

rulemaking process, and there are far too few opportunities for meaningful public participation, but Republicans don't want to fix this problem—no way. They want to make the rulemaking process work even better for their corporate buddies and work even harder against American families.

And, boy, did they pick the right person to lead the charge. President Trump nominated Neomi Rao—a law school professor who advocates for weakening and handcuffing agencies—to run the Office of Information and Regulatory Affairs known as OIRA.

OIRA is a small, little-known but intensely powerful office that renews economically significant Federal rules. Before the Department of Labor can issue a rule on workplace safety, for example, or the Environmental Protection Agency can issue a rule restricting water pollution or the Department of Education can issue a rule protecting students from shady, for-profit colleges, that rule must be submitted to OIRA to sign off. If OIRA doesn't like the rule, it can change the rule or hold it up for months at a time. When a rule finally makes it out of the OIRA ringer, chances are that any changes will be slanted in favor of corporate interests.

Professor Rao's view of agencies makes her the wrong person to lead this powerful agency. She believes judges should pay less attention to the conclusions of experts at Federal agencies, and Professor Rao is especially critical of the Consumer Financial Protection Bureau—the CFPB. This is the agency that has forced the biggest corporations and banks in this country to return more than \$12 billion directly to Americans they have cheated and held big banks like Wells Fargo accountable when they have ripped off customers.

Professor Rao says the CFPB's problem is its independence—seriously. Maybe Professor Rao thinks that little agency just doesn't kowtow enough to the big banks. If Professor Rao had her way, independent agencies like the CFPB would be handcuffed by OIRA, the agency she wants to run. It is no surprise that the Wall Street giants that have been trying to take down the CFPB for years love Professor Rao's views.

If confirmed, Professor Rao will be perfectly positioned to put her theories into practice. She will head the Trump administration's efforts to toss out the rules big businesses don't like. She will determine whether rules go through the slanted OIRA process. She will have a chance to gut strong rules that help working families.

The rulemaking process is broken, and there is a lot Congress should be doing to fix it, to try to make it work better for people all across this country—for workers and for families and for people who get cheated, but the Trump administration wants to go in the opposite direction.

Any Senator who believes corporations need more say in the rulemaking

process should vote for Neomi Rao, but anyone who thinks we are supposed to be here to work for the American people will vote to reject her nomination.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, all postcloture time is expired.

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

Mr. STRANGE. 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 senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Ohio (Mr. PORTMAN), the Senator from Alaska (Mr. SULLIVAN), and the Senator from North Carolina (Mr. TILLIS).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea" and the Senator from Alaska (Ms. MURKOWSKI) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 156 Ex.]

YEAS—54

Alexander	Ernst	McCain
Barrasso	Fischer	McCaskill
Blunt	Flake	McConnell
Boozman	Gardner	Moran
Burr	Graham	Paul
Capito	Grassley	Perdue
Carper	Hatch	Risch
Cassidy	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Strange
Cruz	King	Thune
Daines	Lankford	Toomey
Donnelly	Lee	Wicker
Enzi	Manchin	Young

NAYS—41

Baldwin	Feinstein	Merkley
Bennet	Franken	Murphy
Blumenthal	Gillibrand	Murray
Booker	Harris	Nelson
Brown	Hassan	Peters
Cantwell	Heinrich	Reed
Cardin	Hirono	Sanders
Casey	Kaine	Schatz
Coons	Klobuchar	Schumer
Cortez Masto	Leahy	Shaheen
Duckworth	Markey	Stabenow
Durbin	Menendez	

Tester	Warner	Whitehouse
Van Hollen	Warren	Wyden

NOT VOTING—5

Murkowski	Sullivan	Udall
Portman	Tillis	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent that with respect to the Rao nomination, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of David C. Nye, of Idaho, to be United States District Judge for the District of Idaho.

Mitch McConnell, Chuck Grassley, Deb Fischer, Steve Daines, Luther Strange, Bob Corker, Thom Tillis, Tom Cotton, Tim Scott, Johnny Isakson, Richard C. Shelby, Michael B. Enzi, Richard Burr, John Hoeven, David Perdue, Roy Blunt, Todd Young.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of David C. Nye, of Idaho, to be United States District Judge for the District of Idaho, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Ohio (Mr. PORTMAN), and the Senator from Alaska (Mr. SULLIVAN).

Further, if present and voting, the Senator from Alaska (Ms. MURKOWSKI) would have voted "yea."

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

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—97

Alexander	Brown	Cochran
Baldwin	Burr	Collins
Barrasso	Cantwell	Coons
Bennet	Capito	Corker
Blumenthal	Cardin	Cornyn
Blunt	Carper	Cortez Masto
Booker	Casey	Cotton
Boozman	Cassidy	Crapo

Cruz	Johnson	Rounds
Daines	Kaine	Rubio
Donnelly	Kennedy	Sanders
Duckworth	King	Sasse
Durbin	Klobuchar	Schatz
Enzi	Lankford	Schumer
Ernst	Leahy	Scott
Feinstein	Lee	Shaheen
Fischer	Manchin	Shelby
Flake	Markey	Stabenow
Franken	McCain	Strange
Gardner	McCaskill	Tester
Gillibrand	McConnell	Thune
Graham	Menendez	Tillis
Grassley	Merkley	Toomey
Harris	Moran	Udall
Hassan	Murphy	Van Hollen
Hatch	Murray	Warner
Heinrich	Nelson	Warren
Heitkamp	Paul	Whitehouse
Heller	Perdue	Wicker
Hirono	Peters	Wyden
Hoeven	Reed	Young
Inhofe	Risch	
Isakson	Roberts	

## NOT VOTING—3

Murkowski	Portman	Sullivan
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The PRESIDING OFFICER. On this vote, the yeas are 97, and the nays are 0.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David C. Nye, of Idaho, to be United States District Judge for the District of Idaho.

The PRESIDING OFFICER. The majority leader.

## LEGISLATIVE SESSION

## MORNING BUSINESS

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

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

## 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. 17-34, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost \$101.4 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,

J.W. RIXEY,  
*Vice Admiral, USN, Director.*

TRANSMITTAL NO. 17-34

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 Australia

(ii) Total Estimated Value:

Major Defense Equipment\* \$100.0 million.

Other \$1.4 million.

Total \$101.4 million.

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

Major Defense Equipment (MDE):

Thirty-two (32) Multifunctional Information Distribution Systems—Joint Tactical Radio System (MIDS JTRS) with four channel Concurrent Multi-Network (CMN-4).

Thirty-nine (39) AN/ALQ-214A(V)4 Countermeasure Systems.

Non-MDE includes: Also included in this sale are system integration and testing, software development/integration, test sets and support equipment, spare and repair parts, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistical and program support.

(iv) Military Department: Navy (XX-P-GQF A1).

(v) Prior Related Cases, if any: AT-P-SAF—\$2.2B—02 May 07 (F/A-18F aircraft procurement).

AT-P-GQY—\$358M—6 May 11 (first AF/A-18F sustainment).

AT-P-LEN—\$992M—13 September 12 (Airborne Electronic Attack kit procurement).

AT-P-SCI—\$1.3B—4 July 13 (EA-18G aircraft procurement).

(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: Jul 10 2017.

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

## POLICY JUSTIFICATION

Australia—Upgrades for F/A-18E/F Super Hornet Aircraft

The Government of Australia requested the possible sale of thirty-two (32) Multifunctional Information Distribution System Joint Tactical Radio System (MIDS JTRS) with four channel Concurrent Multi-Network (CMN-4), and thirty-nine (39) AN/ALQ-214A(V)4 Countermeasure Systems. This will also include all system integration and testing, component improvement, test and tools equipment upgrades, support equipment replenishment, supply support, publications and technical document updates, personnel training and training equipment upgrades, aircrew trainer device upgrades, U.S. Government and contractor technical assistance

and other related elements of logistical and program support. The total estimated program cost is \$101.4 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a major contributor to political stability, security, and economic development in the Western Pacific. Australia is an important Major non-NATO Ally and partner that contributes significantly to peacekeeping and humanitarian operations around the world. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability in current and future coalition efforts. This equipment will help the Royal Australian Air Force better communicate with and protect its F/A-18 aircraft, and the addition of MIDS JTRS will accomplish the goal of making U.S. and Australian aircraft more interoperable when supporting operational forces. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment does not alter the basic military balance in the region.

The prime contractors will be the Harris Corporation, Melbourne, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale may require the assignment of U.S. contractor representatives to Australia which will be determined at a later date.

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

TRANSMITTAL NO. 17-34

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. Multifunctional Information Distribution System (MIDS) Joint Tactical Radio System (JTRS) Concurrent Multi-Network (CMN-4) is classified CONFIDENTIAL. MIDS JTRS CMN-4 is a secure data and voice communication network using the Link-16 architecture. The system provides enhanced situational awareness, positive identification of participants with the network, secure fighter-to-fighter connectivity, and secure voice capability. It provides three major functions: Air Control, Wide Area Surveillance, and Fighter-to-Fighter. The MIDS JTRS CMN-4 can be used to transfer data in Air-to-Air, Air-to-Surface and Fighter-to-Fighter scenarios.

2. The AN/ALQ-214A(V)4 is an advanced airborne Integrated Defensive Electronic Countermeasures (IDECM) programmable modular automated system capable of intercepting, identifying, processing received radar signals (pulsed and continuous) and applying an optimum probability of survival from a variety of surface-to-air and air-to-air RF threats. The system operates in a standalone or Electronic Warfare (EW) suite mode. In the EW suite mode, the system operates various dispensable countermeasures and the onboard radar in the F/A-18E/F in a coordinated, non-interference manner, sharing information for enhanced information. The ALQ-214 was designed to operate in a high-density Electromagnetic Hostile Environment with the ability to identify and counter a wide variety of multiple threats including those with Doppler characteristics. Hardware with the AN/ALQ-214A(V)4 is classified CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent system which might