

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 12—EXPRESSING THE SENSE OF THE SENATE THAT CLEAN WATER IS A NATIONAL PRIORITY, AND THAT THE JUNE 29, 2015, WATERS OF THE UNITED STATES RULE SHOULD BE WITHDRAWN OR VACATED

Mrs. FISCHER (for herself and Mrs. ERNST) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 12

Whereas the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly known as the "Clean Water Act") is one of the most important laws in the United States and has led to decades of successful environmental improvements;

Whereas the success of that Act depends on consistent adherence to the key principle of cooperative federalism, under which the Federal Government and State and local governments all have a role in protecting water resources;

Whereas, in structuring the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) based on the foundation of cooperative federalism, Congress left to the States their traditional authority over land and water, including farmers' fields, nonnavigable, wholly intrastate water (including puddles and ponds), and the allocation of water supplies;

Whereas compliance with the principle of cooperative federalism requires that any regulation defining the term "waters of the United States" be promulgated—

(1) after the establishment of a proper regulatory baseline for, and an evaluation of the costs and benefits of, the proposed regulatory definition of the term;

(2) in compliance with—

(A) chapter 6 of title 5, United States Code (commonly known as the "Regulatory Flexibility Act"); and

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) in consultation with States and local governments, including consultation with respect to—

(A) alternative proposals for changing the regulatory definition of the term; and

(B) the impact of the alternative proposals, including costs and benefits, on State and local governments and small entities;

Whereas, in promulgating the final rule entitled "Clean Water Rule: Definition of 'Waters of the United States'" (80 Fed. Reg. 37054 (June 29, 2015)) (referred to in this preamble as the "Waters of the United States Rule"), the Administrator of the Environmental Protection Agency and the Chief of Engineers—

(1) failed to follow the procedural steps described in the fourth whereas clause; and

(2) claimed broad and expansive jurisdiction that encroaches on traditional State authority and undermines longstanding exemptions from Federal regulation under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

Whereas, on October 9, 2015, the United States Court of Appeals for the Sixth Circuit—

(1) issued a nationwide stay for the Waters of the United States Rule; and

(2) found that the petitioners who requested that the court vacate the Waters of the United States Rule have a substantial

possibility of success in a hearing on the merits of the case: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the final rule of the Administrator of the Environmental Protection Agency and the Chief of Engineers entitled "Clean Water Rule: Definition of 'Waters of the United States'" (80 Fed. Reg. 37054 (June 29, 2015)) should be vacated.

## SENATE RESOLUTION 13—RECOGNIZING THE HISTORICAL IMPORTANCE OF ASSOCIATE JUSTICE CLARENCE THOMAS

Mr. CORNYN (for himself, Mr. HATCH, Mr. LEE, Mr. SCOTT, and Mr. CRUZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 13

Whereas, in 1948, Clarence Thomas was born outside of Savannah, Georgia, in the small community of Pin Point, Georgia;

Whereas Clarence Thomas was born into poverty and under segregation;

Whereas, notwithstanding his humble beginnings and the many impediments he faced, Clarence Thomas demonstrated incredible intellect, discipline, and strength in attending and graduating from St. Benedict the Moor Catholic School, St. John Vianney Minor Seminar, the College of the Holy Cross, and Yale Law School;

Whereas Clarence Thomas has a distinguished legal career with service in State government and all branches of the Federal Government, including the Senate, the Department of Education, the Equal Employment Opportunity Commission, and the United States Court of Appeals for the District of Columbia Circuit;

Whereas, on July 1, 1991, President George Herbert Walker Bush nominated Clarence Thomas to be an Associate Justice of the Supreme Court of the United States (in this preamble referred to as the "Supreme Court");

Whereas Justice Thomas is the second African American to serve on the Supreme Court;

Whereas, during his quarter century on the Supreme Court, Justice Thomas has made a unique and indelible contribution to the jurisprudence of the United States;

Whereas Justice Thomas has propounded a jurisprudence that seeks to faithfully apply the original meaning of the text of the Constitution of the United States;

Whereas Justice Thomas has brought renewed focus to constitutional doctrines that the Framers intended to undergird our republican form of government, including federalism and the separation of powers;

Whereas, in fostering this philosophy of law, Justice Thomas reinvigorated not only the jurisprudence of the United States, but also the democracy of the United States;

Whereas Justice Thomas has been a remarkably prolific Associate Justice, writing influential opinions on topics including constitutional law, administrative law, and civil rights;

Whereas, on August 10, 1846, in the name of founding an establishment for the increase and diffusion of knowledge, Congress established the Smithsonian Institution as a trust to be administered by a Board of Regents and a Secretary of the Smithsonian Institution;

Whereas diversity, including intellectual diversity, is a core value of the Smithsonian Institution and the museums of the Smithsonian Institution should capitalize on the richness inherent in differences;

Whereas, upon opening, the National Museum of African American History and Culture (in this preamble referred to as the "Museum") is the only national museum devoted exclusively to the documentation of African American life, history, and culture;

Whereas the Museum omits the contribution made by Justice Thomas to the United States; and

Whereas the Senate is hopeful that the Museum will reflect that important contribution: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Associate Justice Clarence Thomas is a historically significant African American who has—

(A) overcome great challenges;

(B) served his country honorably for more than 35 years; and

(C) made an important contribution to the United States, in particular the jurisprudence of the United States; and

(2) the life and work of Justice Thomas are an important part of the story of African Americans in the United States and should have a prominent place in the National Museum of African American History and Culture.

## SENATE RESOLUTION 14—COMMENDING THE CLEMSON UNIVERSITY TIGERS FOOTBALL TEAM FOR WINNING THE 2017 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP

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

S. RES. 14

Whereas, on Monday, January 9, 2017, the Clemson University Tigers football team won the 2017 College Football Playoff National Championship (in this preamble referred to as the "championship game") by defeating the University of Alabama by a score of 35 to 31 at Raymond James Stadium in Tampa, Florida;

Whereas the Tigers finished the championship game with 511 yards of total offense;

Whereas the victory by the Tigers in the championship game—

(1) earned Clemson its first national title since the 1981 season; and

(2) marked the first time that Clemson had beaten a top-ranked team;

Whereas the head coach of Clemson, Dabo Swinney, has been an outstanding role model to the Clemson players and the Clemson community;

Whereas Deshaun Watson gave the best performance by a quarterback in a championship game;

Whereas Ben Boulware, from Anderson, South Carolina, was named the defensive Most Valuable Player of the championship game;

Whereas Hunter Renfrow, a graduate of Socastee High School, went from being a walk-on player to catching the winning touchdown in the championship game;

Whereas the Clemson University football team displayed outstanding dedication, teamwork, and sportsmanship throughout the 2016 collegiate football season in achieving the highest honor in college football; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the Clemson University Tigers for winning the 2017 College Football Playoff National Championship;

(2) recognizes the on-field and off-field achievements of the players, coaches, and staff of the Clemson football team; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the President of Clemson University, James P. Clements; and

(B) the head coach of the Clemson University football team, Dabo Swinney.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. McCONNELL. Mr. President, I have four requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 12, 2017, at 9:30 a.m.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 12, 2017, at 10 a.m., to conduct a hearing entitled "Nomination of Dr. Benajmin Carson To Be Secretary of the U.S. Department of Housing and Urban Development."

##### COMMITTEE ON FOREIGN RELATIONS

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 12, 2017, at 12 p.m.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during

the session of the Senate on January 12, 2017, at 10 a.m.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 72

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 4:15 p.m. on Tuesday, January 17, the Committee on Homeland Security and Governmental Affairs be discharged and the Senate proceed to the consideration of H.R. 72; further, that there be 30 minutes of debate equally divided in the usual form, and that upon the use or yielding back of time, the bill be read a third time, and the Senate vote on passage of H.R. 72 with no intervening action or debate; finally, that if passed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### COMMENDING THE CLEMSON UNIVERSITY TIGERS FOOTBALL TEAM FOR WINNING THE 2017 COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 14, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 14) commending the Clemson University Tigers football team for winning the 2017 College Football Playoff National Championship.

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

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the

motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

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

#### ORDERS FOR FRIDAY, JANUARY 13, 2017, AND TUESDAY, JANUARY 17, 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Friday, January 13, for a pro forma session only, with no business being conducted; further, that when the Senate adjourns on Friday, January 13, it next convene on Tuesday, January 17, at 3 p.m.; 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 until 4:15 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

There being no objection, the Senate, at 5:38 p.m., adjourned until Friday, January 13, 2017, at 10 a.m.