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Senate

The Senate met at 12:02 p.m. and was called to order by the Honorable STEVE DAINES, a Senator from the State of Montana.

PRAYER

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

Let us pray.

O God, You are the source of life and peace. Praised be Your Name forever. We know that it is You who can turn our thoughts toward peace and unity. Use Your power to transform our minds and hearts.

Lord, as our Senators face the challenges of today and tomorrow, give them a faith that will find opportunities in every adversity. May they cast their burdens on You, trusting Your loving kindness and tender mercies. Give them an understanding that puts an end to strife, mercy that quenches animosity, and forgiveness that overcomes resentment. May each day be for them a building block for making America a nation that glorifies You.

We pray in Your mighty Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 28, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable STEVE DAINES, a Senator from the State of Montana, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

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

MEASURE PLACED ON THE CALENDAR—H.R. 1

Mr. DAINES. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1) to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

Mr. DAINES. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

AUTHORIZING TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION

Mr. DAINES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 343, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 343) to authorize testimony, document production, and representation in Arizona v. Mark Louis Prichard.

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

Mr. MCCONNELL. Mr. President, this resolution concerns a request for testimony in a criminal action pending in Arizona State court. In this action, the defendant is charged with threatening to cause physical injury to Senator FLAKE and for trespassing on his Tucson, AZ, office. A trial is scheduled for November 29, 2017.

The prosecution is seeking in this case testimony from an employee in the Senator's office who witnessed the relevant events. The enclosed resolution would authorize that staffer, and any other current or former employee of the Senator's office from whom relevant evidence may be necessary, to testify and produce documents in this case, with representation by the Senate legal counsel.

Mr. DAINES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 343) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. DAINES. 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.

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

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.

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

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

REPUBLICAN TAX PLAN

Mr. DURBIN. Mr. President, this week many things will happen in Washington, but the focus in the Senate Chamber later in the week will be the Republican tax plan. It is a plan that has come upon us really quickly—in a matter of weeks—and it literally will affect the economy of the United States and virtually every taxpayer. There is hardly a measure we can entertain that has such broad and far-reaching impact on the future of this country and its economy.

What we are trying to do now is to analyze this plan. It has been put on a fast schedule. I can guarantee, as I stand here, that because of this hurry-up approach on tax reform, when it is all said and done, if anything is enacted into law, we can look back with regret for not having taken the time to do this carefully, not having measured the impact of any tax changes on individuals, families, and the economy, and, certainly, on our national debt.

So far we have a plan that was considered and passed by the House of Representatives, also on a fast schedule, and one in the Senate as well. The one in the Senate will be up for consideration this week. It is going to be a procedure, which was established in the Senate years ago, called reconciliation. For the outsider, it is a long word, which, by Senate definition, means that a simple majority vote is all that is necessary to pass this measure. It will not be subject to the traditional filibuster in the Senate nor to the need for 60 votes, as in most instances.

It was designed, in its inception, to be a way to reduce the budget deficit. Ironically, what we will see happen with the proposed Senate tax plan is an increase of our national debt instead of a reduction. But that seems to be the intent of the sponsors, and it is what we will consider.

We took a look at some of the proposals in the Senate Republican plan. It is no secret that this plan would bankroll massive tax cuts for the wealthiest people in America and the largest corporations, and it would raise taxes on middle-income families. If that seems like contrary thinking to what most Americans were looking for, it is.

Time and again we are told that the average American needs a helping hand. I certainly understand that in Illinois and across the Nation. This tax plan by the Republicans will not help working families. At best, it gives them a temporary tax cut, which later ends up as a tax increase.

However, if you happen to be among the wealthiest of Americans, there is good news in the Republican plan. There will be substantial tax cuts in permanent law. So the help for working families is temporary, the help for wealthy families is permanent, and the help for corporations is permanent.

To put it in perspective from the corporate point of view, we can understand those who argue that lowering taxes on businesses will incentivize them to expand their businesses. Yet there are a couple of things we have to acknowledge. As a percentage of the gross domestic product, corporate profits in America have never been higher. As a percentage of gross domestic product, corporate taxes paid have never been lower. Profits are at their highest, taxes are at their lowest, and the Republicans come to us and say: Well, clearly, what we need to do is to cut corporate taxes again. I disagree.

I asked Secretary Mnuchin at a hearing: Shouldn't our goal be to not only have a growing economy but to have more fairness in the economy for working families who continue to put in the hours and put in the work and watch their own wealth and their own income really fall behind against the expenses they face? Well, he agreed with my conclusion, but he couldn't explain how the Republican tax plan would meet that goal. I don't think it does.

I do not exaggerate when I say that this is a tax cut by the Republicans for the wealthiest. The nonpartisan Joint Committee on Taxation analysis of the Republican bill shows that by 2027, as corporations are enjoying a huge tax cut, on average, taxpayers who earn less than $75,000 a year will see their taxes go up under the Republican plan.

You think: Oh, that must have been a press release from the Democratic National Committee. No, it was an analysis by the Joint Committee on Taxation, a nonpartisan group that we turn to in order to measure the impact of tax legislation. It is not the wealthy taxpayers, not a few taxpayers, not a couple of unfortunate exceptions; on average, taxpayers at every income bracket earning less than $75,000 would see their taxes increase under the Republican plan.

How would the wealthy fair? Well, it is no surprise that under the Republican plan, the largest tax cuts under the bill go to the wealthiest households. I get a lot of letters and emails, telephone calls and contacts. There aren't a lot of rich people calling me and saying: We need a tax break, Senator. They are not asking for it. But they don't have to ask for it when the Republicans are writing a tax bill.

As Republicans throw huge tax breaks to the wealthiest 1 percent of Americans, here is what they do: They eliminate the alternative minimum tax, they lower the top income tax bracket, and they double the exemption for the estate tax. They go straight after a deduction that helps one-third of all taxpayers lower their taxes—the State and local tax deduction. They cut that, but they give these tax breaks to people who are already millionaires many times over.

The Republican plan would eliminate the State and local tax deduction—a deduction that helps millions of middle-income families avoid being taxed twice on their hard-earned income—once at the State and local level and again at the Federal level. The State of Illinois is an example—and most other States—where people pay a State income tax. Currently, taxpayers can deduct that State income tax paid from any Federal tax liability. The premise is simple: You shouldn't be taxed on a tax. The Republicans turn that upside down. They would tax the tax you paid at the State and local level.

Eliminating this vital deduction makes it more expensive for families to fund local services such as schools, police departments, fire departments, and local roads and bridges. In my State, which has the fifth highest number of taxpayers claiming this deduction, nearly 2 million Illinoisans would no longer be able to claim more than $24 billion in State and local tax deductions, as they did in 2015.

So what is the Republican motivation for eliminating this deduction that is so important for middle-income families? Well, that is how they pay for the tax cuts for those at the highest income levels, and that is how they help the largest corporations cut their tax bills.

This is wrong. If there was ever a question about who the Republicans are writing this plan for, look no further than the changes made during the committee session when they decided that they wouldn't stop at merely raising taxes on millions of middle-income families in order to pay for permanent corporate tax cuts, but they also were willing to raise families' health insurance premiums. It is not bad enough that tax bills are going to go up for most middle-income families. Under the Republican plan, they have devised a way to increase health insurance premiums at the same time. What a breakthrough.

Republicans can't help themselves. Even in the face of opposition from the American people, hospitals, patients, nurses, seniors, and faith leaders, their tax bill would pay for tax cuts for the wealthiest 1 percent by repealing part of the Affordable Care Act.

This change alone means that 13 million Americans will lose their health insurance, and it means that the health insurance premiums paid by many others will increase by at least 10 percent a year—perfect. Not only are they going to raise taxes on working families, but they are going to raise the cost of health insurance for those buying policies and eliminate health insurance protection for 13 million Americans. Thirteen million Americans lose their health insurance, and millions more see their premiums spike—all to give corporations and the wealthiest people in America a tax cut.

To my Republican colleagues I ask: When is it enough? Haven't we helped the wealthy enough? At least for a day or two, shouldn't we focus on middle-income families?

Sadly, the threat to working families doesn't stop with a hike to their tax bill. In order to find even more money to fund tax cuts for corporations and the highest earners in America, Republicans agreed to add $1.5 trillion to the national deficit—$1.5 trillion. How many times have we heard Members of Congress—usually on the Republican side of the aisle—come to the floor and pose for holy pictures when it comes to the national debt? Well, they certainly have a lot of sermons to deliver when they have a Democratic President, but they suffer from political amnesia when they have a Republican President. Now they are going to add $1.5 trillion to the national debt to give tax breaks to wealthy people and big corporations.

I have served in this body for many years. I have heard lecture after lecture from Republicans, until they are red in the face, about the importance of fiscal responsibility. I have listened to my Republican colleagues speak at length about the need for spending offsets. They wanted spending offsets for food stamps for hungry Americans. They wanted spending offsets for Hurricane Sandy victims when the hurricane hit the New York, New Jersey area. They wanted offsets for Meals on Wheels for seniors.

Where are these deficit hawks now? The Director of the Office of Management and Budget, Mr. Mulvaney, who made a name for himself while in Congress railing against increasing the debt ceiling, is now advocating for the Republican tax plan saying: ''We need to have new deficits.'' Spare me.

I have heard the calls from Majority Leader MCCONNELL, who once asked: ''At what point do we anticipate getting serious here about doing something about deficit and debt?'' Those are the words of Senator MCCONNELL.

To that Senator and my Republican colleagues I say: How about now?

So-called fiscally conservative Republicans are hiding behind widely debunked economic growth projections and the so-called ''dynamic scoring,'' arguing that what looks like a $1.5 trillion increase to the deficit will not actually be one.

The appropriately named ''Laffer Curve'' suggested that if you cut taxes on the wealthy, everybody gets well. It didn't work then, when he proposed it. It hasn't worked since, and it will not work now. Yet the Republicans find this as the only refuge for their increase to the deficit.

Over the weekend, however, it was announced that the Joint Committee on Taxation wouldn't have the time to produce a so-called dynamic score for the bill before the Senate.

So let me understand this. Not only did Republicans vote to explode the deficit, but now they don't want to wait to see whether their weak defense for this fiscally irresponsible plan will actually work? This is hypocrisy. Maybe it is because Republicans know, as well as the American people, just how hollow their promises are on junk economics.

Do you want a preview of what dynamic scoring will hold? Last week the Penn-Wharton Budget Model released an analysis that shows that the Senate bill would fail the Republicans' own test, even when using their so-called dynamic scoring. Make no mistake, once this happens, Republicans will waste no time in making up the difference by calling for devastating cuts to America's vital programs.

The Republican budget even spells this out for us—where they are going to turn when their approach falls apart. Here is how they are going to do it. They are going to do it on the backs of hard-working Americans, with more than $1 trillion of cuts in Medicaid, and—hang on tight—$470 billion worth of cuts in Medicare.

The harmful impact to seniors and low- and middle-income families and some of the Nation's most vulnerable from these budgetary cuts apparently justify to them the $1.5 trillion deficit hole they are going to create with this tax plan helping the wealthiest people in America.

Under our current law, known as the pay-as-you-go law, harmful cuts could start as soon as January, if this bill is passed.

Republicans are determined to have a ''win'' before the end of the year. That is because if you were suffering from insomnia and following the Senate business over the course of last year, you have to wonder why we were here. In the course of the year, two things happened of any moment. No. 1, there was filling a vacancy on the Supreme Court, and I will save my analysis of that for another day. No. 2, there was the passage of the Defense authorization bill. That is it—two things, 1 year.

So the Republicans, before we leave for the so-called holiday recess, want to have a feather in their cap. They want to be able to point to the fact that they have actually passed something. They are saying to their Members that this is a life-or-death proposal: We have to pass this or we will not be able to point to hardly anything that we did during the course of 1 year under Republican control of the Senate. That is why they are determined to do this, and do it quickly.

The Republicans' irresponsible deficit spending under this plan will trigger $150 billion in automatic cuts to mandatory spending each year for the next decade. It includes regular cuts to Medicare.

To my colleagues on the other side of the aisle, you just can't have it both ways. You can't claim to be fiscally responsible and then vote for a plan that includes billions of dollars in budget gimmicks that would explode the deficit by up to $1.5 trillion over the first 10 years and beyond, even with this great dynamic scoring theory that you are trying to sell. You can't claim to make a tax plan that prioritizes small business and then spend hundreds of billions of dollars giving huge multinational corporations—already enjoying record profits—a massive tax cut as well.

I might add that the Republican tax bill creates incentives—incentives for American corporations to move overseas, to take American jobs overseas. Why in the world would we create a tax code incentive for that to happen?

You can't choose to make the corporate tax cuts permanent at the expense of protecting working Americans and then still claim that this plan is going to help those same families. It is based on nothing more than a wink and a promise to extend half a trillion dollars in middle-income tax cuts that no one wants to pay for.

You can't pretend to be above special interest and then include a provision in this tax bill—in the tax bill—that would open drilling leases for 800,000 acres of the Arctic National Wildlife Refuge—one of America's last pristine, untouched wilderness places, home to more than 200 wildlife species, and deserving of preservation.

I have come to the floor over the course of many years in debate about the Arctic National Wildlife Refuge. Senator Ted Stevens used to sit in that chair, and he couldn't wait until I finished my speech. He would stand up and say: The Senator from Illinois—he would point at me—doesn't even know where the Arctic National Wildlife Refuge is. He has never been there. He has no idea what is going on up there. So he should not stand up on the floor and say things that he can't back up with his own personal experience and knowledge.

What I did at that point was that I decided I was going to call his bluff. So I picked up and went up to the Arctic National Wildlife Refuge. I took a bush plane in and camped out overnight in the refuge. I trekked around. I took a look for myself so that I could back up some of the things I said on the floor.

We were right on the Canning River. You could look across the river at parts of the Refuge that were managed by the State of Alaska. On this side of the river where we camped, it was managed as a national wildlife refuge. There was a dramatic difference. Roadways had been built on the State side but not on the Federal side. We had a pristine refuge area. The net result was really beautiful and impressive.

I couldn't wait to get back to the floor to debate Senator Stevens since I had been there. I came back for the next debate. He never raised the question again about whether I had been there. So I didn't get to give the speech on the floor.

To give up all of this land to drill for oil at a time when we are saying to the Middle East that we don't need their oil as much as we have in the past, to

drill for gas when fracking is finding natural gas in areas all over the continental United States hardly makes sense. It certainly doesn't if you have ever been there and seen this beautiful piece of real estate.

I think the American people know what the Republicans had in mind with this plan. It really does help their deep-pocketed donors. Some Republicans in the House have been very open about this. One New York Republican Congressman said: Our donor said don't come back unless you give me a tax break. He is very honest about that, but, as far as I am concerned, that shouldn't be the motivation for passing tax reform.

One of the Republican donors I referred to—and I quote him directly—said: ''My donors are basically saying, 'Get it done or don't ever call me again.''' Another one said: ''Financial contributions will stop'' if the Republican tax plan doesn't pass. Thank goodness for their honesty and candor.

There are special interests that will do well under this Republican plan, and wealthy people as well, but I think it is time for us to look at this plan, look at it clearly, and understand the negative impacts it is going to have on working Americans.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

THANKING THE SENATOR FROM ILLINOIS

Mr. SCHUMER. Mr. President, I want to thank my friend, former roommate, and colleague in leadership for, as usual, his articulate and on-the-money remarks about the tax bill.

ISSUES BEFORE CONGRESS

Mr. SCHUMER. Mr. President, we have a long to-do list before the end of the year, and time is running short. We had hoped to make progress with the administration on these issues in a meeting this afternoon. Unfortunately, this morning, instead of leading, the President tweeted a blatantly inaccurate statement and then concluded: ''I don't see a deal.'' The President said: ''I don't see a deal'' three hours before our meeting, before he heard anything we had to say.

Given that the President doesn't see a deal between Democrats and the White House, Leader PELOSI and I believe the best path forward is to continue negotiating with our Republican counterparts in Congress, instead. Rather than going to the White House for a show meeting that will not result in an agreement from a President who doesn't see a deal, we have asked Leader MCCONNELL and Speaker RYAN to meet with us this afternoon.

We don't have any time to waste addressing the issues that confront us. So we are going to negotiate with Republican leaders who may actually be interested in reaching a bipartisan agreement. If the President, who already earlier this year said that ''our country needs a good shutdown,'' isn't interested in addressing the difficult-year agenda and wants to make the government shut down, we will work with those Republicans who are interested in funding the government, as we did in April.

We have so many things to do. We have to fund the government. We have DACA. We have the Children's Health Insurance Program. We must reinstate cost sharing for health premiums and out-of-pocket costs. We have to deal with disasters. We have to fund our defense and our nondefense sides of the government in a reasonable way. There is so much to do. We are eager to get that done in a bipartisan way. Obviously the President isn't, but hopefully Leader MCCONNELL and Speaker RYAN are, and we look forward to sitting down with them to resolve this in an amicable way, as we did in April. When the President wasn't involved, we got it done.

REPUBLICAN TAX PLAN

Mr. SCHUMER. On the Republican tax bill, we are only a few days away from a final vote, but from all reports, the Republicans are still debating significant changes to the text of the bill. Some are angling for a change to the passthrough provisions, feeling that a gargantuan new tax loophole for many high-income individuals needs to be widened even further. Right now, it is reported that 70 percent of these passthroughs go to the top 1 percent. The changes that are being proposed would make it even worse.

Help small business, yes. Don't open a giant loophole for wealthy hedge funds, big-shot law firms, and lobbyists. We don't need that.

Others are rightly worried about the impact this bill would have on the deficit and debt. What I would remind my Republican colleagues is that, with any more changes, it is virtually certain you will be voting on a bill without any expert analysis of its impacts; you will be voting without any estimate of whether it will grow or shrink the economy; you will be voting without a good sense of the long-term impacts of the changes you are making to the Tax Code.

Certainly, 1 week of markup in the Finance Committee, with only one expert witness, is not a satisfactory process, particularly considering the changing nature of this bill. Changing the Tax Code in broad brush is a difficult thing. There are so many unintended consequences.

If our Republican colleagues should pass this bill and it becomes law—and I hope it won't—week after week, we are going to find new things in this bill—some intended, some not intended. The people who voted for it are going to regret it. The public will ask: Why didn't you know? With a tax bill, it is impossible to know all these things unless you let it sit out there in the Sun and bake so that people, experts from around the country—there are tens of thousands of tax lawyers paid to figure out ways around our Tax Code and help the wealthy, who are their clients. Unless you examine the bill carefully in sunlight, unless you have a lot of hearings, unless you hear from all kinds of witnesses, the result is usually quite bad for America, with so many unintended consequences.

Our Republican colleagues, in their rush to get a bill done, are legislating in an irresponsible way, especially when it comes to something as important and complex as the Tax Code. If the product were a great one, that would be one thing. We all know this is not a great product. We don't even hear our Republican colleagues bragging about this product, with a few exceptions. Everyone says this could be better, that could be better.

Every independent analysis has shown that the tax bill will end up raising taxes on millions of middle-class families, despite the early intentions of the President and Republican leaders. The Tax Policy Center estimates that 60 percent of middle-class families will see a tax increase—60 percent of middle-class families will see a tax increase—by the time the bill is fully implemented, while folks making over $1 million a year would get an average tax cut of over $40,000.

Some would say: Well, they are making more money; they should get a bigger tax break. No. I would like to take every dollar of that $40,000 a millionaire gets and give it to the middle class. They are the ones who need the help, not the wealthy people. They are the ones who buy the products and keep the economy humming. They are the ones who, throughout the 1950s, 1960s, and 1970s, created the best economy America has ever had, not just the few millionaires. It is astounding.

If the President and Republicans in Congress set out to pass a middle-class tax cut, as they claim—if that is where they set out, this bill completely misses the mark. Meanwhile, the big winners—big corporations, the very wealthy—are doing great already. Estates worth over $11 million get a tax break? Why is that? Why is that, when average middle-class people are struggling? Corporations get a permanent reduction in their rates, while individual tax breaks expire after a few years. The bill would even open up drilling in the Arctic National Wildlife Refuge because this tax bill wouldn't be complete unless they help Big Oil too.

All of this to saddle the next generation of Americans with larger deficits, even larger debt—something many of my friends on the other side of the aisle have labored against their whole

careers. We have heard so many speeches from the other side about deficit reduction. I think my colleagues were sincere. Why are they abandoning it now?

Every one of our colleagues knows that we could do a lot better job in a tax bill at reducing the deficit than we have here. From the very beginning, Democrats have told our Republican colleagues that we want to work with them on tax reform, we want to lower taxes on the middle class, we want to reduce burdens on small businesses, we want to erase the incentives that send jobs overseas and bring jobs back home, and we want to do all these things in a way that doesn't add to the deficit.

From the very beginning, Republicans have said to us: We are not interested in working with you. We are going to draft it ourselves and use reconciliation so we don't need your votes, and you can vote for our bill if you want.

That is not bipartisanship, what the Republican leadership has done.

I know there are some Republicans on the other side who wish we could work together. Well, we can. Today at 11 a.m., I think more than a dozen—certainly a large number of Democrats went to the Press Gallery and said: We want to work with our Republican colleagues to create a better bill.

They came and visited me last night. I encouraged them to do it. This leader—this leader—is not going to stand in the way of bipartisan reform that meets the goals we have talked about: helping the middle class, reducing the deficit, not unduly or in any way aiding the 1 percent.

Bipartisanship and compromise are very possible on tax reform. It is an issue crying out for a bipartisan solution. There are a lot of areas in which we agree. We have to work to find a middle ground that is acceptable to both parties. I daresay it would be a better bill for the American middle-class than the one we are looking at right now.

NOMINATION OF GREGORY KATSAS

Mr. SCHUMER. Finally and briefly, Mr. President, because I know my colleagues are waiting, on the Katsas nomination, the DC Circuit is often called the second most powerful court in the Nation because it adjudicates so many highly charged political issues, including cases that deal with the limits of Executive power and regulations issued by Federal agencies. As examples, major cases on climate regulations, the CFPB, and gun safety laws in the District of Columbia are now before that court. On such a court, we should prize independence and moderation and look warily at candidates with highly political backgrounds.

Unfortunately, Gregory Katsas has been intimately involved in a number of the most partisan and legally dubious Executive orders of the current administration. He was involved in the President's controversial travel ban, his decisions to terminate DACA, to end transgender service in the military, and to establish an election integrity commission based on the lie that 3.5 million people voted illegally in the last election.

His tenure and views in the Trump administration raise important questions about his independence and moderation, particularly on a court that will likely hear cases related to the very same issues he worked on in the White House. He appears to be another example of the Republican majority pushing judges from a political extreme of their party as a way of advancing their interests in lieu of a legislative agenda, which has floundered.

I will vote no on his nomination and urge all of my colleagues to do the same.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Gregory G. Katsas, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. STRANGE).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, there are 90 minutes of debate remaining on the Katsas nomination, equally divided between the leaders or their designees.

The Senator from Oklahoma.

THE DEFICIT

Mr. LANKFORD. Mr. President, I want to address this body and talk about an issue that we do not talk about enough—the deficit. It is an issue that, for whatever reason, we have stopped talking about in Washington, DC. We talk about tax policy, which we should. We talk about disaster relief areas, which we should. We talk about healthcare policy, which we should, and a lot of other things. We have stopped talking about the debt and deficit, and I think that is a mistake for us.

You see, after 2011, the trend moved from a high point. Deficit spending that year was $1.3 trillion—overspending in a single year. After that point, the deficit went down a little bit each year until 2015. In 2016 our deficit number—that is a single year of overspending—started going back up. It went up in 2016, and it went up again in 2017. It is turning in the wrong direction. As you will recall and as many people in this body will recall, deficits were a major topic for us starting in 2010. Each year, Congress was trying to find ways to be able to reduce the deficit. That does not seem to be the issue anymore.

What I bring is a set of solutions and a set of ideas. How do we get out of this? Are there bipartisan solutions to actually deal with deficit overspending? There are priority things that we need to spend money on, and we should spend money on those things. Yet, as to the things that are nonessential for us and on which we might all find some way to agree that there is a better way to be able to spend our dollars, we should.

So this week I have produced our third annual ''Federal Fumbles'' book. We call it ''100 ways the Federal Government has dropped the ball.'' None of these should be all that controversial, though we will not agree with all of them. But there are simple ways to look at what the Federal Government is doing, what it is not doing, where we are spending, where we are overspending, and where additional oversight is needed. There is no problem in this country that can't be solved, and, certainly, our deficit is an issue that can be solved. We just have to commit to each of us making the decision that this is actually important and that we are going to try to resolve this to try to get us back toward balance.

I have lumped all of these issues from this book back into a whole series of different process things because each one of the 100 things that we identify is not just a stand-alone; it is part of a bigger problem. So I have put them together into budget process reforms and grant process reforms, which allow for more transparency in how decisions are made and as to what decisions have been made. I would say, as well, that there are Senate rule changes that are going to be needed to be able to resolve any of these issues. We put together these four big blocks to be able to ask: What are we actually dealing with? Let me just give you a couple of ideas.

If we are going to actually deal with some of the budget issues, we are going to have to actually deal with the budget process. We are not going to get a better product until we get a better process. Since 1974, the Budget Act has only worked four times, and every year the American people have asked over and over: What just happened? How

come we are back in this budget fight? How come it is at the end of the year? How come this is not resolved? Because we have a bad process—that is why. Our process is not constitutional. It is the product of a law that was put in the Budget Act. We need to be able to change that, and I think there are some basic ways to be able to resolve that.

I would like to do budgeting and appropriations every 2 years. That would give us more time to be able to do more oversight, and that would give us more time for floor debate on it to be able to walk through this. There are multiple other areas that need to be resolved, like aligning our committees and other things that need to be done if we are actually going to get budget work done. In the meantime, we need to be able to push through what we can with the greatest efficiency, but, long term, we are going to have to fix the broken process that we have.

We should fix the grant-making process. There has been a lot of pressure to be able to move dollars toward grants because now we have put more and more restrictions on contracting. Because there are very few restrictions on grants, a lot of agencies are now spending more on grants than they are on contracting, and they are pushing dollars out the door with there being very little supervision.

We have to work on transparency. I am ashamed to say that for 6 years I have pushed on a very simple bill called the Taxpayers Right-To-Know Act. It passed unanimously in the House in 2 different years. It came over to the Senate, and it got tied up. The Taxpayers Right-To-Know Act is very simple. It asks every agency to list everything that it does. What a shocking thing it would be to actually know everything that every agency does—to be able to see what it does, what it spends on it, how many employees it allocates to it, and how many people it serves.

Every business in America can give a list of everything that it does except for the Federal Government. We cannot. We should. It would give the opportunity for agency heads to find out, before they start a program, and to know if someone else already does it in the Federal Government. I have talked to multiple agency individuals now, under two different Presidents, who have said that they have started a program, gotten it developed, committed people to it, and then a couple of months or years later determined that somebody else was already doing it. Even our agency folks do not know what the other agencies are doing. This should be a simple, straightforward solution to be able to help our agencies and to be able to help all of us have greater supervision over the budget.

The fourth thing is dealing with Senate rule changes. If we do not solve the issue of our nominations, we will never be able to get actual legislation on the floor and get back to debate again. We have stopped debating on major bills. We have stopped debating on small bills. Because it takes so much time, it is easier to just not do it at all. That is not what the American people sent us here to do. When we say that the Senate cannot debate a topic, no one can believe it. That rule doesn't get better based on inactivity. It gets better when we actually fix the basic problem that we have, and that is getting us back to debate and solving the nomination process. Let's actually get this resolved.

In saying all of that, all of the things that are in this book this year are things that I and my staff and my team—and Derek Osborn, who has led in all of the compilation of this on my team—have put together. We have put together this basic package to say: Here are 100 items. Quite frankly, I would hope that all 100 Senators could go through budget areas and that everybody could find 100 items and could identify them and say: Let's compare our lists and then ask: What are we going to do to be able to deal with the debt and deficit? How are we going to deal with some of the spending and inefficiencies of the Federal Government? We would probably have 100 different lists, but I would bet that, of the 100 different lists, we would find a lot of common ground, and we would actually start to solve some things.

What type of things did we find on our list this year? Let me give you some examples.

The National Science Foundation did a grant this past year to study the effects and how things are going for refugees in Iceland. Now, I am sure that the country of Iceland would like to know how it is going for their refugees, and maybe even the U.N. would like to know, but I am a little stunned that the National Science Foundation used American tax dollars to study refugees in Iceland.

The National Endowment for the Arts did a grant this past year to help pay for a local community theater in New Hampshire in its performance of ''Doggie Hamlet.'' ''Doggie Hamlet'' is an outdoor presentation in which a group of people yells and sings around a group of sheep and sheep dogs. I have watched the performance, and I think it is fine if the folks of New Hampshire want to do that performance. I am just not sure why the people of Oklahoma are being forced through their Federal tax dollars to pay for the production of ''Doggie Hamlet.''

Last year, the Department of Defense moved some equipment into Kuwait to be able to give it to the Iraqi army. So $1 billion worth of equipment was moved into Kuwait to give it to the Iraqi army—Humvees, small arms, mortars. All of that is fine, as we were helping to equip the Iraqi army to allow them to be able to defend themselves. The problem is that we lost track of them somewhere between Kuwait and Iraq, and the DOD doesn't know what happened to $1 billion of equipment after it was delivered to Kuwait.

The IRS has had multiple issues that we have tried to identify in different segments of this. One is that several years ago we noticed that the IRS was rehiring employees whom it had fired—the employees who were not paying their income taxes but were working for the IRS or the employees who were using their positions to spy on other Americans and pull up their tax information just because of their own interests. It is a fireable offense at the IRS—and it should be—to violate an American's privacy. The problem is that the IRS has started rehiring those same people right back. I don't know many companies that fire somebody and then later decide they are going to change their minds and rehire him, but, apparently, the IRS has become proficient at that. We identified it several years ago. The IRS said it would stop it. We did a check on that last year, and guess what. The IRS is still doing it—rehiring the employees it has fired, some of them even with their files that are stamped ''do not hire.'' The IRS hired them anyway. We have to be able to stop that.

The IRS also did a study, through a program that it has, to be able to research tax compliance—not of changing tax rules, just of how people are complying with the tax rules and evaluating: Are they paying the correct amount of tax? Quite frankly, our tax system is so incredibly complicated that it is hard to be able to track what is the right amount, but the IRS should be able to look at it and determine whether someone is paying the right amount based on those figures. The IRS has developed some programs to be able to recommend, but the problem is that it has not implemented those programs. Over $400 billion of taxes has never been collected by the IRS because it has not implemented the recommendations that it has in front of it already.

The IRS has also had an issue that we are trying to deal with, along with several other entities by the way: Who is alive and who is not alive? You see, the Social Security Administration keeps track of something called the Death Master File. It sounds wonderful; doesn't it? The Death Master File basically says who has passed away in America and what Social Security number is not functional anymore. The IRS is not fully implementing that list and, at times, it is still sending checks to people who died years ago. Then, some fraudulent people take a Social Security number from someone who has passed away and file a return on that Social Security number in January or February, and the IRS sends them a check simply because it has not listed that this person has passed away and that the Social Security number is not active. Yet the IRS is not the only one.

We also identified in the SNAP program—what some people call the food stamp program—that there are thousands of retailers who are using these

false Social Security numbers from people who have passed away. Last year, $2.6 billion was sent out to SNAP retailers based on the Social Security numbers of the people who had passed away or on the numbers that are not operable. Those are things that are fixable. There is $2.6 billion of fraud that is in the system.

We have asked the question about immigration, and immigration has been an important topic here. We talk about immigration as well and not just of the financial portion of it but of the fumble portion of things that are actually going wrong in immigration currently. A lot of folks—and some folks even in this body—say: If we will just enforce the law as it exists and build a fence, we will be fine. The problem is that 66 percent of the people who are in the country illegally came into the country legally, with a legal visa, but they overstayed the visas. They never left.

After 9/11, the 9/11 Commission said that one of the major aspects in dealing with immigration was to do an entry-exit visa system so that we would know who they were when people came in, and we would also know when they left. That was a recommendation from the 9/11 Commission, but it has still not been done a decade and a half later.

If we are going to deal with immigration, one of the key things that we have to have is not just a wall or a fence or some sort of barrier. We also have to deal with when people come in and when they leave under legal visa systems. I have heard comments about hiring more Border Patrol folks and more ICE folks. That is OK, fine. I am good with that, actually, but here is the problem. With the current system that is set up, it takes over 450 days to hire one person as a Border Patrol person because the process is so convoluted—450 days. What if you would like to apply for a job and you wouldn't hear back about it for a year and a half—450 days?

What about if we are going to add more immigration attorneys? We have a half-million-person backlog in our immigration courts right now. What if we were to hire more judges for that process? Great idea. Guess how long it takes to hire more judges in the immigration court? It takes 742 days right now to be able to hire a judge to add to the immigration courts. Our problems are not just in immigration. There are structural problems in the Federal Government right now in hiring, oversight, and in managing the reports.

I mentioned the IRS's not implementing one of the reports they have. There is also an issue with some other agencies that will put on the back of Federal vehicles their phone number with this question: How is my driving? What a great idea that is for a Federal vehicle. The problem is that when we looked at it, we found out that the agencies never actually read the reports that came in. If people called in and said that this particular car number is driving crazy, no one is actually looking at it. It is the fear that Americans have that no one is really listening to them in the Federal Government.

CLAIRE MCCASKILL and I just worked to be able to pass something in this body to try to deal with solving this basic question: Can agencies ask: How am I doing?

When most of us get a rental car or a hotel room online, we will get an email after we check out of the room or stop using the rental car asking: How is our service? How can we improve?

Do you know that Federal agencies can't do that or that it has become so complicated that they can't produce a three-question e-survey to send out to people saying: How are we doing in Social Security disability? How are we doing in the Veterans' Administration? How are we doing in our HUD assistance to you? The reason for that is the Paperwork Reduction Act, of all things. An old law that was supposed to help us is actually now in the way, now in the modern age, of our trying to do basic surveys. We need to be able to resolve that. That is something this body can lead on to be able to change.

There are a lot of things we want to be able to identify and to say that we can do better. This is our list. Quite frankly, this is our to-do list for the next year, just as the previous two volumes have been. We have seen some things that we have been able to accomplish over the last couple of years from previous ''Federal Fumbles'' books, but we can't get started on them until we actually identify them and say: That is a problem. How are we going to fix it? Our simple question for the rest of this body is this: Here is our list; what is yours? What are the things we are working on? What are the issues that we are actually going to get done and solve for the American people? What are the crazy stories and things we are wasting money on? If we only identified it and said: Let's stop that, we could and would. Let's do it together.

There is no reason that reducing the deficit should have to be an issue that has become a partisan issue. Deficits and the growing debt affect every single American. So let's work on it together, and let's stop finding ways to not work on it and find areas of common ground where we can work on it.

Let's fix inefficiencies in Federal Government hiring. Let's fix inefficiencies in our system. We have a tremendous number of great Federal employees who are all around the country and who work extremely hard for the American people every day and do great work, but they are trapped in a system that slows them down, that prevents them from being as efficient as they would like to be. Let's help them out by fixing the broken things that are in these agencies and systems. Let's set them free to be able to serve people the way they want to be able to serve people.

There are things we can do. Let's get busy doing it. If you are interested in knowing more about ''Federal Fumbles'' go to our website at lankford.senate.gov. We will send a copy over. We will send you a link to our website because it is cheaper and we will not have to print it off, and you can look at it online.

The issue of the day is this: Let's find out what your list is; we have started ours.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, the judges Donald Trump appoints to lifetime positions on our Federal courts will be a lasting legacy, and he is determined to do whatever it takes to place as many nominees with an ideologically driven agenda on the bench as possible.

Today the Senate is debating whether to give Gregory Katsas a lifetime appointment to serve on the U.S. Court of Appeals for the DC Circuit. Throughout his career, including as Deputy White House Counsel under Donald Trump and as a senior official in the Justice Department under George W. Bush, Mr. Katsas has demonstrated a profound conservative bias that is inappropriate for service on the country's second most important court.

As Deputy White House Counsel, Mr. Katsas has been deeply involved in crafting the legal justification for many of the Trump administration's most controversial policies. He also played a key role in deciding which court cases the administration would support or oppose and recommending candidates for various executive and judicial appointments.

The legal issues he has managed, the advice he has given, and the appointments he has recommended raise serious concerns about whether he should receive a lifetime appointment to the Federal bench.

In the early days of the administration, Mr. Katsas participated in crafting the legal justification for the President's Muslim ban, a policy at odds with the Constitution and our values as a nation. Mr. Katsas has also been involved in orchestrating the administration's opposition to LGBTQ rights in the courts. In particular, he openly admits his role in the Justice Department's decision to argue in a case before the Second Circuit that title VII in the Civil Rights Act of 1964 does not prohibit discrimination on the basis of sexual orientation. This position is inconsistent with the Equal Employment Opportunity Commission's 2015 guidance and with a recent en banc decision from the Seventh Circuit Court of Appeals.

During his confirmation hearing, Mr. Katsas testified that he was involved in the administration's decision to file an amicus brief in the Supreme Court case of Masterpiece Cakeshop v. Civil Rights Commission. He thus supports the position that a private business

should be able to refuse to sell a wedding cake to a gay couple.

By elevating a corporation's religious views over the rights of their customers, Mr. Katsas and the Trump administration argued that businesses should be able to say that their work is an expression of their religious beliefs. This would allow them to discriminate against certain customers and turn our system of antidiscrimination protections in public accommodations on its head. These actions and positions should disqualify Mr. Katsas from serving on the DC Circuit.

But there is more.

We can also trace his record of pushing a partisan, ideological agenda during his time in the Bush Justice Department. In Hamdan v. Rumsfeld, Mr. Katsas argued that the military commissions the Bush administration established after 9/11 were legal and consistent with the Uniform Code of Military Justice and the Geneva Conventions. In Boumediene v. Bush, Mr. Katsas also argued that people deemed enemy combatants and detained at Guantanamo could not challenge their detention on habeas corpus grounds. The Supreme Court repudiated these arguments in their landmark decisions in both cases.

Mr. Katsas was also the public face of the Bush administration's opposition to the Native Hawaiian Government Reorganization Act, also known as the Akaka bill. As the Principal Deputy Associate Attorney General in the Bush administration, Mr. Katsas testified in Congress that the Akaka bill was unconstitutional. He went so far as to say that it would ''create a race-based government offensive to our Nation's commitment to equal justice and the elimination of racial distinctions in law.''

What was really offensive was that his testimony was legally wrong and insulting to a Native people, the Native Hawaiians. In rebuttal, a bipartisan trio of highly respected former DOJ officials said in written testimony that Mr. Katsas failed to provide a credible and coherent legal argument against the Akaka bill. They argued that his testimony presented ''a caricatured view of the text of [the bill] and the governing law, and should not be considered an authoritative guide for resolving legal disputes in this area.''

I agree. The Akaka bill did not confer status to a group of people based on race and ancestry. It did so by virtue of residency and sovereignty. With no grounding in fact or law, Mr. Katsas advocated treating Native Hawaiians differently from other indigenous people.

Mr. Katsas' position on Native Hawaiian rights is of particular concern at a time when the DC Circuit could hear legal challenges to the 2016 Interior Department rule through which the Native Hawaiian community could reestablish a government-to-government relationship with the Federal Government.

Mr. Katsas has a disturbing record of pushing a partisan conservative agenda not based on sound law that has no place in the DC Circuit. We cannot simply ignore his record and decouple his past actions from the person responsible for them. Mr. Katsas has clear policy preferences that are red flags as to how he will decide cases should he be confirmed to this lifetime position.

I urge my colleagues to oppose this nomination.

I yield the floor.

Mr. GRASSLEY. Mr. President, today the Senate is voting to confirm Gregory Katsas to serve as U.S. circuit judge for the District of Columbia Circuit. Mr. Katsas's 28-year legal career has prepared him well to serve as a Federal judge. His nomination has garnered widespread support in the legal community.

Mr. Katsas graduated with his A.B. from Princeton University in 1986 and from Harvard Law School in 1989. After graduating from Harvard Law School, Mr. Katsas clerked for Judge Edward Becker on the Third Circuit Court of Appeals and for Justice Clarence Thomas on the DC Circuit and on the U.S. Supreme Court. Following his clerkships, Mr. Katsas joined the DC office of Jones Day, where he worked in the issues and appeals section of their litigation group.

From to 2001 to 2006, Mr. Katsas served as a Deputy Assistant Attorney General for the Civil Division at the Department of Justice, where he argued, briefed, and supervised a number of significant appeals handled by the Federal Government. He then served as the Principal Deputy Associate Attorney General from 2006 to 2008 and the Acting Associate Attorney General from 2007 to 2008. In 2007, President Bush nominated Mr. Katsas to serve as the Assistant Attorney General for the Civil Division at the Department of Justice. The Senate confirmed him by voice vote in 2008, and he served in that role until the end of the Bush administration.

Mr. Katsas rejoined Jones Day as a partner in 2009, where he handled many important litigation matters. In January of this year, Mr. Katsas again left the private sector to serve the President as deputy counsel in the White House Counsel's office.

One only has to look at his professional record to understand how eminently qualified Mr. Katsas is to serve as a Federal appellate judge. Over the course of 28 years, Mr. Katsas has briefed hundreds of cases and argued more than 75 appeals, including three cases in the Supreme Court and 13 cases in the DC Circuit, the court to which he is nominated.

I am pleased to support Mr. Katsas's nomination, and I urge my colleagues to vote for his confirmation.

Mr. DURBIN. Mr. President, I rise in opposition to the nomination of Greg Katsas to the DC Circuit Court of Appeals, but I want to begin with some general observations.

This year, the Republican-controlled Senate has repeatedly fallen short when it comes to serving as a meaningful check and balance in our constitutional system. Senate Republicans have abandoned longstanding norms of due diligence and careful scrutiny, all in the name of advancing the agenda of President Trump.

We saw this when Senate Republicans voted in near lockstep to confirm President Trump's Cabinet nominees. Republicans simply looked the other way when nominees failed to pay all of their taxes, did not disclose millions in assets, had conflicts of interest, or could not even answer basic questions at their hearings. Senate Republicans have repeatedly tried to rush through partisan bills in the dark of night. Remember when they revealed the text of the TrumpCare bill just a few hours before the Senate voted on it? Now Senate Republicans are trying to pass massive tax cuts for the largest corporations and wealthiest Americans, by ramming through an enormous bill with little debate and public scrutiny of how the bill would explode the deficit and raise taxes on many in the working class.

This pattern, of the Senate abandoning its responsibility to do basic due diligence when it comes to the agenda of President Trump, has also infected our process of considering judicial nominees. When it comes to President Trump's judicial nominees, we are seeing the Senate's constitutional responsibility of ''advice and consent'' turn into ''rush through and rubberstamp.''

All year, Senate Republicans have been removing guardrails that help ensure that judicial nominees have the qualifications, temperament, and integrity that we need for lifetime appointments to the Federal bench. Don't just take it from me. Take it from the conservative Wall Street Journal. I ask unanimous consent to have printed in the RECORD a November 20 article from the Wall Street Journal entitled ''Checks on Trump's Court Picks Fall Away'' at the conclusion of my remarks.

This article talks about the series of procedural changes Senate Republicans have made this year to expedite Trump's judicial nominations—most recently, the November 16 announcement by Senator GRASSLEY, the chairman of the Judiciary Committee, that he would hold hearings on nominees who do not receive positive blue slips from both home-State Senators, something that never happened under the Obama administration. The article begins by saying:

> The Republican head of the Senate Judiciary Committee has curtailed one of the last legislative limits on a president's power to shape the federal courts, giving Donald Trump more freedom than any U.S. president in modern times to install his judges of choice, legal experts said.

Consider the other changes Republicans have already made in just the first year of the Trump administration.

First, President Trump subcontracted the selection of Supreme Court nominees out to rightwing special interest groups like the Federalist Society. President Trump publicly thanked the Federalist Society for assembling a list of candidates from which Justice Neil Gorsuch was selected. The White House even asked Leonard Leo of the Federalist Society to call Justice Gorsuch to let him know he was a candidate for the job. Never before had a President credited a special interest group with serving as a de facto selection committee for the Federal judiciary. For anyone who wonders what the Federalist Society is all about, I urge you to watch the video of this group laughing and applauding at their convention a few weeks ago when Attorney General Sessions joked about meeting with Russians. It was shameful.

Senate Republicans also changed the rules of the Senate in order to get Neil Gorsuch confirmed. He couldn't get 60 votes on the Senate floor, so the Republicans changed the rules to make 50 votes the threshold for appointments to the Supreme Court.

When it comes to lower-court nominees, the Trump administration and Senate Republicans are doing half-hearted vetting at best. We are constantly learning information that nominees initially failed to disclose. For example, Alabama District Court nominee Brett Talley failed to disclose that his wife was an attorney in the White House Counsel's Office and that Talley had apparently posted online comments defending the early KKK and calling for shooting death row inmates. Court of Federal Claims nominee Damien Schiff failed to disclose that he had called Supreme Court Justice Anthony Kennedy a ''judicial prostitute'' in a blog post. North Carolina District Court nominee Thomas Farr reportedly failed to fully disclose his role in an African-American voter suppression effort during the 1990 campaign for Senator Jesse Helms. Yet all of these nominees were reported out of the Judiciary Committee on party line votes.

There are other changes that Republicans have made to the nominations process this year. Republicans have decided not to wait for the American Bar Association to do their nonpartisan peer review of a nominee's qualifications before holding a hearing. When the ABA unanimously finds nominees not to be qualified, Republicans still support the nominees anyway. Republicans have also begun regularly holding hearings on two circuit court nominees at a time. Why? Apparently, they are afraid to let each of their nominees stand on their own two feet and face questioning from Senators individually. The circuit courts have the final word on tens of thousands of cases every year. Every single lifetime appointment to these courts deserves to be scrutinized on its own individual merits.

Furthermore, Judiciary Committee Republicans are looking to relax the standards for nominees with a history of past drug use. Republicans repeatedly blocked judicial candidates proposed by President Obama who had smoked marijuana in the past, but Republicans now want a more lenient standard for Trump nominees. I am open to a different standard, but it must not be a double standard for Democratic versus Republican nominees.

That takes us to the changes to the blue slip. Republicans now want to disregard this 100-year-old tradition—meaning they will ignore the vetting that home-State Senators do for nominees from their State. Remember, blue slips were respected throughout the Obama administration. Republicans sent a letter in 2009 asking President Obama to respect blue slips, and he did. Republicans then proceeded to block 18 Obama nominees by withholding blue slips. Now, Republicans have announced that they are doing a 180-degree turn for Trump nominees and that they will disregard blue slips whenever they feel like it.

Why are Republicans abandoning so many longstanding traditions and guardrails when it comes to judicial nominations? It is because many of President Trump's nominees simply wouldn't pass muster under the traditional ground rules. Many Trump nominees have minimal experience, a history of ideologically biased statements, serious questions about their temperament and judgment, or a lack of independence from President Trump. Senate Republicans want to rubberstamp these nominees anyway—and confirm them as quickly as possible in their effort to pack the courts.

Just look at some of the judicial nominees who have already been confirmed this year—like John Bush, confirmed to sit on the Sixth Circuit, who blogged about the false claim that President Obama wasn't born in the United States and said at his hearing that he thinks impartiality is an aspiration for a judge, not an expectation; or Stephanos Bibas, now a judge on the Third Circuit, who wrote a lengthy paper calling for corporal punishment, including putting offenders in the stocks or pillory and applying multiple calibrated electroshocks.

Now, consider DC Circuit nominee Greg Katsas, who is before us today. Mr. Katsas works in the White House for President Trump. He is a Deputy White House Counsel. He testified that he has been personally involved in many of the Trump administration's most controversial policies, ranging from the Muslim travel ban to the creation of the Pence-Kobach election commission, to ending the DACA program, to the Trump administration's rollback of protections for LGBTQ-Americans.

Mr. Katsas also said that, while working for President Trump, he has given legal advice regarding the Emoluments Clause, advised on the administration's efforts to cut off Federal public safety funds to cities because of disagreements over immigration enforcement, and even provided legal advice on the Special Counsel's Russia investigation.

This is a laundry list of Trump administration controversies that Mr. Katsas has been personally involved with. It is likely that many of these issues will end up in litigation before the DC Circuit. I don't think appointing President Trump's staff lawyer to the DC Circuit will strengthen the American people's confidence in the fairness of our justice system. Instead, we need nominees with a strong track record of independence and good judgment.

Let me talk for a minute about Mr. Katsas's judgment.

At his hearing, I asked Mr. Katsas some simple questions about the torture technique known as waterboarding. I was deeply troubled by his answers. I asked him if waterboarding is torture. He said, ''I hesitate to answer the question in the abstract, not knowing the circumstances, the nature of the program.'' I asked him if waterboarding is cruel, inhuman, and degrading treatment. I noted that Senator JOHN MCCAIN, the author of the 2006 law that made it clear that cruel, inhuman, and degrading treatment is illegal, has said ''waterboarding, under any circumstances, represents a clear violation of U.S. law''—so did all four Judge Advocates General—the top lawyers in the military—during the Bush administration. But Mr. Katsas responded evasively, saying ''anything that is cruel, inhuman, and degrading treatment would be clearly unlawful.'' I then asked Mr. Katsas is waterboarding illegal under U.S. law. He said ''to the extent it constitutes either torture or cruel, inhuman, or degrading treatment, yes it is.''

What a pack of weasel words. Mr. Katsas's tortured logic about waterboarding is unacceptable. Mr. Katsas should have said, with no equivocation and no uncertainty, that waterboarding is illegal, that it is cruel, inhuman, and degrading and that it is torture. That is the law, and a Federal judge should know it.

I am concerned that Mr. Katsas's refusal to give those answers reflects a troubling ideological viewpoint when it comes to questions of torture and interrogation techniques. My concerns were amplified by a speech Mr. Katsas gave in April 2009 when his speech notes said ''high bar—a lot of coercive interrogation does not equal torture.''

This is a clear-cut issue for me. I have voted against nominees in the past who gave the wrong answers to questions about waterboarding, and I will do it again. In my view, Mr. Katsas has not demonstrated the independence and judgment that we need for the critical position of DC Circuit judge. I cannot support his nomination.

Here is the bottom line. Before I was a Senator, I was a lawyer in downstate Illinois, and I looked up to Federal judges. I thought that, to get that job, you had to be a cut above. Otherwise, you wouldn't make it through the Senate's rigorous advice and consent process. Sadly, this Republican Senate is turning advice and consent into ''rush through and rubberstamp.'' Republicans want to pack the courts with judges who will support President Trump's agenda, and so they are hurrying to confirm as many of his picks as possible—even if they are unqualified, ideological, hiding things from the Senate, or too close to President Trump. Our Federal judiciary is being diminished as a result.

I wish my Republican colleagues would stand up for an independent judiciary and a meaningful advice and consent process. We should fill this vacancy on the DC Circuit with someone who is independent of President Trump, not one of his staff attorneys. We should choose nominees who are unafraid to say what the law is on torture, instead of what they might wish the law to be.

I urge my colleagues to vote no on the Katsas nomination.

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

[From the Wall Street Journal, Nov. 20, 2017]

CHECKS ON TRUMP'S COURT PICKS FALL AWAY

(Joe Palazzolo and Ashby Jones)

MOVE TO CURTAIL 'BLUE SLIPS' GIVES THE PRESIDENT, AND SUCCESSORS, WIDE LEEWAY IN PICKS FOR FEDERAL BENCH

The Republican head of the Senate Judiciary Committee has curtailed one of the last legislative limits on a president's power to shape the federal courts, giving Donald Trump more freedom than any U.S. president in modern times to install his judges of choice, legal experts said.

Last week, Sen. Chuck Grassley (R., Iowa) reined in a tradition that empowered senators to block federal appeals-court nominees from their home state. His decision came about four years after Democrats, citing Republican filibusters of President Barack Obama's circuit-court nominees, eliminated a Senate rule that required the majority party to mount 60 votes to advance a nominee to a confirmation vote.

Together, the threat of a filibuster—or delaying tactic—and use of ''blue slips''—so named because senators indicate support or opposition to nominees on blue slips of paper—guarded against lifetime appointments for nominees deemed far outside the mainstream, court experts said. Getting rid of these checks could foment distrust in judges' work if Mr. Trump and later presidents prioritize ideology over experience or legal talent, some of the experts said.

''When judges lose legitimacy in the public eye, they lose the ability to enforce unpopular decisions,'' said Arthur Hellman, an expert on the federal judiciary and law professor at the University of Pittsburgh. ''And that's when you see an unraveling in the rule of law.''

Others said the changes were part of a natural progression away from Senate traditions that allowed the minority party to stall nominations for partisan reasons.

''If you're not a fan of the Senate-wide filibuster, you're probably not a fan of a filibuster by one senator,'' said Ilya Shapiro, a senior fellow in constitutional studies at the Cato Institute, referring to the practice of senators blocking nominees from their states.

So far, the Republican-controlled Senate Judiciary Committee has approved two nominees pronounced unfit to serve by the American Bar Association, including Brett Talley, a Justice Department lawyer who has never argued a motion in federal court and whose wife is the chief of staff for the top White House lawyer.

''If Senate Republicans will confirm him, then there is no realistic sense of checks and balances,'' said Christopher Kang, who worked on judicial nominations in the Obama White House.

The White House declined to address criticisms of Mr. Talley.

The ABA's Standing Committee on the Federal Judiciary has deemed two other Trump nominees ''not qualified''—ratings Republicans on the Senate Judiciary Committee dismissed as the product of what they called a liberal advocacy group.

The ABA has rejected that criticism, saying it has rated potential judges for more than 60 years, drawing on dozens and sometimes hundreds of interviews with a nominee's colleagues and other peers.

Hogan Gidley, a White House spokesman, said Mr. Trump has delivered on his promise to nominate ''highly qualified judges.''

''We appreciate the hard work of Chairman Grassley and [Senate Majority Leader Mitch] McConnell, and we urge the Senate to confirm all of the remaining nominees because it's what the American people deserve,'' he said in an emailed statement.

Mr. Grassley said on Thursday that he would hold a hearing on two nominees—David Stras, a nominee to the midwestern Eighth U.S. Circuit Court of Appeals, and Kyle Duncan, a nominee to the Fifth Circuit in New Orleans—over the objections of home-state senators Al Franken of Minnesota, a Democrat, and John Kennedy of Louisiana, a Republican.

The blue-slip practice began in the 1910s and, for a large portion of its history, ''gave Senators the ability to determine the fate of their home-state judicial nominations,'' the Congressional Research Service, a research arm Congress, said in a 2003 report.

Mr. Grassley said that after his recent move, a negative blue slip would be a ''significant factor'' for the committee to consider but wouldn't prevent a hearing, a break with the practice of Senate Judiciary Committee chairmen since at least 2005.

He blamed the Democrats for abusing the blue slip after eschewing the filibuster.

''The Democrats seriously regret that they abolished the filibuster, as I warned them they would. But they can't expect to use the blue-slip courtesy in its place. That's not what the blue slip is meant for,'' he said on the Senate floor last week.

Mr. Grassley also has parted with common practice by stacking two circuit court nominees in a single confirmation hearing, reducing time for preparation and questions, and holding hearings before the ABA finished its judicial evaluations.

''Taken together, it's clear that Republicans want to remake our courts by jamming through President Trump's nominees as quickly as possible,'' said Sen. Dianne Feinstein (D., Calif.), the ranking member of the Senate Judiciary Committee, in an emailed statement.

The median time from nomination to Senate confirmation for circuit-court nominees was less than a month in the administrations of presidents Lyndon Johnson and Richard Nixon, said Russell Wheeler, a visiting fellow at the Brookings Institution who studies federal courts. That number rose through the 1980s and 1990s and ballooned to 229 days during President Barack Obama's two terms, he said.

Ms. HIRONO. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. 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. CORNYN. Mr. President, this week we are engaged in what is perhaps the most momentous subject that we haven't dealt with in recent times, and that is, after 30 years, updating and reforming our Nation's convoluted, complex, and self-destructive Tax Code.

Those who are interested in getting to yes and who will cast a ''yes'' vote, I believe, will be casting a vote for growing the economy, voting for more jobs, voting for higher wages, and voting for more take-home pay. Those who vote against this endeavor are really saying yes to stagnant wages, less jobs, and a lower standard of living. They are willing to accept the reality that American jobs are going overseas because our country has the highest Tax Code in the civilized world, and bringing the money earned overseas back home basically means having to pay double taxes. So what people do is they do what you would logically do, and they spend the money overseas and hire foreign workers in foreign countries rather than Americans and make things stamped ''Made in America.''

Simply stated, this bill is about the dreamers and the doers, the small businesses and the hard-working American families who need tax cuts and tax reform. This is about helping the middle class.

Actually, what this bill does—the Senate version of the bill—is it reduces the tax burden on every tax-paying cohort. In other words, all of the tax rates come down. In order to do that, both on the personal side and the business side, we had to eliminate a lot of what I call the underbrush, which are the tax deductions, the tax credits, and the other subsidies that have made our Tax Code so incomprehensible to everybody other than accountants and lawyers. That is one reason people are so frustrated with our Tax Code—it costs them so much money just to comply with their legal obligations.

It has been a long time since we took up this important topic, and I know the reaction is, well, this is just another going-through-the-motions effort, but I assure you that is not the case. These reforms are not only possible, they are very important because they will positively impact real people's lives.

Arthur Brooks of the American Enterprise Institute has said that ''some believe that taxation is a dry topic

with no moral significance, but nothing could be further from the truth.'' For example, by doubling the standard deduction, we will limit the number of people who have to itemize their tax deductions in order to claim the full legal deduction. That means that now only 1 out of every 10 taxpayers will have to itemize and 9 out of 10 will just claim the standard deduction, which will now be doubled.

We are also going to double the child tax credit, which will help working families provide the things they need in order to take care of their growing families. It will mean that more people will have more money left over after paying Uncle Sam to spend on their own families, to invest in their children's education, maybe to even take the first vacation they have taken in 10 years or more.

Mr. President, $2,200 is what a median family of four will save in taxes under our proposal. Maybe they want to get their pickup truck fixed. Maybe they want to build a little financial cushion because they have been living paycheck to paycheck. I can't remember the precise statistic, but the number of people in America who could not meet their financial needs if they experienced an unexpected $400 cost—maybe your car broke down, or maybe your house flooded, whatever the case may be. We need people to be able to keep more of what they earn and build a cushion so they don't have to live with the anxiety of living paycheck to paycheck, knowing that if the unexpected happens, it could put them in deep trouble. That $2,200 a year could mean a couple hundred dollars each month to put toward your mortgage, to pay down your mortgage, or to provide a little breathing room.

This plan is also designed to increase wages, and it is estimated that the combined benefit of this bill, together with the economic growth we are anticipating, could mean as much as $4,000 in additional income. So it not only lowers the tax burden, but it raises the income levels. Frankly, as I mentioned a moment ago, our Tax Code incentivizes American businesses to send jobs overseas. Why in the world wouldn't we want to incentivize them to bring those jobs back home and invest here?

Not only can we make this Tax Code better, but I want to emphasize why we should. We have a historic opportunity, and we shouldn't squander our chances to take a bit of the pressure off of frustrated workers and struggling families who are trying to make ends meet.

This country has long been a leader in the world, with the strongest economy and the strongest people, but the reality is, our Tax Code is no longer a world leader. As I indicated earlier, we have one of the highest tax rates in the world, particularly for businesses. So what happens when countries like Ireland or the United Kingdom lower their tax rates for businesses? Well, those businesses move to those countries. People who want to start a new business say: Well, if I have a choice where to start that business, why should I start that business in a country that punishes us with the highest tax rate in the world?

The current tax system penalizes success by taxing American ingenuity and hard work at rates that are uncompetitive, and it discourages our free enterprise system. What I mean is that it sends messages to Americans like, don't work so hard because, you know what, you are not working for yourself, you are working for the government. We ought to be sending the message that by working harder, you can keep more of what you earn and spend it the way you see fit.

Companies, of course, have no particular loyalty to our country, so they don't really have a need to stick around because they are going to go to countries where they can make the most profit, where they can keep more of what they earn.

My basic point is that the messages our convoluted and archaic Tax Code is sending are counterproductive. They are counterproductive to workers who are looking for jobs, they are counterproductive to workers who are looking for a little more in their paychecks, and they are counterproductive to families who want to save and provide for their own future.

In 2016, the Tax Policy Center projected that almost 44 percent of Americans will pay no or negative individual income tax for 2017 under current law, and some smaller number even get more money back from the government in the form of refundable tax credits than they pay in taxes. We need to make sure that everybody participates in our government.

One thing I have heard a lot during this tax debate is that America is horribly in debt. Sadly, that is true. But it is not because of our Tax Code. It is not because Americans aren't taxed enough. It is not because we spend too much money defending our country against threats here at home and abroad. It is because we have a spending problem.

Unfortunately, our Democratic colleagues, who suddenly got religion when it comes to deficits and debt after doubling the national debt during the Obama administration, want to use this as a reason not to cut the taxes for hard-working American families, and I think it is terribly misplaced.

Is the deficit important? Is debt important? Yes, it is, and we know what we need to do to fix that. But denying the American people and hard-working American families the tax relief they need and deserve and failing to get the economy growing again is the wrong way to do it.

Let me quote from Arthur Brooks again. He said: ''If income tax rates are 100 percent, income tax revenue will be zero. Why? Because with a 100-percent tax rate, nobody will bother to work. And companies won't produce'' either.

On corporate taxes, we are seeing a lot of hypocrisy from our friends across the aisle who had previously championed some of the very provisions we have included in this legislation. For example, the ranking member of the Senate Finance Committee, our Democratic friend from Oregon, had previously championed a 24-percent corporate rate because he recognized that a 35-percent corporate rate chased companies, businesses, and jobs overseas. Now he calls our reduction in corporate taxes a giveaway to corporations. You could consider the statements made by President Barack Obama in 2011 when he said to a joint session of Congress—he said that one of the things Republicans and Democrats need to do together is to work on lowering the corporate tax rate because he, too, recognized that this was self-destructive, that it was chasing jobs overseas, that it was preventing the U.S. Treasury from collecting its taxes, and frankly that it was hurting the bottom line for American families who maybe couldn't find work or whose work was not rewarded with fatter paychecks and more take-home pay.

For corporate taxes, economists have said that actually lowering the corporate tax rate will bring more investment and more jobs back home. If it were lowered, expanded production and investment would increase domestically.

Even though it might seem a little counterintuitive, Barack Obama; the Senator from Oregon, Mr. WYDEN; and the minority leader, Senator SCHUMER from New York, were correct when they called for lowering the corporate rate, and it is unseemly to now try to demagogue this issue by calling it a giveaway when it is not. We are doing what they said we should do years ago.

When it comes to these corporate rates, some of my colleagues have raised concerns about passthrough businesses. It is true that a number of businesses operate here in America not as corporations but as passthrough entities, meaning that they pay their business income on an individual tax return. These concerns are legitimate, and we have worked hard to try to address them.

Earlier, we were working with the National Federation of Independent Business, which is one of the largest trade associations in the country representing small- and medium-sized passthrough businesses. We were able to come up with a solution which addressed their concerns and which benefits those passthrough businesses. We still have some more work to do, but that demonstrates what we can do when working together to try to answer the concerns people have raised along the way during this legislative process.

The U.S. Chamber of Commerce, the National Federation of Independent Business, which I mentioned a moment ago, and nearly all major small business advocacy groups support this legislation. We had a press conference

here in the Senate, just off the floor, earlier this morning, and it was uniform—everybody said this is good for small businesses. And small businesses are what create the vast majority of jobs in America.

I know that those who have continued questions or issues about the legislation have had productive discussions with all of us and today with the President, who came to visit us. I am confident that if we keep working at it in good faith, we can come up with a way to address the remaining issues so that we are all satisfied as much as possible.

There is an expression: Don't let the perfect be the enemy of the good. If you are waiting around for perfection, particularly here in the legislative process, you are never going to get anything done. That is not an excuse for not making it as good as it can possibly be, I believe, working together, preferably on a bipartisan basis. But if our Democratic colleagues refuse to participate, as they have done so far, then we have no choice but to do it ourselves.

So in the end, a vote against tax reform is a vote for economic stagnation. It is allowing the perfect to be the enemy of the good. The Wall Street Journal, as they said yesterday—the question we need to ask ourselves is not whether the tax bill is perfect but whether it is a net benefit to the United States. I think it clearly is, and I think that, with the policies embodied in this bill, we can restore America's economic vigor.

America must continue to prosper if it is to remain the economic beacon of the world, and we need to remain a strong country economically so we can defend ourselves and our friends and allies abroad. The rest of the world—it is true—is just waiting for a sign that America's best days are ahead, and passing this important tax legislation is an indication that it is the case that America's best days still lie ahead.

It is time to awaken the slumbering giant of the American economy. By lightening the load on workers and companies alike, we can make sure new opportunities abound for those just coming into the workforce. We will make everyday drivers of the economy excited once again about our country's future. The President noted today, when he was with us at lunch, that consumer confidence is literally at an alltime high. People have seen the stock market go up and their retirement funds that are invested in pension funds or in their IRA or elsewhere skyrocket since the Trump administration came into office. I think that is because people are sensing we are on the verge of a great economic recovery.

Accepting a stagnant, anemic recovery is not something we have to do. We know what we need to do to rev up the engine of the American economy and get it moving again to benefit all of us. Through tax reform, let's show that the American dream of allowing men and women to work hard and earn success isn't just a bygone notion, and it is not just a figment of our imagination. We can do it if we pass this tax reform bill this week, which we intend to do.

I yield the floor.

I suggest the absence of a quorum.

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

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Utah.

AMERICAN BAR ASSOCIATION AND THE BLUE-SLIP COURTESY

Mr. HATCH. Mr. President, I rise today to address two elements of the Senate's process for evaluating judicial nominations: the role of the American Bar Association and the so-called blue-slip courtesy. Each can influence the appointment process, and we must be diligent to ensure that neither is abused.

The Eisenhower administration was the first to request the input of the ABA—American Bar Association—on prospective judicial nominations. Speaking to the 1955 ABA convention, President Eisenhower thanked the ABA for helping him and his advisers to ''secure judges'' of the kind he wanted to appoint. If that sounds as though the ABA was a part of the administration, it was.

The ABA evaluated individuals before they were even nominated. Individuals deemed not qualified by the ABA were almost never nominated. No other interest group was given such a quasi-official veto over nominations to any other office.

What could justify such a special role for an interest group? What could do that? The theory is that the ABA was a nonpolitical professional association concerned only with the legal profession and the practice of law.

At its 1933 annual meeting in Grand Rapids, MI, for example, the ABA's executive committee considered changing the ABA constitution to allow ''discussion and expressions of opinion on questions of public interest.'' After arguments that this would revolutionize the scope and purpose of the ABA, no one—not one person—supported the amendment, to the best of my knowledge.

In February 1965, ABA President Lewis Powell, who later served on the Supreme Court, wrote that ''the prevailing view is that the Association must follow a policy of noninvolvement in political and emotionally controversial issues.'' If that view actually prevailed in 1965, it did not last.

The ABA House of Delegates soon crossed the political Rubicon and began taking positions on a host of issues through Federal arts funding, affirmative action, the death penalty, welfare policy, immigration; you name it, and the ABA has endorsed the liberal position, oftentimes the most liberal position. The ABA not only opines on such issues through resolutions but also lobbies legislatures and files briefs in court cases.

The ABA has done exactly what it chose not to do back in 1933 and revolutionized the scope and purpose of the organization. It abandoned nearly a century of noninvolvement in political issues, the condition that was said to justify a special role in the judicial appointment process. It hardly seemed reasonable that the ABA could somehow seal off its evaluation of judicial nominees from all of this political activism so that its conclusions could still be trusted.

In 1987, several members of the ABA evaluation committee said that Judge Robert Bork was not qualified to serve on the Supreme Court. I said at the time that the ABA was ''playing politics with the ratings.''

Three years later, several of us on the Judiciary Committee, including now-Chairman GRASSLEY, expressed the same view in a letter to Attorney General Richard Thornburgh. We wrote that the ABA ''can no longer claim the impartial, neutral role it has been given in the judicial selection process.''

This conclusion has been bolstered by academic research. In 2001, Professor James Lindgren of Northwestern University law school published a study in the Journal of Law & Politics that examined ABA ratings for nominees of Presidents George H.W. Bush and Bill Clinton. Controlling for race, gender, and a range of objective measurable credentials, Professor Lindgren found that Clinton nominees were 10 times—10 times—more likely than Bush nominees to be rated well qualified by the ABA. In fact, he found that ''just being nominated by Clinton instead of Bush is better than any other credential or than all other credentials put together.'' Professor Lindgren concluded that ''the patterns revealed in the data are consistent with a conclusion of strong political bias favoring Clinton nominees.''

A decade later, three political scientists published a study in the Political Research Quarterly, looking at ABA ratings for U.S. Court of Appeals nominees over a 30-year period. Applying recognized social science methods, they concluded that ''individuals nominated by a Democratic president are significantly more likely to receive higher ABA ratings than individuals nominated by a Republican president. . . . [W]e find . . . strong evidence of systematic bias in favor of Democratic nominees.'' You don't say.

President Trump recently nominated Steven Grasz to the U.S. Court of Appeals for the Eighth Circuit. The distinguished Senators from Nebraska have, in the Judiciary Committee and here on the Senate floor, detailed Mr. Grasz's extensive experience and wide support throughout the legal community. He served as chief deputy attorney general of Nebraska for nearly a

dozen years, during which time he defended the constitutionality of the State's law banning partial-birth abortion. That might have been his most serious sin in the eyes of the ABA, which has aggressively embraced the abortion agenda for more than four decades.

In 1969, the ABA formed a committee on overpopulation, which immediately launched a project on the law of abortion and endorsed the Uniform Abortion Act in 1972, even before the Supreme Court's now-infamous Roe v. Wade decision legalizing abortion on demand. The committee endorsed Federal funding of abortion in 1978, and in 1990, by more than two to one, they opposed any requirement of parental notification before abortions are performed on minors. The ABA, again, fully embraced the abortion agenda in 1992 and never looked back. It is no wonder that they would deem someone like Mr. Grasz not qualified for the bench.

President Trump has also nominated Brett Talley to the Federal district court in Alabama. Tally attended Harvard Law School. He spent years in a prestigious clerkship at the Federal appellate and trial court levels. He has worked here in the Senate. He has served as a deputy solicitor general of the State of Alabama. He has served in the Justice Department most recently as Deputy Assistant Attorney General in the Office of Legal Policy. He enjoys the support of both of Alabama's home State Senators and has a sterling reputation in the legal community. Yet he, too, has been deemed not qualified by the ABA. How is that possible? That determination is nakedly political and should not be taken seriously.

The ABA once defined its purpose in terms of the legal profession and the practice of law. It has, however, chosen a different path. By doing so, the ABA has not only abandoned what once might have justified its role in judicial selection but has also cast serious doubt on the credibility and integrity of its judicial nominee ratings. The ABA was, of course, free to do so, but it should not expect that its actions have no consequences.

The other element of the judicial confirmation process that I want to address is the so-called blue-slip courtesy. This is an informal practice, begun in 1917, by which the Judiciary Committee chairman seeks the views of Senators regarding nominees who would serve in their States. This practice really gets noticed only when the President and Senate majority are of the same party. In that situation, as we face today, the question is whether a home State Senator can use the blue-slip courtesy to block any Senate consideration and, therefore, effectively veto a President's nominees.

Since the blue-slip courtesy was established, 19 Senators, including myself, have chaired the Judiciary Committee—10 Democrats and 9 Republicans. Only 2 of those 19 chairmen treated the blue-slip courtesy as a single-Senator veto. One of them, apparently, was to empower southern segregationist Senators to block judges who might support integration.

The other 17 chairmen fall into two categories. The early chairmen allowed objecting home State Senators to present their views in the nominee's confirmation hearing. In the last few decades, chairmen of both parties have said that a negative blue slip would not veto a nominee if the White House consulted in good faith with the home State Senators. That is the approach that Chairman Joe Biden took and that I continued when I was chairman, each of us under Presidents of both parties.

The blue-slip courtesy, then, has been a way to highlight the views of home State Senators and to encourage the White House to consult with them when choosing judicial nominees. And it works. When chairmen of both parties have chosen, only a handful of times, to proceed with a hearing for a nominee who lacked two positive blue slips, their decision was consistent with this approach.

Today, Democrats want to rewrite the history of blue slips and redefine the very purpose of the courtesy behind the process. They want to weaponize the blue slip so that a single Senator can, at any time and for any reason, prevent Senate consideration of judicial nominees. They want to change the traditional use of the blue slip because they can no longer use the filibuster to defeat judicial nominees who have majority support.

Democrats opposed filibustering judicial nominees during the Clinton administration. Then, in just 16 months during the 108th Congress, Democrats conducted 20 filibusters on judicial nominees by President George W. Bush. These were the first judicial filibusters in history to defeat majority-supported judicial nominees.

The filibuster pace dropped by two-thirds under President Obama when Republicans conducted just 7 filibusters in 30 months. Claiming that declining filibusters were nonetheless a crisis, Democrats in 2013 abolished nomination filibusters for all executive and judicial nominations except for the Supreme Court.

Democrats took away the ability of 41 Senators to block consideration of judicial nominations on the Senate floor, but now they demand that a single Senator have that much power in the Judiciary Committee by turning the blue-slip courtesy into a de facto filibuster. Like the ABA's rating of nominees, nothing but politics explains this flip-flopping and manipulation of the confirmation process.

On October 31, I addressed this issue here on the Senate floor and suggested that the history and purpose of the blue-slip courtesy could help guide its application today. I still believe that. The views of home State Senators matter, and the White House should sincerely consult with them before making nominations to positions in their States. Home State Senators enjoy countless ways to convey their views to colleagues here in the Senate, and every Senator may decide whether and how to consider those views. But in the end, the blue slip is a courtesy, not an absolute veto. This distinction matters because tomorrow the Judiciary Committee will hold a hearing on a nominee to the U.S. court of appeals from a State with two Democratic Senators. One has returned the blue slip; the other has not.

Chairman GRASSLEY's decision to hold a hearing is completely consistent with the history and purpose of the blue-slip courtesy. Democrats falsely claim that Chairman GRASSLEY is eliminating what they say is a long-standing precedent that home State Senators may automatically veto appeals court nominations. No such precedent exists, or ever has, unless the practice of only two chairmen for only a fraction of the last century constitutes controlling precedent—and we all know it shouldn't.

It is beyond hypocritical for Democrats to pretend they actually care about the confirmation process precedent. They began the practice of forcing time-consuming rollcall votes for nominees with no opposition at all. They began the practice of using the filibuster to defeat majority-supported nominees. They began the practice of forcing the President to renominate individuals multiple times. They began the practice of forcing cloture votes on unanimously supported judicial nominees and then delaying a confirmation vote for days. These weren't actions undertaken by Republicans. There is one side, and one side only, that has continuously pushed this envelope.

Democrats cite a 2009 letter to President Obama from the Republican conference and an op-ed I publishing in 2014 defending the blue-slip courtesy. In each situation, the Democratic majority was actually threatening to abolish the blue-slip policy altogether. In my op-ed, I emphasized that the blue-slip courtesy is intended to encourage consultation by the White House with home State Senators.

When he became chairman in 2015, Senator GRASSLEY explained the blue-slip process to his constituents in a Des Moines Register op-ed. He wrote that the process has value and that he intended to honor it. He is doing just that by returning to the real history and purpose of the blue-slip courtesy.

My Democratic colleagues seem to think that the confirmation process should be whatever they want it to be at whatever moment they so choose. Now they demand that, contrary to most of the last century, a single Senator should be able to do informally what 41 Senators can no longer do formally. They demand following precedent that does not exist while creating new obstruction precedents of their own. Democrats have forced the Senate

to take 60 cloture votes on nominations so far this year, 13 of them on judicial nominations. That is nearly nine times as many as during the first year of all new Presidents—all new Presidents—since the cloture rule was applied to nominations in 1949.

I have been in the minority a number of times, multiple times. I get it. Democrats want their way, and they don't always get it. That hardly means that the majority in general and Chairman GRASSLEY in particular are not being fair, consistent, or evenhanded. The blue-slip courtesy has a history, and it has a purpose. It exists to allow home State Senators to share their views with the Judiciary Committee and to encourage White House consultation with them before making nominations.

Neither a liberal interest group like the American Bar Association nor abuse of the blue-slip courtesy should be allowed to further distort and politicize the judicial confirmation process.

It is a disgrace. It really is a disgrace, the way the Democrats changed the rules automatically, overnight, without even consulting with Republicans, and doing it solely to give advantage to their side, even though this is a process that really ought to have fair treatment on both sides at all times.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. RUBIO. Mr. President, I ask unanimous consent that I be allowed to complete my remarks.

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

TAX REFORM

Mr. RUBIO. Mr. President, I know we are scheduled for a vote in a few minutes. We will have plenty of time to talk about this in the days to come.

I think one of the core things that I hope tax reform will be about is empowering the American worker. By ''the American worker,'' I mean the people whom they don't make Netflix series about and we don't see movies about too often anymore. There was a time when the American worker was a hero in our country. People looked up to the American worker and idealized them. Today, obviously, entertainment focuses on other professions. There is nothing wrong with that, but we have forgotten about their hard work and the millions and millions of Americans across this country who truly remain the backbone of our economy and our Nation.

There are hard-working men and women who are struggling to get by, not because they are not working hard but because everything costs more—something you quickly find out as your family begins to grow. That is why I have spent so much time talking about the child tax credit. A lot of people confuse that with the childcare credit, which is important as well.

The child tax credit takes into account the reality that raising children is an expense. It is a blessing, but it costs money. At the end of the day, it doesn't always matter only how much you make; it also matters how much you spend. And when you are raising children and raising a family, the costs are often out of your control, and they increase substantially every single year. So perhaps the best way to illustrate to my colleagues the impact that tax reform has on working families is to talk about real people and their real lives—how much money they make and what tax reform would mean for them.

I want to start with a real family, a particular family my staff has been communicating with; that is, the Starling family, Richard and Emily, a very young family from Jacksonville, FL. They have a 2-year-old daughter, and they are expecting their second child in March. Richard is a pastor, and he works part time at Starbucks. He makes about $25,000 a year. His wife Emily stays home and cares for their daughter while he is at work.

Because of their income, the Senate tax bill's nonrefundable child tax credit increase would actually be worth very little to them. A lot of people have said to me: Well, we have increased it to $2,000. Isn't that great? It is. But what it means that people don't understand is, if the majority—if all the taxes you pay are payroll taxes, it doesn't help a lot.

I, frankly, get offended when I hear people say: These are Americans who don't pay taxes. They do pay taxes—not income tax, but they pay payroll taxes. They take it out of your check every month. Trust me, it is a tax. It is less money than what was supposed to be there after the tax.

So the tax credit, while we increased it to $2,000—and that is great for a lot of people—it does nothing for them. The total effect is only about $115 for the family. That is how much they will be saving in their taxes from the current year—$115.

But here is where it gets worse. The Senate bill—which I am largely supportive of, but I just want to tell my colleagues what the numbers are so we can see where the changes need to be—the Senate bill would actually increase taxes in March when they have a child. You say: How can that be? Well, for some families in their income range, the nonrefundable increase for the child tax credit is less valuable than the current lost personal exemption. So we take away the personal exemption and we put in this additional child tax credit, but it is nonrefundable. They can't get to that tax credit because they are not paying income taxes, and the result is that if they make $26,000 instead of $25,000, the Senate bill would actually take away $15 from their per-child tax cut.

So these families work hard and pay their taxes, they raise children, they are contributing an extraordinary amount to our country, and they need our help more than ever before.

There are a couple other examples, and I will go to the first chart. Let's take for example a tire changer and a preschool teacher with two children in Gainesville, FL—the home of the university in Florida, the finest learning institution in the Southeast—an editorial thing, but it is a matter of fact. But I digress. Let me get back to chart No. 1 and talk about this family.

The husband, as I said, works at a local auto shop as a tire changer. His wife is a preschool teacher. According to the Bureau of Labor Statistics, with these two jobs, their combined income would be $28,300. Because the increase to the child tax credit is nonrefundable—the extra money we put in—this family wouldn't nearly have enough income tax liability to take advantage of the full credit. So the bill as it is currently written gives them a tax cut of $200—about $50 per person.

But what if we did what Senator LEE and I are proposing, which is to make the child tax credit fully refundable, even against payroll tax. Well, then their tax cut would not be $200, it would be $1,570. Trust me when I tell you that for a family making $28,000 a year, a $1,500 pay increase in real cash matters. It matters. It doesn't solve all of their problems, but it helps.

Here is another one. Take this example. The husband is a private in the Army National Guard, and his wife is a waitress at a local restaurant. They have three children. He is on Active Duty at Camp Blanding in Starke, FL. She works full time. They have a combined income of $33,832, according to the National Guard base pay.

Because the increase, again, is nonrefundable in the child tax credit, they don't have enough income to take full advantage of the tax credit. The bill as currently written cuts their taxes by $388. The proposal that Senator LEE and I have outlined would cut their taxes by $2,100. So a $2,100 pay increase for this working family in cash will matter. It will matter. It doesn't solve all of their problems but, trust me, $2,100 for this family, more than what they have today, will help them a lot, and it rewards the work they are doing.

What about a single mother. Let's say she is a childcare worker. She has one child and is living in Miami, FL, where I live. She works full time. According to the Bureau of Labor Statistics, the median wage for that job is $14,800 a year. She gets a tax cut under the current bill of about $100. If we do what Senator LEE and I are talking about doing, she will get a $1,000 tax cut. I am not telling you that $1,000 solves all of her problems, but a $1,000 pay increase for a single mother making $14,800 a year will matter.

How about a loading dock worker and a cashier in Northwest Florida after having two kids. Here is what we point to: a glaring blind spot in the way this is structured. Again, for many working families, because the child tax credit is nonrefundable, it will actually be less valuable to parents than the dependent exemption and the existing child credits are under current law today. I think

this is the opposite of pro-family policy.

Let's look at this example. He works as a freight mover at a lumber warehouse, and she works as a cashier. They both work and live full time in Live Oak, FL. Their average combined income is about $28,650. Under the current Tax Code, the way the law is today, if they have two kids, their tax cut would be $2,776. That is what they would save. Under the current bill, their tax cut would be $2,656. So, in essence, under the way the bill is structured now, they would be getting $120 less—or keeping $120 less—than what they would under the law today, for a family making $28,000 a year.

We can fix it, because under the proposal Senator LEE and I will have, they are going to see a tax cut of $4,000 for having that additional child. That is $1,200 greater than the current law. That is a raise of $1,300 more than would happen under the bill as it is currently structured.

I don't think this is an intended consequence. But this is a working family. They work. They pay payroll tax. They make $28,000, $29,000 a year. Trust me when I tell you this money will matter. It won't solve all of their problems, but it will help. It is a pay raise.

Last but not least, I live in West Miami, FL. I have lived there since 1985. It is a working-class neighborhood. According to the census, the average family income in West Miami, where I live, is $38,000—let's say $39,000. That doesn't mean that West Miami is poor. I know the people there. They work hard. They pay their taxes. They raise their children well. They go to work 5 days a week for 8 or 9 hours a day, sometimes on the weekends. But because it is a working-class town, the nonrefundable increase we put in for the child tax credit doesn't do much.

As an example, based on the census data for West Miami, for that ZIP Code that I live in, more than 2,500 children in this ZIP Code—meaning more than half of the total number of children living in that area—would be receiving less than the full credit than they would otherwise be eligible for. Why? Because for their parents, their primary tax liability is the payroll tax. And you cannot help working families with a tax cut if you do not allow the cut to apply to the payroll tax. It is as simple as that.

We have to do that. If we want to help people in this country, if we really want to help them have a little bit more in their pocket, then let's implement the proposal that Senator LEE and I have put forward.

By the way, I hear these economists and other people say: Well, it won't do anything for growth.

You really don't understand how working Americans live. Someone who makes $38,000 a year or $35,000 a year basically spends every penny they make. They have to. If you make $38,000 a year, with two kids, you are spending every penny you make and then probably having to put the extra on your credit card, unfortunately. This proposal will drive consumer spending. It will allow them to pay for some things they can't buy now. These kids outgrow their shoes so fast. The bookbags don't make it through a year. There are so many things we could be helping families with, and our tax reforms should do that.

Everybody in this town has a trade association, has a lobbyist, has newspapers that write about them. Who writes about them? Who writes about these working Americans—working Americans, not people asking for anything from the government. They go to work. They work hard. They work every day. Who fights for them? Who talks about them? Who represents them? That is supposed to be us.

If we are serious about representing them, then let's prove it. Let's amend this bill and change it so we can give working Americans the raise they deserve, and that they need, to strengthen our country and strengthen our families.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Katsas nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. CORKER) and the Senator from Arizona (Mr. MCCAIN).

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

[Rollcall Vote No. 283 Ex.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Corker	McCain

The nomination was confirmed.

The PRESIDING OFFICER (Mr. RUBIO). The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to the Katsas nomination, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

LEGISLATIVE SESSION

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S. 1519.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 165, S. 1519, a bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The Senator from North Dakota.

TAX REFORM

Mr. HOEVEN. Mr. President, I rise to discuss the tax relief bill, which the Senate is working very hard to try to pass. I brought some charts with me to show the impact this bill will have in terms of reducing the tax burden for hard-working American taxpayers and also helping to grow our economy.

It is important to understand this is not just about making sure American taxpayers can keep more of their hard-earned wages and income but also this is about making sure we have a growing economy, that we have more jobs, and that we have rising wages and rising income for American workers. Here are just some of the statistics that show that. These statistics are according to the nonpartisan Tax Foundation and also the Council of Economic Advisers. What you see from this first chart is, this tax relief package is about real economic growth, not just making sure our taxpayers get a tax cut but about growing our economy. This top number, which comes from the Council of Economic Advisers, is $4,000 that workers, on average, would receive from the economic growth created by the combination of reducing the regulatory burden, which is something we have been working on all year with the administration—reducing that regulatory burden—and combining that then with tax relief to generate more

economic growth. As I said, according to the Council of Economic Advisers and the nonpartisan Tax Foundation, it also generates almost 4 percent in terms of a larger economy.

So this is about reducing the tax rates but growing the base and making sure, as I said, there are not only more jobs but also rising wages and income from that demand for labor that comes with a growing economy, that comes with investment, and that comes with job creation. For an average family of four, the tax cut is about $2,200 under the Senate bill. It generates about 925,000 new jobs over the scoring period and, as I said, almost a 4-percent larger economy.

This next chart shows that across all income groups, across every income group, you see tax relief, and that is because we start by reducing the tax rates. So across the board, we work to make sure you are applying a lower tax rate to whatever income cohort you are talking about. So new rates are 10 percent, 12 percent, 22 percent, 24 percent, 23, 35, and a 38.5-percent top rate, but when you combine the lower rates along with an increased standard deduction—we increase the standard deduction. We about double it, from around $6,000 to about $12,000 and $24,000 for married filers, $18,000 for a single filer with a dependent. The result is, across every income group, we reduce the amount of tax they have to pay.

At the same time, we preserve and expand many of the current tax provisions that are important to our American families. For example, the child tax credit, which is something the Presiding Officer has worked on very diligently, would be doubled. We double the child tax credit from $1,000 to $2,000. More family-owned small businesses and family farms will be protected from the death tax because we double the exemption amount. Right now, the unified credit is about $5.5 million, and we double that to more than $11 million so that if you have a small business or a farm, you are able to pass that from one generation to the next without being forced to sell it. To help save for college, expecting parents will be able to open a 529 savings account, again, helping families with children. Businesses will be encouraged to provide paid family and medical leave by giving them a tax credit to partially offset an employee's pay while caring for their child or for a family member.

We do all of this while maintaining tax deductions that are important to many Americans. These include continuing the mortgage interest deduction—very important for homeowners—continuing the deductibility of charitable contributions to ensure that charities continue to receive contributions that are so important to them, continuing the child and dependent care tax credits, the adoption tax credit, the earned income tax credit, and the deferred treatment for 401(k)s and individual retirement accounts. That was something that came up earlier. There was some concern about reducing the limits on what could be contributed to retirement accounts on a tax-deferred basis, and we continue those levels so individuals can continue to save for retirement. We also continue the medical expense deduction, which is important to seniors who have significant medical expenses.

The resulting increase in aftertax income will allow families more financial freedom and empower them to save for their retirement or perhaps for their children's education. Considering 50 percent of Americans are living paycheck to paycheck and over one-third of all families are just $400 away from serious financial difficulty, this is much needed relief, and it is certainly overdue.

This tax relief is also very important for small businesses, so our third chart really goes to small business, which of course is the backbone of our economy. In my State, farming and ranching is incredibly important, but across the country, the backbone of our economy is small businesses. Ninety percent of the businesses in America are small businesses, and what this chart shows is that for passthroughs, which typically small businesses are passthroughs, that there is income relief again at all income levels. Remember how these passthrough small businesses work. Whether you have a sub S corporation, a limited liability corporation, a limited liability partnership, or a regular partnership, all these different types of small businesses are passthroughs, meaning the income flows through the business entity and is taxed at the individual level. That is why it is very important that we show that across the board, at all different income levels, small businesses benefit from this tax reduction.

By reducing the maximum tax rate for sole proprietorships, partnerships, S corporations, and all the other passthrough entities I just mentioned, we are creating greater economic growth and opportunities as small businesses reinvest in their companies, reinvest in their employees, and reinvest in their communities. For many small businesses, equipment, business supplies, and other capital expenditures are very costly, and it cuts into their profit margin. So this is about helping them make those investments that enable them to grow their businesses, increase wages, and hire more employees.

Our tax bill also allows businesses to immediately expense or write off the cost of new investments, effectively reinvesting in our small businesses and driving economic growth, job creation, and higher wages for American workers.

We increase the amount allowed under section 179, something very important to small businesses, which essentially allows them to expense or write off their investments. This is a hugely important expensing provision for farmers, for ranchers, and really for small businesses across the board, and we enhance that section 179 expensing.

All the while, we work to make sure we have stable government revenues through a broader tax base, a growing economy, and a more efficient tax system. That means we encourage investment, and it means the revenues that come to government come from a larger tax base and lower rates. So, individually, the hard-working citizens pay less of their earnings and businesses pay less as a percentage of their revenues, but because you have that economic growth—you have that rising tide that lifts all boats—government actually has more and stable revenues from economic growth not from higher taxes. That is some of what I showed in that first slide; that this is about growing our economy and driving that economic growth.

The bill ensures that we are competitive in the global economy. In fact, as a result of the tax relief and tax reform we are undertaking, there is something like $2.5 trillion that is currently overseas that now has an incentive to come home and is invested here at home in our businesses, creating jobs in America and expansion of America's economy rather than having that money parked overseas or invested overseas.

So, for all these reasons, I urge our colleagues on both sides of the aisle to work to pass this tax relief, this tax reform. This really is about making sure hard-working American taxpayers decide what to do with their hard-earned dollars. Again, I ask that all of us work together, pass this bill through the Senate, get it into conference with the House, and get the very best tax relief product we can for the American people and that we get it done before the end of the year.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, in this season of Thanksgiving, let me say that I am thankful, as I rise for my 187th ''Time to Wake Up'' address, for the spirit of commitment and innovation that this great Nation devotes to tackling the challenge of climate change, even with this President.

The United States now is alone in the world as the only Nation not committed to the historic Paris Agreement, but at the U.N. Climate Change Conference in Germany, I saw firsthand that Americans are still committed to climate action. Corporate leaders like Mars, Microsoft, Facebook, and Walmart were there to discuss the role American corporations can take on climate change. American Governors, mayors, universities, and many other corporations all brought the same message to Bonn; that notwithstanding the corrupted Trump administration, America is still in.

Senators CARDIN, MARKEY, SCHATZ, MERKLEY, and I sent the message that most of our constituents and the majority of the American people believe

that climate change is a serious threat to our country and the planet and that American action and leadership is necessary.

An entire day was dedicated to the changes we are seeing in the world's oceans. This is where the industry liars and climate deniers get stumped. The oceans bear the brunt of our carbon pollution. Sea levels are rising, waters are warming, and seas are acidifying. These undeniable measurements have no answer from the climate denial apparatus, so the denial apparatus just chooses to ignore the oceans, but we can't ignore the oceans, certainly not in coastal States.

The reality of ocean climate change hits home along our coasts: Warming waters move our fisheries around, sea level rise erodes our shores, and we must prepare for more frequent and intense hurricanes and storms.

The Trump administration is more or less completely crooked on this subject, but even they had to throw in the towel and release without amendment the recent U.S. ''Climate Science Special Report.'' They had no scientific rebuttal—none—to the dozen Federal Agencies and Departments that assembled the latest and best understanding of the effects of climate change on the United States. They couldn't rebut it. They chose to ignore it.

Will that report affect this administration's industry-paid climate policies? Of course not. Those policies are bought and paid for. But it is worth looking at the ''Climate Science Special Report.'' This report gave special attention to storms. The report says:

For Atlantic—

That is, the ocean off my home State of Rhode Island—

and eastern North Pacific—

That is, the ocean off our western coast—

and eastern North Pacific typhoons, increases are projected in precipitation rates and intensity. The frequency of the most intense of these storms is projected to increase.

The report continues:

Assuming storm characteristics do not change, sea level rise will increase the frequency and extent of extreme flooding associated with coastal storms, such as hurricanes and nor'easters.

Extreme flooding matters quite a lot in Rhode Island.

The report continues:

A projected increase in the intensity of hurricanes in the North Atlantic could increase the probability of extreme flooding along most of the U.S. Atlantic and Gulf Coast states beyond what would be projected based solely on relative sea level rise.

It is going to happen just from projected sea level rise. This means that extreme flooding could exceed those predictions because of storm activity.

Humans are driving these changes, the report says, not the alternative explanation for these changes offered by the climate deniers. Oh, wait; that is right. They have no alternative explanation. They have nothing. They have nothing but industry-funded denial. There is no alternative explanation to what the scientists say, which is actually consistent with the finding of the ''Climate Science Special Report'' that there is ''no convincing alternative explanation.''

That is not the only report. Last year, the nonpartisan Congressional Budget Office released a report titled ''Effects of Climate Change and Coastal Development on U.S. Hurricane Damage: Implications for the Federal Budget.'' That report projected that by 2075, annual damage from hurricanes will increase by $120 billion as coastal populations increase, sea levels rise, and U.S. landfalls of strong hurricanes become more frequent. That is the prediction. Of that increase, around 45 percent can already be clearly attributed to climate change.

In a presentation from early November, CBO summarized:

Expected damage from hurricanes will grow more quickly than GDP.

The share of the population facing substantial damage will grow fivefold by 2075.

On the basis of past patterns, Federal spending on hurricanes will also grow more quickly than GDP.

The World Meteorological Organization has also released a report connecting ''extraordinary weather'' to man-made climate change. Warmer temperatures spur increased precipitation, the report says, and higher sea levels amplify storm surge as driven by hurricanes and other coastal storms. This is not new. It is just being frequently and constantly reported with no convincing alternative explanation.

During the typical Atlantic hurricane season, storms develop in the warm, tropical waters off the western coast of Africa. These storms gather heat and energy as they pass over this band of warm seawater across the Atlantic known as the hurricane highway. This is the west coast of Africa. Here is South America. Here is the United States. There is Florida. And here is the hurricane highway leading to the Caribbean. Whether these storms become devastating category 4 and 5 hurricanes or weaken and disperse along the way depends on atmospheric conditions and on this ocean heat that powers up those hurricanes.

A typical Atlantic hurricane season used to generate roughly six hurricanes, three of which reached category 3 or higher. That was then. Typical is no longer typical. During August of 2017, this hurricane highway that I showed you reached 9 degrees Fahrenheit hotter than the 30-year average. This exceptional warming supercharged storms into hurricanes bearing catastrophic damage.

The superheated 2017 hurricane highway fueled not 6 but 10 named hurricanes, and 6—not 3—reached category 3 strength or higher, including Hurricanes Harvey, Irma, Jose, and Maria. What is more, all 10 of the season's hurricanes occurred in a row—the greatest number of consecutive hurricanes in the satellite era.

Typically, what happens is that a storm will churn up cooler water in its wake. So during typical years, a following storm will weaken over the cooler waters left in a preceding storm's wake. That is the way it ordinarily works. This should have been the case for Hurricane Irma as it charged northwest through the Caribbean just days after Harvey. But as I said, hurricanes are powered up by sea surface temperatures, particularly sea surface temperatures above 82 degrees Fahrenheit. And by September 7, as Irma moved over the coast of Cuba and up into the Bahamas and Florida, the hurricane highway surface temperature Harvey had left behind measured up to 87 degrees Fahrenheit. The result of that onslaught was that the entire island of Puerto Rico is still recovering. The Virgin Islands were also slammed. Houston saw epic, widespread flooding. Welcome to the new typical, thanks to ocean warming, which comes to us thanks to climate change, which comes to us thanks to carbon pollution, which still comes to us in such a polluting flood, thanks to a generation of industry lying that has not stopped to this day.

At the Southern New England Weather Conference earlier this month, University of Rhode Island Professor Isaac Ginis presented his worst-case scenario models for a ''Hurricane Rhody,'' which would bring levels of destruction to Rhode Island not seen since we were hit by the Great Hurricane of 1938, the destruction of which is seen here in downtown Providence, or Hurricane Carol, which brought similar destruction in 1954. That is Providence City Hall. This is the roof of a streetcar. Another streetcar is half-flooded. And this is water in a river pouring in downtown Providence through the streets. Essentially, this is white water in downtown Providence.

The flooding that Providence endured in Hurricane Carol caused us to build a hurricane barrier across what is called Fox Point to protect downtown. However, even with the hurricane barrier in place, Professor Ginis's simulations show 3 feet of flooding in downtown Providence if a category 3 hurricane were to hit us at high tide. And, he proposed, if our ''Hurricane Rhody'' were to swing back around and make a second landfall, as Esther did in 1961—he modeled it based on the previous experience of Hurricane Esther—then if it came back, even in a weakened category 2 state, Providence could see up to 14 feet of flooding.

But wait, there is more. Fast forward a few decades and several feet of projected sea level rise, and then Providence doesn't stand a chance. The Rhode Island Coastal Resources Management Council and the National Oceanic and Atmospheric Administration put 9 to 12 projected vertical feet of sea level rise riding up Rhode Island's shores by the end of the century. According to CRMC—our Coastal Resources Management Council—at 10

feet of sea level rise, Rhode Island would lose 36 square miles of total land area. Good-bye to much of Newport, Warwick, Barrington, Block Island, Point Judith, and other coastal communities Rhode Islanders hold dear. This is the present projection by our State agencies, our State University, and NOAA.

As the Senate prepares a third disaster relief funding package, we can't just fund immediate hurricane recovery. We must also help coastal communities look ahead to the next storm. We need better coastal flood mapping and risk modeling. We need to prepare for damage to natural and engineered coastal infrastructure. We need research and modeling to understand what coastal populations face from the new typical: stronger hurricanes, sea level rise, heavy precipitation, disrupted fisheries, and increased storms and storm surges.

We have to prepare for this. It would be stupid not to put a small percentage of what we are spending in cleanup and recovery into prevention, protection, and preparation. It is just common sense.

The Trump administration does not represent American views on climate change. It has been captured by an industry that has been dishonest about this issue for a generation, and it now represents the falsehoods of that industry. For that reason, it also no longer represents American determination to tackle this challenge. That determination is now found in State Houses, in corporations, in our great universities, and with the American people. Americans know that we can pull together to avoid some of these worst-case scenarios. Coastal communities, in particular, are keenly aware of the special risks they face.

In the Senate, I remain eager to work with my colleagues on all of the above. You know where to find me.

I yield the floor.

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

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

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

REPUBLICAN TAX PLAN

Mr. CASEY. Mr. President, I rise this evening to talk about the tax bill, which will come to the floor very soon. We have started debate, and we will be debating it the next couple of days. There is a lot to talk about, a lot of numbers, and a lot of data. I will try to limit the numbers as best I can, but it is important to review some of the numbers.

For tonight's purposes, I start with just two numbers. The first number is 59,456, and the second number is 7. What do I mean when I say 59,456? It is in dollars. The average annual tax cut for those making over $1 million a year in 2019 is $59,456. As many people know who have been following the debate, the Senate bill delayed a corporate tax cut by 1 year so most of the analysis starts in the year 2019 not 2018. So there is $59,456 of a tax cut for those making over $1 million in the first year of the bill, 2019.

What does 7 mean? Seven is also a dollar number. Seven dollars is the average monthly tax cut for Americans making between $20,000 and $30,000 a year in that same year, 2019.

If you wanted to compare the annual number of $59,456 to the annual average tax cut for that income category for the same year, it would be about $84. No matter which way you look at it, there is a basic unfairness there. Even when you apply percentages, it is very clear that folks in those lower income brackets don't get the benefit the richest among us—the superrich people making more than $1 million—get. Even if you drop down the number to over one-half million dollars and up, those folks are getting sometimes double, even triple, the tax cuts for people in the broad middle.

The one I just cited might be the most egregious example, people making $20,000 to $30,000 a year getting just $7 a month in a tax cut.

One of the reasons the bill is so stingy and so unfair when it comes to folks in the lower income brackets or even the middle-income brackets is because so much has been given in the bill to big corporations. Right? There is only a certain amount of revenue you can move around in a bill like this.

Because the corporate—and I should say the permanent corporate tax cut. The tax cuts for families is not permanent, but the permanent corporate tax cut is $1.5 trillion, and by one estimate it is $1.414 trillion over 10 years. When you allocate that much to big corporations and make it permanent, obviously, it limits your ability to help the middle class in a robust or substantial way.

I think most Americans will ask: Why don't we limit any kind of corporate tax break and apply, potentially, hundreds of billions—with a ''b''—of dollars to a bigger middle-class tax cut? But the majority so far, starting with the Finance Committee, has decided not to do that.

I just leave that for people to consider. Is it fair, when you are doing a tax bill, so-called tax reform, for the first time in three decades, that people making over $1 million who don't need $59,456—does it make sense to give them that and give the store away to corporations in a permanent fashion and give folks making $20,000 to $30,000 just 7 bucks a month or 84 bucks over the course of a year, on average?

It gets worse. The numbers get even more egregious, even more insulting. That same year, in 2019, 572,000 of our country's richest households would get $34 billion worth of tax cuts. You heard that right. In 1 year, a rather small group of Americans—572,000 of the richest households—get $34 billion of a tax cut in just that 1 year. That $34 billion in that 1 year for the richest among us gets even higher if you add in other provisions, other tax cuts, but I will be conservative and just limit it to the $34 billion.

Some people might ask: Well, what about the rest of the country or most of the country? What is left? Well, if you compare that $34 billion for a relatively small group of the wealthiest, if you compare that to 90 million—my arms don't stretch out far enough to compare 572 taxpayers with 90 million. What happens to 90 million taxpayers who happen to make under $50,000? A couple of minutes ago I talked about $20,000 to $30,000. Now we are talking about everyone below $50,000 in a year. That is about 90 million people. What happens to them? Well, they get a grand total of $14 billion, and some even see a tax increase. So let's leave the tax increase for people making less than $50,000 off the table for now because some will get a tax increase, and some will get a benefit. So it is hard to comprehend that 90 million people divvy up $14 billion, but a tiny fraction of that—572,000 people—get $34 billion just in 2019. Then you have 2020 and 2021, and they keep getting those dollar amounts.

Some people might say: Well, you know, everyone should get a tax cut in a bill like this, and even if the wealthy get a tax cut, that is the way Washington works. I have described this bill this way over and over again, and I will keep describing it this way. It is a giveaway. It is a giveaway to the superrich. It is certainly a giveaway to big corporations. They get $1.5 trillion, and it is permanent.

There have been a lot of analyses done of this bill, and there are lots of stories to point to. I just point to one that came out just yesterday. The Center on Budget and Policy Priorities came out with a report that is a little more than seven pages' worth. They do reports like this on a regular basis, sometimes more than one report in a week. I know folks can't read it from a distance, but here is what the headline says: ''JCT Estimates''—Joint Committee on Taxation, that is the acronym—Joint Committee on Taxation estimates ''Amended Senate Tax Bill Skewed to Top, Hurts Many Low- and Middle-Income Americans.'' That is what the Center on Budget and Policy Priorities said yesterday. So what they are analyzing is not the original proposal folks in the Senate Republican caucus offered. This is the amended Senate bill.

Here is what they say, in pertinent part. I will just read maybe two sentences.

Under the amended bill, in 2025 (when most of its provisions would be in place), high-income households would get the largest tax cuts as a share of after-tax income, on average, while households with incomes below $30,000 would on average face a tax increase. By 2027, when many of its provisions would have expired, those at the top would still get large tax cuts, but every income group below—

I will read that again.

—every income group below $75,000 would face tax increases, on average.

You heard that right—tax increases on average. So whether you look at it in the year 2019 for people making $20,000 to $30,000 or 2019 for people making under $50,000 and compare that to the wealthiest among us or whether you look at it in terms of what happens just a few years later in 2025, you can see the basic unfairness of this.

Just at a time when we have this great opportunity to do a number of things which would not only turbocharge the economy and potentially lift families out of poverty—and certainly lift children out of poverty—just when we have the opportunity to simplify the code, to help middle-class families in a substantial and robust way, not the stingy way the bill does it, to the point where some might get a tax break one year that is very limited and then that goes away and their taxes go up and others are losing healthcare because of the repeal of the individual mandate—what is most egregious here is maybe not even the giveaways. That is egregious enough. What is outrageous is, the giveaways happen, and the debt is run up to do that. Then, on top of all that, we miss an opportunity, as Washington often does. There is an old expression that Washington never misses an opportunity to miss an opportunity. This is an opportunity to give the middle class maybe a record tax cut, but the majority has chosen not to do that. This is also an opportunity to lift a lot more children out of poverty with a much more generous child tax credit, a much more substantial commitment to lifting kids out of poverty, because we have a bill that allows us to do that, a big tax bill that only comes around once every couple of decades, potentially. The last time this was done was 31 years ago. So this is a critically important moment for the middle class, a critically important moment for children—middle-income children but also children from low-income families who don't get a lot of help under current policy.

Now, some people might ask: Well, how have the rich done over the last number of years? Maybe some might want to make the argument—the ridiculous argument, but they might want to make it—that somehow the rich need a little help. Well, let's see what has happened since 1980. Since 1980, the richest 1 percent have seen their share of national income almost double—double—from 11 percent to 20 percent in 2014, the last time this was measured. So the richest 1 percent, in about 35 years, have seen their share of all national income almost double. So the richest 1 percent have been doing pretty well over the decades since 1980. Do they really need yet another tax cut? Do they really need tens of billions of dollars split or divvied up among a very small number of Americans? I don't think so, and I think most Americans would agree with me.

According to the New York Times, no other nation in the 35-member Organization for Economic Cooperation and Development—the so-called OECD countries, 35 countries, and we are one of them—no other country has seen this widening of the gap between the richest and everyone else. You could see it in the other example. The richest small number in America get $34 billion, and then 90 million people have to split a number that is less than half that. That is really an insult to who we are as Americans.

That same JCT—the Joint Committee on Taxation—their estimate of the Republican bill shows that households earning over $1 million would get an average tax cut about 73 times larger than households earning between $50,000 and $75,000 in 2019, that same year, the first year.

We can go on and on with these comparisons, but I want to go back to the number I started with, that $59,000 number. If you keep the dollar sign on it, and use it for another purpose, you have just arrived at roughly the median household income for the United States of America. So the median household income is about $59,000. That is the median household income all across the country. That number happens to be roughly the same number as the $59,456, the average annual tax cut for those making over $1 million in 2019.

There are lots of other ways to describe the bill. The bill raises $134 billion on the backs of hard-working Americans by changing how the Tax Code measures inflation. Not many people are paying attention to this, but the measurement is going to change if the bill passes. This number only grows over time.

For someone who is just starting out in their professional life, they would see this change haunt their paychecks for the next 50 years. So they are going to change how the Tax Code measures inflation. Not many people know that, and I think they are starting to find out.

If all of that wasn't enough, this bill would do a number of other things which are particularly destructive. It will reward companies that have outsourced jobs, it will increase healthcare premiums by an average of an additional 10 percent a year, and it is going to give, at the same time, obscene tax cuts to the superrich by, at the same time, increasing taxes on the middle class.

So when I described this bill last week in the Finance Committee as a thief in the night, I didn't choose those words casually; I meant every word of it. It is a thief in the night because of what the adverse impact on middle-class families and lower income families trying to get to the middle class would be, compared to what happens to the wealthiest among us. So it is robbing people of an opportunity to get a better tax cut for the middle class and giving away the store to the rich.

I will have more to say about this, but I see the majority leader is on the floor.

I yield the floor.

MORNING BUSINESS

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

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

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–55, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17–55

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Poland.

(ii) Total Estimated Value:

Major Defense Equipment:* $249 million.

Other: $1 million.

Total: $250 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Up to one hundred fifty (150) AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM).

Non-MDE: Also included are missile containers, weapon system support, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support.

(iv) Military Department: Air Force (PL–D–1AE).

(v) Prior Related Cases, if any: PL–D–YAE.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 28, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

The Government of Poland has requested to purchase up to one hundred fifty (150) AIM–120C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM). Also included are missile containers, weapon system support, spare and repair parts, support and test equipment, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services, and other related elements of logistical and program support. The estimated cost is $250 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally. Poland continues to be an important force for political stability and economic progress in Central Europe.

This potential sale would support Poland's F–16 fighter program and enhances Poland's ability to provide for its own territorial defense and support coalition operations. Poland previously purchased the AIM–120C–7 missile and will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17–55

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AIM–120C–7 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a guided missile featuring digital technology and micro-miniature solid-state electronics. The AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high- and low-flying and maneuvering targets. The AMRAAM is classified CONFIDENTIAL. The major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL and technical data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

4. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Poland.

DEFENSE SECURITY COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17–64, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

CHARLES W. HOOPER,
Lieutenant General, USA, Director.

Enclosures.

TRANSMITTAL NO. 17–64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Poland.

(ii) Total Estimated Value:

Major Defense Equipment* $215 million.

Other $35 million.

Total $250 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: High Mobility Artillery Rocket System (HIMARS)

Major Defense Equipment (MDE):

Sixteen (16) Guided Multiple Launch Rocket System (GMLRS) M31A1 Unitary.

Nine (9) Guided Multiple Launch Rocket System (GMLRS) M30A1 Alternative Warhead.

Sixty-one (61) Army Tactical Missile Systems (ATACMS) M57 Unitary.

Non-MDE: Also included are eight (8) Universal Position Navigation Units (UPNU), thirty-four (34) Low Cost Reduced Range (LCRR) practice rockets, one thousand six hundred forty-two (1,642) Guidance and Control Section Assemblies for GMLRS, Missile Common Test Sets and Devices, testing Precision, Lightweight GPS Receivers (PLGR), support equipment, U.S. Government and contractor services, training, and other related elements of logistics and program support.

(iv) Military Department: Army (PL–B–UDD, PL–B–UDE).

(v) Prior Related Cases. if any: None.

(vi) Sales Commission. Fee. etc.. Paid. Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: November 28, 2017.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—High Mobility Artillery Rocket System (HIMARS)

The Government of Poland has requested to purchase sixteen (16) Guided Multiple Launch Rocket System (GMLRS) M31A 1 Unitary, nine (9) Guided Multiple Launch Rocket System (GMLRS) M30A1 alternative warheads, sixty-one (61) Army Tactical Missile Systems (ATACMS) M57 Unitary. Also included are eight (8) Universal Position Navigation Units (UPNU), thirty-four (34) Low Cost Reduced Range (LCRR) practice rockets, one thousand six hundred forty-two (1,642) Guidance and Control Section Assemblies for GMLRS, Missile Common Test Sets and Devices, testing Precision, Lightweight GPS Receivers (PLGR), support equipment, U.S. Government and contractor services, training, and other related elements of logistics and program support. The estimated cost is $250 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally which has been, and continues to be an important force for political stability and economic progress in Europe. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

Poland intends to use these defense articles and services to modernize its armed forces and expand its capability to strengthen its homeland defense and deter regional threats. This will contribute to Poland's military goals of updating capability while further enhancing interoperability with the United States and other allies. Poland will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin in Grand Prairie, TX. This FMS case will support the parallel Direct Commercial Sale (DCS) between Lockheed Martin and Polska Grupa Zbrojenjowa (PGZ), the prime contractor for this effort in Poland. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require U.S. Government or contractor representatives to travel to Poland for program management reviews to support the program. Travel is expected to occur approximately twice per year as needed to support equipment fielding and training.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 17–64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The High Mobility Artillery Rocket Systems (HIMARS) is a highly mobile, all-weather indirect area fire artillery system. The HIMARS mission is to supplement cannon artillery to deliver a large volume of firepower within a short time against critical time-sensitive targets. At shorter ranges, HIMARS complements tube artillery with heavy barrages against assaulting forces as well as in the counter-fire, or defense suppression roles. The highest level of classified information that could be disclosed by a proposed sale, production, or by testing of the end item is SECRET; the highest level that must be disclosed for production, maintenance, or training is CONFIDENTIAL. Reverse engineering could reveal SECRET information. Launcher platform software, weapon operational software, command and control special application software, and command and control loadable munitions module software are considered UNCLASSIFIED. The system specifications and limitations are classified SECRET. Vulnerability data is classified up to SECRET. Countermeasures, counter-countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET.

2. Guided Multiple Launch Rocket System (GMLRS) Unitary M31A1 uses a Unitary High

Explosive (HE) 200 pound class warhead along with GPS aided IMU based guidance and control for ground-to-ground precision point targeting. The GMLRS Unitary uses an Electronic Safe and Arm Fuze (ESAF) along with a nose mounted proximity sensor to give enhanced effectiveness to the GMLRS Unitary rocket by providing tri-mode warhead functionality with point detonate, point detonate with programmable delay, or Height of Burst proximity function. GMLRS Unitary M31A1 end-item is comprised of a Rocket Pod Container (RPC) and six GMLRS Unitary Rocket(s). The RPC is capable of holding six (6) GMLRS Unitary Rockets and can be loaded in a M270A1 launcher (tracked), HIMARS M142 launcher, or European M270 (203 configuration that meets the GMLRS interface requirements) launcher from which the GMLRS rocket can be launched. The highest classification level for release of the GMLRS Unitary is SECRET, based upon the software, sale or testing of the end item. The highest level of classification that must be disclosed for production, maintenance, or training is CONFIDENTIAL.

3. Guided Multiple Launch Rocket System Alternative Warhead (GMLRS–AW) M30A1. The GMLRS–AW, M30A1, is the next design increment of the GMLRS rocket. The GMLRS–AW M30A1 hardware is over 90% common with the M31A1 GMLRS Unitary hardware. Operational range is between 15–70 kilometers. Accuracy of less than 15 meters Circular Error Probability at all ranges, when using inertial guidance with Global Positioning System (GPS) augmentation. Uses a proximity sensor fuze mode with a 10 meter height of burst. The Alternative Warhead carries a 200 pound fragmentation assembly filled with high explosives which, upon detonation, accelerates two layers of pre-formed tungsten fragments optimized for effectiveness against large area and imprecisely located targets. The GMLRS–AW provides an area target attack capability that is treaty compliant (no un-exploded ordnance). It provides a 24 hour, all weather, long range attack capability against personnel, soft and lightly armored targets, and air defense targets. The GMLRS–AW uses the same motor, guidance and control systems fuze mechanisms, and proximity sensors as the M31A1 GMLRS Unitary. The highest classification level for release of the GMLRS–AW is SECRET, based upon the software, sale or testing of the end item. The highest level of classification that must be disclosed for production, maintenance, or training is CONFIDENTIAL.

4. The highest classification level for release of the ATACMS Unitary M57 FMS Variant is SECRET, based upon the software. The highest level of classified information that could be disclosed by a sale or by testing of the end item is SECRET; the highest level that must be disclosed for production, maintenance, or training is CONFIDENTIAL. Reverse engineering could reveal CONFIDENTIAL information. Fire Direction System, Data Processing Unit, and special Application software is classified SECRET. Communications Distribution Unit software is classified CONFIDENTIAL. The system specifications and limitations are classified CONFIDENTIAL. Vulnerability Data, countermeasures, vulnerability/susceptibility analyses, and threat definitions are classified SECRET or CONFIDENTIAL.

5. The GPS Precise Positioning Service (PPS) component of the HIMARS munitions (GMLRS Unitary, Alternative Warhead, and ATACMS Unitary) is also contained in the launcher Fire Direction System, is classified SECRET, and is considered SENSITIVE. The GMLRS M30A1, M31A1, ATACMS M57 and HIMARS M142 launchers employ an inertial navigational system that is aided by a Selective Availability Anti-Spoofing Module (SAASM) equipped GPS receiver.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the enclosed Military Policy Justification. A determination has been made that Poland can provide the same degree of protection for the sensitive technology being released as the U.S. Government.

8. All defense articles and services listed in this transmittal have been authorized for release and export to Poland.

INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES CONSOLIDATION BILL

Ms. MURKOWSKI. Mr. President, today I wish to discuss a bill that has been worked on for years. H.R. 228 will help tribes streamline what are called 477 programs. Recently, a question was raised about the Head Start program and its possible inclusion in 477 plans. I do not think that Head Start services are eligible for incorporation into 477 plans. I ask unanimous consent that the letter from Congressman DON YOUNG and me to the Secretary of the Interior Ryan Zinke be printed in the RECORD.

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

NOVEMBER 27, 2017.

Hon. RYAN ZINKE,
Secretary, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY ZINKE, We write today to provide information about our legislation, the Indian Employment, Training and Related Services Consolidation Act (H.R. 228 as passed the House / S. 91 as reported by committee in the Senate). Our legislation has bipartisan backing and the support of a broad coalition of tribes and tribal organizations.

During consideration of the legislation, a question was raised as to whether any Head Start services would be eligible for incorporation into a tribal ''477 Plan'' under H.R. 228 / S. 91. The answer is no—Head Start is an early childhood education program, and does not fit into any of the categories of eligible programs' purposes that are listed in Section 6 of the bills. Head Start services are not eligible under current law for incorporation into tribal 477 plans, and will not be eligible under our legislation.

We wanted to take the opportunity to provide this background should it be helpful in the future.

Sincerely,

DON YOUNG,
Congressman for All Alaska.
LISA MURKOWSKI,
U.S. Senator.

Mr. UDALL. Mr. President, I ask unanimous consent to have printed in the RECORD the following letters from Senator HOEVEN and me to the chairman and ranking member of the Senate Committee on Health, Education, Labor, and Pensions, and from Margaret Zientek to Senator MURKOWSKI and Congressman YOUNG.

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

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC, November 28, 2017.

Senator LAMAR ALEXANDER,
Chairman.
Senator PATTY MURRAY,
Ranking Member,
Committee Health, Education, Labor & Pensions, U.S. Senate, Washington, DC.

SENATORS: As the Chairman and Vice Chairman of the Committee of jurisdiction, we affirmatively state for the record our agreement with the Tribal Working Group's analysis dated November 27, 2017 that Head Start program administered by the Department of Health and Human Services is not a program that is eligible under Public Law 102–477 or H.R. 228/S. 91.

Sincerely,

JOHN HOEVEN,
Chairman.
TOM UDALL,
Vice Chairman.

PUBLIC LAW 102–477,
TRIBAL WORKGROUP,
November 27, 2017.

DEAR SENATOR MURKOWSKI AND CONGRESSMAN YOUNG: A question has arisen whether Public Law 102–477, or either H.R. 228 or S. 91, reaches the Headstart program administered by the Department of Health and Human Services. It is our understanding that neither the current law nor either bill authorizes the inclusion of the Headstart program in a ''477'' plan.

Thank you for your continued advocacy on these critical bills.

Sincerely,

MARGARET ZIENTEK,
Co-Chair P.L. 102–477 Tribal Work.

NATIONAL ADOPTION MONTH

Mrs. FEINSTEIN. Mr. President, today I wish to call attention to the more than 112,000 foster children in our Nation who are waiting to be adopted. Of these, more than 14,000 are in California.

These are children with no permanent place to call home, who have experienced severe neglect or abuse. Through no fault of their own, these kids are uprooted from their lives, separated from everything they know, and unable to be safely reunited with their biological families. Many are moved from home to home with their few belongings in a garbage bag.

These are children who are waiting for a family, wanting to belong, and needing our help. Of these children, more than 20,000 age out of the foster care system every year without a place to call home. We can and must do better.

What happens to children who age out of the foster care system? They are shown the door and expected to suddenly be self-sustaining, successful adults. Unfortunately, this is not the case for the majority of our foster youth. I say ''our'' because these kids are all of our responsibility. They are in every community, and we are failing

them. For those who age out of the system, 20 percent become homeless. Only half are employed by age 24. Seventy percent of young women who age out of the system are pregnant by age 21. Less than 3 percent complete a college degree. Foster youth are also at higher risk of being victims of child sex-trafficking.

We can do better. Our children deserve better. Every child is meant to be in a family. In America, families come in all sorts of wonderful shapes and sizes, and every foster child waiting to be adopted deserves the love, safety, and support that only a permanent family can provide. No child is unadoptable.

During the month of November, our Nation celebrates National Adoption Month, and recognizes the families that have opened their hearts and homes to children in need of a family and the joy that adoption brings. I encourage anyone interested in building their family through adoption to visit www.adoptuskids.org.

It is also important to recognize the efforts of the volunteers and mentors who provide a positive, stable relationship for a child whose entire world is changing. In addition, programs that provide comprehensive resources—from mental health services to tutoring—help foster kids succeed. There may not be a simple solution, but we do know what gets us closer. There are programs in California and across the Nation that have shown improved permanency rates, nearly universal high school graduation rates, and success in college and employment. There is hope and not a second to waste.

As National Adoption Month comes to a close, we must remember our foster youth year-round and strive to ensure that each one is connected with a permanent, loving home. I look forward to working with my colleagues to ensure a better future for foster youth in our Nation.

Thank you.

ADDITIONAL STATEMENTS

TRIBUTE TO PETE SELLECK

● Mr. SCOTT. Mr. President, I would like to recognize and congratulate Mr. Pete Selleck, chairman and president of Michelin North America, who is retiring next month. Mr. Selleck is concluding a 6-year tenure in the role. After 26 years of Active and Reserve U.S. Army service, Selleck started his career with Michelin in 1982 as an industrial engineer at Michelin's first U.S. plant. Selleck's career included various roles in North America and Europe, before accepting his final assignment as chairman and president of Michelin North America. As chairman and president for Michelin Group's largest global operating unit, Selleck was responsible for coordinating Michelin North America's business activities across the United States, Canada, and Mexico, which together comprise more than 22,000 employees.

Outside the company, Selleck has been recognized broadly by leaders in the community, in business and in industry, across the local, State, and national levels. In recent years, Selleck played a key role advocating for road improvements across South Carolina; advocating for fiscal reform in the Federal Government; promoting dialogue and understanding on matters of diversity and inclusion; developing technical education to support industrial careers in South Carolina; and active support for the community of West Point alumni, the Boy Scouts of America, and the United Way. Congratulations, Mr. Selleck.●

REMEMBERING TJ McGARVEY

● Mr. TOOMEY. Mr. President, I wish to honor the life of Vietnam veteran TJ McGarvey of Upper St. Clair, PA. Mr. McGarvey passed away at age 74 on November 13, 2017. He is survived by his loving family and the countless friends and neighbors whose lives he touched during a lifetime of service and commitment to his country and community.

As a member of ''The Walking Dead,'' 1st battalion, 9th Marines, Cpl TJ McGarvey served in Vietnam from March 1967 to April 1968. Only a month after deploying to Vietnam, Corporal McGarvey was wounded. However, he refused to accept the Purple Heart medal he earned because he did not want to upset his mother with the news.

For many, having served their country in war fulfilled a selfless act of duty—not so for Corporal McGarvey. His service to his country and fellow vets would remain a constant for his entire life. TJ was cofounder of the Vietnam Veterans Leadership Program, a member of the Friends of Danang, and a fierce advocate for soldiers exposed to Agent Orange, and their families.

Just days before his death, his hometown of Upper St. Clair held a Veterans Day ceremony at the town's Veterans Monument Park. Much of the ceremony would honor TJ, whom a fellow veteran called ''the ultimate Marine.'' The park was the brainchild of TJ, who served as its president and key fundraiser. It honors every branch of the military and serves as both a monument to veterans and an educational instrument for visitors and local students.

TJ was known as a man of deep faith, committed to his family, and a leader in his community. As a longtime football coach at St. Louise de Marillac, generations of students looked to TJ as a mentor.

Ultimately, TJ's legacy will be forever linked to his efforts to ensure that veterans of the U.S. military will never be forgotten. In the 1980s, TJ tirelessly fought to erect a Vietnam veterans monument in Pittsburgh. The monument was dedicated on Veterans Day 1987.

The beautiful dedication to the soldiers who fought, died, and went missing in America's war with Vietnam lies peacefully along the banks of the Allegheny River on Pittsburgh's north side. A fitting tribute to the heroes of southwestern Pennsylvania ploughed by a man who lived a life quiet and humble, yet loud enough to help spark a change in the hearts of many. Here, at the confluence of three rivers which defines a community, TJ's poem defines the ethos of the monument—a tribute, but more so a fulfillment of a commitment to ensure our soldiers will never again be denied these two words: ''Welcome Home.''

It is with these words, etched in brass for all to see, that TJ adopted the voice of a remorseful community to right a wrong and fittingly honor a generation of heroes:

Welcome home to proud men and women
We begin now to fulfill promises
To remember the past
To look to the future
We begin now to complete the final process
Not to make political statements
Not to offer explanations
Not to debate realities
Monuments are erected so that the future might remember the past
Warriors die and live and die
Let the Historians answer the political questions
Those who served—served
Those who gave all—live in our hearts
Those who are left—continue to give
As long as we remember—
There is still some love left.

TJ McGarvey's lasting legacy will not die, fade away, or be forgotten. As a small token of a grateful nation, I ask that the U.S. Senate stand with me to salute Cpl TJ McGarvey for a life dedicated to God, family, and his brothers in arms, reflecting great credit upon himself and the U.S. Marines.●

MESSAGE FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that pursuant to section 4(b) of the World War I Centennial Commission Act (Public Law 112–272), the Minority Leader appoints Ms. Maria Zoe Dunning, of San Francisco, California, to the World War I Centennial Commission; Ms. Maria Zoe Dunning to replace Mr. Robert Dalessandro appointed in 2013 who resigned from the Commission.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 1. An act to provide for reconciliation pursuant to titles II and V of the concurrent resolution on the budget for fiscal year 2018.

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–3466. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Pesticide Tolerance Actions'' (FRL No. 9966–10–OCSPP) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3467. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Removal of Office of Thrift Supervision Regulations'' (10 CFR Chapter V) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Banking, Housing, and Urban Affairs.

EC–3468. 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–3469. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2017; to the Committee on Energy and Natural Resources.

EC–3470. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Air Plan Approval; Delaware; State Implementation Plan for Intersate Transport for the 2008 Ozone Standard; Withdrawal of Direct Final Rule'' (FRL No. 9970–83–Region 3) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3471. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Maryland Portion of the Philadelphia-Wilmington-Atlantic City Nonattainment Area; Withdrawal'' (FRL No. 9970–82–Region 3) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3472. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Direct Final Rule for the Approval of an Alternative Volatile Organic Compound Emission Standard; Withdrawal'' (FRL No. 9970–69–Region 3) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3473. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Clean Air Interstate Rule (CAIR) Trading Programs; Withdrawal of Direct Final Rule'' (FRL No. 9970–80–Region 3) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3474. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Implementation Plans; State of Iowa; Elements of the Infrastructure SIP Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (NAAQS); Withdrawal of Direct Final Rule'' (FRL No. 9970–98–Region 7) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3475. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of Iowa; Withdrawal of Direct Final Rule; Elements of the Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard (NAAQS)'' (FRL No. 9970–99–Region 7) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3476. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''State of Iowa; Withdrawal of Direct Final Rule; Elements of the Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard (NAAQS)'' (FRL No. 9971–05–Region 7) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3477. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Direct Final Rule; Air Quality Implementation Plans; Nebraska; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide and Sulfur Dioxide and the 2012 Fine Particulate Matter National Ambient Air Quality Standards'' (FRL No. 9970–97–Region 7) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3478. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Direct Final Rule; Approval of Kansas Air Quality State Implementation Plans; Construction Permits and Approvals Program'' (FRL No. 9971–00–Region 7) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Environment and Public Works.

EC–3479. A communication from the Senior Official performing the duties of the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report on the status of the Missouri River Bank Stabilization and Navigation Fish and Wildlife Mitigation Project, Kansas, Missouri, Iowa, and Nebraska; to the Committee on Environment and Public Works.

EC–3480. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Amounts Paid to Section 170(c) Organizations under Employer Leave-Based Donation Programs to Aid Victims of the California Wildfires that Began on October 8, 2017'' (Notice 2017–70) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Finance.

EC–3481. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Changes in accounting periods and in methods of accounting.'' (Rev. Proc. 2017–59) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Finance.

EC–3482. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Department of the Treasury Employee Rules of Conduct'' (RIN1505–AB89) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Finance.

EC–3483. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the Department of the Treasury'' (RIN1505–AC51) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Finance.

EC–3484. A communication from the Deputy Director, Directorate of Construction, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Cranes and Derricks in Construction; Operator Certification Extension'' (RIN1218–AC96) received in the Office of the President of the Senate on November 16, 2017; to the Committee on Health, Education, Labor, and Pensions.

EC–3485. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Labor's 2016 FAIR Act Inventory of Inherently Governmental Activities and Inventory of Commercial Activities; to the Committee on Homeland Security and Governmental Affairs.

EC–3486. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3487. A communication from the Acting Director and General Counsel, Office of Government Ethics, transmitting, pursuant to law, the Annual Financial Report for the Office of Government Ethics for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3488. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2017 through September 30, 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3489. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3490. A communication from the Chairman of the Board, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's consolidated report addressing the Federal Managers Financial Integrity Act (FMFIA or Integrity Act) and the Inspector General Act of 1978 (IG Act); to the Committee on Homeland Security and Governmental Affairs.

EC–3491. A communication from the President and CEO, Inter-American Foundation, transmitting, pursuant to law, the Foundation's Annual Management Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3492. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3493. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Administration's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3494. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3495. A communication from the Secretary of the Treasury, transmitting, pursuant to law, Department of the Treasury's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3496. A communication from the Secretary of Labor and the Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Annual Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3497. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3498. A communication from the Acting Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3499. A communication from the Acting Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

EC–3500. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Schools and Libraries Universal Service Support Mechanism'' ((RIN3060–AF85)(FCC 17–139)) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3501. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Rules and Policies Regarding Calling Number Identification Service—Caller ID; Waiver of Federal Communications Commission Regulations at 47 C.F.R. section 65.1601(b) on Behalf of Jewish Community Centers'' ((CG Docket No. 91–281)(FCC 17–132)) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3502. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, (Anchorage, Alaska)'' ((DA 17–1062)(MB Docket No. 17–187)) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3503. A communication from the Deputy Chief of the Disability Rights Office, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Access to Telecommunication Equipment and Services by Persons with Disabilities; Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations'' ((CG Docket No. 13–46)(FCC 17–135)) received in the Office of the President of the Senate on November 15, 2017; to the Committee on Commerce, Science, and Transportation.

EC–3504. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to accomplishments made under the Airport Improvement Program for fiscal years 2014 through 2016; to the Committee on Commerce, Science, and Transportation.

EC–3505. A communication from the Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Agency Financial Report for fiscal year 2017; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THUNE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1885. A bill to support the development of highly automated vehicle safety technologies, and for other purposes (Rept. No. 115–187).

By Mr. ENZI, from the Committee on the Budget, without amendment:

S. 1. An original bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018.

By Mr. CORKER, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1928. A bill to establish a review of United States multilateral aid.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. CRAPO for the Committee on Banking, Housing, and Urban Affairs.

*Suzanne Israel Tufts, of New York, to be an Assistant Secretary of Housing and Urban Development.

*Brian D. Montgomery, of Texas, to be an Assistant Secretary of Housing and Urban Development.

*Robert Hunter Kurtz, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ENZI:

S. 1. An original bill to provide for reconciliation pursuant to title II of the concurrent resolution on the budget for fiscal year 2018; from the Committee on the Budget; placed on the calendar.

By Ms. HARRIS (for herself, Mr. BURR, and Ms. KLOBUCHAR):

S. 2162. A bill to amend title 18, United States Code, to provide that it is unlawful to knowingly distribute a private, visual depiction of an individual's intimate parts or of an individual engaging in sexually explicit conduct, with reckless disregard for the individual's lack of consent to the distribution, and for other purposes; to the Committee on the Judiciary.

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

S. 2163. A bill to expand school choice in the District of Columbia; to the Committee on Finance.

By Mr. KING (for himself, Mr. CRAPO, Mr. CARDIN, and Mr. UDALL):

S. 2164. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

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

S. 2165. A bill to provide additional disaster recovery assistance for the Commonwealth of Puerto Rico and the United States Virgin Islands, and for other purposes; to the Committee on Finance.

By Mr. GARDNER (for himself, Mr. HEINRICH, Mr. UDALL, Mr. BENNET, and Mr. HATCH):

S. 2166. A bill to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2023, to require a report on the implementation of those programs, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 2167. A bill to require the Secretary of the Treasury to make certifications with respect to United States and foreign financial institutions' aircraft-related transactions involving Iran, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GARDNER:

S. 2168. A bill to amend the Veterans Access, Choice, and Accountability Act of 2014 to include in the Veterans Choice Program all veterans enrolled in the patient enrollment system of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCONNELL (for himself and Mr. SCHUMER):

S. Res. 343. A resolution to authorize testimony, document production, and representation in Arizona v. Mark Louis Prichard; considered and agreed to.

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 109, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 170

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 170, a bill to provide for nonpreemption of measures by State and local governments to divest from entities that engage in commerce-related or investment-related boycott, divestment, or sanctions activities targeting Israel, and for other purposes.

S. 251

At the request of Mr. WYDEN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 251, a bill to repeal the Independent Payment Advisory Board in order to ensure that it cannot be used to undermine the Medicare entitlement for beneficiaries.

S. 261

At the request of Mr. BLUNT, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 261, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 629

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 629, a bill to amend the Federal Food, Drugs, and Cosmetic Act to ensure the safety and effectiveness of medically important antimicrobials approved for use in the prevention, control, and treatment of animal diseases, in order to minimize the development of antibiotic-resistant bacteria.

S. 720

At the request of Mr. CARDIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

S. 793

At the request of Mr. BOOKER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 793, a bill to prohibit sale of shark fins, and for other purposes.

S. 796

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 796, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 1034

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1034, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States, and for other purposes.

S. 1050

At the request of Ms. DUCKWORTH, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1050, a bill to award a Congressional Gold Medal, collectively, to the Chinese-American Veterans of World War II, in recognition of their dedicated service during World War II.

S. 1364

At the request of Mr. MENENDEZ, the names of the Senator from West Virginia (Mrs. CAPITO), the Senator from Ohio (Mr. PORTMAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1364, a bill to establish within the Smithsonian Institution the National Museum of the American Latino, and for other purposes.

S. 1539

At the request of Ms. KLOBUCHAR, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 1539, a bill to protect victims of stalking from gun violence.

S. 1580

At the request of Mr. RUBIO, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1580, a bill to enhance the transparency, improve the coordination, and intensify the impact of assistance to support access to primary and secondary education for displaced children and persons, including women and girls, and for other purposes.

S. 1647

At the request of Mr. WICKER, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1647, a bill to require the appropriate Federal banking agencies to treat certain non-significant investments in the capital of unconsolidated financial institutions as qualifying capital instruments, and for other purposes.

S. 1693

At the request of Mr. PORTMAN, the names of the Senator from Delaware (Mr. COONS) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1693, a bill to amend the Communications Act of 1934 to clarify that section 230 of that Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sex trafficking.

S. 1732

At the request of Mr. WHITEHOUSE, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1732, a bill to amend title XI of the Social Security Act to promote testing of incentive payments for behavioral health providers for adoption and use of certified electronic health record technology.

S. 1859

At the request of Mr. GARDNER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1859, a bill to extend the moratorium on the annual fee on health insurance providers.

S. 1873

At the request of Mr. BLUMENTHAL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from South Dakota (Mr. ROUNDS) were added as cosponsors of S. 1873, a bill to require the Secretary of Veterans Affairs to carry out a program to establish peer specialists in patient aligned care teams at medical centers of the Department of Veterans Affairs, and for other purposes.

S. 1942

At the request of Ms. HEITKAMP, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1942, a bill to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

S. 1996

At the request of Mr. BOOKER, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1996, a bill to require Federal agencies to address environmental justice, to require consideration of cumulative impacts in certain permitting decisions, and for other purposes.

S. 2135

At the request of Mr. CORNYN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from California (Ms. HARRIS), the Senator from Maine (Mr. KING), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Ohio (Mr. PORTMAN), the Senator from New York (Mr. SCHUMER) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 2135, a bill to enforce current law regarding the National Instant Criminal Background Check System.

S. 2143

At the request of Mrs. MURRAY, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. PETERS) and the

Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 2143, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment, to expand coverage under such Act, to provide a process for achieving initial collective bargaining agreements, and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2146

At the request of Mr. UDALL, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 2146, a bill to extend the full Federal medical assistance percentage to urban Indian organizations.

S. RES. 319

At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 319, a resolution supporting the goals, activities, and ideals of Prematurity Awareness Month.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 343—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND REPRESENTATION IN ARIZONA V. MARK LOUIS PRICHARD

Mr. MCCONNELL (for himself and Mr. SCHUMER) submitted the following resolution; which was considered and agreed to:

S. RES. 343

Whereas, in the case of *Arizona v. Mark Louis Prichard*, Cr. No. 17–711443, pending in the Justice Court of Pima County, Arizona, the prosecution has requested the production of testimony from Julie Katsel, an employee in the Tucson, Arizona office of Senator Jeff Flake;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent current or former employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Julie Katsel, an employee in the Office of Senator Jeff Flake, and any other current or former employee of the Senator's office from whom relevant evidence may be necessary, are authorized to testify and produce documents in the case of Arizona v. Mark Louis Prichard, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent current and former Members, officers, and employees of the Senate in connection with the production of evidence authorized in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1587. Mr. MCCONNELL (for Mr. BOOZMAN) proposed an amendment to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

TEXT OF AMENDMENTS

SA 1587. Mr. MCCONNELL (for Mr. BOOZMAN) proposed an amendment to the bill H.R. 1892, to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty; as follows:

On page 3, lines 6 through 8, strike ''section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)'' and insert ''section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284)''.

AUTHORITY FOR COMMITTEES TO MEET

Mr. LANKFORD. 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 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, November 28, 2017, at 9:45 a.m. to conduct a hearing on the following nominations: Brian D. Montgomery, of Texas, Robert Hunter Kurtz, of Virginia, and Suzanne Israel Tufts, of New York, each to be an Assistant Secretary of Housing and Urban Development; to be immediately followed by a hearing to examine the nomination of Jerome H. Powell, of Maryland, to be Chairman of the Board of Governors of the Federal Reserve System.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, November 28, 2017, at 10 a.m. to conduct a hearing on the following nominations: Christopher Ashley Ford, of Maryland, to be an Assistant Secretary (International Security and Non-Proliferation), and Yleem D. S. Poblete, of Virginia, to be an Assistant Secretary (Verification and Compliance), both of the Department of State.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, November 28, 2017, at 10 a.m. in room SD–430 to conduct a hearing entitled ''Reauthorizing the Higher Education Act: Examining Proposals to Simplify the Free Application for Federal Student Aid (FAFSA)''.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Tuesday, November 28, 2017, at 10 a.m., in room SD–226, to conduct a hearing entitled ''S. 1241: Modernizing AML Laws to Combat Money Laundering and Terrorism Financing''.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, November 28, 2017, at 2:30 p.m., in room SH–219 to hold a closed hearing.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

The Subcommittee on Clean Air and Nuclear Safety of the Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, November 28, 2017, at 10 a.m., in room SD–406 to conduct a hearing on the following nominations: Kenneth E. Allen, of Kentucky, A. D. Frazier, of Georgia, Jeffrey Smith, of Tennessee, and James R. Thompson III, of Alabama, each to be a Member of the Board of Directors of the Tennessee Valley Authority.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 100–458, sec. 114(b)(2)(c), the appointment of the following individual to serve as a member of the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for a six-year term: the Honorable ROGER WICKER of Mississippi.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of 2 USC Sec. 1151, as amended, reappoints the following individual to the Board of Trustees of the Open World Leadership Center: the Senator from Mississippi, Mr. WICKER.

The Chair, on behalf of the President pro tempore, pursuant to the provisions of Public Law 115–77, appoints the following individuals to the Frederick Douglass Bicentennial Commission: Kay Cole James of Virginia and Star Parker of California.

The Chair, on behalf of the Democratic leader, pursuant to the provisions of Public Law 115–77, appoints the following individuals to the Frederick Douglass Bicentennial Commission: Senator CHRIS VAN HOLLEN of Maryland and Dr. David Anderson of New York.

HONORING HOMETOWN HEROES ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged

from further consideration of H.R. 1892 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Boozman 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. Without objection, it is so ordered.

The amendment (No. 1587) was agreed to, as follows:

(Purpose: To make a technical correction)

On page 3, lines 6 through 8, strike ''section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b)'' and insert ''section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284)''.

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

The bill was read the third time.

The bill (H.R. 1892), as amended, was passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED—Continued

ORDERS FOR WEDNESDAY, NOVEMBER 29, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon tomorrow, Wednesday, November 29; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; finally, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator CASEY.

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

The Senator from Pennsylvania.

REPUBLICAN TAX PLAN

Mr. CASEY. Mr. President, I wish to go back to a point I made earlier when I was describing—both in terms of the substance of the bill and the process that has been undertaken to pass the bill—why, the week before Thanksgiving, I used the expression that the bill was, in fact, ''a thief in the night'' and what I meant by that. In the same bill, we have these inequities that I just described where the wealthiest are getting $34 billion in a tax cut—a giveaway, really, just in the first year, and then that continues—and 90 million Americans get less than half of that. That is, in my judgment, robbing those families of an opportunity to get a bigger tax cut and to have the wealthiest among us sacrifice a little bit for the middle class and for those trying to get to the middle class. It gets worse from there because, in addition to that, repealing of the individual mandate has a healthcare consequence.

We know that the Congressional Budget Office told us that because of what would happen as a result of the repeal of the individual mandate, 4 million people would lose their healthcare in the first year and 13 million over the course of 10 years. So it is entirely possible—we don't know the exact number, but it is entirely possible—that lots of Americans would, in the same year or certainly over time, have two adverse consequences. One, they would either not get much of a tax cut or their tax cut or any tax change would turn into a tax increase, and they would lose their healthcare because of the effects of one part of the bill. So, at the same time, in the same bill, some will lose their healthcare because of the bill and others will see their taxes go up, or worse, maybe the same thing will happen to the same individual, the same family. All that is happening in a bill that is speeding through this Chamber.

Here is how defective the process has been. The Senate bill was introduced on a Thursday, and then voted out of the Finance Committee the following Thursday, and now the majority is trying to pass the bill this Thursday. So from Thursday to Thursday to Thursday is the entire consideration of a bill that has not had one hearing—not a single hearing. Oh, yes, we had time in the committee the week before Thanksgiving to pose questions to the Joint Committee on Taxation—tax experts—or to staff, and that is part of the process. But a tax bill like this, which comes around every three decades and will have an impact, by one estimate, of $9 trillion to $10 trillion, doesn't have a single hearing and doesn't have the kind of due consideration that would allow people to examine it and allow taxpayers to examine the detail of this bill and the consequences that would flow from that—the adverse consequences—and be able to say: Hey, wait a minute. Maybe I am one of those people. Maybe I am one of those individuals whose taxes will go up or I don't get much of a tax cut and, on top of that, I lose my healthcare. I think any American who would be so adversely affected should have the time and the opportunity to examine this legislation, either themselves or through the debate that is undertaken by Senators or through reading news accounts.

The only good news here is that newspapers across the country, especially, and think tanks who are analyzing this bill are providing the American people information. But the debate is so limited that very little of the debate here in the Senate will land on the kitchen tables of Americans who will be affected.

So when I say that this is a thief in the night, I mean it by way of the substance of the bill where people are robbed of healthcare, potentially, and certainly robbed of an opportunity to either get a substantial middle-class tax cut or, in some cases, they get no tax cut at all because their taxes go up and, at the same time, they are losing healthcare.

This whole process has been cloaked in darkness and has been infused with secrecy. I got a letter the other day from a taxpayer who said to me: I am worried about the impact on—it was from a mom talking about her family—on my family and my children. She said: I don't know enough about this. I can sympathize with her because Democratic Senators were in a committee 2 weeks ago when this bill was presented to us, with not a single hearing on the bill.

My colleagues may recall what happened in 1985 and 1986. President Reagan came up with a proposal that was almost 500 pages in length. There was a lot of detail about his administration's priorities on tax reform. His proposal got 27 hearings in the Finance Committee. Later, when the House passed a bill in—I guess it was in the beginning of 1986—they passed a tax reform bill that went to the Senate, and that House bill in 1986 got six hearings in the Finance Committee. So if you add the review of the detailed Reagan proposal—almost 500 pages—to the actual hearings on a specific bill, we are talking about 33 hearings. That is the kind of review one would expect. I would settle for 10 or 15 hearings on something this substantial.

So we are basically saying that we are supposed to accept a bill that has gotten very little review and no hearing, and then wait for 20 years from now or 30 years from now to have another opportunity.

This is a joke. This is an insult to the American people, when we have a bill that will have such an impact on every American and is getting very little in the way of scrutiny.

I know the hour is late. I will just make a few more points, especially when it comes to our children. There has been a lot of talk about what this bill could do to help children. A lot of Americans know about the child tax credit and the earned income tax credit. Those two provisions alone in our law have lifted more children out of poverty than almost anything we have ever done in the Congress in decades,

literally. It has had that kind of an impact. So shouldn't we use these two vehicles that have lifted millions of children and families out of poverty—the earned income tax credit and the child tax credit—and strengthen them? Shouldn't we make them more robust so that more children could be lifted out of poverty? The answer is yes.

We have an opportunity here. Senator BROWN and Senator BENNET introduced a bill that then became an amendment in the debate, which I and so many other Democratic Senators joined them on, to strengthen the child tax credit, as well as the earned income tax credit.

Here is the basic information about where we are with the child tax credit. The proposal by some Republican Senators to strengthen the child tax credit in the bill is also woefully deficient and woefully short of what families should expect from a big tax reform bill that is supposed to help folks with the child tax credit.

The Senate Republican plan increases the maximum child tax credit from $1,000 to $2,000 per child. It sounds pretty good so far—$1,000 up to $2,000. It sounds pretty good so far, but because the bill limits refundability, a mom working full time at minimum wage will only see an additional $75 in the child tax credit, while a married couple earning $500,000 would become newly eligible. So in the Republican bill, wealthy families earning up to $500,000 of income are newly eligible for help, with the child tax credit, for the maximum credit of $2,000 per child. The working mom who has a low income gets a child tax credit of $75, which is not much help, but the family making $500,000 would be getting a $2,000 child tax credit. Anyone knows that is woefully short.

We can do better than that. We are a great country. We have the greatest economy in the world, we have the strongest military in the world, and we have a lot of good tax policies that have helped lift families out of poverty. Both parties have helped support those provisions over the years. This isn't just a Democratic priority; a lot of Republicans make this a priority as well.

This is the moment to do it. This is a big tax bill. We could make the child tax credit so generous and so substantial that you could turbocharge—use any word you want—you could turbocharge the effort to get young children out of poverty. But the Republicans won't do it because they are stingy on the child tax credit changes, just as they are stingy on the middle-class tax cut.

The source I cited earlier for the November 27 report, the Center on Budget and Policy Priorities—you can go to their website. It is easy. Just type in four letters—CBPP—and you can find these reports. What do they say about the child tax credit provisions? The Center on Budget and Policy Priorities says that 10 million children live in families who would get $6.25 or less per month in additional child tax credit help—less than 1 hour of work at the minimum wage. So for 10 million children, this brandnew proposal on the child tax credit adds up to $6.25 or less per month. Even in a very low-income family, $6.25 a month doesn't get you much in terms of help for your children.

We have a lot to do in a short timeframe to let the American people know what is in this bill. Whether it is very limited tax relief for a lot of middle-class families or whether it is the outrage that so many Americans' taxes will go up—over time, especially—or whether it is the giveaways to the richest among us, there are so many outrages and so many insults in one bill, it is difficult to catalog all of them.

I hope that if we have a vote on the Senate floor, this bill will be defeated. Guess what can happen then. We can get to a different chapter on tax reform, just like we started to get to on healthcare. After the healthcare bill was voted down in July, everyone said that somehow there would be no engagement on healthcare after that, that the two sides would go into their corners and there would be no discussion. Within hours, if not days, of that happening, Democrats and Republicans came together on healthcare. On that topic on which there is supposed to be very little, if any, consensus or cooperation or bipartisanship, they came together and then had hearings in early September. People forget this, but it happened. In the first 2 weeks of September, we listened to Governors from both parties, insurance commissioners, and healthcare policy experts. Guess what we got. We got a bipartisan bill to help stabilize the market, to make sure we were coming together to try to solve at least one substantial problem in our healthcare system—not to cure every problem but to come together in a bipartisan way to fix the problem.

We could undertake a similar process on tax reform. We could start in December or January—whenever the majority wants to start—have lots of hearings, examine these issues, and figure out whether there is a bipartisan way to make the child tax credit more generous.

We have a moment here. We have a big bill. We could lift a lot more children out of poverty. Isn't there a way to make the middle-class tax relief much more robust and substantial? Instead of giving a $300 or $400 tax cut, maybe we could say: Let's come together on a bipartisan bill and give a tax cut that is worth $1,000—or maybe several thousand dollars—to the middle class and to middle-class families. We could do that. Democrats and Republicans could come together.

We could even come together on providing corporate relief. No one on our side doesn't believe that corporations should get a break, but when you reduce a corporate tax rate from 35 to 20—just do the math. It is $100 billion per point, so that is $1.5 trillion. That forecloses the option of making middle-class tax cuts even more generous. It limits the options to help families who are struggling to get into the middle class, who are going to work every day, sometimes working two jobs, making the minimum wage or higher than minimum wage, and they need a little bit of help with the child tax credit or other provisions.

We have an opportunity here to do tax reform the right way—not in the dark of night, not a one-party fiat or a one-party bill that gets rushed through and then we are supposed to accept this as good tax policy for the next 10, 20, 30 years. That is not the way to do tax reform. That is not the way it was done when Ronald Reagan was here, working with Democrats and Republicans. That is not the way we should do it.

We will have more to say later in the week.

At this time, I yield the floor.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 12 noon tomorrow.

Thereupon, the Senate, at 7:18 p.m., adjourned until Wednesday, November 29, 2017, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate on November 27, 2017:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHRISTOPHER G. CAVOLI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. STEPHEN J. TOWNSEND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

NATHELE J. ANDERSON
BRIAN R. HORTON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS W. GREEN
KENNETH M. KOOP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ADAM R. LIBERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL E. STEELMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GERALD D. GANGARAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531, 716, AND 3064:

To be major

BRIAN R. JOHNSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SCOTT T. AYERS
JAMES A. BARKEI
TONYA L. BLACKWELL
CHRISTOPHER B. BURGESS
MATTHEW A. CALARCO
REBECCA K. CONNALLY
RYAN B. DOWDY
JOSEPH M. FAIRFIELD
DANYELE M. JORDAN
FANSU KU
SEAN C. MCMAHON
STEVEN M. RANIERI
RUNO C. RICHARDSON
JAVIER E. RIVERAROSARIO
SARA M. ROOT
LESLIE A. ROWLEY
ROBERT L. SHUCK
SHAWN D. SMITH
TYESHA L. SMITH

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PETER J. ARMSTRONG

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

ALI S. ZAZA

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C. , SECTIONS 531 AND 3064:

To be major

PHILLIP T. BUCKLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

VERNICE K. FAVOR–WILLIAMS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

EDWARD M. CROSSMAN

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTIONS 189 AND 276:

To be commander

MEGHAN K. STEINHAUS

CONFIRMATION

Executive nomination confirmed by the Senate November 28, 2017:

THE JUDICIARY

GREGORY G. KATSAS, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.