB failed to follow the law by failing to submit the bulletin to Congress. Furthermore, issuing guidance instead of formulating a rule allowed the CFPB to sidestep important aspects of the administrative rulemaking process that provide for accountability, transparency, and thorough evaluation.

Federal agency rules are governed by the Administrative Procedure Act, which generally requires an agency to publish a notice of a rulemaking, take comments from the public, and establish an effective date for a rule. Notice and comment is a vital step in the process because it gives individuals and businesses subject to rulemakings the opportunity to provide feedback on the practical effect of a rule's implementation, and it allows an agency to adjust the rule as necessary to avoid any undue consumer harm. In contrast, bulletins generally do not afford the public an opportunity to lend their

voice to the process and have historically been used by Federal agencies to simply restate existing law to aid covered companies' compliance.

The CFPB's indirect auto bulletin represents a departure from typical Federal agency practice, as reflected in the GAO's conclusion that it is a rule subject to CRA requirements.

Without the opportunity for public comment and the ability for the bulletin to be revised to avoid any unintended consequences, auto dealers' incentive to act as an intermediary has been greatly diminished. As a result, consumers will be inconvenienced and have fewer and more expensive financing options when shopping for a vehicle.

Some people opposed to this resolution are concerned about what this means for regulatory guidance more generally. I would note that almost all guidance issued by agencies may qualify as a rule under the Congressional Review Act and must be submitted to Congress for potential disapproval. The CRA's definition of a rule includes, with some limited exceptions, ''the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.''

Explaining the Congressional Review Act's definition of a rule, the GAO said: ''This definition is broad, and includes both rules requiring notice and comment rulemaking and those that do not, such as general statements of policy.''

This particular bulletin, according to GAO, ''advises the public prospectively of the manner in which the CFPB proposes to exercise its discretionary enforcement power and fits squarely within the Supreme Court's definition of a statement of policy.''

Congress has the power to overturn any agency rule. Under the Congressional Review Act, Congress has the power to overturn agency rules using an expedited procedure. There is nothing special about guidance issued by the agencies that should cause people to be concerned, especially a rule masquerading as guidance. Article I grants Congress legislative power, and by disapproving this rule, we are ensuring that the CFPB cannot issue a rule that is substantially the same as the one it just tried to issue.

There have also been questions raised regarding the flawed methodology the CFPB used in its supervisory and enforcement activities based on this bulletin to allege discriminatory auto loan pricing.

In November 2015, the House Financial Services Committee's majority staff issued a report exploring the CFPB's approach to enforcing the ECOA against indirect auto lenders. The report focuses on the controversial use of disparate impact theory and the CFPB's use of a flawed statistical methodology, which only takes into account an individual's last name and ZIP Code in order to determine a probability for race and ethnicity. This approach is less reliable than other, more proven methodologies. A November 2014 study estimated that only 24 percent of African Americans and 50 percent of Asians were correctly identified using this methodology.

In light of such significant concerns, the House introduced legislation in 2015 to nullify the effect of the bulletin and place guardrails around the development of any future indirect auto lending guidance. That bill garnered significant bipartisan support, passing the House by a vote of 332 to 96, including 88 Democrats.

This resolution has attracted substantial support, as well, including from 12 different organizations involved with helping consumers buy a vehicle and an endorsement via a Statement of Administration Policy from the White House.

For example, the chamber of commerce notes that ''internal documents [at the CFPB] demonstrate that even [CFPB] Bureau staff found the data and methodology intended to support the rule 'unconvincing.'''

The Independent Community Bankers of America notes that ''since the issuance of the Bulletin, many community bankers have reported added difficulty in meeting the varying borrowing needs of their customers based on confusing and overly-burdensome guidance.''

The National Association of Auto Dealers notes that ''extensive bipartisan congressional engagement has identified several reasons to disapprove the CFPB rule/guidance, including a lack of due process, concerns about the CFPB's failure to adhere to Section 1029 of Dodd-Frank, and the negative impact on consumers and small business dealers.''

The American Bankers Association said that ''the regulatory and enforcement uncertainty caused by this Guidance has caused many banks to exit or to curtail their indirect auto lending, which limits consumer choice and increases the cost of credit.''

The American Financial Services Association said that ''the guidance is harmful because it pressures vehicle finance companies to limit consumers' ability to receive discounted auto loans from dealers. Furthermore, the guidance threatens to raise credit costs and push marginally creditworthy consumers out of the vehicle financing market, and has the potential to harm the vehicle industry and its associated U.S. jobs.''

Mr. President, I ask unanimous consent that the five letters I cited be printed in the RECORD, as well as a joint letter from the National Auto Dealers Association, the National RV Dealers Association, the American International Automobile Dealers, the Auto Alliance, the National Independent Automobile Dealers Association, the National Auto Auction Association, the American Financial Services Association, the Recreational Vehicle Industry Association, and the Motorcycle Industry Council, all expressing their strong support for S.J. Res. 57.

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

AMERICAN FINANCIAL SERVICES ASSOCIATION,
Washington, DC, April 13, 2018.

DEAR SENATOR: The American Financial Services Association (AFSA) writes to express our strong support for S.J. Res. 57, which would rescind the Consumer Financial Protection Bureau's (CFPB) 2013 vehicle finance guidance. The guidance is harmful to American consumers and businesses, and the CFPB acted without accountability in its issuance of the guidance.

The guidance is harmful because it pressures vehicle finance companies to limit consumers' ability to receive discounted auto loans from dealers. Furthermore, the guidance threatens to raise credit costs and push marginally creditworthy consumers out of the vehicle financing market, and has the potential to harm the vehicle industry and its associated U.S. jobs.

The Bureau issued the guidance without any public comment, consultation with CFPB's sister agencies, or transparency. The CFPB issued the policy, which directed fundamental market changes, without a transparent rulemaking process to assess the impact on consumers.

In the 114th Congress, the House overwhelming approved H.R. 1737, the ''Reforming CFPB Indirect Auto Financing Guidance Act,'' a bill rejecting the vehicle finance guidance similar to S.J. Res 57. The legislation passed the House by a bipartisan vote of 332–96, including 88 Democrats.

S.J. Res. 57 is a narrow resolution that preserves fair lending protections. It does not hinder enforcement of fair lending laws or regulations, which AFSA and its members strongly support. In fact, even the House Financial Services Committee minority report accompanying H.R. 1737 stated that, ''H.R. 1737 does not alter regulated entities' obligations under the Equal Credit Opportunity Act (ECOA) or the CFPB's examination or enforcement activity pursuant to ECOA.'' Proponents of S.J. Res. 57 take fair credit laws very seriously, and the resolution protects these laws and their enforcement to safeguard equal opportunity in vehicle financing.

Please lend your support S.J. Res. 57, both as a cosponsor and an affirmative vote on the Senate floor. If you need more information, please contact me.

Sincerely,

BILL HIMPLER,
Executive Vice President,
American Financial Services Association.

NATIONAL AUTOMOTIVE DEALERS ASSOCIATION,
Tysons, VA, April 13, 2018.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. CHARLES SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR LEADER MCCONNELL AND LEADER SCHUMER: On behalf of America's 16,500 franchised new car and truck dealers and the 1.1 million people they employ, I am writing in strong support of S.J. Res. 57, a joint resolution providing for Congressional disapproval of the rule by the Consumer Financial Protection Bureau (CFPB) relating to indirect auto lending. Despite Congress exempting

most auto dealers from the CFPB's jurisdiction under Section 1029 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, the CFPB's rule, issued as ''guidance,'' operates to reduce market competition and take away a consumer's ability to receive a discounted auto loan in the showroom. Access to affordable credit is essential to consumers, and the ability of a dealer to discount credit is often necessary to meet auto buyers' needs.

S.J. Res. 57 is a narrowly-tailored joint resolution that does not amend or change any fair credit law or regulation or impair their enforcement. The legislation is a measured response to the CFPB's attempt to regulate the $1.1 trillion auto financing market, avoid congressional scrutiny by issuing ''guidance,'' and impose a new policy without necessary procedural safeguards.

Congress has considered this issue thoroughly during the past several years through oversight and legislative action. The Senate Banking, Housing and Urban Affairs Committee raised the matter during two CFPB oversight hearings. Moreover, by an overwhelmingly bipartisan vote of 332–96, including 88 Democrats, in 2015 the House passed H.R. 1737, the ''Reforming CFPB Indirect Auto Financing Guidance Act,'' which would have rescinded the CFPB auto finance guidance.

The extensive bipartisan congressional engagement has identified several reasons to disapprove the CFPB rule/guidance, including a lack of due process, concerns about the CFPB's failure to adhere to Section 1029 of Dodd-Frank, and the negative impact on consumers and small business dealers. In particular:

The rule/guidance was issued without any prior notice, opportunity for public comment, or consultation with the federal agencies Congress authorized to regulate dealers.

Indirect auto lenders were pressured by the rule/guidance to eliminate a consumer's ability to receive a discount on auto credit by a dealer, which would have fundamentally altered the entire auto finance market. This new policy would have limited market competition, raised credit costs for auto buyers, and thereby pushed some marginally creditworthy borrowers out of the credit market. The CFPB admitted to the Senate that it did not analyze the impact of the rule/guidance on consumers.

Despite Congress' clear determination in Dodd-Frank to place regulatory oversight of auto retailers with the Federal Reserve Board, Federal Trade Commission and Department of Justice (DOJ), the rule/guidance assumed the CFPB could unilaterally assert jurisdiction over dealer discounts and the manner of dealer compensation for auto credit.

The rule/guidance was based on a flawed method for identifying the background of consumers that relied solely on a borrower's zip code and last name. A non-partisan study of the CFPB's policy found a 41 percent error rate for classifying the background of a significant group of consumers, and even the CFPB's own review revealed a 20 percent error rate for the same group. (This non-partisan study was never rebutted by the CFPB.)

The rule/guidance failed to account for legitimate business factors that can affect finance rates (such as discounting a rate due to the presence of a competing offer or to accommodate a consumer's monthly budget constraint) to ensure that borrowers being compared are similarly situated.

The auto industry takes fair credit laws very seriously and strongly condemns discrimination. In furtherance of this commitment, NADA, joined by the other national dealer associations, developed and continues to promote a voluntary fair-credit compliance program, based on an effective DOJ model that preserves consumer discounts on credit for legitimate business reasons. Unfortunately, the CFPB, refusing to work with the Federal regulators that have jurisdiction over dealers, failed to adopt the DOJ-based fair credit alternative as an appropriate method to mitigate fair credit risks in indirect auto lending.

Enactment of S.J. Res. 57 is important to keep auto loans affordable and accessible for consumers. America's franchised auto dealers urge a ''Yes'' vote on S.J. Res. 57 should it be considered by the Senate. Thank you for your consideration.

Sincerely,

PETER K. WELCH,
President and CEO.

AMERICAN BANKERS ASSOCIATION,
Washington, DC, April 17, 2018.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. CHARLES SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: On behalf of the members of the American Bankers Association (ABA), I write to express our support for S. J. Res. 57, a resolution to disapprove BCFP Bulletin No. 2013–02, ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act'' (Bulletin).

According to the statements of the Bureau of Consumer Financial Protection (Bureau) at the time of issue, the Bulletin was to provide lenders with fair lending compliance ''guidance'' in situations when lenders permit automobile dealers flexibility to set automobile loan interest rates. In practice, however, the Bulletin was applied as far more than guidance, asserting with regulatory effect, highly controversial legal theories and methodologies to allege that banks and finance companies that purchase motor vehicle installment sales contracts may be liable under the Equal Credit Opportunity Act (ECOA) for purported, but undemonstrated racial disparities in the interest rates that the automobile dealers charged consumers.

ABA strongly believes that every automobile customer deserves to be treated fairly, and that there is no room for illegal discrimination of any kind in automobile financing. However, the Bulletin was issued without the opportunity for public comment on its legal underpinnings, critical review of its assumption and bases, and its impact on consumer access to convenient and affordable credit.

The regulatory and enforcement uncertainty caused by this Guidance has caused many banks to exit or curtail their indirect auto lending, which limits consumer choice and increases the cost of credit.

ABA urges the Senate to adopt S.J. Res. 57.

Sincerely,

JAMES C. BALLENTINE.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, April 17, 2018.

TO MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce urges you to support S.J. Res. 57, a Congressional Review Act resolution to undo the Bureau of Consumer Financial Protection's action on indirect auto lending. The Chamber will consider including votes on, or in relation to, S.J. Res. 57 in our How They Voted scorecard.

In 2013, the Bureau issued a ''Bulletin'' that imposed new requirements under the Equal Credit Opportunity Act (ECOA) to address purported discrimination. The Bulletin established that indirect lenders—firms that are never face-to-face with borrowers and only purchase contracts after-the-fact from auto dealers—could be liable for discrimination.

The Chamber abhors discrimination in all its forms, including in the financial service and auto lending sectors.

However, the Bureau provided little concrete evidence of problems that the Bulletin was intended to address. In fact, internal documents demonstrate that even Bureau staff found the data and methodology intended to support the rule ''unconvincing.''

We thank Senator Moran and Senator Toomey for their leadership to resolve this overreach by the Bureau and for engaging the Government Accountability Office (GAO), which determined on December 5, 2017, that the Bulletin is in fact a ''rule'' for purposes of the Congressional Review Act.

Moreover, we applaud the work of the House Financial Services Committee, which released three reports on the topic.

The Chamber believes the Bureau—like all other federal agencies—should follow the Administrative Procedure Act when issuing guidance and promulgating regulations. Agency actions should be based on clear legislative authority, solid data, and proper public input. That is why the Chamber strongly supports the Portman-Heitkamp ''Regulatory Accountability Act,'' which would modernize the rulemaking and guidance processes for the first time since 1946.

The Chamber urges you to reject the Bureau's Bulletin and to support S.J. Res. 57.

Sincerely,

JACK HOWARD,
Senior Vice President,
Congressional and Public Affairs.

INDEPENDENT COMMUNITY
BANKERS OF AMERICA®,
Washington, DC, April 17, 2018.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. CHARLES E. SCHUMER,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: On behalf of the nearly 5,700 community banks represented by ICBA, I write today to urge all members of the Senate to support S.J. Res. 57, a joint resolution under the Congressional Review Act (CRA) introduced by Sen. Jerry Moran (R–Kan.) to overturn the Consumer Financial Protection Bureau's (CFPB) 2013 auto finance guidance set forth in CFPB Bulletin 2013–02, titled ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity'' (Bulletin).

S.J. Res. 57 follows the U.S. Government Accountability Office's (GAO's) determination that the ''guidance'' outlined in the Bulletin is a ''rule'' subject to CRA. Sen. Pat Toomey (R-Pa.) requested that GAO determine whether the Bulletin was subject to CRA. Since the issuance of the Bulletin, many community bankers have reported added difficulty in meeting the varying borrowing needs of their customers based on confusing and overly-burdensome guidance. For this reason, ICBA supports this effort to overturn this harmful guidance administered by the CFPB.

ICBA and America's community banks thank you for your consideration.

Sincerely,

CAMDEN R. FINE,
President & CEO.

NADA, AUTO ALLIANCE, AMERICAN FINANCIAL SERVICES ASSOCIATION, THE NATIONAL RV DEALERS ASSOCIATION, NATIONAL INDEPENDENT AUTOMOTIVE DEALERS ASSOCIATION, RECREATION VEHICLE INDUSTRY ASSOCIATION, AMERICAN INTERNATIONAL AUTOMOTIVE DEALERS, NATIONAL AUTO AUCTION ASSOCIATION, MOTORCYCLE INDUSTRY COUNCIL.

April 16, 2018.

DEAR SENATOR: We, the undersigned organizations which represent businesses that make, sell, finance, auction and service vehicles are writing to express our strong support for S.J. Res. 57, a joint resolution to disapprove the Consumer Financial Protection Bureau's (CFPB) 2013 auto finance guidance. The CFPB guidance pressures indirect auto lenders to limit a consumer's ability to receive a discounted auto loan from a dealer, resulting in less competition, higher financing rates, and loss of credit access for many vehicle buyers.

Access to affordable credit, including a dealer's ability to discount credit, is essential to meet the transportation needs of our customers. Since more than 80 percent of vehicle purchases are financed, adequate retail credit is vital to facilitate vehicle sales. The current system benefits consumers as dealers' access to multiple lending institutions frequently allows dealers to help consumers, including the marginally credit worthy who often have limited options, secure financing at competitive interest rates.

The CFPB auto lending policy, issued through a guidance, directed fundamental market changes without a transparent rulemaking process to assess the impact on consumers. This guidance was issued without any public comment, consultation with CFPB's sister agencies (including those that Congress authorized to regulate auto dealers), or transparency. Indeed, by the CFPB's own admission, the agency did not study the impact of its guidance on consumers.

This controversial guidance also enabled the agency to skirt Congress' express prohibition on its exercise of authority over auto, recreational vehicle, and motorcycle retailers engaged in indirect lending, (Sec. 1029(a) of Dodd-Frank). Under the Dodd-Frank law dealers continue to be regulated by that Federal Reserve Board, Federal Trade Commission and Department of Justice, as well as rigorous state laws and regulations.

The auto industry takes fair credit laws extremely seriously and has proactively promoted a comprehensive compliance program to enhance fair credit lending. Under the Department of Justice (DOJ) modeled program, a dealer can reduce the consumer's APR by documenting one of seven ''legitimate business reasons'' identified by the DOJ as a legitimate reason for a dealer to discount credit. Legitimate business reasons include ''meeting or beating'' a competitive offer that is available to the customer from another dealer or lender. Preserving this vigorously competitive market for vehicle financing lowers the cost of auto credit for consumers across the board. When Congress created the CFPB, surely it did not intend the agency to use its power to stop vehicle retailers from offering consumers discounts.

In a rejection of the auto finance guidance, last Congress the House overwhelming approved a bill similar to S.J. Res. 57, H.R. 1737, the ''Reforming CFPB Indirect Auto Financing Guidance Act.'' H.R. 1737, which would have rescinded the guidance, passed by a bipartisan vote of 332-96, including 88 Democrats (November 18, 2015).

Despite the House's overwhelmingly bipartisan approval of the legislation and additional bipartisan efforts in the Senate to seek a resolution on this issue, the CFPB rebuffed extensive industry efforts to work together to fashion a solution that would preserve discounted auto loans by dealers within the parameters of the DOJ-based model. In addition, the CFPB continued to pressure finance sources to limit a dealer's ability to discount credit based on a deeply flawed method for measuring lender compliance with fair lending laws.

S.J. Res. 57 is narrow and purely a process resolution that preserves fair lending protections and does not hinder enforcement of fair lending laws or regulations. In fact, even the House Financial Services Committee minority report accompanying H.R. 1737 stated that ''H.R. 1737 does not alter regulated entities' obligations under the Equal Credit Opportunity Act (ECOA) or the CFPB's examination or enforcement activity pursuant to ECOA.'' Proponents of S.J. Res. 57 take fair credit laws very seriously, and this joint resolution protects these laws and their enforcement to safeguard equal opportunity in vehicle financing.

Senators should disapprove the auto finance guidance that operates to eliminate dealer discounts, threatens to raise credit costs and push marginally creditworthy consumers out of the vehicle financing market, and harms the vehicle industry and its associated U.S. jobs. Vehicle sales play an important role in the economy, as they constitute almost 20 percent of all retail spending in the U.S. Nationwide the vehicle industry provides jobs for more than 7 million workers and their families. It is in the best interest of consumers, dealers, and vehicle manufacturers to keep vehicle financing competitive and affordable.

Keeping auto financing competitive and affordable is not only warranted, it is essential for the vehicle industry and its customers. That is why similar legislation easily passed the House, and why the Senate should pass S.J. Res. 57.

Mr. CRAPO. Finally, President Trump's Statement of Administration Policy also endorses this resolution. I am going to read a few highlights from the statement.

This bulletin limits the ability of auto dealers to offer auto loans to their customers and was not issued pursuant to notice-and-comment rulemaking. As a result, the CFPB failed to allow the public to comment before it made significant changes to an important sector of the economy. Dodd-Frank explicitly excludes the regulation of auto dealers from the CFPB's jurisdiction. Disapproving this bulletin, therefore, would provide consumers with more options for auto financing while ensuring that the CFPB abides by congressional limits on its jurisdiction.

This rule should be disapproved, and any future action on the matter should go through the appropriate rulemaking process established by Congress. If this rule stands, banks, credit unions, and finance companies holding nearly $1.1 trillion in outstanding loans will needlessly face significant liability, and the ability of auto dealers to play a valuable role by matching buyers and lenders will be diminished.

I urge my colleagues to support this resolution.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. MORAN. Mr. President, I am here to lend my support to a measure that I have had the honor of working on with the Senator from Pennsylvania, Mr. TOOMEY, and I have worked side by side with the chairman of the Banking Committee—of which I am a member—the Senator from Idaho, Mr. CRAPO. I very much appreciate the leadership that both of those individuals and my other colleagues have provided over a long period of time on this issue.

Dodd-Frank was passed as a result of the concerns that many had across the country and here in the Congress regarding the financial challenges that our Nation faced resulting from mortgages that were sold. It really was a Wall Street crisis that, in so many ways, became challenging for Main Street, with Main Street having the consequence of having the difficulties presented to them based upon what happened on Wall Street, and in so many instances, consumers ended up paying the price. But as we tried to correct the problem when Dodd-Frank was passed, it got way beyond the culprits—those who were culpable for creating the financial crisis in our Nation—and began to penalize those who had nothing to do with them.

One of the creatures of the passage of Dodd-Frank was the Consumer Financial Protection Bureau, and one of the aspects of the Consumer Financial Protection Bureau was their effort to regulate indirect auto lending.

I think the chairman, the Senator from Idaho, did a great job of explaining this resolution. Today, we have the authority to reject the decision that was made by the Consumer Financial Protect Bureau, and I hope my colleagues will join me in doing so. I have introduced this resolution to accomplish that.

Senator TOOMEY has made clear by his efforts that this guidance that was issued by the Consumer Financial Protection Bureau is subject to a CRA, and that is our mission today—to accomplish the passage of that CRA.

While the chairman was speaking, I jotted down perhaps four or five points that I would like to make to my colleagues. One is that those who lend money to someone buying an automobile had nothing to do with the financial collapse that occurred as a result of the mortgage crisis in 2007 and 2008.

I think Republicans probably made a mistake—I could take out the political word ''probably.'' Republicans made a mistake in saying ''We are going to repeal Dodd-Frank,'' and Democrats responded by saying ''You are never going to touch Dodd-Frank.'' As a result, since 2008, we have been unable to correct, in a bipartisan way, the problems that many of us saw with Dodd-Frank. There are those who say ''We are going to get rid of the entire thing,'' and those who say ''You can't

touch it.'' Therefore, the consumers—the citizens of this country—have struggled and been damaged by the consequences of Dodd-Frank.

Today we are dealing with a specific provision, and that is the indirect automobile lending—a circumstance in which financing is arranged by someone who sells an automobile in their business to make the deal work for the consumer who wants to buy the automobile.

I would outline these five points: First of all, this ought to be a relatively easy decision because automobile dealers are specifically excluded from the provisions of Dodd-Frank. So, in my view, the Consumer Financial Protection Bureau had to work its magic to try to find a way to regulate the financing of automobiles that were arranged for by the automobile dealer in contravention to the law which says that automobile dealers are not covered by it.

I was not in the Senate at the time this amendment was offered. It was offered here in the U.S. Senate by my predecessor, Senator Brownback, and adopted as a provision in Dodd-Frank. It is very specific.

I just read the language of the exemption, the exclusion, before I came on the Senate floor. Again, it says that automobile dealers are excluded from the provisions of Dodd-Frank. Yet the Consumer Financial Protection Bureau found a way to get around direct law and, in that sense, the intent of the U.S. Senate and the House of Representatives when they passed Dodd-Frank. So just on its face, we ought to decide that the CRA is worth supporting because we are really reaffirming the decision that was made when Dodd-Frank was passed.

Second, the process the Consumer Financial Protection Bureau used—they didn't draft a rule and go through the rulemaking process, and they didn't put anything out for comment by the industry that would be affected or by the consumers who may pay more as a result of the passage or the enactment of this guidance. But they created something that regulatory bodies often do and tried to provide—the word is ''guidance.'' What they say they are doing is providing direction, without passing a rule, to those who might be affected by the rule, but as a result of just using guidance, no input was solicited, no input therefore could be given, and the Administrative Procedure Act was avoided.

I remember the Director of the Consumer Financial Protection Bureau was in front of the Banking Committee when he was asked: How can this be? His answer was simply: This is guidance, and the Administrative Procedure Act doesn't apply. Yet, as we have seen, the GAO has recently concluded that this is the same outcome, the same result as rulemaking would be and therefore subject to the CRA.

What that highlights for me is, in two instances already, the CFPB finagled and created a way to get to an outcome they wanted without following, in this case, the Administrative Procedure Act and, secondly, in violation of the statutory prohibition against having anything to do with automobile dealers. So for those two reasons, we ought to be opposed to the guidance that was directed to the automobile dealers and those who lend money at the direction of those automobile dealers.

The third item I would raise is what this guidance is designed to do is to prevent discrimination. What they claimed they were doing was to make certain that interest rates do not differ based upon a person's race. If that were the desired outcome, I would have no qualms. But because you can't ask a person's race, there is no way to know. So what the Consumer Financial Protection Bureau did was to create a computer program, an algorithm, in which they guessed what a person's race was based upon their last name—how it sounds—and, secondly, on their ZIP Code. Never was the Consumer Financial Protection Bureau able to provide the evidence that anyone had been discriminated against, only that if you use a computer program and run a bunch of numbers through it, the algorithm, based upon what a person's name sounds like—which I guess, in my mind, is discrimination in and of itself—and, secondly, the ZIP Code—perhaps the same thing could be said about that—determine what race a person is or was.

So the methods by which the Consumer Financial Protection Bureau determined discrimination were flawed. In fact, a bipartisan report indicated that 41 percent of the determinations were inaccurate, so not quite half of every time the algorithm guessed what the race of a borrower was, it was wrong. Yet that apparently was sufficient for the CFPB to believe they had a basis to determine whether someone was discriminated against.

I can't imagine that many Americans would find it comforting to know that only a computer program determines what somebody believes their race is, again, based upon a hypothetical and not upon actual facts.

Again, the method by which the guidance was used to determine discrimination was significantly flawed and a process in which I can't believe many Americans would find comfort.

What I would say, finally, is that elimination of the guidance—passage of the CRA today—would not do anything to change the prohibition against discrimination. It is not that if the CRA is adopted that discrimination now becomes legal; in fact, we all can agree that discrimination has no place in our society or in our economy. But the absence of this CFPB guidance does not make discrimination legal. It does not amend or modify the Equal Credit Opportunity Act nor does it change regulation B, which allows for enforcement of that act.

What we are trying to do is correct the mistakes by the Consumer Financial Protection Bureau under Dodd-Frank, which says that you can't deal with automobile dealers, correct the problems that the Consumer Financial Protection Bureau created by using an algorithm to determine discrimination, and at the same time, not do anything to change the prohibition, the illegality of discriminating against a person based upon that person's race.

Also, I think we can easily make the case that this kind of guidance, this effort by the Consumer Financial Protection Bureau, causes damage to the consumer, who therefore will not get the benefit of an appropriate rate of interest because of the fear of this guidance, which then, ultimately, results in just a standard interest rate for everyone.

Today we have the opportunity to correct a problem that was created in contravention of a law that used a flawed method to determine whether a person was discriminated against and to improve the circumstances that consumers face at a time in which every dime matters, so we should see improvement in the opportunities for people to borrow money and to buy an automobile for the benefit of themselves and their families.

I hope that my colleagues will join me, as they did on the motion to proceed, and that this CRA will be adopted over the next day or so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I rise in opposition to the motion. This is my second day in a row being on the opposite side of my friend Senator MORAN and Senator CRAPO, too, for that matter, but you have to do what you have to do.

Over the last year and a half, as we have seen time after time after time, Republicans in this Congress have made it pretty clear to the American people whose side they are on. They have used the Congressional Review Act—something nobody at home really knows about and something most of us didn't know anything about until we began to see at the White House these executive retreats every weekend for Wall Street executives. They have used the Congressional Review Act more than any other Congress in history to give handouts to big corporations at the expense of ordinary Americans.

It is not enough for Republican legislators to go to Senator MCCONNELL's office down the hall and cut deals giving tax cuts to the richest people in the country and giving tax breaks to General Motors, which promised that if tax cuts were given to the largest corporations in America, they were going to raise wages and hire more people.

Well, GM just announced—to its everlasting discredit—hundreds of layoffs at its Lordstown plant near Youngstown, OH. Hundreds and hundreds of people were laid off, perhaps permanently. We don't know, but the signs

aren't good. At the same time, General Motors in Toledo, because they make the transmissions for the Chevy Cruze in Youngstown, are laying people off. And then the Ohio Turnpike from Toledo to Youngstown, this long Ohio turnpike—one of the centers of the American auto industry—we will probably see layoffs in the supply chain. Even though they got a huge tax cut, written in the office down the hall, in Majority Leader MCCONNELL's office—they got a huge tax cut and lots of money in their pockets. What do they do? They mostly do corporate buybacks and stock buybacks. They share this money with their biggest stockholders.

So that is what happened with the tax cut. Now they are giving another handout to a big corporation at the expense of Americans. It is bad enough that we are considering this Congressional Review Act piece of legislation. We are considering a bill that would tell Wall Street banks and shady lenders that it is OK to discriminate against borrowers.

Somebody who looks like me can go to a car dealership and get a loan when they decide they are going to buy a Chevy Cruze. My wife and I have each bought a Chevy Cruze. I am going to go finance a Chevy Cruze, and I get a certain interest rate. We have seen data that shows that if somebody looks a little different from me—if they are African American, Latina, Asian American, or Pacific Islanders—they pay a higher interest rate. We know that is what the data says. But this body—from the last vote, it is pretty clear—they say that is all right, that if the dealer wants to charge higher interest rates to people of color, that is OK.

So it is bad enough that we are saying today and this body is giving its stamp of approval saying that it is OK to discriminate and to charge higher interest rates to people of color. I have said this in the Banking Committee before, and Senator CRAPO has heard me say this many times: The ZIP Code where my wife and I live in Cleveland, OH, had more foreclosures than any ZIP Code in the United States of America. There are reasons for that. Part of the reasons for that is who lives in my ZIP Code, mostly.

But it is not just that which today's legislation would do. It threatens thousands more protections for workers and families that are vulnerable to repeal by Congress.

Republicans have used the Congressional Review Act to repeal important rules that would have given low-wage workers access to retirement plans. So here in the Senate, we talk about caring about workers, we talk about the dignity of work, and we talk about helping people save for the future, but one of the provisions of the Congressional Review Act would have given low-wage workers access to retirement plans, and this legislation takes it away.

One of the other rules that were rolled back ensured that Federal contract employers had protections for their workers regardless of race, regardless of gender, regardless of sexual orientation. It ensured that women had the right to choose their own healthcare provider regardless of their form of insurance.

The Congressional Review Act repeals all of those rules.

They repealed the rule that would have guaranteed customers the right to a day in court when they were ripped off by a bank like Wells Fargo. Wells Fargo has a whole rap sheet of ripping off their customers. But we in this body said: Well, you shouldn't have done that, Mr. and Mrs. Wells Fargo, but we are going to let you do that on individual contracts.

So if you are wronged by Wells Fargo or any of these other big financial institutions, you don't get a day in court, sorry. That is what this body did.

It is the same with Equifax. We know what Equifax did. Equifax violated the privacy of pretty much half the people in North Dakota or Idaho or Ohio or in this whole country, but we said: That is OK, Equifax; just try not to do it again; and we let them off the hook.

Fortunately, too much time has passed for Congress to use the Congressional Review Act to roll back other protections the last administration put in place, but they now want to open up a whole new idea. They want to use a legal loophole to interfere with potentially thousands more Federal decisions, potentially going back as far as 20 years.

In order to clarify how laws work, Federal agencies—this is really in the weeds, but you know we have some pretty smart people here who figure out how to go in the weeds and find loopholes and exploit people and, frankly, hurt the little guy. Whether she works in construction or punches a time clock or works as a waitress in a diner in Garfield Heights, they find ways to screw the little guy.

So here is how it works. Federal agencies issue guidance to help people understand how the law protects them and to help businesses understand how to follow the law. Just last week, some of these smart people—my Republican colleagues—at a hearing decried the practice of enforcing the law without providing guidance in advance. This week, though—this week—some of those same smart Republicans want to start nullifying agency guidance, which would completely up-end the Federal programs that families depend on. And this is an anti-business decision, too, on their part. The businesses want the predictability, they want the certainty so they can follow the rules.

Under this crazy new plan, some of these very smart Republicans—and at least one of them is on the Banking Committee—under this new plan, they can ban Federal agencies from explaining how States administer Federal health insurance programs, programs like the Children's Health Insurance Program. They can undermine requirements to make sure that federally funded projects pay the local prevailing wages.

Today I went to breakfast with a number of iron workers and glaziers and laborers and electricians and pipe fitters and others who work with their hands and make a damn good living, with good benefits and good retirement for their families. You know what. They can use this newfound rule that these very smart Republican legislators figured out how to exploit to undermine pay and beat back local prevailing wage laws.

Republicans have used the Congressional Review Act to attack access to healthcare and worker and environmental protections. So it is no stretch. They have done it before. It is no stretch that they would do it again, only now there would be no limits on the types of agency actions they can target because they found this loophole and they can go back 20 years. The one we are working on today was handed down—this agency guidance was handed down in 2013.

So one of the first things Republicans want to do with this—they are just so excited with this new loophole—they found that they can go after people who don't have good lobbyists in Washington. They can go after people who won't contribute to their campaign. They can go after people who, frankly, struggle every day just to make a living in this country.

What is the first thing they do? They make car loans—it is clear what happens. They make car loans more expensive for women and for people of color. The bill sends a message to lenders across the country that if you are legally discriminating, go ahead, we are not going to stop you.

We created the Consumer Financial Protection Bureau to police Wall Street banks and other shady lenders who ripped off working families. Under its last Director, the Bureau returned $12 billion to 29 million Americans who had been ripped off by payday lenders and credit card companies and for-profit colleges.

The Consumer Financial Protection Bureau used to be a cop on the beat to protect consumers. We want a consumer bureau because we have the banks—$1 trillion, $2 trillion; Bank of America, JPMorgan Chase, Wells Fargo—these banks are trillion-dollar banks, some of them $2 trillion. So we have the banks here, and we have a lot of consumers who don't have a union or any protection, and they sign these contracts for a loan or something, and they don't really know what the fine print says. So that is why we have a consumer bureau—to protect those people.

Twenty-nine million Americans have benefited from it just since its creation less than a decade ago, and they have saved $12 billion. It used to be a cop on the beat. It used to issue reports warning consumers about industries that weren't following the law. It brought

tough enforcement actions. It identified discriminatory lending practices in auto loans and home mortgages.

We know discrimination is still a major problem for people of color who make the biggest investment of their lives: their house and their car—their house and their car, their two biggest investments, and you can legally discriminate in this country because of the way somebody looks. You can discriminate against them because of race, and now we are saying it is OK.

Look at what has happened in this country because they said that. Just a few months ago, the Center for Investigative Reporting released a report showing that redlining is still a problem in big American cities to this day. The National Fair Housing Alliance conducted tests and demonstrated that people of color were systematically offered worse loan terms for cars than White borrowers with the exact same credit seeking to purchase the exact same vehicle. But instead of working to root out this discrimination—you would think that is what we would all do, Republicans and Democrats alike. Instead, we are making it easier for banks to turn customers away or to take advantage of them based on the color of their skin. This is 2018, for gosh sakes. Why would we still be doing that?

This repeal could permanently weaken Federal anti-discrimination laws. These laws have been the law of the land for decades. These are the laws that brave Americans fought for during the civil rights movement. Do you remember when Congress passed the fair housing bill? The fair housing bill was passed a week after Dr. King's assassination, 50 years ago last week. You would think we would want to strengthen it, not weaken it.

I ask unanimous consent to have printed in the RECORD letters from the scores of civil rights and consumer and environmental and other organizations that vehemently oppose this legislation.

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

APRIL 16, 2018.

The undersigned organizations are strongly united in opposition to S.J. Resolution 57, sponsored by Sen. Moran (R–KS), which attempts to use the Congressional Review Act (CRA) to target regulatory actions by federal agencies that were issued well in the past and have been in effect for years or potentially even decades. We vigorously oppose any attempt by the Senate to subject the ''Bulletin on Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act''—issued by the Consumer Financial Protection Bureau (CFPB) in 2013—to a vote under the CRA. Many of us oppose repealing this important guidance on substantive grounds, but we join together today to focus instead on the procedural issue of using the CRA against a guidance that has been in place for years.

We oppose such a vote, as it would contravene the clear intent of the CRA to allow Congress to review and challenge recently finalized agency actions. This would set a dangerous precedent that would open the door for Congress to stretch the CRA to challenge a wide variety of settled agency actions that have been in effect for years or decades, particularly ''guidance documents'' that are not only crucial to protecting workers, consumers, minorities, the environment, and the economy but also to providing regulatory certainty for businesses and the public. Using the CRA, rather than regular legislative order, to attack years-old established guidance would be an extraordinary and egregious abuse of normal process—exactly the kind of rigged action on behalf of narrow corporate insiders that so infuriates Americans of all political stripes.

This Congress has already used the CRA in unprecedented fashion to repeal fourteen common-sense, carefully developed regulations that protect the public, including measures to protect internet privacy, women's health, retirement security, workplace safety, fair pay in the workplace, the environment and clean water, anti-corruption safeguards, and sensible gun control. Unlike the normal legislative process, the CRA is already problematic legislation which gives Congress the ability to strike down regulations that protect the public on behalf of narrow special interests without any congressional hearings and virtually no floor debate. The appropriate response would be for Congress to revisit this flawed process rather than expand it to undermine policies that were finalized long ago.

Applying the CRA to settled agency actions from the past would violate the clear intent and spirit of the law. The legislative history of the CRA makes plain its purpose: ''this legislation establishes a government wide congressional review mechanism for most new rules.'' As a procedural matter, Congress could have, and more appropriately should have, reviewed the guidance at issue here back in 2013 when it was issued by the CFPB, requested a GAO opinion at that time to determine its eligibility under the CRA and potentially used the CRA to challenge such guidance shortly after its issuance in 2013. Indeed, Congress has made multiple GAO requests regarding the applicability of the CRA to guidance documents when the guidance was originally issued or shortly thereafter. Subjecting these actions to the CRA now would fly in the face of congressional intent and stretch the law in ways that were neither anticipated nor expected by those who voted for it.

Moreover, it raises suspicions that this CRA challenge is being undertaken now, rather than following the issuance of the guidance in 2013, because there is a higher chance of success given the makeup of this Congress.

Moreover, applying the CRA to long-established guidance would be, simply put, wrongheaded. Guidance documents are often specifically requested by regulated entities and industry stakeholders in order to resolve uncertainties in the application of regulations to stakeholder business practices, including in the form of so-called ''No Action Letters''. Using the CRA to repeal guidance documents would imperil numerous past guidance documents that were not submitted to Congress under the CRA, including many that were specifically requested by regulated entities or stakeholders. Congress should act with caution, if at all, in using the CRA on guidance documents, but applying the CRA to longstanding guidance would be misguided.

Long-established guidance is not locked into place; when appropriate, it is a relatively simple matter for agencies to revise or repeal longstanding guidance. In fact, agencies have already begun the process of revising or repealing another guidance document that was the subject of a recent GAO opinion, the so-called ''leveraged lending'' guidance which ensures that big banks do not engage in risky lending practices that threaten the financial system, without any need for a CRA vote.

Given the long and growing list of legislative issues that need to be addressed by the Senate on an urgent and expedited basis, it is difficult to fathom why the Senate would choose to spend valuable floor time to repeal guidance under the CRA when such guidance could be effectively revisited, and if appropriate, repealed by the agency that issued it in short order and with limited procedural requirements. By bringing this vote to the Senate floor, it sends a message to the public that Congress is more interested in giving narrow handouts to special interests rather than addressing the real issues that impact hard-working Americans and their families.

We, the under-signed groups, strongly urge Senators to reject abusing the CRA to attack guidance documents that were issued years ago, and get back to solving real problems on behalf of the American public. We strongly urge you to reject S.J. Resolution 57.

Alaska Wilderness League, American Association for Justice, American Bird Conservancy, American Federation of Teachers, American Sustainable Business Council, Americans for Financial Reform, Center for American Progress Action Fund, Center for Biological Diversity, Center for Progressive Reform, Center for Responsible Lending, Citizens' Environmental Coalition, Clean Water Action, Coalition on Human Needs, Communications Workers of America (CWA), Conservation Lands Foundation, Consumer Action, Consumer Federation of America, Consumers for Auto Reliability and Safety, Defenders of Wildlife, Earthjustice.

EarthRights International, Endangered Species Coalition, Environmental Working Group, Family Equality Council, Food & Water Watch, Institute for Agriculture and Trade Policy, Interfaith Center on Corporate Responsibility, International Corporate Accountability Roundtable, League of Conservation Voters, NAACP, National Association of Consumer Advocates, National Association of Social Workers, National Audubon Society, National Black Justice Coalition, National Center for Lesbian Rights, National Center for Transgender Equality, National Consumer Law Center (on behalf of its low income clients), National Employment Law Project, National Law Center on Homelessness & Poverty, National LGBTQ Task Force Action Fund.

National Organization for Women, National Women's Law Center, Natural Resources Defense Council, Network for Environmental & Economic Responsibility of United Church of Christ, Northcoast Environmental Center, Progressive Congress Action Fund, Public Citizen, Publish What You Pay—US, Safe Alternatives for our Forest Environment, Soda Mountain Wilderness Council, South Umpqua Rural Community Partnership, Tennessee Citizen Action, Texas Appleseed, The Center for Auto Safety, The Lands Council, The Wilderness Society, U.S. PIRG, Umpqua Watersheds, Inc., Union of Concerned Scientists, United Steelworkers, Western Environmental Law Center, WildEarth Guardians, Woodstock Institute, and Young Invincibles.

APRIL 16, 2018.

Majority Leader MCCONNELL,
Russell Senate Office Building,
Washington, DC.
Minority Leader SCHUMER,
Hart Senate Office Building,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: We, the undersigned civil rights and consumer advocacy

organizations, ask you to oppose S.J. Res. 57, the Congressional Review Act (CRA), introduced by Senator Jerry Moran (R–KS), intended to undo the Consumer Financial Protection Bureau's (CFPB or Consumer Bureau) Indirect Auto Lending Guidance, published over five years ago. This resolution is the latest in a series of attempts to chill federal efforts to end widespread unlawful discrimination. Discrimination in the auto lending market is well-documented and results in people of color paying more for years to finance a car purchase. This CRA would also set the dangerous precedent of undoing long-standing federal agency guidance—an expansion of the use of the Congressional Review Act, and certainly beyond its original purpose of narrowly reviewing regulations soon after they were enacted.

The Consumer Bureau's 2013 indirect auto lending guidance put auto lenders on clear notice that the Equal Credit Opportunity Act (ECOA) makes them liable for discriminatory pricing on auto loans they acquire from auto dealers. ECOA makes it illegal for a creditor to discriminate in any aspect of a credit transaction on the basis of race or other protected bases; indirect auto lenders are creditors under ECOA.

Discrimination in auto lending has long been widespread, and a significant culprit is the discretionary dealer mark-up. Three-fourths of all consumers use a loan to purchase a car, and 80% of auto loans are financed through the auto dealer. The auto dealer may provide that financing directly or it may facilitate indirect financing by an indirect third-party lender. In indirect auto financing, the dealer usually collects basic information regarding the applicant and uses an automated system to forward that information to several prospective indirect auto lenders. The indirect auto lender establishes a ''buy rate'' for the customer. The dealer can then add as much as 2–2.5% to the buy rate and keep some or all of the difference. These mark-ups have been found to add over $25 billion to the total loan cost of auto loans made over the course of one year.

The discriminatory impact of this discretionary practice has been researched and documented, time and again. In the mid–1990s, a series of lawsuits were filed against the largest auto finance companies based on data showing that that borrowers of color were twice as likely to have their loans marked up and paid markups twice as large as similarly situated white borrowers with similar credit ratings. The CFPB's own investigations found that borrowers who identified as African American, Latino, and Asian/Pacific Islander paid between 20 and 36 basis points more for their loans than similarly situated white borrowers, adding between $150 and $300 in additional interest over the life of those consumers' loans.

We have seen the evidence that enforcement against auto lending discrimination has resulted in real benefits to wronged borrowers of color. As a result of its investigations, the Consumer Bureau, jointly with the Department of Justice, took enforcement action against Ally Financial, Honda, Fifth Third Bank, and Toyota, which resulted in restitution to wronged borrowers of over $140 million. These lenders also agreed to adjust their pricing models by limiting the amount of their dealer mark-ups—real evidence of progress in the fight against a discriminatory lending practice. Of note, the 2013 guidance also explains that lenders can address fair lending risk by paying compensation to dealers in ways other than allowing them to mark up the interest rate.

Discrimination in auto lending continues to be a very real problem. In early 2018, a study conducted by the National Fair Housing Alliance (NFHA) paired white and non-white testers to visit auto dealerships and shop for the same car within 24 hours of each other. The study found that, more often than not, the better qualified non-white applicant was offered higher cost pricing options than the less qualified white applicant, resulting in those non-white borrowers paying on average $2,662 more than the white borrowers over the life of the loan. Additionally, NFHA found that 75% of the time, white testers were offered more financing options than non-white testers. These statistics further prove the need for continued vigilant enforcement against violations of ECOA, as well as clear expectations for industry like the 2013 guidance provides.

Auto loans are the third most prevalent form of debt among U.S. residents after home and student loans. Discrimination in auto lending contributes to credit access disparities and to the racial and ethnic wealth gap. This CRA would send the wrong message to the auto industry and to the American people.

In addition, CRA has never been used to undo longstanding guidance, and it was not intended to be used this way. Permitting CRAs to undo longstanding guidance opens the door to regulatory uncertainty across the federal regulatory environment and across a range of U.S. markets as a result.

We urge you to oppose S.J. Res. 57 and keep the federal government's commitment to rooting out racial discrimination clear.

Thank you for your consideration. If you have any questions please do not hesitate to contact Cheye-Ann Corona, Senior Policy Associate with the Center for Responsible Lending,

Sincerely,

Allied Progress, American Federation of State, County, and Municipal Employees, Americans for Financial Reform, Arkansans Against Abusive Payday Lenders, California Reinvestment Coalition, Center for Responsible Lending, Color of Change, Consumer Federation of America, Consumers Union, Impact Fund, Lawyers' Committee for Civil Rights Under Law, NAACP, NAACP Legal Defense and Educational Fund, Inc.

NACA—Ohio State Chair, National Association for Equal Opportunity in Higher Education (NAFEO), National Association of Social Workers, National Community Reinvestment Coalition, National Consumer Law Center (on behalf of its low income clients), National Urban League, Public Citizen, Public Good Law Center, Public Justice Center, Texas Appleseed, The Leadership Conference on Civil and Human Rights, U.S. PIRG, UnidosUS, and United Church of Christ.

Mr. BROWN. Mr. President, Americans for Financial Reform called this resolution ''a deeply troubling piece of legislation that will leave millions of people of color at the mercy of auto-dealers and lenders with a long history of racial discrimination.''

I know a lot of auto dealers, and I am sure my friend from Idaho, Senator CRAPO, does as well. We all do. Most of them don't do this, but some of them do, and why are we allowing the some of them who do to continue to do this?

If Republicans are willing to use this loophole that a few very smart Republicans uncovered—this loophole that they went down in the weeds and figured out how to exploit—if they are willing to use this loophole to attack our basic right to equality, there may be no end to the other consumer protections they can repeal. Big corporations could be free to take advantage of customers with little to rein them in, with fewer consumer protections and with fewer environmental protections.

Think of the progress we have made in this country because of consumer protection, because of strong safe drinking water laws, and because of strong clean air laws. I live 10 miles from Lake Erie. I know about the progress, in part because we passed strong laws for environmental protection. I know what we have done to clean up Lake Erie.

The Great Lakes are 20 percent of all the ground and surface freshwater in the world. I look at what we have done as a society. Do we want to go back on this as the President cuts funding to clean up the Great Lakes? The EPA issues guidelines today to ensure that corporate polluters aren't putting communities in danger by contaminating the air they breathe or the water they drink. States rely on Federal guidance—the key word—so they can work with the Federal Government to provide healthcare to families and children. Workers rely on guidance from the Department of Labor to make sure they are getting fair pay in a safe workplace. But under the legislation before us today, those protections could be stripped away in the future, one by one by one.

Every time somebody here wants to do a favor for their favorite special interest group, they can go down to Senator MCCONNELL's office, probably pick up a ticket—because there is probably going to be a line, with all the lobbyists going in and out—they will pick up a ticket to say, which special interest group can I do a favor for today, and they will find another one.

For the millions who lost their jobs, for the millions who lost their homes in the financial crisis a decade ago, for the millions who are struggling to build their retirement with wages that haven't been growing for more than 20 years, it is already hard enough to get ahead. We should be making it easier for them, not harder.

I ask for a ''no'' vote.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

TAX REFORM

Mr. THUNE. Mr. President, today is tax day, not typically a day of celebration for anyone, with maybe the exception of the IRS. But this year there is—believe it or not—something to celebrate because tax day 2018 marks the end of the old tax system.

Next year, Americans will be filling out their taxes under the new tax system that was created by the Tax Cuts and Jobs Act. That means that they will be paying less in taxes and keeping more of their hard-earned money.

If anything became clear during the last election cycle, it was that the economy was not working well for American families. In CNN exit polling, 62 percent of voters rated the economy as poor, and that wasn't surprising. The Obama administration was tough for American workers. Job creation was sluggish, wages were stagnant, and economic growth lagged far behind the pace of other recoveries. Opportunities for workers were few and far between. It is no wonder that so many hard-working Americans felt like they had been left behind.

Republicans were listening, and one of our top priorities in this Congress has been improving the economic outlook for the American people, which is why last fall we took up tax reform.

The Tax Code may not be the first thing people think of when they think of economic prosperity, but it actually plays a key role in determining the success of individual families and of our economy as a whole. The more money the Federal Government takes from you in taxes, the less money you have to pay bills or to buy a house or repair your car or save for retirement. The more money a business has to give to the Federal Government, the less money it has to grow the business and to invest in its workers.

So when it came time to draft a tax bill, Republicans had two goals. First, we wanted to put more money in the pockets of hard-working Americans right away. Second, we wanted to create the kind of economy that would give Americans access to economic security over the long term.

Now, I am proud to report that the Tax Cuts and Jobs Act has already achieved the first goal and is well on its way to achieving the second. To put more money in Americans' pockets, we lowered tax rates across the board and nearly doubled the standard deduction—the amount of Americans' income that is automatically free from taxation.

We also acted to provide relief for parents, who are doing the hard work of raising the next generation, by doubling the child tax credit and allowing more parents to claim the credit. We eliminated the individual mandate tax, which disproportionately hit low-income families. We also made sure to protect key retirement savings plans—401(k)s and individual retirement accounts—and we improved education savings accounts, allowing families to use their 529 plans to save for elementary and secondary as well as higher education.

Thanks to the IRS's new withholding tables and its new withholding calculator, Americans have already started seeing the new tax relief in their paychecks.

For a lot of Americans, that is not all they are seeing in their paychecks. A lot of Americans are also seeing pay increases or bonuses thanks to the Tax Cuts and Jobs Act.

That brings me to our second reform goal, which was creating the kind of economy that would give Americans access to economic security and prosperity for the long term. We knew that the only way to give Americans access to real long-term economic security was to ensure that they had access to good jobs, good wages, and real opportunities. We knew that the only way to guarantee access to good jobs, wages, and opportunities was to make sure that businesses had the ability to create and maintain them.

But before the Tax Cuts and Jobs Act, our Tax Code wasn't helping businesses to create jobs or to increase opportunities for workers. In fact, it was doing the opposite, and that had real consequences for American workers.

A small business owner struggling to afford the hefty annual tax bill for her business was highly unlikely to be able to hire a new worker or to raise wages. A larger business struggling to stay competitive in the global marketplace while paying a substantially higher tax rate than its foreign competitors too often had limited funds to expand or increase investment here in the United States.

So when it came time for tax reform, we set out to improve the playing field for American workers by improving the playing field for businesses as well. To accomplish that, we lowered tax rates across the board for owners of small and medium-sized businesses and farms and ranches. We lowered our Nation's massive corporate tax rate which, up until January 1, was the highest corporate tax rate in the developed world. We expanded business owners' ability to recover investments they make in their businesses, which frees up cash they can reinvest in their operations and their workers.

We brought the U.S. international tax system into the 21st century by replacing our outdated worldwide system with a modernized territorial tax system so that American businesses are not operating at a disadvantage relative to their foreign competitors.

The goal in all of this was to free up businesses to increase investments in the U.S. economy, to hire new workers, and to increase wages and benefits, and that is exactly what they are doing.

In response to the Tax Cuts and Jobs Act, more than 500 companies across this country, and counting, have announced good news for American workers. Company after company has announced pay raises, bonuses, 401(k) match increases, and other benefits.

Others are expanding their businesses and investing in new equipment and facilities. Still others are passing tax savings on to their customers in the form of things like utility rate cuts. That means more money for Americans now and more money for Americans in the future.

Tax day may never be a fun day, but Americans can take heart because thanks to the Tax Cuts and Jobs Act, next year's tax day is going to be a lot less painful.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise this afternoon to address the CRA we voted to proceed to and on which we will vote for final passage tomorrow. It is a Congressional Review Act resolution that will allow us to repeal an ill-conceived CFPB regulation.

Let me start with just a word about the CFPB because this is an agency that is fundamentally flawed in its design and has been so since day one.

First, there is a single individual director. There is no bipartisan commission. There is no board. There is no need for consensus. There is one-man rule.

Secondly, this one individual can only be removed for cause. He is part of the executive branch, but the Chief Executive can't fire him. This makes no sense.

Finally, the entire CFPB—this huge regulatory agency—is subject to no meaningful oversight. They are not dependent on Congress—the people's representatives—for taxpayer funding. They just draw whatever they want out of the Fed, which means the Fed has that much less to hand over to the Treasury. An individual, rather than a commission, no ability to remove, except for cause, and not subject to appropriation—it is a recipe for a disaster. That is what we have had.

It is not just my opinion, by the way. A three-judge panel of the DC Circuit Court of Appeals ruled that this structure is fundamentally unconstitutional. I will quote briefly from their decision. They said: ''The CFPB's [concentration of] enormous executive power in a single, unaccountable, unchecked Director not only departs from settled historical practice, but also poses a far greater risk of arbitrary decision making and abuse of power, and a far greater threat to individual liberty, than does a multi-member independent agency.''

Fortunately, we have an Acting Director at the moment who gets this. Mick Mulvaney has testified about these very flaws in the CFPB and suggested, as many of us have, at least some structural reforms, making the CFPB subject to appropriations so Congress has meaningful oversight; requiring that the major rules they pass be subject to a legislative approval, which is Congress taking responsibility for the action Congress delegates; giving the President the ability to hire and fire a Director; and having an independent inspector general so we have a watchdog.

This is the least we should do. Our colleagues on the other side have not been willing to agree to any of them, so we have this badly flawed agency. It shouldn't be surprising that a flawed structure leads to badly flawed policies. That is why we are here discussing this CRA. It is about the indirect auto lending guidance, as it is called, that the CFPB issued some time ago.

Let me explain a little bit about what this is. Indirect auto lending—what is that? Direct auto lending is what you might think. It is when a consumer, a buyer—someone who wants to buy a car—goes to a bank and lines up financing from the bank. That would be direct auto financing. Indirect auto financing is when the car dealer provides the arrangement of the financing for you. The actual financing is ultimately performed by a lending institution, but the car dealer makes the arrangements.

Indirect auto loans are actually very good for consumers for a variety of reasons. No. 1, it is very convenient. You don't have to shop around to a bunch of banks, as well as a bunch of car dealers. You get one-stop shopping, and you have both.

No. 2, it tends to be more competition for the consumers' loan. How many banks are you going to realistically go out and visit when you are attempting to line up your financing? But the car dealer can routinely canvass all the available lending options and make sure the consumer gets the best possible deal.

Finally, as a routine matter of practice, dealers have always been able to discount the loan as one of the negotiating provisions in a multipart transaction. That is important to stress here. The nature of the car-buying experience—for any of us who have done it—very typically, there are several moving parts, several transactions. There is the purchase price you negotiate for the vehicle you are buying and the trade-in value for the vehicle you are parting with. There is the value of other services you may negotiate for. It is not possible to judge the overall economics of a transaction like this unless you know all of the components. The interest rate you pay on the loan is but one of several important components.

Along comes the CFPB. In December of 2013, they issued a bulletin that is an attempt to regulate the indirect auto lending. In this, they warned lenders of a disparate impact liability.

Let me explain briefly what this means. First of all, if lending policy is discriminatory, it is illegal. If there is discrimination on the basis of any protected class—and that would include race, sex, age, gender, and other things—it is illegal. What the CFPB came along and said is, even if the lending policy is not discriminatory—not on its face, it is nondiscriminatory—you can still be liable for the violation of the law if the CFPB thinks there is a protected class, some category of people, who are paying, on average, a higher interest rate on their loan. This is the disparate impact theory the CFPB used in order to attempt to end the ability of auto dealers to discount loans as part of a negotiated transaction on a car purchase.

Why is this so problematic? There are two categories. First is the very process by which the CFPB came up with this rule. First of all, it is actually a guidance, not a rulemaking. What does that mean? That means they chose not to follow the law, the Administrative Procedure Act, that requires an agency go through a very systematic and public process of getting a lot of input and review on a proposed law, proposed rule, before it goes into effect.

For very good reason, we require regulators to get public input, to give experts, consumers, and people engaged in the business the opportunity to examine the rule under consideration and provide some feedback as to whether there might be unforeseen consequences or flaws in it. They did none of this. The CFPB did not consult with the other regulators, as they are required by Dodd-Frank, nor did they do a cost-benefit analysis, which is also required by Dodd-Frank. They surprised the industry and the consumers by fundamentally reinterpreting how the anti-discrimination legislation would be interpreted.

Why did they do this? Why did they take this approach? Why did they circumvent the Administrative Procedure Act? It is a convenient way to avoid scrutiny. It is a convenient way to impose one's will without public scrutiny, without any analysis.

This is a very bad process and, not surprisingly, the outcome is equally bad. The methodology they used to determine discrimination on the basis of race is really amazing. Since there is no information about the race of a borrower in financing for a vehicle, the lenders don't know the race of the borrowers, literally. They have no idea. Neither does the CFPB, but that didn't stop them from alleging racial discrimination. They developed a methodology, a system, where they attempt to guess the race of a car buyer who is financing the purchase of a car through a loan. They tried to guess their race based on the last name and geography. They assign a probability to a person being African American or Hispanic or European American or whatever based on a surname and geography.

This is a wildly flawed process, which quite predictably led to huge errors. Independent, outside analysis has concluded that their error rates could be as high as 40 percent. So 40 percent of the people they would designate as African American, in fact, are not, or 40 percent of the people they would designate as European American, in fact, are not. It is not just that they got their guesstimate wrong about race, but the manner in which they got it wrong led to the wrong and erroneous conclusion. In other words, there were systemic flaws that completely invalidated their conclusions.

Finally, and maybe in some ways most important, they willfully chose to ignore all the other components of the transaction. They allege that someone was adversely impacted because they paid a higher rate of interest on a loan, but they have no idea what the purchase price on the vehicle was. They have no idea what the trade-in was for the used vehicle. They have no idea what other services were being offered.

This gets worse. The CFPB decided they needed to make an example of someone so they could terrorize the industry into ending this practice of discounting interest rates, and they found a good victim. The Federal Government owned about 74 percent of Ally Bank at the time. They had an application before the Fed to change their corporate organization, which they needed to do. They needed to complete that; otherwise, they would have to shed whole business lines. It is a long, complicated story. Suffice it to say, Ally Bank's future existence, as it was formed, depended on an approval from the Fed for what should have been a routine change in corporate structure. The Fed made it clear they weren't going to grant that change until there was a settlement with the CFPB, so Ally Bank was over a barrel. That was exactly what the CFPB wanted. Five days before the deadline, which would have required Ally Bank to divest itself of whole categories of business, the CFPB shakes them down for $100 million. Four days later, the Fed approves the application. The CFPB found its opportunity, made its example, and it had a chilling effect on the market.

Let me wrap this up with what we are talking about here. It is an unaccountable, out-of-control agency that circumvented the proper rulemaking process in order to avoid public scrutiny about what they were trying to do. They imposed their will on an industry that the Dodd-Frank legislation explicitly forbid them from regulating. They developed a badly flawed methodology to allege discrimination on the part of lenders on the basis of race, despite the fact that the lenders didn't know the race of the borrowers. They picked a victim who couldn't fight back. They hit the victim with a $100 million fine without the CFPB knowing that any individual was actually unfairly treated by Ally Bank. It didn't matter.

Who ultimately pays the price for this kind of behavior? The very consumers the CFPB is supposed to be serving. Under this very flawed rule of the CFPB, the goal was to effectively prevent auto dealers from being able to discount the interest rate on a loan, being unable to compete with a bank down the road that might be offering a lower rate, being unable to negotiate a term that might be helpful to a borrower.

Consumers under the CFPB's rule have fewer options, less flexibility, reduced access to credit, and higher costs. That is why Congress should overturn this. This is our opportunity to set this right. The House voted 332 to 96 to repeal this rule. We can do this tomorrow.

Our colleagues on the other side of the aisle have complained about the use of a CRA in application to a guidance issue. Our Democratic colleagues

themselves attempted to do this exact same thing with respect to a chip guidance that was issued some years ago, and they were perfectly OK with it then. I don't see why they can't be OK with it now.

It is important to note what this resolution does not do. It does not change, in any way, the legitimate enforcement of the Equal Credit Opportunity Act. It doesn't amend that act. It doesn't change regulation B. The enforcement of the Equal Credit Opportunity Act would simply continue as it had gone for 30-plus years. Discrimination in credit providing has been illegal and will continue to be illegal when we successfully pass this CRA.

I thank Senator MORAN and Will Ruder from his staff, John Crews from my staff. I thank Terry van Doren from Leader MCCONNELL's staff for his help. I urge my colleagues to vote in favor of this important Congressional Review Act resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

TAX REFORM

Mr. PERDUE. Mr. President, today is tax day, 2 days later than April 15 actually, but nonetheless, today is tax day. I rise to speak about the impact of what we have done over the last 15 months to affect the future of our free enterprise system in America. When President Donald Trump took office last year, he set out with three clear priorities. Under the major objective last year, job one was to grow the economy. To do that, he charged us in Congress to focus on three things: regulations, energy, and taxes. In addition to those three, we were supposed to try to get to Dodd-Frank and take away some of the pressure on small banks and regional banks, which we have done this year in the Senate. Just a few weeks ago, we passed a bill. The reason that is important, those four things will free up some estimated $6 trillion in potential capital investment that has not been at work in our $20 trillion economy.

What we have just done with regulation, energy, and taxes will free up or have the opportunity to free up the $6 trillion. That is huge in this economy. In the regulatory environment last year, well over 860 regulations were reversed. It is the largest in history. Concrete steps have been taken to unleash our country's full energy potential, including with ANWR, the Keystone Pipeline, and adjustments to the Clean Power Plan and the waters of the United States, just to mention a few.

Finally, historic changes to the Tax Code were signed into law by President Trump. It used to be that today was a bad day in America, and we all dreaded it. It was the day we had to turn our taxes in. This year, it is actually a day of good news in that this is the last time the American people will have to file their taxes by using the old, outdated tax system that has become so archaic and so noncompetitive with the rest of the world. These changes to the Tax Code will bring relief to American workers and businesses. The average, median-income household in America—a family of four—will see its taxes reduced by about $2,000 a year, or more than half.

The change to the Tax Code of making our tax rate more competitive is making American-made goods much more competitive on the world stage. The greatest hindrance to and the greatest tax on the American worker in years past was this archaically high corporate tax rate. People said: Well, we just pushed all of those profits to the corporate entities. No, this is the greatest thing we could do for the American worker—to help them become more competitive with the rest of the world, to give them a level playing field. That is what we did in this tax bill.

We are already seeing the early positive results. Over 2 million new jobs have been created since President Trump took office, and consumer confidence is at a 17-year high. As an ex-retailer and a person who has worked with consumer products and in manufacturing for most of his career, I have watched this index. This is phenomenal to be at a 17-year high this early in this turnaround. It bodes well for the future of what we have just done.

CEO confidence is at a 20-year high. Some $2 trillion in overseas profits has potentially been unlocked to be made available now for capital investment back in this country. Yes, we already see public corporations making public statements in their quarterly earnings reviews about the capital investment plans they are laying out. We see investment increases being announced every month from public companies in America today. There is no question that businesses are beginning to bring those profits home and investing in our economy.

Nationally, in addition, over 4 million Americans have received bonuses and wage increases. Over 500 businesses have taken positive action, be it by giving out bonuses, raising wages, increasing 401(k) matches, or increasing their overall investments in their companies.

As a matter of fact, another benefit is that most of these public corporations have major foundations that do philanthropic work—tremendously constructive philanthropic work. Most of these companies that have made these announcements about their own financial well-being and those of their employees have also dramatically increased their contributions to those philanthropic efforts and those trust funds.

In my home State of Georgia, dozens of companies are taking action because of these changes to the Tax Code, and they are making these statements public. Just go to any public corporation today that is in its latest quarterly return and look at what it is saying about how this tax change affects its business and the future of its employees. This is huge.

It is also huge for the entire country because we are much more competitive today than we have been. For years the Tax Code was working against American workers and our entire economy. It was crippling small businesses' ability to expand their companies and hire more workers. It was damaging our ability to compete with the rest of the world. Changing the Tax Code last year was the single greatest thing we could have done to have unleashed economic growth this year, and we are just getting started.

I have been through some of these large turnarounds, and I characterize this as a mega turnaround. After 8 years of the lowest economic growth in U.S. history, we are now on the rebound. That is so important for the future of our country in the long term. We have a $21 trillion debt today, as the Presiding Officer knows. One of the things we have to do in order to dig our way out of that is to get our economy healthy again. As documented by the CBO, or the Congressional Budget Office, a 1-percent growth in GDP will yield $300 billion of Federal revenue every year. That is $3 trillion over the next decade. With the projection that we are going to add $10 trillion to the debt over the next decade just from decisions that have been made over the last decade, we can see that just growing the economy alone is not enough to solve this debt crisis.

There are some in this body who have argued that this has been nothing but a boondoggle, nothing but a huge deficit-increasing exercise. Yes, there were identified costs included with this, but what was not considered by the CBO was the long-term return on investment, the leverage effect of that return on investment, or the leverage effect of this returning profit situation that we have coming back from the changes in the repatriation law. In addition to that, the CBO disagreed with using the impact of foreign direct investment, which I really don't understand.

I am proud that we got this tax bill done, and I know that the positive impact is really just beginning. There are other things we must do to deal with our national debt in the long term, like fixing our budget process, cutting back on redundant agencies, saving Social Security and Medicare, and finally getting after the spiraling nature of the underlying drivers of our healthcare costs and not just the insurance of it.

This wouldn't be happening without these changes to the Tax Code, however, and without a President with a new perspective in the White House. President Trump worked in the real world for decades, and he brings that sense of urgency to the White House. Today he is working at a business pace, not at a bureaucratic pace, and he is committed to keeping up the positive momentum.

This year, the pressure is on the other side because, right now, as we are

trying to deal with immigration, the labor issue might be a constraining factor in the ultimate growth of this economy, and we need to deal with that. For different reasons, both sides believe we need to be investing in infrastructure. I will remind my colleagues in this body that it was just in 2011 when this government threw $1 trillion into our economy. I would debate the benefit of that particular investment because it was not thrown at those stimulative issues that would grow the economy.

Today, America deals with a new world. The world situation has never been more dangerous. The best thing we can do for our military and for our people is to get this economy moving again and create a level playing field around the world to help our trade situation. That is what the President is trying to do right now—to create a more level playing field so as to grow our economy, fix our budget process, and deal with the spending issues that we have here at home.

I am excited to be a part of the Joint Select Committee on Budget Process Reform, which is charged with changing the way we fund the Federal Government every year. I am hopeful that will lead to a new budget process that will allow us to avoid the continuing resolutions and the omnibuses by which five or six people get in a room and decide how to spend $1 trillion. The tax changes alone will not dig us out of this debt crisis. We knew that this was the first step in getting it going, and I am delighted with the impact that it is having on our economy today.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

RECESS

Mr. PERDUE. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:30 p.m. today.

There being no objection, the Senate, at 4:21 p.m., recessed until 5:33 p.m. and reassembled when called to order by the Presiding Officer (Mr. RUBIO).

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION—Continued

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I am here to give some brief remarks about what we are on right now, which is a Congressional Review Act vehicle to reconsider agency guidance. There is nothing that sounds more arcane and wonky than that.

The issue at hand has to do with disparate treatment of people when they go in to get a car. There is plenty of evidence that Black and Brown people are taken advantage of and treated more poorly in the credit context than White people. So the CFPB went to collect data and to require that people be treated fairly.

I will be voting against this CRA vehicle, but I actually think there is a bigger, broader, more concerning issue. I am going to try to work with the Parliamentarian's office and with the leadership of both parties to try to address it. Although it is arcane, it is very worrisome for the Senate itself.

The Congressional Review Act passed in 1996. The idea was straightforward: All rules have to have some authority beyond the desire for the agency to want to promulgate rules. It is subject to review by the Congress. In other words, if you don't like what an agency is doing, now there is a pathway called privileged, which allows the Congress to go ahead and overturn that rule. In the Senate, it is especially important because it is not subject to a 60-vote threshold. This is a big deal. This allows Congress to say any time there is a rule made: We are going to overturn it with a bare majority threshold. That was the will of the Congress, and that is Federal law.

Here is how the statute works. The rule gets submitted to GAO and Congress, and then a clock starts and a bunch of statutory triggers go. I dug into this over the last 10 weeks. Suffice it to say it is very complicated. There is a strict timeline, and there are 60 legislative days to take action. And because we are the legislative branch of the Federal Government, legislative days are not actual days; it ends up taking four times that long.

The important part is that there is a process that is prescribed for that, and there is a timeframe that is prescribed for that. That is the authority the Congress gave itself in 1996. That authority is very clear about two things:

First, it is meant to apply to rules, which are binding, and it is meant to have legal force. The CRA gives the Congress a way to weigh in when an agency's interpretation of the law conflicts with the legislative intentions.

Second, it only applies to rules that were recently promulgated. In other words, they specifically envisioned that a clock would run. The rule gets submitted to Congress, the clock runs, and if the Congress likes the rule or if there is not sufficient will to overturn the rule, then the rule stands. If the Congress doesn't like the rule, then a Member can introduce a CRA resolution of disapproval, and we act on it.

This is why what is happening right now is totally nuts. What is happening right now is not what we have normally done with CRAs. What is happening right now is that we are submitting agency guidance—not a rule but agency guidance—which has no legal force, to the same procedures as the rules under the Congressional Review Act. The guidance in question is implementing guidance for a statute that is 50 years old. The guidance came out 5 years ago. The law that it is implementing is 50 years old. It is a piece of guidance. It is literally interpretation of an existing law for the public. And now we are going to overturn the interpretation of an existing law from an executive agency. We are not overturning a rulemaking.

When you go through the rulemaking process in the executive branch, it takes anywhere from 12 to 36 months. There is a rigorous process. It is sort of quasi-judicial, and you have to really check all the boxes and do it right. Otherwise, you get sued under the Administrative Procedure Act. None of that happened. This was just guidance.

So now, if the Parliamentarian and the GAO and everyone else decides that the CRA applies to guidance, then the time limits on CRA don't matter at all, and the interpretation of this statute is rendered absurd.

I will point out that this is not the most well-crafted Federal law on the books. It is very difficult to interpret this Federal law, so I sympathize with the Parliamentarian and GAO and the leadership of both parties, who are trying to make sense of a statute that is unclear in some places. But when a statute is unclear, you are supposed to interpret the statute in a way that the statute functions. Right now, what we are doing is we are rendering the statute essentially absurd because if it is a rule, you have a strict time limit. If it is guidance—and I am not sure, if it is guidance, why that wouldn't also apply to an agency circular or an executive memorandum for the Under Secretary. All of this could be subject to tens of thousands of pieces of guidance and rules and views, and whatever is considered policymaking could be subjected to a Congressional Review Act action. I think that is completely bananas.

We are going down a path where Congress can take an administrative action that has been done in the last 22 years and subject it to the CRA, and you will not need 60 votes. This is bad for our institution. I can't stress that enough. I understand that this is not the kind of thing that people across the country are going to be deeply passionate about and march on the streets about and be motivated to vote on, but we are in the Senate, and we have an obligation to safeguard the way this institution operates.

I am deeply afraid that if we subject every piece of administration guidance—and remember, the door swings both ways in Washington. We will have a Democratic Senate. Who knows when, but we will have a Democratic Senate and we will have a Democratic House, and we can scour everything that every Republican administration has done since 1996 pursuant to any law made at any time in our American history and subject it to a majority vote.

I think the last thing this institution needs is a new opportunity to go down new rabbit holes on partisan issues and a new opportunity to fight on small things and not deal with the biggest challenges of our time.

I am going to oppose this on the merits, but I am more worried about what we are doing to our institution. Right now, the Senate is not functioning at a high level. We have not had any open amendment process except vote-arama, which I think 100 Senators would agree is a useless process. So the regular order, which was called for by the then-minority leader when he was criticizing Majority Leader Reid, is nowhere to be found. I am not blaming him. I am not blaming anyone in particular. But I am saying that when there is an opportunity to at least prevent this institution from falling further, we should take that opportunity.

I understand we are not going to be able to intervene in this moment and stop this CRA, but let the record reflect that I do not accept that a precedent is being set. This has not been refereed yet. We have not fully had a conversation with the Parliamentarian and GAO about what exactly CRA is supposed to mean and how it is supposed to operate. If it is supposed to operate in an absurd way, I think we have a lot of work to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

TAX REFORM

Mr. HELLER. Mr. President, first of all, happy tax day—three words that probably don't usually go together. I will share that anyway because the reason I am up here is that for the first time in more than three decades, Congress overhauled our Tax Code, and that is what distinguishes this tax day from the ones that came before it. This is the last time Nevadans will file their taxes under the broken system of the past.

You don't have to look too far to see the positive impacts of our new tax laws. They are already having an impact on the people of my home State of Nevada. Nevadans and Americans throughout the country have already benefited from keeping more of their hard-earned money. In fact, more than 1 million Nevadans saw their paychecks get bigger last month because we doubled the standard deduction and we doubled the child tax credit. Taxpayers in every income category received a tax cut under this bill.

Furthermore, since President Trump signed the Tax Cuts and Jobs Act into law just a few months ago, more than 500 companies throughout the country have committed to giving their workers bonuses, pay raises, and enhanced benefits as a direct result of tax reform. Let me share a few of those in my home State. About 11,000 Nevadans got a raise. Roughly 13,000 Nevadans received special bonuses of up to $2,000. Up to 25,000 Nevadans may benefit from college tuition assistance, increased pension funding, expanded maternity and paternal leave, and more paid holidays. More than 10,000 jobs are expected to be created in Southern Nevada alone.

So it is no surprise that Nevada was recently ranked second among States when it comes to middle-income families who benefit the most from tax reform.

Let me give you a few examples of how this new law is impacting Nevadans. South Point Hotel Casino and Spa doubled bonuses for its 2,300 full-time workers.

The Prospector Hotel in Ely gave its employees a $500 bonus and raised its starting wages.

McDonald's, which has around 9,000 employees in my State, is expanding its education benefits program, tripling the amount of money eligible workers can receive to help cover the cost of college tuition.

Lowe's Home Improvement, which employs more than 2,000 Nevadans, announced it is expanding benefits, such as adoption assistance and parental paid leave, and giving bonuses of up to $1,000 to its employees.

Walmart announced it will increase wages, give eligible employees a special bonus of $1,000, and expand maternity and parental leave benefits—benefiting up to 8,700 Walmart associates who are living in the great State of Nevada.

CVS, which has roughly 2,000 employees and 100 stores in Nevada, announced that effective this month, it will increase the starting salary and wages for hourly employees.

Developers of the stalled Fontainebleau Resort, recently renamed the Drew, announced they will resume the project and have committed to creating over 10,000 new jobs.

A–1 Steel, which is based in Sparks, NV, implemented eight paid holidays for its employees.

Finally, Cox Communications said it will give around 1,750 Nevadans bonuses of up to $2,000 today. Yes, on tax day they will be giving their employees bonuses of up to $2,000. This is just the beginning.

During a phone call from the National Federation of Independent Business in Nevada, roughly 9 in 10 Nevada business owners said that because of the new tax law, they plan to take action that includes increasing workers' wages and investing in their companies. Several companies are also pledging to put more of their capital back into our country rather than overseas.

Apple, which recently broke ground on a new facility in Reno, announced it will create 20,000 new jobs nationally, open a new campus, and directly contribute $350 billion to the U.S. economy over the next 5 years.

Make no mistake about it, the Tax Cuts and Jobs Act is working for the people in Nevada. Despite the bill's critics, who have described these tax cuts as ''crumbs'' and said it is ''the worst bill in the history of the U.S. Congress,'' this new bill couldn't have come at a better time. Let me tell you again why.

Under the failed economic policies of the Obama administration, Nevadans suffered through 8 years of historically low economic growth. Think about this. In those 8 years, the average economy growth was less than 2 percent. As a result, wages and workers suffered, job creation suffered, and the middle class in America suffered.

It has been reported that nearly 8 in 10 Americans who work full time are living paycheck to paycheck, and if you live in Nevada, you are more likely to be living paycheck to paycheck than if you lived anywhere else.

Whether it is a single mother, who is taking classes to further her education to give her kids a good life, or the police officer and teacher with four children in Southern Nevada who tell me that they are barely getting by and are doing the best they can, families in my State are trying to plan for their futures. They have told me they are struggling, but it is not just Nevadans who felt the squeeze.

Nearly two-thirds of Americans don't even have $500 set aside to cover an unexpected emergency expense. That is why, as a member of the Senate Finance Committee, I worked to help write this legislation. I fought to pass these meaningful tax cuts for the people of my State because they have been waiting too long for a break.

I was proud to propose and secure a provision in the new law that doubles the child tax credit to $2,000 per child. Think about this. The enhanced child tax credit could mean enough money for a family of 4 to cover more than 6 months' worth of groceries, buy school supplies for 4 kids, and purchase more than 9,000 diapers. It will allow families to better plan for their futures.

Take Sarah as an example, a single mom living in Nevada. She told us she used her child tax credit to help her and her four children move out of a family shelter and pay rent a full year in advance.

In addition to doubling the child tax credit, we doubled the standard deduction, cut rates for low-income and middle-class families. It is expected that a typical family of four will keep more than $2,000 this year.

It also lowered rates on businesses to ensure that we are globally competitive and help incite economic growth. I am pleased this bill included my provision to make it easier for startups to give more junior employees an ownership stake in their company's success.

I have been fighting for tax reform for years, and last year we set out to cut taxes for hard-working Americans and agreed to a framework that included three main goals: create more jobs, increase wages, and boost American competitiveness. Even though it has only been a few months, I believe we have already achieved all three of those.

As the son of an auto mechanic and a school cook, I grew up watching my

parents work hard to provide for me and my five brothers and sisters and to provide a good life. They told us that if we worked hard and played by the rules, then we, too, could achieve the American dream.

Our problem today is that too many people think that the American dream is out of reach. That is what tax relief legislation is all about—empowering families to give them a better chance to get ahead and to prepare for their futures.

The Tax Cuts and Jobs Act has put my State and our country on the right track to economic prosperity, and I look forward to seeing what the rest of the year brings for Nevada families and their workers.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I just had a chance to hear my colleague from Nevada talk a little bit about the importance of the tax cuts and tax reform that this Chamber passed at the end of the year and that is now in effect.

All I can say to my constituents is, this is the last year you are going to have to file under the old code. You will have the new code next year. Why is that important? Because it is simpler. It doubles the standard deduction, as an example, which is a great simplification for a lot of taxpayers. It also takes about 3 million people off the tax rolls altogether.

Think about that. According to the Joint Committee on Taxation, over 3 million Americans, who currently have income tax liability, will no longer have it under this new tax reform bill. Why? Because it focuses on lowering the rates, doubling the standard deduction, and doubling the child tax credit. That helps people who are lower income Americans, who right now have tax liabilities and will not in the future. So it will be easier for a lot of people a year from now because they will have no tax-filing debate because they will not have any tax liability, and for others, it is just a simpler form.

What is already happening this year is that the paychecks are changing. Why? Because the IRS is saying the employees are going to get more money in their paychecks because the employers are going to withhold less as we go into 2018 because the tax proposals went into effect at the beginning of this year. So even though this is the last time we will have to file under the old code, people are already seeing some of the benefits of tax reform.

When I go around Ohio, I talk to people, and they say: You know, ROB, my paycheck has already changed. That is because 90 percent of Americans are now being told they will have less withholding taken out of their paychecks, again, because of the lower tax rate, doubling of the child tax credit, and doubling of the standard deduction.

This is really helping. The average person in Ohio will probably see maybe $30, $40, $50 every 2 weeks in their paycheck. That adds up. The average in Ohio for a median income family is about $2,000 a year in tax relief. That is the average. That is a big deal. That is not just crumbs.

Most people I represent live paycheck to paycheck. Most people I represent think $2,000 is really helpful. By the way, they tell me they are using it. It might be for a long-planned vacation they couldn't afford. It might be, as a couple of people have told me, to help with healthcare because they couldn't afford to buy healthcare until they had that extra $2,000 in their pocket—or more for some people—to be able to afford healthcare.

For others—we heard a great story this morning from my colleague from West Virginia about a woman who said her daughter used to have to do her schoolwork at school or maybe at the library. She couldn't come home to do it because they couldn't afford high-speed internet. Now she can afford high-speed internet with this tax relief that is being provided. So this is something that is actually affecting people right now.

As you go to the post office to mail your form today, or as you send it in electronically, just know it is going to get a little bit better, a little bit simpler, with a little bit less tax liability.

By the way, the IRS has had some difficulty in accepting electronic filings today—another reason we actually have had to go beyond just tax reform, as important as that is, because we have to ensure we have an IRS that is working for the American taxpayer. The taxpayer service, the number of calls that are being answered, the number of answers which will be given correctly, all of those indicators are concerning right now. So we do need to ensure that the IRS has adequate funding to respond to taxpayers but also that there are reforms at the IRS so their computer systems do work, so the different stovepipe systems are talking to each other.

So tax reform and tax relief are very important but also, as we have seen today with this glitch with regard to electronic filing, we have to make sure the IRS is up to the task and providing the taxpayer service that people deserve.

The tax relief effort, though, wasn't just for families and individuals. It also focuses on business relief. Why? Because we know American companies were not competitive under the old code. You had investment going overseas and you had jobs going overseas. There is tax relief for small businesses and large businesses alike. We are hearing more about that because we have seen a lot of headlines.

There was another one today about yet another major company that is making some investments in this country.

I was at the Kroger company yesterday. Kroger is one of the largest employers in the United States. It is a great grocery store chain—the largest in the country, by the way. They happen to be headquartered in Ohio. They made a huge announcement yesterday. They said they are going to take the savings they got from the tax relief and tax reform measure, and they are going to substantially give it back to their employees.

The things they talked about were very interesting. One is to increase the 401(k) match. That is important. They already give a 100-percent match. Now they are going to do it at 5 percent, rather than 4 percent, of people's salary. That is nice because people can save more for their own retirement.

They talked about helping employees who are having a tough time through the employee assistance program. They are increasing funding for that program. They talked about the employee discount program so the employees can buy more from their own stores, expanding more things they can buy and how much they can buy with discounts. That helps their employees.

They also talked about something I thought was really great, which is continuing education—lifelong learning. They said they are going to provide their employees with a $3,500-a-year—$3,500-a-year—stipend to continue their education. Maybe it is getting a GED, or maybe it is getting an MBA and everything in between, but they believe in education. They want to help these employees be able to better themselves. They believe that will also help them to keep people longer term. This is part of how they are using the tax cut.

By the way, it is applicable to everybody who has been there for 6 months. You only have to be there for 6 months to apply for this. You can be there part time or full time, and you get this assistance for education. This is all coming from the tax relief this body passed.

Is it making a difference in the lives of your constituents? It certainly is in the lives of my mine; I can tell you that.

I have now been to 13 different businesses around the State of Ohio, and I have asked them this question directly: What is happening? What are you doing? All of them tell me they are investing either in their people or they are investing in their plants and equipment, helping the technology so people can be more competitive and more effective at doing their jobs.

I have also had a half dozen roundtable discussions, where I bring small business owners together, and dozens of businesses have told me what they are doing. Some are providing more healthcare coverage. In a couple of cases—one is a small craft brewer in Ohio, another is an auto parts company—they are providing healthcare for their employees for the first time.

In one case, they had it before it got too expensive because of the Affordable Care Act, and now they are able to provide healthcare for their employees.

Another one had never provided healthcare because it was a small business just getting started, and now they can provide healthcare for their employees because of the savings from the tax bill.

Others are doing much more in terms of the community and charitable giving, again, some with regard to 401(k)s and some with regard to new equipment and machines to make their employees more productive.

When economists look at what is going on in our economy, they think: Gosh, the reason wages haven't gone up much in the last decade—and, really, it has been flat in Ohio—is because work productivity has not been high enough. Well, this tax reform effort is providing more investment to our companies.

I would much rather have people investing here in America than investing overseas, and that is what was happening. Three times as many American companies were bought by foreign companies last year, instead of the other way around because of our Tax Code. There was a study out by Ernst & Young that said 4,700 of companies went overseas. When they do that, they take their investment with them. They take some of their R&D with them.

We have done studies on this to be able to show that 4,700 companies had gone overseas that would have stayed—American companies—just over the last 13 years if we had the kind of tax reform in place we now have. Those companies now have incentive to be here. They have incentive to invest here.

Foreign companies now have an incentive to invest here. When they are trying to decide between investing in Japan, China, or Europe, now they look here and say: This is a lower tax rate, and you get immediate expensing. In other words, when you buy something, you can expense it more quickly, deduct it more quickly. That encourages investment here, whether you are a U.S. company or a foreign company. That is why this is exciting.

There is some new information out from the Congressional Budget Office that talks about economic growth, and it says that because of the tax reform effort, we are seeing higher growth rates. For this year—the year we are in right now—the Congressional Budget Office had projected 2 percent economic growth—pretty weak. I mean, it is growth, but it is not enough to get wages up. It is not enough to really get people the opportunities they are looking for when they work hard and play by the rules. Guess what they are saying now: 3.3 percent, not 2 percent. So 3.3 percent economic growth is projected for this year. Again, they say this is largely attributable to the pro-growth policies included in the tax reform effort we are talking about—the tax cuts.

They also say that for the first time in a long time, we are seeing wages going up. They project wages going up. When we look at last month and the month before, we can see these wages start creeping back up again.

This is really exciting to me because, ultimately, we want to see economic growth, yes, but we really want to see working families be able to see a little higher income so that they are not stuck in this squeeze where their income is flat and yet their expenses are up.

What is the biggest expense that has been increasing? Healthcare. So, yes, we have to do more on healthcare and, yes, we have to do more to increase economic growth, but wouldn't it be great to have wages going up to be able to compensate for that and to give people again the sense that if they are doing the right things in life, if they are willing to work hard and play by the rules, they can get ahead and their kids and their grandkids can get ahead too.

So I am excited to be here today to say that this is the last day we have to file under the old Tax Code but also to say that the new Tax Code is helping to give the families that I represent the opportunity to do a little better, to give businesses that I represent the opportunity be more competitive and to reinvest in their employees and to reinvest in their businesses and their competitiveness and their productivity. That, ultimately, is what is going to make the biggest difference in this tax reform effort.

With that, I see that one of my colleagues is here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

S. RES. 463

Ms. KLOBUCHAR. Mr. President, this is a very focused topic and I will just be a few minutes.

I rise today to discuss S. Res. 463, which is a resolution that Senator BLUNT and I just discharged from the Rules Committee that will help new parents—specifically, Senator parents—to bring their infant children onto the Senate floor. It hasn't been brought to the Senate floor yet, but I thought I would give an update and explain the importance and really the historic nature of this resolution.

As my colleagues know, this month Senator DUCKWORTH made history when she gave birth to her beautiful daughter Maile Pearl. Senator DUCKWORTH has made history in many ways but, among other things, she is the first sitting U.S. Senator to give birth while in office.

Some have pointed out that it is remarkable that it took so long to have a Senator who gave birth while in office, and I think it does speak to the fact that while we are a growing number of women in Congress, there are still not that many, and it is changing.

We currently now have 23 women Senators, which is an all-time record—more than at any time in history. We are seeing record levels of women run for office. It is inevitable that in the future more women will have kids during their time in the Senate. So in this way, we are simply anticipating what we see as the future, and it is on us to make this a better workplace before they get here. I think workplaces across America are making, and have made, those same kinds of adjustments and decisions.

As the ranking member of the Rules Committee, I recognize that this means that some of our outdated rules—and Senator BLUNT as the chair realizes this as well—that were developed without considering the changing needs in the workplace must be changed. Senator DUCKWORTH has taken the lead, and her resolution is an important part of that change.

As she prepared to give birth, Senator DUCKWORTH did what many moms do. She started to come up with a plan for how to juggle her family and her work. Like too many other moms in the United States, she came to realize that there were problems in her workplace for accommodating new moms.

Senators have important constitutional obligations related to their service, the most fundamental among them being voting on legislation. The Senate rules require Senators to vote in person. We have no intention of changing that. They must vote on the Senate floor, and no one can do it for them.

Right now, unlike in the House, children are not allowed on the Senate floor. That means that in order to fulfill her Senate obligation, Senator DUCKWORTH would have to leave her baby for extended periods in order to come in and vote. Sometimes that would be just fine. She would have childcare. Her husband would be there. But as we all know, there are times when we vote late into the night, when we vote at unpredictable times, and it doesn't work for a mom with a newborn.

So what did Senator DUCKWORTH do? She called for legislation to change the rules so that Senators can bring their infants on the floor during votes, and we worked to come up with a workable proposal.

I am proud to say that this week, the Senate Rules Committee swiftly discharged the legislation so that it can be passed by the full Senate, because that is what working moms do. They stick together and they get the job done.

Sticking together means recognizing that we have a lot of work to do inside the Halls of Congress. The truth is too many American moms aren't in positions of power to change the rules, which is why it is so important for those of us who are in positions of power to be champions of change, not just here in the Senate but in workplaces across the country. It is wrong that America is the only industrialized country without a law that requires paid maternity leave, and it is wrong that only 10 percent of American employers offer workers full pay during parental leave.

The lack of parental leave, coupled with the cost of childcare, has a profound impact on our economy and on our society, and it is one of the reasons, I believe, why there are not enough women in power. We must do better.

Adopting Senator DUCKWORTH's resolution represents a small step forward. In fact, it is one baby forward. In answer to some of the questions that I got in the hallway, no, there will not be wardrobe requirements of the baby, and, no, we do not believe the baby will be required to wear a Senate pin.

Somehow, I think we will be able to adjust to this simple notion to allow a child—an infant—on the floor for the first year of life. That is why I am hopeful that this will inspire further change both inside and outside of Congress.

In addition to the support of all of the women Senators, I would like to thank Chairman BLUNT, Leaders MCCONNELL and SCHUMER, and Senator DURBIN, Senator DUCKWORTH's colleague, who all played an instrumental role in getting this resolution to the floor. Women may be leading the charge, but there are a lot of good men who have had our backs, and that is a good thing, because we need to work together as we continue to fight for more family-friendly workplaces.

Finally, I would like to thank the one who did all the work, Senator DUCKWORTH, who continues to serve our country with courage and strength, for paving the way. Maile Pearl is very lucky to have Senator DUCKWORTH as a mom, and I look forward to meeting her here on the Senate floor during a future round of votes.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

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

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 167. An act to designate a National Memorial to Fallen Educators at the National Teachers Hall of Fame in Emporia, Kansas.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 146. An act to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians, and for other purposes.

H.R. 443. An act to direct the Secretary of the Interior to study the suitability and feasibility of designating the James K. Polk Home in Columbia, Tennessee, as a unit of the National Park System, and for other purposes.

H.R. 3607. An act to authorize the Secretary of the Interior to establish fees for medical services provided in units of the National Park System, and for other purposes.

H.R. 3961. An act to amend the Wild and Scenic Rivers Act to designate segments of the Kissimmee River and its tributaries in the State of Florida for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 4609. An act to provide for the conveyance of a Forest Service site in Dolores County, Colorado, to be used for a fire station.

MEASURES REFERRED

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

H.R. 146. An act to take certain Federal lands in Tennessee into trust for the benefit of the Eastern Band of Cherokee Indians, and for other purposes; to the Committee on Indian Affairs.

H.R. 3607. An act to authorize the Secretary of the Interior to establish fees for medical services provided in units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3961. An act to amend the Wild and Scenic Rivers Act to designate segments of the Kissimmee River and its tributaries in the State of Florida for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4609. An act to provide for the conveyance of a Forest Service site in Dolores County, Colorado, to be used for a fire station; to the Committee on Energy and Natural Resources.

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–4915. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–4916. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the Central African Republic that was declared in Executive Order 13667 of May 12, 2014; to the Committee on Banking, Housing, and Urban Affairs.

EC–4917. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was declared in Executive Order 13611 of May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–4918. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Administrator, U.S . Agency for International Development (USAID), received in the Office of the President of the Senate on April 16, 2018; to the Committee on Foreign Relations.

EC–4919. A communication from the Deputy Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Strategic Plan for the Department of Health and Human Services for fiscal years 2018–2022; to the Committee on Health, Education, Labor, and Pensions.

EC–4920. A communication from the Impact Analyst, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule for Rating Disabilities: The Organs of Special Sense and Schedule of Ratings—Eye'' (RIN2900–AP14) received in the Office of the President of the Senate on April 16, 2018; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–199. A joint memorial adopted by the Legislature of the State of Idaho memorializing its opposition to any new federal national monument designations or further designations of wilderness in the State of Idaho without the approval of the United States Congress and the Idaho Legislature; to the Committee on Energy and Natural Resources.

SENATE JOINT MEMORIAL NO. 103

Whereas, the Antiquities Act was passed by the United States Congress and signed into law by President Theodore Roosevelt on June 8, 1906. The law gives the President of the United States the authority to, by presidential proclamation, create national monuments from federal lands to protect significant natural, cultural or scientific features. The law has been used more than one hundred times since its passage; and

Whereas, the Wilderness Act was passed in 1964 and, since that time, the United States Congress has designated nearly 110 million acres of federal wildlands as official wilderness, which has the highest form of protection of any federal wildland; and

Whereas, almost sixty-two percent of land in Idaho is federal land; and

Whereas, residents of the State of Idaho support multiple use of public land. Current multiple use and private land protection policies governing the management of public land in Idaho have generally served and sustained the interests of Idaho residents; and

Whereas, ranching and agriculture play a substantial role in the state's heritage and identity and should be preserved; and

Whereas, ranching, agriculture, mining, the forestry industry and recreation are primary economic drivers in the state, with agribusiness and recreation each contributing

an estimated $7.6 billion, the mining industry contributing $1.3 billion and the forestry industry contributing $2 billion to the economy annually in recent years, all of which would be substantially impacted by any land management changes; and

Whereas, Idaho residents, families and visitors currently enjoy multiple use on federal lands and have generations of family traditions. Changing federal land designations would impact local wildlife management as well as opportunities to hunt and fish; and

Whereas, changes in federal land designations or classifications would affect land use by imposing restrictions on development, resource extraction, recreation and land exchanges that would result in diminished economic opportunities and restrictions on 'access and multiple use; and

Whereas, the people of the State of Idaho value abundant water resources and water rights and have concern that new national monument designations or further designation of wilderness by Congress could affect those resources and rights; and

Whereas, the Idaho Roadless Rule is Idaho's 2006 plan that provides a framework for use and protection of more than nine million acres of federal public backcountry. The rule is viewed as a nationwide model of collaboration among groups and individuals with diverse interests and concerns; and

Whereas, the Roadless Rule specifically prescribes protective management under the wildland recreation theme, and it is feared that utilization of the Antiquities Act for new national monument designations or further designation of wilderness by Congress would overturn the agreement reached in the formulation of the Idaho Roadless Rule, with no effort to reach consensus through coordination as required by federal law; and

Whereas, several years ago, advisory votes relating to a suggested new national monument designation and a wilderness designation in Idaho were held in a number of potentially affected counties in central and eastern Idaho, both showing over ninety percent opposition to such designations. Now, therefore, be it

Resolved, By the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we oppose any new federal national monument designations or further designations of wilderness in the State of Idaho without the approval of the United States Congress and the Idaho Legislature; and be it further

Resolved, That the Idaho congressional delegation is urged to introduce and support legislation to oppose any new federal national monument designations or further designations of wilderness in the State of Idaho without the approval of the United States Congress and the Idaho Legislature; and be it further

Resolved, That any efforts to reach decisions regarding lands and resources of the State of Idaho administered by federal agencies or their designees be made through the lawful coordination process as required by the National Environmental Policy Act, the Federal Land Policy and Management Act, the National Forest Management Act, the 1982 Forest Service Planning Rule and other federal acts requiring coordination, rather than by unilateral administrative processes that exclude the residents of the State of Idaho; and be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–200. A joint memorial adopted by the Legislature of the State of Idaho urging the Department of State to support several positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 11

Whereas, since it was implemented in 1964, the Columbia River Treaty has provided for a coordinated management of the Columbia River to reduce flooding impacts and increase power generation throughout the Columbia River Basin; and

Whereas, the treaty provides that either the United States or Canada may terminate the treaty by providing written notice at least 10 years in advance of termination; and

Whereas, the U.S. and Canadian entities previously reviewed the treaty and determined that the treaty should be modified; and

Whereas, on December 7, 2017, the U.S. State Department issued a press release stating that the United States and Canada will begin negotiations to modernize the treaty in early 2018; and

Whereas, the U.S. Entity Regional Recommendation of 2013 concluded that the purposes of a ''modernized'' treaty should be expanded to include consideration of ''ecosystem-based function'' in addition to the original flood control and hydropower purposes of the treaty; and

Whereas, unless otherwise agreed to, the treaty provides that, in 2024, flood control operations will automatically shift from providing guaranteed flood control space in Canadian reservoirs to ''called upon'' flood control operations; and

Whereas, the U.S. and Canadian entities have provided differing interpretations of the ''called upon'' flood control provisions, with the U.S. Entity asserting that ''called upon'' operations apply only to dams in the Columbia River Basin specifically authorized for ''system-wide flood control,'' and the Canadian Entity taking the position that all U.S. storage projects in the Columbia River Basin must be utilized for system-wide flood control before Canadian reservoirs are called upon to provide any flood control space; and

Whereas, altered flood control operations could have devastating impacts on reservoir storage and operation levels, irrigation, recreation, hydropower, local flood control and other authorized purposes in Idaho; and

Whereas, the Canadian Entitlement, whereby the U.S. and Canadian entities share the increased power production created by coordinated river operations, has proven to be imbalanced in favor of Canada; and

Whereas, including ecosystem-based function in a modernized treaty could have adverse impacts on existing beneficial uses of the river and create greater uncertainty in a river system that is already heavily regulated; and

Whereas, the Regional Recommendation fails to recognize the substantial investment in ecosystem-based function made by Northwest region hydropower producers and their customers, including billions of dollars invested in fish passage and habitat efforts and the development and implementation of robust environmental mitigation plans; and

Whereas, navigation should be protected, and adverse flows should not impact the transportation channel or lock system operations: Now, therefore, be it

Resolved By the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the U.S. Department of State to support the following positions in negotiations with Canada regarding any modification or future implementation of the Columbia River Treaty:

(1) Recognize and protect the authorized purposes and water rights for storage projects in Idaho, including irrigation, recreation, hydropower and local flood control;

(2) Advocate that only storage projects specifically authorized by Congress for system-wide flood control may be required to provide such benefits under the treaty, with no increased flood control burden placed on projects in Idaho;

(3) Recognize a need to review and rebalance the Canadian Entitlement;

(4) Recognize the ecosystem benefits that have already been provided by storage projects in the United States pursuant to the other federal laws and refrain from advocating for additional ecosystem contributions from U.S. projects;

(5) Recognize that ecosystem restoration, as that term has been used by some proponents of modernization, is intentionally vague and if incorporated into an international treaty could be used as a vehicle to override and infringe upon existing federal environmental laws and usurp state sovereignty over water and, therefore, require any treaty modification to preserve federal environmental protection laws and state water laws and reject any additional mitigation requirement;

(6) Require any treaty modification to recognize the primary authority and state sovereignty of Idaho and its sister states over their respective water resources;

(7) Reject any attempts through the treaty modification process to incorporate the reintroduction of anadromous species above Hells Canyon or Dworshak, as such efforts are outside the scope of the treaty purposes; and

(8) Protect navigation so that adverse flows do not impact the transportation channel or block system operations; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States, the U.S. Department of State, the Columbia River Treaty Negotiator, the U.S. Entity Coordinator, Bonneville Power Administration and the U.S. Army Corps of Engineers.

POM–201. A joint resolution adopted by the Legislature of the State of Wyoming commemorating the one hundred fiftieth (150th) anniversary of the signing of the 1868 Treaty of Fort Bridger; to the Committee on Indian Affairs.

ENROLLED JOINT RESOLUTION NO. 3

Whereas, the Shoshone (eastern band) and the Bannock Tribes of Indians, presently known as the Eastern Shoshone and Shoshone-Bannock Tribes, entered into a treaty with the United States of America on July 3, 1868 at Fort Bridger, in the Utah Territory, which is now present day Wyoming; and

Whereas, each of the Tribes and the United States Government desiring for peace to continue among and between themselves signed the 1868 Treaty of Fort Bridger to keep and maintain peace; and

Whereas, the legacy of the 1868 Treaty of Fort Bridger has had an impact in numerous ways on the lives of Tribal members of both Tribes from generation to generation since the signing; and

Whereas, members of both the Eastern Shoshone and the Shoshone-Bannock Tribes have endured difficult burdens, sometimes navigating treacherous trails in their dedicated effort to preserve and pass along their

physical and cultural identity, while at the same time making significant contributions to the development of the Republic; and

Whereas, the Eastern Shoshone and Shoshone-Bannock Tribes plan a sesquicentennial treaty reenactment ceremony at Fort Bridger State Historic Site to honor the spirit of this area's rich past and its First Nations, with celebrations open to the public on July 3, 2018, including the reenactment between the Tribes and military slated for 10:00 a.m. and dances, feasts and games throughout the day; and

Whereas, Wyoming values and respects the historical and modern contributions of American Indian people, as evidenced by the 2017 passage of the American Indian Educational Program Act, which will educate all Wyoming students about American Indian tribes of the region, to ensure the cultural heritage, history and contemporary contributions of American Indians are addressed; and

Whereas, the Eastern Shoshone and the Shoshone-Bannock Nations and their people continue to be integral components of American society. Now, therefore be it

Resolved, By the members of the Legislature of the State of Wyoming:

Section 1.—That the Wyoming legislature commemorates the one hundred fiftieth (150th) anniversary of the signing of the 1868 Treaty of Fort Bridger by educating native and nonnative people about the Treaty and by illustrating that the Eastern Shoshone and Shoshone-Bannock Tribes continue to be significant contributors to the success of this country and its future with forward-looking, positive relationships with the United States Government and each of the several states.

Section 2.—That the Wyoming legislature supports nationwide public education about the heritage, history and contributions of Native American tribes and urges the federal government to uphold its federal trust responsibilities.

Section 3.—That the Wyoming legislature supports permanently displaying in Wyoming the original 1868 Treaty of Fort Bridger, which is presently on file with the National Archives.

Section 4.—That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, the Secretary of the Interior, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the majority and minority leader and whip of each house, the Wyoming Congressional Delegation, each state governor and the business councils of the Eastern Shoshone and Shoshone-Bannock Tribes.

POM–202. A joint resolution adopted by the Legislature of the State of Wyoming commemorating the one hundred fiftieth (150th) anniversary of the signing of the 1868 Treaty of Fort Laramie; to the Committee on Indian Affairs.

ENROLLED JOINT RESOLUTION NO. 1

Whereas, the area in and around what is presently known as Fort Laramie, Wyoming has served like a grand meeting hall, described by author Starley Talbott as a place ''where the mountains meet the plains; where two rivers converge; where Native American tribes gathered; where fur trappers and traders rendezvoused; where emigrants met for rest and supplies; where soldiers came and went; where homesteaders linked the past to the present; and where today's travelers come to partake in Fort Laramie's fascinating history;'' and

Whereas, Fort Laramie and its surrounding area had been occupied by tribes of the Great Plains throughout the course of history; and

Whereas, in 1812, Robert Stuart was the first non-Indian person to visit the area later known as Fort Laramie and Alfred Jacob Miller became the first artist to record the area's landscape in 1837; and

Whereas, beginning in 1841, emigrants bound for the West Coast stopped in Fort Laramie as they traveled to what would later become the Oregon, California and Mormon Trails, with westward migration peaking in the early 1850s at more than fifty thousand (50,000) people traveling these trails annually; and

Whereas, the United States military purchased the Fort Laramie Post in 1849 and stationed soldiers to protect wagon trains, thereby establishing a social and economic center for Indians and non-Indians; and

Whereas, despite efforts to secure peace between Native Americans and the non-Indian emigrants and military personnel, conflicts arose, culminating in wars between Plains Tribes and the United States; and

Whereas, the indigenous Nations of the northern Great Plains region entered into treaties with the United States of America in 1868 at Fort Laramie, in the Dakota Territory, which is now present day Wyoming, and at other military posts in the region; and

Whereas, these treaties are collectively regarded as the 1868 Treaty of Fort Laramie and include the following Tribes in treaty with the United States:

Treaty with the Sioux and Arapaho

Brulé band of Sioux (presently ''Brule Lakota'': Lower Brule and Rosebud Reservations)

Ogallalah band of Sioux (presently ''Oglala Lakota'': Pine Ridge Reservation)

Minneconjou band of Sioux (presently ''Miniconjou Lakota'': Cheyenne River Reservation)

Yanktonai band of Sioux (presently ''Yanktonai Dakota'' and ''Yankton'': Standing Rock, Yankton and Crow Creek Reservations)

Arapaho (presently ''Southern Arapaho'': headquartered in Concho, Oklahoma, Cheyenne-Arapaho Oklahoma Tribal Statistical Area)

Hunkpapa band of Sioux (presently ''Hunkpapa Lakota'': Standing Rock Reservation)

Blackfeet band of Sioux (also ''Blackfoot,'' presently ''Blackfeet Lakota'': Cheyenne River and Standing Rock Reservations)

Cuthead band of Sioux (presently ''Cuthead Dakota'': Standing Rock Reservation)

Two Kettle band of Sioux (presently ''Two Kettle Lakota'': Cheyenne River Reservation)

Sans Arc band of Sioux (presently ''Sans Arc Lakota'': Cheyenne River Reservation)

Santee band of Sioux (presently ''Santee Dakota'': Santee Sioux, Flandreau, Crow Creek and Lake Traverse Reservations and the Upper Sioux, Lower Sioux, Prairie Island and Shakopee Mdewakanton Indian Communities)

Treaty with the Crow (Crow Reservation)

Treaty with the Northern Cheyenne and Northern Arapaho (Northern Cheyenne and Wind River Reservations, respectively); and

Whereas, each of the Tribes and the United States Government desiring for peace, the parties signed the 1868 Treaty of Fort Laramie to cease wars among the parties and bring about and maintain peace; and

Whereas, the 1868 Treaty of Fort Laramie did not end conflict, as terms of the Treaty were broken resulting from the discovery of gold in the Black Hills, the area of Fort Laramie remained a supply and communications center for the United States military's efforts to confine Native people onto reservations; and

Whereas, the United States military abandoned Fort Laramie in 1890, and all but one (1) of the fort's sixty (60) structures were sold at private auction and were used as private dwellings, businesses, a dance hall and livestock shelters during the fort's homestead period of 1890 to 1937; and

Whereas, interested homesteaders, local residents and others recognized the historical significance of Fort Laramie in the 1930s and the State of Wyoming acquired Fort Laramie in 1937, which eventually became a unit of the national park system in 1938; and

Whereas, today, the Fort Laramie National Historic Site is open to the public and restoration of many of the structures to their historic appearances provides visitors with a glimpse of a bygone era; and

Whereas, the legacy of the 1868 Treaty of Fort Laramie has had an impact in numerous ways on the lives of Tribal members of Tribes party to the Treaty from generation to generation since the signing; and

Whereas, the indigenous Nations of the northern Great Plains and their people have endured difficult burdens, sometimes navigating treacherous trails in their dedicated effort to preserve and pass along their physical and cultural identity, while at the same time making significant contributions to the development of the Republic; and

Whereas, the indigenous Nations of the northern Great Plains and their people continue to defend their inherent sovereignty and celebrate their cultural heritage; and

Whereas, the anniversary of the signing of the 1868 Treaty of Fort Laramie will be commemorated throughout 2018 at the Fort Laramie National Historic Site to honor the spirit of this area's rich past and its First Nations, with events from sunrise to sunset slated for April 28 and ending festivities on November 6. Throughout the anniversary year, celebrations will commemorate individual Tribe signing dates and may include traditional culture and history demonstrations; and

Whereas, Wyoming values and respects the historical and modern contributions of American Indian people, as evidenced by the 2017 passage of the American Indian Educational Program Act, which will educate all Wyoming students about American Indian tribes of the region, to ensure the cultural heritage, history and contemporary contributions of American Indians are addressed. Now, therefore, be it

Resolved, By the members of the Legislature of the State of Wyoming:

Section 1.—That the Wyoming legislature commemorates the one hundred fiftieth (150th) anniversary of the signing of the 1868 Treaty of Fort Laramie by educating people about the Treaty and history of this nationally significant place.

Section 2.—That the Wyoming legislature supports nationwide public education about the heritage, history and contributions of Native American tribes and urges the federal government to uphold its federal trust responsibilities.

Section 3.—That the Wyoming legislature supports permanently displaying in Wyoming the original treaties that comprise the 1868 Treaty of Fort Laramie, which are presently on file with the National Archives.

Section 4.—That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, the Secretary of the Interior, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate and the majority and minority leader and whip of each house, the Wyoming Congressional Delegation, each state governor and the business council of each tribal nation that signed the 1868 Treaty of Fort Laramie.

POM–203. A joint memorial adopted by the Legislature of the State of Idaho requesting a permanent exemption from the U.S. Department of Transportation—Federal Motor Carrier Safety Administration electronic logging devices mandate granted by whichever means appropriate for livestock and agriculture commodity transporters; to the Committee on Commerce, Science, and Transportation.

SENATE JOINT MEMORIAL NO. 104

Whereas, the 2012 federal transportation bill, MAP–21, mandated electronic logging devices (ELD) in commercial trucks, which were to be finalized by rule in 2015, with an implementation date of December 18, 2017, in trucks of model year 2000 and newer; and

Whereas, because of the nature of the commodities hauled and normal industry scheduling uncertainty, livestock and agriculture commodity haulers requested exemption from this mandated transition from handwritten logbooks to the electronic log, and the United States Department of Transportation (USDOT) and the Federal Motor Carrier Safety Administration (FMCSA) originally ignored the request and agriculture commodity haulers; and

Whereas, the federal mandate and rule decreases efficiency, increases business expense and does little or nothing to improve safety in this segment of the trucking industry, and USDOT–FMCSA has not considered the special circumstances surrounding the transport of livestock, fish and insects, as these are the most perishable and fragile of all commodities and must be transported in the most efficient, timely and expedient manner as possible, and conformity with the ELD mandate and existing hours of services rule would result in delays off-loading and reloading of livestock and even the addition of a second driver on short hauls; and

Whereas, infrastructure for off-loading and holding of livestock do not readily exist and, if it did, extra handling of cargo would result in added stress, weight loss, additional expense and exposure to additional disease and biohazard, with no positive benefit to the animals; and

Whereas, heavy machinery service vehicles often drive long distances to reach a job site and remain at the location long enough to exceed the 14-hour service day thereby requiring either an additional driver or an overnight stay near the job site and subsequently decreasing efficiency and increasing business expense; and

Whereas, highway safety is also a primary consideration, and livestock transporters were involved in a statistically insignificant number of accidents (0.004%) according to the ''Large Truck Crash Causation Study'' published by the FMCSA and the National Highway Safety Institute and 0.7% of fatal accidents per the ''Trucks Involved in Fatal Accidents Factbook 2005'' published by the Transportation Research Institute; and

Whereas, mandated ELDs engage when the truck's motor is started. The devices provide the operator no discretion in determining ''on-duty'' and ''off-duty'' time. Large, over-the-road commercial truck fleets support the ELD mandate because they are better able to absorb related costs and are subject to well-defined schedules; and

Whereas, paper logs allow the driver this determination. Because many livestock and agriculture commodity haulers are small and independently owned businesses, mandatory ELD use will result in increased livestock handling, more downtime, increased expenses, and lower net revenues to producers and trucking firms and small trucking companies forced out of business. The ELD mandate is impractical because USDOT–FMCSA did not consider normal delays that are encountered when dealing with livestock and other agriculture commodities; and

Whereas, in September 2017, seven national agriculture commodity organizations and other agriculture-related organizations requested a waiver from the rule, which was granted and will be in effect until March 18, 2018. Section 132, Exemption from Requirement for Electronic Logging Device, is contained in the FY18 federal Transportation, Housing and Urban Development (THUD) bill funding to implement the ELD mandate in FY18, and this language was signed by all members of Idaho' s congressional delegation, and legislation was introduced in 2017 in the United States House of Representatives to make a livestock/agriculture commodity exemption permanent; and

Whereas, the federal mandate and rule is difficult to implement, increases cost, lowers efficiency, imposes an unfunded mandate, creates economic and regulatory hardship for small business and does not consider the special needs of certain segments of the trucking industry: Now, therefore, be it

Resolved, By the members of the Second Regular Session of the Sixty-fourth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request a permanent exemption from the USDOT–FMCSA ELD mandate granted by whichever means appropriate for livestock and agriculture commodity transporters; and be it further

Resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States, the United States Department of Transportation and the Federal Motor Carrier Safety Administration.

POM–204. A resolution approved by the Mayor and City Council of the City of Rice Lake, Wisconsin, supporting the passage of an amendment to the United States Constitution stating: only human beings are endowed with Constitutional rights-not corporations, unions, non-profits or other artificial entities; and money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech; to the Committee on the Judiciary.

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. MANCHIN:

S. 2681. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for coal-powered electric generation units; to the Committee on Finance.

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

S. 2682. A bill to establish a student loan forgiveness plan for certain borrowers who are employed at a qualified farm or ranch; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2683. A bill to amend the Internal Revenue Code of 1986 to impose a mileage-based user fee for mobile mounted concrete boom pumps in lieu of the tax on taxable fuels, and for other purposes; to the Committee on Finance.

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

S. 2684. A bill to establish a Federal student loan restructured repayment schedule for certain borrowers who are agricultural producers; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2685. A bill to modify certain requirements for farm ownership loan eligibility; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PERDUE:

S. 2686. A bill to require Federal agencies to issue appropriate identification for the carrying of concealed firearms by qualified law enforcement officers and qualified retired law enforcement officers; to the Committee on the Judiciary.

By Mr. CRUZ:

S. 2687. A bill to amend the Internal Revenue Code of 1986 to make permanent the individual tax provisions of the tax reform law, and for other purposes; to the Committee on Finance.

By Mr. CRUZ (for himself and Mr. INHOFE):

S. 2688. A bill to amend the Internal Revenue Code of 1986 to provide for the indexing of certain assets for purposes of determining gain or loss; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. HELLER, and Mr. ROBERTS):

S. 2689. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

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

S. 2690. A bill to amend title XVIII of the Social Security Act to permit review of certain Medicare payment determinations for disproportionate share hospitals, and for other purposes; to the Committee on Finance.

By Mr. SANDERS (for himself and Ms. HARRIS):

S. 2691. A bill to hold pharmaceutical companies accountable for illegal marketing and distribution of opioid products and for their role in creating and exacerbating the opioid epidemic in the United States; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MANCHIN:

S. Res. 470. A resolution expressing the sense of the Senate that electricity markets do not appropriately value the reliability and resilience attributes of baseload power generation serving the bulk power system; to the Committee on Energy and Natural Resources.

By Mr. BURR (for himself and Mr. MANCHIN):

S. Res. 471. A resolution designating March 29, 2018, as ''Vietnam Veterans Day''; considered and agreed to.

By Mr. BURR (for himself, Mr. MANCHIN, Mr. INHOFE, and Mr. HELLER):

S. Res. 472. A resolution designating April 5, 2018, as ''Gold Star Wives Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 66

At the request of Mr. HELLER, the name of the Senator from Delaware

(Mr. COONS) was added as a cosponsor of S. 66, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 515

At the request of Mr. CASEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 515, a bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 1719

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1719, a bill to eliminate duties on imports of recreational performance outerwear, to establish the Sustainable Textile and Apparel Research Fund, and for other purposes.

S. 1989

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1989, a bill to enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

S. 2047

At the request of Mr. MURPHY, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 2047, a bill to restrict the use of funds for kinetic military operations in North Korea.

S. 2124

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2124, a bill to ensure the privacy and security of sensitive personal information, to prevent and mitigate identity theft, to provide notice of security breaches involving sensitive personal information, and to enhance law enforcement assistance and for other protections against security breaches, fraudulent access, and misuse of personal information.

S. 2271

At the request of Mr. REED, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2271, a bill to reauthorize the Museum and Library Services Act.

S. 2540

At the request of Ms. STABENOW, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2540, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 2555

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2555, a bill to amend the Agricultural Act of 2014 to establish the Dairy Farm Sustainability Price Loss Coverage Program, and for other purposes.

S. 2578

At the request of Mr. SCHATZ, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2578, a bill to amend title 13, United States Code, to require the Secretary of Commerce to provide advanced notice to Congress before changing any questions on the decennial census, and for other purposes.

S. 2639

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 2639, a bill to require the Federal Trade Commission to establish privacy protections for customers of online edge providers, and for other purposes.

S. 2642

At the request of Mr. KAINE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2642, a bill to require the Secretary of Labor, in consultation with the Secretary of Health and Human Services, to establish a pilot program for Jobs Plus Recovery programs, and for other purposes.

S. 2663

At the request of Mr. BARRASSO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2663, a bill to modify and improve provisions relating to environmental requirements for agriculture and agricultural producers, and for other purposes.

S. 2680

At the request of Mr. ALEXANDER, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Louisiana (Mr. CASSIDY) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2680, a bill to address the opioid crisis.

At the request of Mrs. MURRAY, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 2680, supra.

S.J. RES. 57

At the request of Mr. MORAN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S.J. Res. 57, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act''.

S. RES. 459

At the request of Ms. HARRIS, the names of the Senator from Massachusetts (Mr. MARKEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. Res. 459, a resolution recognizing ''Black Maternal Health Week'' to bring national attention to the maternal health care crisis in the Black community and the importance of reducing the rate of maternal mortality and morbidity among Black women.

S. RES. 460

At the request of Ms. BALDWIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 460, a resolution condemning Boko Haram and calling on the Governments of the United States of America and Nigeria to swiftly implement measures to defeat the terrorist organization.

S. RES. 463

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 463, a resolution authorizing a Senator to bring a young son or daughter of the Senator onto the floor of the Senate during votes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN (for himself, Mr. HELLER, and Mr. ROBERTS):

S. 2689. A bill to provide a taxpayer bill of rights for small businesses; to the Committee on Finance.

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

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

S. 2689

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Taxpayer Bill of Rights Act of 2018''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. MODIFICATION OF STANDARDS FOR AWARDING OF COSTS AND CERTAIN FEES.

(a) SMALL BUSINESSES ELIGIBLE WITHOUT REGARD TO NET WORTH.—Subparagraph (D) of section 7430(c)(4) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i)(II), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) in the case of an eligible small business, the net worth limitation in clause (ii) of such section shall not apply.''.

(b) ELIGIBLE SMALL BUSINESS.—Paragraph (4) of section 7430(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(F) ELIGIBLE SMALL BUSINESS.—

''(i) IN GENERAL.—For purposes of subparagraph (D)(iii), the term 'eligible small business' means, with respect to any proceeding commenced in a taxable year—

''(I) a corporation the stock of which is not publicly traded,

''(II) a partnership, or

''(III) a sole proprietorship,

if the average annual gross receipts of such corporation, partnership, or sole proprietorship for the 3-taxable-year period preceding such taxable year does not exceed $50,000,000. For purposes of applying the test under the preceding sentence, rules similar to the rules of paragraphs (2) and (3) of section 448(c) shall apply.

''(ii) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2018, the $50,000,000 amount in clause (i) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500..''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 3. CIVIL DAMAGES ALLOWED FOR RECKLESS OR INTENTIONAL DISREGARD OF INTERNAL REVENUE LAWS.

(a) INCREASE IN AMOUNT OF DAMAGES.—

(1) IN GENERAL.—Section 7433(b) of the Internal Revenue Code of 1986 is amended by striking ''$1,000,000 ($100,000, in the case of negligence)'' and inserting ''$5,000,000 ($500,000, in the case of negligence)''.

(2) ADJUSTMENT FOR INFLATION.—Section 7433 of such Code is amended by adding at the end the following new subsection:

''(f) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2018, the $5,000,000 and $500,000 amounts in subsection (b) shall each be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.''.

(b) EXTENSION OF TIME TO BRING ACTION.—Section 7433(d)(3) of the Internal Revenue Code of 1986 is amended by striking ''2 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions of employees of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 4. MODIFICATIONS RELATING TO CERTAIN OFFENSES BY OFFICERS AND EMPLOYEES IN CONNECTION WITH REVENUE LAWS.

(a) INCREASE IN PENALTY.—Section 7214 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$10,000'' in subsection (a) and inserting ''$25,000'', and

(2) by striking ''$5,000'' in subsection (b) and inserting ''$10,000''.

(b) ADJUSTMENT FOR INFLATION.—Section 7214 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2018, the $25,000 amount in subsection (a) and the $10,000 amount in subsection (b) shall each be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. MODIFICATIONS RELATING TO CIVIL DAMAGES FOR UNAUTHORIZED INSPECTION OR DISCLOSURE OF RETURNS AND RETURN INFORMATION.

(a) INCREASE IN AMOUNT OF DAMAGES.—Subparagraph (A) of section 7431(c)(1) of the Internal Revenue Code of 1986 is amended by striking ''$1,000'' and inserting ''$10,000''.

(b) ADJUSTMENT FOR INFLATION.—Section 7431 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2018, the $10,000 amount in subsection (c)(1)(A) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(c) PERIOD FOR BRINGING ACTION.—Subsection (d) of section 7431 of the Internal Revenue Code of 1986 is amended by striking ''2 years'' and inserting ''5 years''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply to inspections and disclosure occurring on and after the date of the enactment of this Act.

SEC. 6. BAN ON EX PARTE DISCUSSIONS.

(a) IN GENERAL.—Notwithstanding section 1001(a)(4) of the Internal Revenue Service Restructuring and Reform Act of 1998, the Internal Revenue Service shall prohibit any ex parte communications between officers in the Internal Revenue Service Office of Appeals and other Internal Revenue Service employees with respect to any matter pending before such officers.

(b) TERMINATION OF EMPLOYMENT FOR MISCONDUCT.—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission prohibited under subsection (a) in the performance of the employee's official duties. Such termination shall be a removal for cause on charges of misconduct.

(c) DETERMINATION OF COMMISSIONER.—

(1) IN GENERAL.—The Commissioner of Internal Revenue may take a personnel action other than termination for an act prohibited under subsection (a).

(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner of Internal Revenue and may not be delegated to any other officer. At the sole discretion of the Commissioner of Internal Revenue, such Commissioner may establish a procedure which will be used to determine whether an individual should be referred to the Commissioner of Internal Revenue for a determination by the Commissioner under paragraph (1).

(3) NO APPEAL.—Any determination of the Commissioner of Internal Revenue under this subsection may not be appealed in any administrative or judicial proceeding.

(d) TIGTA REPORTING OF TERMINATION OR MITIGATION.—Section 7803(d)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting ''or section 6 of the Small Business Taxpayer Bill of Rights Act of 2018'' after ''1998''.

SEC. 7. RIGHT TO INDEPENDENT CONFERENCE.

Section 1001 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) RIGHT TO INDEPENDENT CONFERENCE.—Under the organization plan of the Internal Revenue Service, a taxpayer shall have the right to a conference with the Internal Revenue Service Office of Appeals which does not include personnel from the Office of Chief Counsel for the Internal Revenue Service or the compliance functions of the Internal Revenue Service unless the taxpayer specifically consents to the participation of such personnel.''.

SEC. 8. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) IN GENERAL.—Section 7123 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(d) AVAILABILITY OF DISPUTE RESOLUTIONS.—

''(1) IN GENERAL.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide that a taxpayer may request mediation or arbitration in any case unless the Secretary has specifically excluded the type of issue involved in such case or the class of cases to which such case belongs as not appropriate for resolution under such subsection. The Secretary shall make any determination that excludes a type of issue or a class of cases public within 5 working days and provide an explanation for each determination.

''(2) INDEPENDENT MEDIATORS.—

''(A) IN GENERAL.—The procedures prescribed under subsection (b)(1) shall provide the taxpayer an opportunity to elect to have the mediation conducted by an independent,

neutral individual not employed by the Internal Revenue Service Office of Appeals.

''(B) COST AND SELECTION.—

''(i) IN GENERAL.—Any taxpayer making an election under subparagraph (A) shall be required—

''(I) to share the costs of such independent mediator equally with the Internal Revenue Service Office of Appeals, and

''(II) to limit the selection of the mediator to a roster of recognized national or local neutral mediators.

''(ii) EXCEPTION.—Clause (i)(I) shall not apply to any taxpayer who is an individual or who was a small business in the preceding calendar year if such taxpayer had an adjusted gross income that did not exceed 250 percent of the poverty level, as determined in accordance with criteria established by the Director of the Office of Management and Budget, in the taxable year preceding the request.

''(iii) SMALL BUSINESS.—For purposes of clause (ii), the term 'small business' has the meaning given such term under section 41(b)(3)(D)(iii).

''(3) AVAILABILITY OF PROCESS.—The procedures prescribed under subsection (b)(1) and the pilot program established under subsection (b)(2) shall provide the opportunity to elect mediation or arbitration at the time when the case is first filed with the Office of Appeals and at any time before deliberations in the appeal commence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 9. INCREASE IN MONETARY PENALTIES FOR CERTAIN UNAUTHORIZED DISCLOSURES OF INFORMATION.

(a) IN GENERAL.—Paragraphs (1), (2), (3), and (4) of section 7213(a) of the Internal Revenue Code of 1986 are each amended by striking ''$5,000'' and inserting ''$10,000''.

(b) ADJUSTMENT FOR INFLATION.—Subsection (a) of section 7213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) ADJUSTMENT FOR INFLATION.—In the case of any calendar year after 2018, the $10,000 amounts in paragraphs (1), (2), (3), and (4) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2017' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 10. BAN ON RAISING NEW ISSUES ON APPEAL.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7529. PROHIBITION ON INTERNAL REVENUE SERVICE RAISING NEW ISSUES IN AN INTERNAL APPEAL.

''(a) IN GENERAL.—In reviewing an appeal of any determination initially made by the Internal Revenue Service, the Internal Revenue Service Office of Appeals may not consider or decide any issue that is not within the scope of the initial determination.

''(b) CERTAIN ISSUES DEEMED OUTSIDE OF SCOPE OF DETERMINATION.—For purposes of subsection (a), the following matters shall be considered to be not within the scope of a determination:

''(1) Any issue that was not raised in a notice of deficiency or an examiner's report which is the subject of the appeal.

''(2) Any deficiency in tax which was not included in the initial determination.

''(3) Any theory or justification for a tax deficiency which was not considered in the initial determination.

''(c) NO INFERENCE WITH RESPECT TO ISSUES RAISED BY TAXPAYERS.—Nothing in this section shall be construed to provide any limitation in addition to any limitations in effect on the date of the enactment of this section on the right of a taxpayer to raise an issue, theory, or justification on an appeal from a determination initially made by the Internal Revenue Service that was not within the scope of the initial determination.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7529. Prohibition on Internal Revenue Service raising new issues in an internal appeal.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to matters filed or pending with the Internal Revenue Service Office of Appeals on or after the date of the enactment of this Act.

SEC. 11. LIMITATION ON ENFORCEMENT OF LIENS AGAINST PRINCIPAL RESIDENCES.

(a) IN GENERAL.—Section 7403(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''In any case'' and inserting the following:

''(1) IN GENERAL.—In any case'', and

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

''(2) LIMITATION WITH RESPECT TO PRINCIPAL RESIDENCE.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any property used as the principal residence of the taxpayer (within the meaning of section 121) unless the Secretary of the Treasury makes a written determination that—

''(i) all other property of the taxpayer, if sold, is insufficient to pay the tax or discharge the liability, and

''(ii) such action will not create an economic hardship for the taxpayer.

''(B) DELEGATION.—For purposes of this paragraph, the Secretary of the Treasury may not delegate any responsibilities under subparagraph (A) to any person other than—

''(i) the Commissioner of Internal Revenue, or

''(ii) a district director or assistant district director of the Internal Revenue Service.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to actions filed after the date of the enactment of this Act.

SEC. 12. ADDITIONAL PROVISIONS RELATING TO MANDATORY TERMINATION FOR MISCONDUCT.

(a) TERMINATION OF UNEMPLOYMENT FOR INAPPROPRIATE REVIEW OF TAX-EXEMPT STATUS.—Section 1203(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by striking ''and'' at the end of paragraph (9), by striking the period at the end of paragraph (10) and inserting ''; and'', and by adding at the end the following new paragraph:

''(11) in the case of any review of an application for tax-exempt status by an organization described in section 501(c) of the Internal Revenue Code of 1986, developing or using any methodology that applies disproportionate scrutiny to any applicant based on the ideology expressed in the name or purpose of the organization.''.

(b) MANDATORY UNPAID ADMINISTRATIVE LEAVE FOR MISCONDUCT.—Paragraph (1) of section 1203(c) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, if the Commissioner of Internal Revenue takes a personnel action other than termination for an act or omission described in subsection (b), the Commissioner shall place the employee on unpaid administrative leave for a period of not less than 90 days.''.

(c) LIMITATION ON ALTERNATIVE PUNISHMENT.—Paragraph (1) of section 1203(c) of the Internal Revenue Service Restructuring and Reform Act of 1998 (26 U.S.C. 7804 note) is amended by striking ''The Commissioner'' and inserting ''Except in the case of an act or omission described in subsection (b)(3)(A), the Commissioner''.

SEC. 13. REVIEW BY THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.

(a) REVIEW.—Subsection (k)(1) of section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (C), by striking ''and'' at the end,

(2) by redesignating subparagraph (D) as subparagraph (E),

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) shall—

''(i) review any criteria employed by the Internal Revenue Service to select tax returns (including applications for recognition of tax-exempt status) for examination or audit, assessment or collection of deficiencies, criminal investigation or referral, refunds for amounts paid, or any heightened scrutiny or review in order to determine whether the criteria discriminates against taxpayers on the basis of race, religion, or political ideology; and

''(ii) consult with the Internal Revenue Service on recommended amendments to such criteria in order to eliminate any discrimination identified pursuant to the review described in clause (i); and'', and

(4) in subparagraph (E), as so redesignated, by striking ''and (C)'' and inserting ''(C), and (D)''.

(b) SEMIANNUAL REPORT.—Subsection (g) of section 8D of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following new paragraph:

''(3) Any semiannual report made by the Treasury Inspector General for Tax Administration that is required pursuant to section 5(a) shall include—

''(A) a statement affirming that the Treasury Inspector General for Tax Administration has reviewed the criteria described in subsection (k)(1)(D) and consulted with the Internal Revenue Service regarding such criteria; and

''(B) a description and explanation of any such criteria that was identified as discriminatory by the Treasury Inspector General for Tax Administration.''.

SEC. 14. DEDUCTION FOR EXPENSES RELATING TO CERTAIN AUDITS.

(a) IN GENERAL.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) EXPENSES RELATING TO CERTAIN AUDITS.—The deduction allowed by section 224.''.

(b) DEDUCTION FOR EXPENSES RELATING TO CERTAIN AUDITS.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

''SEC. 224. EXPENSES RELATING TO CERTAIN AUDITS.

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction for the taxable year an amount equal to so much of the qualified

NRP expenses paid or incurred during the taxable year as does not exceed $5,000.

''(b) QUALIFIED NRP EXPENSES.—For purposes of this section, the term 'qualified NRP expenses' means amounts which but for subsection (d) would be allowed as a deduction under section 162 or 212(3) in connection with an audit of the taxpayer's return of the tax imposed by this chapter for any taxable year under the National Research Program, but only if such audit results in no increase in the tax liability of the taxpayer for such taxable year.

''(c) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under any other provision of this chapter for any amount for which a deduction is allowed under this section.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 224 and by inserting after the item relating to section 223 the following new items:

''Sec. 224. Expenses relating to certain audits.

''Sec. 225. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15. TERM LIMIT FOR NATIONAL TAXPAYER ADVOCATE.

(a) IN GENERAL.—Subparagraph (B) of section 7803(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(v) TERM.—The term of the National Taxpayer Advocate shall be a 10-year term, beginning with a term to commence on the date which is 18 months after the date of the enactment of the Small Business Taxpayer Bill of Rights Act of 2018. Each subsequent term shall begin on the day after the date on which the previous term expires. The National Taxpayer Advocate may be appointed to serve more than 1 term.''.

(b) EFFECTIVE DATE.—The term of any individual serving as the National Taxpayer Advocate under section 7803(c) of the Internal Revenue Code of 1986 as of the date of the enactment of this Act shall end as of the day before the date which is 18 months after such date of enactment, unless such individual is reappointed as the National Taxpayer Advocate for a subsequent term pursuant to section 7803(c)(1)(B)(v) of such Code.

SEC. 16. RELEASE OF IRS LEVY DUE TO ECONOMIC HARDSHIP FOR BUSINESS TAXPAYERS.

(a) IN GENERAL.—Subparagraph (D) of section 6343(a)(1) of the Internal Revenue Code of 1986 is amended by striking ''or'' and inserting ''including the financial condition of the taxpayer's viable trade or business, or''.

(b) DETERMINATION OF ECONOMIC HARDSHIP.—Subsection (a) of section 6343 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) DETERMINATION OF ECONOMIC HARDSHIP TO BUSINESS TAXPAYER.—In determining whether to release any levy under paragraph (1)(D), the Secretary shall consider—

''(A) the economic viability of the business,

''(B) the nature and extent of the hardship created by the levy (including whether the taxpayer has exercised ordinary business care and prudence), and

''(C) the potential harm to individuals if the business is liquidated.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies made after the date of the enactment of this Act.

SEC. 17. REPEAL OF PARTIAL PAYMENT REQUIREMENT ON SUBMISSIONS OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122 of the Internal Revenue Code of 1986 is amended by striking subsection (c) and by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 7122(c) of the Internal Revenue Code of 1986, as redesignated by subsection (a), is amended by inserting ''and'' at the end of subparagraph (A), by striking '', and'' at the end of subparagraph (B) and inserting a period, and by striking subparagraph (C).

(2) Section 7122 of such Code, as amended by this section, is amended by adding at the end the following new subsection:

''(g) APPLICATION OF USER FEE.—In the case of any assessed tax or other amounts imposed under this title with respect to such tax which is the subject of an offer-in-compromise, such tax or other amounts shall be reduced by any user fee imposed under this title with respect to such offer-in-compromise.''.

(3) Section 6159(g) of such Code is amended by striking ''section 7122(e)'' and inserting ''section 7122(d)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 470—EXPRESSING THE SENSE OF THE SENATE THAT ELECTRICITY MARKETS DO NOT APPROPRIATELY VALUE THE RELIABILITY AND RESILIENCE ATTRIBUTES OF BASELOAD POWER GENERATION SERVING THE BULK POWER SYSTEM

Mr. MANCHIN submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 470

Whereas the power generation resource mix of the United States is rapidly changing, presenting ongoing challenges to ensuring that baseload units remain operational and provide enhanced resilience and reliability to the power grid of the United States;

Whereas many baseload units are not appropriately valued for the resilience and reliability attributes those units provide to the power grid of the United States;

Whereas accelerated retirements of coal-fired and nuclear baseload power generation resources are among those challenges, including how those resources are needed—

(1) to provide dependable capacity to serve customers;

(2) to support essential grid services, such as voltage and frequency support and ramping capability;

(3) to offer high availability and reliability from significant on-site fuel storage; and

(4) to support integration of new generation resources; and

Whereas in Docket Numbers RM18-000-001 and AD18-7-001, and in other proceedings, the Federal Energy Regulatory Commission has compiled extensive evidence documenting the reliability and resilience attributes of all power generation resources: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Federal Energy Regulatory Commission should take action to ensure that the electricity markets fully recognize the reliability and resilience benefits of coal-fired and nuclear baseload power generation resources serving the bulk power system.

SENATE RESOLUTION 471—DESIGNATING MARCH 29, 2018, AS ''VIETNAM VETERANS DAY''

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

S. RES. 471

Whereas the Vietnam War was fought in the Republic of Vietnam from 1955 to 1975 and involved regular forces from the Democratic Republic of Vietnam and Viet Cong guerrilla forces in armed conflict with the United States Armed Forces, the armed forces of allies of the United States, and the armed forces of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct support by the Armed Forces to the Government of the Republic of Vietnam to defend against the growing threat of Communism from the Democratic Republic of Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of South Vietnam in 1955;

Whereas as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88–408) on August 7, 1964, which provided to the President of the United States the authority to use armed force to assist the Republic of Vietnam in the defense of its freedom against the Democratic Republic of Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in the Republic of Vietnam to join an already present 23,000 United States Armed Forces personnel;

Whereas, by September 1965, there were between 150,000 and 190,000 United States Armed Forces troops in Vietnam, and by 1969, a peak number of United States Armed Forces troops in Vietnam of approximately 549,500 troops was reached, including United States Armed Forces members supporting the combat operations from Thailand, Cambodia, Laos, and aboard Navy vessels;

Whereas, on January 27, 1973, the Agreement on Ending the War in Vietnam and Restoring Peace (commonly known as the ''Paris Peace Accords'') was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in the Vietnam War, and more than 300,000 members of the United States Armed Forces were wounded in Vietnam;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of

the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of those veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the decisions of policymakers that were beyond the control of those members of the United States Armed Forces; and

Whereas designating March 29, 2018, as ''Vietnam Veterans Day'' would be an appropriate way to honor the members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 29, 2018, as ''Vietnam Veterans Day'';

(2) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

(3) encourages States and local governments to designate March 29, 2018, as ''Vietnam Veterans Day''; and

(4) encourages the people of the United States to observe Vietnam Veterans Day with appropriate ceremonies and activities that—

(A) provide the appreciation that veterans of the Vietnam War deserve;

(B) demonstrate the resolve that the people of the United States shall never forget the sacrifices and service of a generation of veterans who served in the Vietnam War;

(C) promote awareness of the faithful service and contributions of the veterans of the Vietnam War—

(i) during service in the United States Armed Forces; and

(ii) to the communities of the veterans since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans in helping the veterans readjust to civilian life after service in the United States Armed Forces; and

(E) promote opportunities for veterans of the Vietnam War—

(i) to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen; and

(ii) to support the reintegration of younger veterans into civilian life.

SENATE RESOLUTION 472—DESIGNATING APRIL 5, 2018, AS ''GOLD STAR WIVES DAY''

Mr. BURR (for himself, Mr. MANCHIN, Mr. INHOFE, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 472

Whereas the Senate honors the sacrifices made by the spouses and families of the fallen members of the Armed Forces of the United States;

Whereas Gold Star Wives of America, Inc. represents the spouses and families of the members and veterans of the Armed Forces of the United States who have died on active duty or as a result of a service-connected disability;

Whereas the primary mission of Gold Star Wives of America, Inc. is to provide services, support, and friendship to the spouses of the fallen members and veterans of the Armed Forces of the United States;

Whereas, in 1945, Gold Star Wives of America, Inc. was organized with the help of Eleanor Roosevelt to assist the families left behind by the fallen members and veterans of the Armed Forces of the United States;

Whereas the first meeting of Gold Star Wives of America, Inc. was held on April 5, 1945;

Whereas April 5, 2018, marks the 73rd anniversary of the first meeting of Gold Star Wives of America, Inc.;

Whereas the members and veterans of the Armed Forces of the United States bear the burden of protecting the freedom of the people of the United States; and

Whereas the sacrifices of the families of the fallen members and veterans of the Armed Forces of the United States should never be forgotten: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 5, 2018, as ''Gold Star Wives Day'';

(2) honors and recognizes—

(A) the contributions of the members of Gold Star Wives of America, Inc.; and

(B) the dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(3) encourages the people of the United States to observe Gold Star Wives Day to promote awareness of—

(A) the contributions and dedication of the members of Gold Star Wives of America, Inc. to the members and veterans of the Armed Forces of the United States; and

(B) the important role that Gold Star Wives of America, Inc. plays in the lives of the spouses and families of the fallen members and veterans of the Armed Forces of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2238. Mr. MCCONNELL (for Ms. HASSAN) proposed an amendment to the bill S. 1281, to establish a bug bounty pilot program within the Department of Homeland Security, and for other purposes.

TEXT OF AMENDMENTS

SA 2238. Mr. MCCONNELL (for Ms. HASSAN) proposed an amendment to the bill S. 1281, to establish a bug bounty pilot program within the Department of Homeland Security, and for other purposes; as follows:

On page 8, line 21, strike ''90 days'' and insert ''180 days''.

AUTHORITY FOR COMMITTEES TO MEET

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

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

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 17, 2018, at 9:30 a.m. to conduct a hearing on the following nominations: Admiral Philip S. Davidson, USN, for reappointment to the grade of admiral and to be Commander, United States Pacific Command, and General Terrence J. O'Shaughnessy, USAF, for reappointment to the grade of general and to be Commander, United States Northern Command, and Commander, North American Aerospace Defense Command, both of the Department of Defense.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, April 17, 2018, at 10 a.m to conduct a hearing on the following nominations: Thelma Drake, of Virginia, to be Federal Transit Administrator, Department of Transportation, Jeffrey Nadaner, of Maryland, to be an Assistant Secretary of Commerce, and Seth Daniel Appleton, of Missouri, to be an Assistant Secretary of Housing and Urban Development.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, April 17, 2018, at 10 a.m. to conduct a hearing on the nomination of Karl L. Schultz, to be Admiral and to be Commandant of the Coast Guard, Department of Homeland Security.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, April 17, 2018, at 10 a.m. to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, April 17, 2018, at 10 a.m. to conduct a hearing entitled ''U.S. Policy in Yemen.''

SUBCOMMITEE ON SEAPOWER

The Subcommitee on Seapower of the Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, April 17, 2018, at 2:30 p.m. to conduct a hearing.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 70–770, the appointment of the following individual to the Migratory Bird Conservation Commission: the Honorable JOHN N. BOOZMAN of Arkansas.

HACK THE DEPARTMENT OF HOMELAND SECURITY ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 335, S. 1281.

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

The bill clerk read as follows:

A bill (S. 1281) to establish a bug bounty pilot program within the Department of Homeland Security, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hack the Department of Homeland Security Act of 2017'' or the ''Hack DHS Act''.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY BUG BOUNTY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term ''bug bounty program'' means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of Internet-facing information technology of the Department in exchange for compensation.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given the term in section 11101 of title 40, United States Code.

(4) PILOT PROGRAM.—The term ''pilot program'' means the bug bounty pilot program required to be established under subsection (b)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, within the Office of the Chief Information Officer, a bug bounty pilot program to minimize vulnerabilities of Internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program, the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other Internet-facing information technology of the Department that are accessible to the public;

(B) award a competitive contract to an entity, as necessary, to manage the pilot program and for executing the remediation of vulnerabilities identified as a consequence of the pilot program;

(C) designate mission-critical operations within the Department that should be excluded from the pilot program;

(D) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 ''Hack the Pentagon'' pilot program and subsequent Department of Defense bug bounty programs;

(F) develop an expeditious process by which an approved individual, organization, or company can register with the entity described in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in the pilot program; and

(G) engage qualified interested persons, including non-government sector representatives, about the structure of the pilot program as constructive and to the extent practicable.

(c) REPORT.—Not later than 90 days after the date on which the pilot program is completed, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the pilot program, which shall include—

(1) the number of approved individuals, organizations, or companies involved in the pilot program, broken down by the number of approved individuals, organizations, or companies that—

(A) registered;

(B) were approved;

(C) submitted security vulnerabilities; and

(D) received compensation;

(2) the number and severity of vulnerabilities reported as part of the pilot program;

(3) the number of previously unidentified security vulnerabilities remediated as a result of the pilot program;

(4) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(5) the average length of time between the reporting of security vulnerabilities and remediation of the vulnerabilities;

(6) the types of compensation provided under the pilot program; and

(7) the lessons learned from the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department $250,000 for fiscal year 2018 to carry out this Act.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Hassan amendment be considered and agreed to, the committee-reported substitute amendment, as amended, be agreed to, and the bill, as amended, be considered read a third time.

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

The amendment (No. 2238) was agreed to, as follows:

(Purpose: To improve the bill)

On page 8, line 21, strike ''90 days'' and insert ''180 days''.

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

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

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

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1281), as amended, was passed, as follows:

S. 1281

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hack the Department of Homeland Security Act of 2017'' or the ''Hack DHS Act''.

SEC. 2. DEPARTMENT OF HOMELAND SECURITY BUG BOUNTY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BUG BOUNTY PROGRAM.—The term ''bug bounty program'' means a program under which an approved individual, organization, or company is temporarily authorized to identify and report vulnerabilities of Internet-facing information technology of the Department in exchange for compensation.

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) INFORMATION TECHNOLOGY.—The term ''information technology'' has the meaning given the term in section 11101 of title 40, United States Code.

(4) PILOT PROGRAM.—The term ''pilot program'' means the bug bounty pilot program required to be established under subsection (b)(1).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) ESTABLISHMENT OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish, within the Office of the Chief Information Officer, a bug bounty pilot program to minimize vulnerabilities of Internet-facing information technology of the Department.

(2) REQUIREMENTS.—In establishing the pilot program, the Secretary shall—

(A) provide compensation for reports of previously unidentified security vulnerabilities within the websites, applications, and other Internet-facing information technology of the Department that are accessible to the public;

(B) award a competitive contract to an entity, as necessary, to manage the pilot program and for executing the remediation of vulnerabilities identified as a consequence of the pilot program;

(C) designate mission-critical operations within the Department that should be excluded from the pilot program;

(D) consult with the Attorney General on how to ensure that approved individuals, organizations, or companies that comply with the requirements of the pilot program are protected from prosecution under section 1030 of title 18, United States Code, and similar provisions of law for specific activities authorized under the pilot program;

(E) consult with the relevant offices at the Department of Defense that were responsible for launching the 2016 ''Hack the Pentagon'' pilot program and subsequent Department of Defense bug bounty programs;

(F) develop an expeditious process by which an approved individual, organization, or company can register with the entity described in subparagraph (B), submit to a background check as determined by the Department, and receive a determination as to eligibility for participation in the pilot program; and

(G) engage qualified interested persons, including non-government sector representatives, about the structure of the pilot program as constructive and to the extent practicable.

(c) REPORT.—Not later than 180 days after the date on which the pilot program is completed, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the pilot program, which shall include—

(1) the number of approved individuals, organizations, or companies involved in the pilot program, broken down by the number of approved individuals, organizations, or companies that—

(A) registered;

(B) were approved;

(C) submitted security vulnerabilities; and

(D) received compensation;

(2) the number and severity of vulnerabilities reported as part of the pilot program;

(3) the number of previously unidentified security vulnerabilities remediated as a result of the pilot program;

(4) the current number of outstanding previously unidentified security vulnerabilities and Department remediation plans;

(5) the average length of time between the reporting of security vulnerabilities and remediation of the vulnerabilities;

(6) the types of compensation provided under the pilot program; and

(7) the lessons learned from the pilot program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department $250,000 for fiscal year 2018 to carry out this Act.

Mr. MCCONNELL. Mr. 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.

VIETNAM VETERANS DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 471, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 471) designating March 29, 2018, as ''Vietnam Veterans Day.''

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

Mr. MCCONNELL. I know of no further debate on the measure.

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

The resolution (S. Res. 471) was agreed to.

Mr. MCCONNELL. I ask unanimous consent that the preamble be agreed to.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. MCCONNELL. I ask unanimous consent that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

GOLD STAR WIVES DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 472, submitted earlier today.

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

The bill clerk read as follows:

A resolution (S. Res. 472) designating April 5, 2018, as ''Gold Star Wives Day.''

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

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 472) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, APRIL 18, 2018

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Wednesday, April 18; 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. I further ask that following leader remarks, the Senate resume consideration of S.J. Res. 57, with the time until 12 noon equally divided between the managers or their designees; further, I ask that at 12 noon tomorrow, the Senate vote on passage of S.J. Res. 57, and that if passed, the motion to reconsider be considered made and laid upon the table; finally, notwithstanding the provisions of rule XXII, the cloture vote with respect to the House message to accompany S. 140 occur following disposition of S.J. Res. 57.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator THUNE.

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

The Senator from South Dakota.

COAST GUARD AUTHORIZATION BILL

Mr. THUNE. Mr. President, I want to speak today to the Coast Guard Authorization Act of 2017, of which I am a cosponsor. As chairman of the Commerce Committee, which has jurisdiction over the Coast Guard, I am proud that we were able to bring this important bipartisan legislation, which was originally introduced by Senator SULLIVAN, to the floor today for consideration. The bill that we are debating will increase our national security, protect our maritime industry, increase safety for the boating public, and provide consistency for those who depend on the water for their daily work.

As anyone impacted by the 2017 hurricane season will tell you, the Coast Guard plays a vitally important role in our Nation's first response efforts. Equally critical is the Coast Guard's role as a member of our U.S. military. Coast Guard women and men protect our waterways, defend our shores, interdict contraband, arrest human traffickers, guarantee the free movement of commerce, and ensure the stewardship of our national resources.

On any given day, the Coast Guard responds to an average of 45 search and rescue missions, seizes 1,500 pounds of drugs, interdicts 17 illegal migrants, conducts 16 security boardings, and facilitates the movement of $12.6 billion worth of goods. These professionals do their job without seeking recognition or acknowledgement. It often goes overlooked that our coastguardsmen are serving across every ocean and on every continent, including Antarctica. They serve across the Middle East, including in both Iraq and Afghanistan. They help protect our Navy's ships, defend against pirates, and ensure our strategic ports remain open.

This legislation provides the Coast Guard the authority to better carry out those missions, including defending our critical ballistic submarines when they are surfaced and at their most vulnerable. In one way or another, the Coast Guard affects every American, even in my home State of South Dakota. We may not have a coastline, but the work of the Coast Guard helps facilitate the export of agricultural products that drive our State's economy. The Coast Guard also provides boating safety classes and outreach to tens of thousands of my fellow South Dakotans. This outreach saves lives every single day.

This past year was the deadliest for boaters in the past 5 years, with a 12-percent increase in deaths. Many of those deaths could have been prevented, and this legislation seeks to make improvements to boater safety, such as requiring the use of an engine cutoff switch for certain recreational boats. Maybe you have seen the videos of boaters falling overboard and their boat continuing in circles and hitting them, often seriously injuring or even killing them. This change, supported by the recreational boating community, will prevent these types of incidents in the future.

This legislation also provides certainty to our mariners. It streamlines regulations, reduces burdens, and clarifies ambiguous rules that harm our commerce and our environment. We also reauthorize the hydrographic services at the National Oceanic and Atmospheric Administration, which are necessary for shoreline mapping and accurate nautical charts, and we reauthorize the Federal Maritime Commission.

Finally, this bill fixes a broken patchwork of regulations that prevents efficiency in moving goods along our waterways. The Vessel Incidental Discharge Act, or VIDA, is important bipartisan legislation—sponsored by Senators WICKER, CASEY, and more than 20 cosponsors from both sides of the aisle—that creates a uniform set of rules to protect the environment while providing consistent regulations for all ports and waterways.

You will hear from some of my colleagues that this act reduces environmental controls and is being jammed down their throats. This is simply not true. We have negotiated in good faith for hundreds of hours, over the past few Congresses, to make this a strong piece of bipartisan legislation. We need strict, science-based, and achievable environmental standards, and that is what this VIDA title will yield.

The new standards must be based on the best available technology that is

economically achievable and are designed to become more stringent over time as technology improves. Setting limits beyond what is achievable may make for a good sound bite, but it doesn't actually improve the environment. This bill will.

Like so much of the work we do at the Commerce Committee, Senator NELSON and I have worked hard to ensure the bipartisan Coast Guard Authorization Act of 2017 can garner strong support on both sides of the aisle. The measure meets the operational needs of the Coast Guard, allowing the service to continue to do the job that so many of our constituents rely on. It reauthorizes the FMC and NOAA's hydrographic services. Finally, it provides needed regulatory certainty for recreational and commercial vessel operators, while ensuring strong environmental protections for our Nation's waterways.

We are going to have an opportunity to vote on this tomorrow. I urge my colleagues on both sides of the aisle to support the men and women of the Coast Guard and to support this bipartisan legislation that has been negotiated for weeks, months, and years to bring us to where we are today—working to accommodate the concerns of individual Senators on both sides of the aisle but finding a balanced bill that should attract broad bipartisan support. I hope when that vote comes tomorrow, we will be able to see Members on both sides support this legislation and the men and women of the Coast Guard, who do so much important work for our country.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Wednesday, April 18, 2018.

Thereupon, the Senate, at 6:24 p.m., adjourned until Wednesday, April 18, 2018, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SOCIAL SECURITY ADMINISTRATION

DAVID FABIAN BLACK, OF NORTH DAKOTA, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2019, VICE CAROLYN W. COLVIN, TERM EXPIRED.

ANDREW M. SAUL, OF NEW YORK, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2019, VICE MICHAEL J. ASTRUE, RESIGNED.

ANDREW M. SAUL, OF NEW YORK, TO BE COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2025. (REAPPOINTMENT)

MILLENNIUM CHALLENGE CORPORATION

ALEXANDER CRENSHAW, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS, VICE MARK GREEN, TERM EXPIRED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

LOUIS DEJOY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2020, VICE MICHAEL JAMES WARREN, TERM EXPIRED.

FREDERICK PERPALL, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2020, VICE JAMES M. DEMERS, TERM EXPIRED.

MILLENNIUM CHALLENGE CORPORATION

SUSAN M. MCCUE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

VICTORIA ANN HUGHES, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2021. (REAPPOINTMENT)

HEATHER REYNOLDS, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING SEPTEMBER 14, 2021, VICE DEAN A. REUTER, TERM EXPIRED.

CENTRAL INTELLIGENCE AGENCY

GINA HASPEL, OF KENTUCKY, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY, VICE MIKE POMPEO.