(Mr. PERDUE), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. WICKER) and the Senator from Indiana (Mr. YOUNG) were added as cosponsors of S. 205, a bill to amend the Internal Revenue Code of 1986 to repeal the estate and generation-skipping transfer taxes, and for other purposes.

S. 207

At the request of Ms. KLOBUCHAR, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 207, a bill to amend the Controlled Substances Act relating to controlled substance analogues.

S. 220

At the request of Mr. SASSE, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 220, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 223

At the request of Ms. COLLINS, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 223, a bill to provide immunity from suit for certain individuals who disclose potential examples of financial exploitation of senior citizens, and for other purposes.

S. 224

At the request of Mr. RUBIO, the names of the Senator from Louisiana (Mr. CASSIDY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. LANKFORD), the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 224, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 230

At the request of Mr. CASSIDY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 230, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for facilities using a qualified methane conversion technology to provide transportation fuels and chemicals.

S. 231

At the request of Mr. PAUL, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. 231, a bill to implement equal protection under the 14th Amendment to the Constitution of the United States for the right to life of each born and preborn human person.

S. 235

At the request of Mr. SCOTT, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 235, a bill to expand opportunity through greater choice in education, and for other purposes.

S.J. RES. 1

At the request of Mr. BOOZMAN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from South Dakota (Mr. THUNE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 1, a joint resolution approving the location of a memorial to commemorate and honor the members of the Armed Forces who served on active duty in support of Operation Desert Storm or Operation Desert Shield.

S.J. RES. 2

At the request of Mr. CRUZ, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S.J. Res. 2, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S.J. RES. 6

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S.J. Res. 6, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S.J. RES. 8

At the request of Mr. UDALL, the name of the Senator from North Dakota (Ms. HEITKAMP) was added as a cosponsor of S.J. Res. 8, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. CON. RES. 6

At the request of Mr. BARRASSO, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Arkansas (Mr. COTTON) and the Senator from Alaska (Mr. SULLIVAN) were added as cosponsors of S. Con. Res. 6, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 15

At the request of Mr. LEE, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Res. 15, a resolution expressing the sense of the Senate that the Mexico City policy should be permanently established.

S. RES. 18

At the request of Mr. COONS, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. Res. 18, a resolution reaffirming the United States-Argentina partnership and recognizing Argentina's economic reforms.

STATEMENTS ON INTRODUCTED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. DURBIN, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Mr. WYDEN, Ms. CANTWELL, Mr. UDALL, Mr. VAN HOLLEN, Mr. MURPHY, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. CARPER, Mr. SANDERS, Mr. MARKEY, Ms. BALDWIN, Mr. CARDIN, Mr. HEINRICH, Ms. HASSAN, Mr. BROWN, Ms. STABENOW, Ms. CORTEZ MASTO, Mr. KAINE, Ms. HARRIS, Mr. LEAHY, Mr. PETERS, Mr. COONS, Mr. MENENDEZ, Mrs. MURRAY, Mr. BOOKER, Mr. WHITEHOUSE, Mr. FRANKEN, Ms. HIRONO, Ms. WARREN, Mr. KING, Mr. CASEY, Mr. WARNER, and Mr. REED):

S. 240. A bill to nullify the effect of the recent executive order that temporarily restricted individuals from certain countries from entering the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I have come to the floor as we have just filed a resolution—a bill actually—with 26 cosponsors that would repeal the immigration ban placed by President Trump. President Trump's Muslim ban is unnecessary, it is unconstitutional, and it is un-American. It should be repealed immediately.

The Executive order prohibits individuals from Iran, Syria, Iraq, Sudan, Somalia, Libya, and Yemen from entering the country. It even bars relatives of Americans from visiting. The order suspends the entire U.S. refugee program, and most egregiously, Syrian refugees are banned indefinitely unless they are Christian. These provisions are not what America is all about.

First, the order is unnecessary. Individuals from the 7 targeted countries and 150 other nations are already thoroughly screened. Visitors fill out visa applications. They submit photographs that run through biometric databases. Their personal information is reviewed, including names, addresses, and dates of birth. They are interviewed at a U.S. consulate. The process could take months to complete and eliminates the need for the travel ban.

In addition, the move to ban refugees has no legitimate national security reason because these refugees undergo an even more thorough screening process that can take up to 2 years to complete. The vast majority of refugees are women and children who have experienced the absolute worst of humanity.

Let's not forget the heart-wrenching image of the small body of Aylan Kurdi, a 3-year-old Syrian boy, washed up on a beach, dead. I will never forget this small boy in his short pants, his shoes, and his socks, lying on that beach. To turn away women and children and men in their time of dire need is not what this Nation is all about.

Let me make this point: The poor execution of this Executive order has resulted in chaos and confusion. It is unclear whether the Justice Department or Homeland Security had any input. There seems to have been a disagreement about whether it would apply to green card holders. There was confusion about whether it applies to

individuals already in transit or approved for travel. Even airport directors—I have spoken directly with the directors of Los Angeles International and San Francisco International, and there was confusion about how it applies. Even airport directors were left in the dark about how many people were detained and who they were.

Sara Yarjani was one Californian caught up in this mess. She is an Iranian national studying at the California Institute for Human Science in San Diego under a valid student visa. After being detained at LAX for 23 hours, she was sent back to Europe, a clear violation of the nationwide stay against the order. What I am saying is that the court stay was actually violated. This is just one of more than 100 stories from the weekend.

I believe this order is also unconstitutional. The First Amendment prohibits government from establishing a religion or prohibiting the free exercise thereof. The order violates this First Amendment by targeting Muslims and favoring Christians. The order may also violate the Religious Freedom Restoration Act, which forbids the government from burdening the person's exercise of religion. The law bars any discrimination based on national origin in the issuance of a visa.

Finally, detaining people at airports may violate their Fourth Amendment rights.

This was an ill-considered overreach, as the courts showed over the weekend, and it should be repealed.

So the bill that 27 of us are introducing rescinds the President's Executive order. The text is simple because the message is simple: We won't stand for these types of actions.

In conclusion, I would like to say that I am so proud of the peaceful demonstrations we saw, and I join those who are so passionate about the free exercise of religion and free speech. These are our values, Mr. President, as a nation, and I will be right there with you if anyone tries to violate them.

By Mr. HOEVEN (for himself, Mr. BARRASSO, Mr. MCCAIN, Mr. LANKFORD, Mr. MORAN, and Ms. HEITKAMP):

S. 245. A bill to amend the Indian Tribal Energy Development and Self Determination Act of 2005, and for other purposes; to the Committee on Indian Affairs.

Mr. HOEVEN. Mr. President, I rise today to introduce S. 245., the Indian Tribal Energy Development and Self-Determination Act Amendments of 2017.

Over 10 years ago, Congress passed the Indian Tribal Energy Development and Self-Determination Act. This act was a step in the right direction to economic self-sufficiency for Indian tribes and energy independence for our Nation.

It created a process for Indian tribes to govern the development of their energy resources while reducing costly bureaucratic burdens of Secretarial review, approval, and oversight. But after more than 10 years, the act has not been implemented in a manner beneficial to the tribes or efficient resource development.

Bills have been introduced for the past four Congresses to improve and clarify the process but none of them have been signed into law. It is past time Congress acts and gets this bill across the finish line to be signed into law.

The bill that I am introducing today would improve, clarify, and make predictable the process for tribes to enter energy resource agreements and development. I would like to highlight some of the key provisions in this bill.

The bill provides clarity regarding the specific information and time frames for Secretarial decisions required for tribal energy resource agreements. This bill recognizes the need to engage tribes by requiring more robust technical assistance and consultation with Indian tribes in the planning and development stages for energy resource development.

It would further facilitate the Secretarial approval process for mineral development by allowing Indian tribes and third parties to perform appraisals. This bill also includes renewable energy resource development by authorizing tribal biomass demonstration projects to assist Indian tribes in securing reliable, long-term supplies of woody biomass materials.

I would like to thank Senators BARRASSO, MCCAIN, LANKFORD, MORAN, and HEITKAMP for joining me in cosponsoring this bipartisan bill. I urge my colleagues to join me in advancing this bill and getting it signed into law expeditiously.

By Mr. INHOFE (for himself, Mr. MCCONNELL, Mr. ROUNDS, Mr. CASSIDY, and Mr. LEE):

S.J. Res. 9. A joint resolution providing for congressional disapproval under chapter 8, of title 5, United States Code, of the rule submitted by Securities Exchange Commission relating to the disclosure of payments by resource extraction issuers; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Mr. President, we are introducing today a CRA that is kind of interesting. This is something that has only been successful one time.

I think everyone knows that during the past 8 years, under the Obama administration, we have seen thousands, literally thousands of regulations that have come through that have been anti-business, many of them anti-certain businesses, such as the oil and gas industries. It is no secret, the fact that we have had a President, in President Obama, who has had a war on fossil fuels.

It is interesting to me that when I go back to my State of Oklahoma—one reason I go back all the time is because I want to be around real, rational people. Sometimes I get the feeling there really aren't any around here. They ask questions. They will say: Tell me. Explain this to me. In the United States of America, in order to generate power, 89 percent of the power we are generating is either fossil fuels, coal, oil, gas, or nuclear. If we do away with 89 percent of our generation capability, then how do we run the machine called America?

The answer is that we can't. But we don't get those types of questions here. I am sure most of us who go back find that kind of concern, and it is not confined to Oklahoma.

I chaired the Environment and Public Works Committee during the 8 years—during the time President Obama was in office, and most of the regulations were actually associated with that committee. Many committees have regulations associated with their committees but not nearly as many as Environment and Public Works. An example is the WOTUS regulation. Ask anyone with the American Farm Bureau or anyone who deals with farmers and ranchers, and the No. 1 problem they have, they will tell you, is nothing that is found on the AgNu Committee; it is the overregulation of the EPA. That is one example. The Environment and Public Works Committee is the committee that has the jurisdiction over the EPA—at least we are supposed to.

During the time when WOTUS came through—the water regulation—it has historically always been the States' jurisdiction to handle water issues, not the Federal Government, with the exception of navigable water. I think we all understand that. In fact, there were several liberal Members in the House and Senate who tried to take the word ''navigable'' out of the regulations, and we defeated them every time. The last two who tried to do that were, in fact, defeated in the polls.

We know that in the State of Oklahoma—I should say our farmers know that if you put the Federal Government in charge of water regulations in the western part of Oklahoma, which is an arid part of the State, it would end up being designated as a wetland. Anyway, that is a major concern they had.

Another example of regulation is President Obama's Clean Power Plan. We all know how that came about. Way back in 1972, I was one of the bad guys who told the truth about what they were referring to as global warming, saying the world was coming to an end. Even though a lot of the Members of this body didn't join in and agree with me, every time, without exception, they came up with a bill that would do something—such as a cap-and-trade bill, for example—we defeated the bill, and it was continually defeated by an even larger margin as time went by.

President Obama came in, and when he couldn't get the legislation he wanted passed, he tried to do it through regulation. That is what he did with the Clean Power Plan—another rule that was rejected.

I only bring up those examples because they are typical regulations that put people out of business that actually came through my committee.

I am here to introduce S.J. Res. 9. This did not come through my committee; it came through a provision that is in the Dodd-Frank bill. Anyone going back to their States and talking to bankers or anyone in the financial industry, when talking about the Dodd-Frank bill, it is an example of the same type of overregulation that takes place on many of the issues that come before my committee.

Section 1504 of the Dodd-Frank bill requires the Securities and Exchange Commission to develop a rule that requires companies to report payments made to a foreign government or the U.S. Federal Government relating to the commercial development of oil, natural gas, and minerals. That is a requirement which is not found in our committee, but it is found in the committee that handled the Dodd-Frank bill.

While that may not sound all that significant, it strikes at the heart of American competitiveness. It makes public the information of our very best companies on how to win oil and gas deals. It requires companies to disclose and make public highly confidential and commercially sensitive information, and this is information that foreign competitors don't have to provide. Under this regulation, we would be required to provide it. That means that American companies would have to disclose all of the background and sensitive information that companies develop in competing for contracts of some kind having to do with oil and gasoline. It could be with another country, like Iran. It could be with individuals over there who are not friendly to the United States. Countries that don't wish to disclose the details of their commercial deals would now have a strong incentive to go with companies in countries that don't have that burdensome requirement. That is only natural.

To make matters worse, the SEC's rule lacks an exemption for circumstances in which disclosure under 1504 would violate the laws of a country where a U.S. company is operating. So it leaves U.S. companies with a choice of complying with U.S. laws or the laws of foreign countries. That is an impossible position to be in and could put U.S. employees at risk of criminal prosecution abroad for facilitating the release of this information.

If that weren't enough, the cost of complying with this regulation is enormous. American companies would have to comply, and it could cost millions of dollars. The SEC's estimate of the total compliance cost initially would be up to $700 million. The ongoing compliance costs would be as much as $581 million annually. Those costs would be borne by U.S. companies, and our competition would not have to do that.

The courts already struck down this rule when it was first developed in August 2012. The DC Federal district court struck down the rule in 2013 because of two substantial errors. Specifically, the Commission had ''misread section 1504 to mandate public disclosure of the reports'' and had arbitrarily declined to provide an exemption for countries that prohibit disclosure.

The new rule, finalized in June of 2016, doesn't look any different. It is the same rule. Even though the SEC was told by the courts that the rule did not reflect congressional intent, they continued to put out a new rule that had the exact same problems as the one the court had vacated. It is the same rule. It is as if the Obama administration was rushing this rule out in hopes that there wouldn't be time or an opportunity for a court or Congress to overturn it. But here we are in the process of overturning it.

Last week President Trump issued an Executive order to reduce the regulatory impact on American businesses. With this CRA, we have an opportunity to effectively participate in that. Our focus should always be America first. As the Congress looks at the competitiveness of American companies, we should not be subjecting our own citizens to lawsuits, and that is exactly what this regulation would do.

By the way, I think we are going to get a lot of CRAs going forward, and I think it is important for people to understand what the CRA is. The CRA is the Congressional Review Act.

There are a lot of liberal people who like to have power concentrated in Washington—like with the WOTUS rule. They would rather have the jurisdiction of the waters of the United States with the Federal Government instead of with State governments. That is human nature. That is not something up for debate. Everybody knows that.

When individuals who are trying to centralize power in Washington go home and hear complaints from people in their States about regulations and overregulation in our society, their response is, well, that is not us, that is some unelected bureaucrat. A CRA forces Members of the Senate and House of Representatives to be held accountable to the people by having to take a position so that they can't go home and say: No, the regulators are doing this. It is interesting because it puts them in a position where, if we pass a CRA—and we are going to pass S.J. Res. 9—this will come before this body and we will have to say yes or no. Should we do away with this rule that everyone back home is opposed to? It forces them to be honest.

I think this is one CRA that many Democrats should be sponsoring and voting for, and I wouldn't be surprised if we are able to get some cosponsors.

Let me add one last point to outline what this is about. Within the Dodd-Frank bill, section 1504 is a requirement on U.S. companies competing for oil and gas deals throughout the world to disclose to their competition what goes into their bid and how they are putting it together, even when the other side doesn't have to do that.

I look forward to having the opportunity to bring this to the floor as soon as we get our initial 30 signatures on here. Senators will see and have an opportunity to support this first CRA that I am very excited about.

By Mr. MCCONNELL (for himself, Mrs. CAPITO, Mr. MANCHIN, Ms. HEITKAMP, Mr. HOEVEN, Mr. PAUL, Mr. BARRASSO, Mr. INHOFE, Ms. MURKOWSKI, Mr. BLUNT, Mr. SULLIVAN, Mr. SHELBY, Mr. TILLIS, Mr. JOHNSON, Mr. TOOMEY, Mr. WICKER, Mr. RISCH, Mr. FLAKE, Mr. BOOZMAN, Mr. DAINES, Mr. CRAPO, Mr. MORAN, Mr. LANKFORD, Mr. YOUNG, Mr. COTTON, Mr. ROBERTS, Mr. ENZI, Mrs. ERNST, and Mr. CORNYN):

S.J. Res. 10. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by the Secretary of the Interior relating to stream protection; to the Committee on Energy and Natural Resources.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 10

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the final rule submitted by the Secretary of the Interior relating to stream protection (81 Fed. Reg. 93066 (December 20, 2016)), and such rule shall have no force or effect.

Mrs. CAPITO. Mr. President, the last 6 years have been devastating to local economies across coal country. The Mine Safety and Health Administration has estimated that at least 60,000 coal jobs have been lost since 2011, and thousands of these jobs have been in my home State of West Virginia.

Excessive government regulation and other factors have done more than cost jobs. These policies have imperiled our coal miner retirement benefits, and they have left local governments struggling to keep up to pay for education, to pay for public works, and to pay for law enforcement. I can tell my colleagues story after story I have seen in our newspapers about this very thing.

In October, the Senate Environment and Public Works Committee heard testimony from Wayne County, West Virginia commissioner Robert Pasley. He said that the coal severance tax revenues in Wayne County in West Virginia—his county—dropped by 88 percent in 2013 and 2016. This drop left the county without a vital funding source that traditionally helped to pay for local volunteer fire departments, senior citizens programs, and education.

West Virginia University economist John Deskins told the Senate Energy

and Natural Resources Committee in August that six West Virginia counties were suffering a depression—a depression—because of the coal downturn. And just last week, the State of West Virginia projected that its annual State budget faces a $500 million shortfall.

So what was the response of President Obama's administration in its last days in power? Yet another job-killing and anti-coal regulation that would make a bad situation in my State worse.

The Department of the Interior published its stream protection rule on December 20, 2016, and it made the rule effective on January 19, 2017—just 1 day before President Obama left office. There is a lot of irony here, and I don't think it is by chance. According to a National Mining Association Study, one-third of remaining coal jobs could be placed at risk by the rule.

Today I am proud to join Leader MCCONNELL as he introduces the Stream Protection Congressional Review Act. We are also joined by my colleagues in the West Virginia congressional delegation, including Congressman DAVID MCKINLEY and Congressman EVAN JENKINS, and others. We are going to be introducing a resolution of disapproval under the Congressional Review Act, blocking the Obama administration's stream protection rule.

Once this resolution of disapproval is passed by Congress—and I believe that it will be, and signed by President Trump, which I believe that it will be—I am confident that both things will happen: The stream protection rule will be nullified, and the Department of the Interior will be prohibited from imposing a similar rule without permission from Congress.

The stream protection rule deserves to be eliminated through the Congressional Review Act process. Despite its title—because why would we get rid of something called the stream protection rule—this rule will do little to actually protect our streams, but if left in place, this rule would cost even more coal jobs in my State and across the country that have already been devastated.

West Virginia's former Department of Environmental Protection secretary Randy Huffman told the Senate Energy and Natural Resources Committee, on which I served last Congress, that the proposed version of the stream protection rule was ''an unnecessary, uncalled for political gesture.''

I would like to say that Secretary Huffman was serving under a Democratic Governor in my State.

The stream protection rule is the result of an incredibly flawed regulatory process that excluded State officials. Of the 10 States that began the regulatory process—people were asked to join together to begin this process—working with the Department of the Interior's Office of Surface Mining, eight of those States eventually removed themselves from the process because of the Department's unwillingness to actually seriously consider their input. In other words, they were just there for window dressing.

Ohio's chief of Mineral Resources Management Larry Erdos told the Environment and Public Works Committee last February that ''OSM has not provided for meaningful participation with the cooperating or commenting agency states.''

Congress took action to instruct the Department of the Interior to reengage with the States, realizing what was happening here, before moving forward with this rulemaking process. However, despite this direction from lawmakers in the Congress, the Department failed to address the State concerns.

Wyoming director of Environmental Quality, Todd Parfitt, told the Energy and Natural Resources Committee that ''the failure to engage cooperating agencies throughout this process is reflected in the poor quality of the proposed rule.'' He called on the Office of Surface Mining to withdraw the rule and reengage with States and other stakeholders.

Last week, West Virginia's newly appointed secretary of Environmental Protection—again under a new Democratic Governor—Austin Caperton wrote to congressional leaders detailing our State's concerns with the stream protection rule. Secretary Caperton gave three main reasons for West Virginia's opposition to this rule.

First, he said that the rule upsets the statutory balance between environmental protection and allowing coal mining to take place in the first place. Second, the rule conflicts with the congressionally directed role of the States to be the exclusive regulators of mining activities. And third, the rule conflicts with the Federal Clean Water Act and State water quality standards—pretty broad-ranging concerns.

The concerns from environmental regulators in mining States across the country explain why 14 States, including the State of West Virginia, have already filed lawsuits to stop this stream protection rule. Fifteen State attorneys general, led by West Virginia's attorney general Patrick Morrisey, have written to Congress asking that this rule be blocked using the Congressional Review Act.

State environmental regulators are not alone in their opposition to this rule. Cecil Roberts, who is the president of the United Mine Workers of America, wrote just last week in support of this resolution of disapproval. He said that ''the last thing America's coal-producing regions need at this time is another regulation that will have the effect of reducing employment even more and further stifling economic development.''

West Virginia cannot afford another job-killing regulation that once again inserts Washington and their one-size-fits-all standard into a regulatory process that is supposed to be effectively managed—and is effectively managed—by our State agencies.

The stream protection rule is a flawed policy that was born out of a flawed process.

The rule deserves to be eliminated promptly, and I encourage my colleagues to cosponsor the McConnell-Capito resolution of disapproval and to vote to block the rule in the coming days.

By Mr. GRASSLEY (for himself, Mr. MCCONNELL, Mr. CRAPO, Mr. LEE, Mr. CORNYN, Mr. PAUL, Mr. BARRASSO, Mr. SHELBY, Mr. GRAHAM, Mr. LANKFORD, Mrs. ERNST, Mr. BLUNT, Mr. ROBERTS, Mr. BOOZMAN, Mr. ENZI, Mr. GARDNER, Mr. ISAKSON, Mr. CASSIDY, and Mr. SASSE):

S.J. Res. 14. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, the resolution of disapproval I am introducing today via the Congressional Review Act repeals a Social Security regulation that unfairly stigmatizes people with disabilities. It also violates the fundamental nature of the Second Amendment.

The Second Amendment recognizes the God-given right to self-defense. In order to take away that right, the government must have a compelling interest. Furthermore, the law of regulation to achieve that compelling interest must be narrowly tailored. In other words, the government better have one heck of a good reason for going against the Second Amendment.

The Justice Department, the Department of Veterans Affairs, and the Social Security Administration have not protected Second Amendment rights adequately under the previous administration. Our fundamental Second Amendment rights were constantly under attack.

For example, hundreds of thousands of veterans have been reported to the National Instant Criminal Background Check System without due process. Of course, that system amounts to a national gun ban list for those reported erroneously. Veterans were reported without first having a neutral authority find them to be a danger to self or others and thus have a legitimate right to deny them their Second Amendment rights. According to the government, the veterans needed a fiduciary to manage benefit payments. That is not a sufficient reason under the law. Needing help with your finances—simply needing that help—should not mean you have surrendered your fundamental right of self-defense, and it doesn't mean that you are a danger to the public.

On May 17, 2016, Senator DURBIN and I debated my amendment that would require the Department of Veterans Affairs to first find veterans to be a danger before reporting their name to the

gun ban list. During the course of that debate, Senator DURBIN admitted that the list was broader than it should have been. Senator DURBIN said: ''Let me just concede at the outset, reporting 174,000 names goes too far, but eliminating 174,000 names goes too far.''

For the record, there were 260,381 names from the Veterans' Administration sent to the gun ban list for allegedly being in the ''mental defective'' category. Now, it just happens that this was 98.8 percent of all the names in that category. So the Veterans' Administration reported more names by far than any other agency.

Senator DURBIN's staff and mine have met over these issues since that debate. I appreciate and thank Senator DURBIN for that outreach, and I want to work together with him to solve these problems for the VA. But now, the Social Security Administration is about to make the same mistake as the Veterans' Administration; that is, unless we stop them right here and right now with this resolution of disapproval. If we don't stop this, it could lead to hundreds of thousands of Social Security recipients being improperly reported to the gun ban list.

At its core, Social Security's new regulation allows the agency to report people to the gun ban list under two circumstances. First, the beneficiary needs to have someone designated to help manage benefit payments. That sounds like the VA; right?

Two, the beneficiary has an affliction based on a broad ''disorders list.'' But the process for designating someone to help a recipient manage Social Security benefits is not a process that is very objective. But the process for designating someone to help a recipient manage their Social Security benefit should be objective.

The former Social Security Administration inspector general said the following last year in testimony about this process that offends us here in the Senate and is the reason of this resolution: ''It's not a scientific decision, it's more of a personal opinion.''

This ''personal opinion'' of a bureaucrat cannot be the basis for taking away a person's fundamental Second Amendment right to bear arms.

Further, the second element—the so-called ''disorders list''—is a convoluted mess of afflictions that may or may not cause someone to be considered dangerous. Many of the listed disorders also do not impact gun safety at all. For example, some afflictions deal with anxiety disorders, fear of large crowds, or a lack of self-esteem. The list is complex, the list is long, and the list is not designed to regulate firearms. Rather, the list is designed to regulate whether a person can manage his or her beneficiary payments—in other words, can they handle money.

But here is the essential question that the Federal Government is incapable of answering. If they aren't dangerous, why does the Social Security Administration, like the VA, want to take away their guns?

The National Council on Disability, a nonpartisan and independent Federal agency, has come out against the Social Security Administration's rule and in favor of the repeal that this resolution of disapproval will accomplish. The Council has repeatedly stated its concerns about the agency failing to determine that people are dangerous before reporting their names to the gun ban list.

It has been the National Council on Disability's ''long-held position that restrictions on gun possession and ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others.''

The Council has also stated that the rule ''unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee.''

Another organization, the Consortium for Citizens with Disabilities, a coalition of 100 national disability groups, shares the same concerns about the regulation about which we are having this resolution of disapproval: ''The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.''

With that being said, even the ACLU wrote a letter in opposition to the agency regulation. I ask unanimous consent that these letters, as well as others, be printed in the RECORD at the conclusion of my remarks.

Simply stated, the agency rule uses a massive regulatory net that captures innocent individuals who should be left alone. Just because a person is assigned a fiduciary does not make that person or those persons dangerous. Whenever the government tries to eliminate fundamental constitutional rights, it is required to narrowly tailor its regulatory action so that innocent people are not impacted. The Social Security regulation fails in that regard.

That is why both the National Council on Disability and the Consortium for Citizens with Disabilities have called specifically for using the Congressional Review Act to repeal the final rule. That is what our introduction of resolution will accomplish.

Constitutional due process is wholly lacking. For example, the agency does not afford a beneficiary a formal hearing before his or her name is reported to the gun ban list.

Now, think about that. The Second Amendment, which recognizes a fundamental constitutional right, is being simply ripped away without a formal dispute process to initially challenge the action. Instead, the beneficiary must wait until their name is already on the gun ban list, and only then can the beneficiary appeal the decision by the grace of the government. This process effectively reverses what should be a burden on the government. The government should not be able to strip a fundamental constitutional right without due process and then place the burden on the citizen to try to restore it.

A hearing should be afforded before the infringement of a fundamental right, not afterward. The burden must be on the government to prove its case. That simply is the American way—our Constitution's way.

The Social Security Administration regulation falsely claims that it requires an adjudication before reporting names to the gun ban list, but there is no hearing afforded to the Social Security recipient before placing a name on the gun ban list. Of course, without a hearing, that process cannot honestly be called an adjudication. In other words, the Social Security Administration is blowing blue smoke when they say that. Without an adjudication, the process violates Federal law.

Here is the kicker. In order for beneficiaries to remove their names from the gun ban list, they have to prove they are not dangerous. Guilty until proven innocent, and the burden is on you to prove your innocence. Any way you look at it, that is totally unfair, a violation of the Constitution, but common sense ought to tell everybody it is just plain wrong.

The Federal Government, under the Obama administration, treated Social Security recipients with contempt and disregard when this rule was put out. With our resolution of disapproval, we can effectively terminate this unconstitutional government regulation, which the new Trump Administration supports. I encourage all of my colleagues to support our efforts.

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

NATIONAL COUNCIL ON DISABILITY,
Washington, DC, January 24, 2017.

Hon. MITCH MCCONNELL,
Majority Leader, U.S. Senate, Washington, DC.
Hon. PAUL RYAN,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND SPEAKER RYAN: I write on behalf of the National Council on Disability (NCD) regarding the final rule the Social Security Administration (SSA) released on December 19th, 2016, implementing provisions of the National Instant Criminal Background Check System (NICS) Improvement Amendments Act of 2007, 81 FR 91702. In accordance with our mandate to advise the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect people with disabilities, NCD submitted comments to SSA on the proposed rule on June 30th, 2016. In our comments, we cautioned against implementation of the proposed rule because:

[t]here is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess or use a firearm. This arbitrary linkage not

only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee[.]

Despite our objections and that of many other individuals and organizations received by SSA regarding the proposed rule, the final rule released in late December was largely unchanged. Because of the importance of the constitutional right at stake and the very real stigma that this rule legitimizes, NCD recommends that Congress consider utilizing the Congressional Review Act (CRA) to repeal this rule.

NCD is a nonpartisan, independent federal agency with no stated position with respect to gun-ownership or gun-control other than our long-held position that restrictions on gun possession or ownership based on psychiatric or intellectual disability must be based on a verifiable concern as to whether the individual poses a heightened risk of danger to themselves or others if they are in possession of a weapon. Additionally, it is critically important that any restriction on gun possession or ownership on this basis is imposed only after the individual has been afforded due process and given an opportunity to respond to allegations that they are not able to safely possess or own a firearm due to his or her disability. NCD believes that SSA's final rule falls far short of meeting these criteria.

Additionally, as NCD also cautioned SSA in our comments on the proposed rule, we have concerns regarding the ability of SSA to fairly and effectively implement this rule—assuming it would be possible to do so—given the long-standing issues SSA already has regarding long delays in adjudication and difficulty in providing consistent, prompt service to beneficiaries with respect to its core mission. This rule creates an entirely new function for an agency that has long noted that it has not been given sufficient resources to do the important work it is already charged with doing. With all due respect to SSA, our federal partner, this rule is simply a bridge too far. In fact, it is conceivable that attempts to implement this rule may strain the already scarce administrative resources available to the agency, further impairing its ability to carry out its core mission.

The CRA is a powerful mechanism for controlling regulatory overreach, and NCD urges its use advisedly and cautiously. In this particular case, the potential for real harm to the constitutional rights of people with psychiatric and intellectual disabilities is grave as is the potential to undermine the essential mission of an agency that millions of people with and without disabilities rely upon to meet their basic needs. Therefore, in this instance, NCD feels that utilizing the CRA to repeal the final rule is not only warranted, but necessary.

Regards,

CLYDE E. TERRY,
Chair.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
January 26, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.
Hon. CHUCK SCHUMER,
Senate Minority Leader,
Washington, DC.

DEAR MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: The Co-Chairs of the Rights Task Force of the Consortium of Citizens with Disabilities (CCD) urge you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The Consortium for Citizens with Disabilities (CCD) is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Prior to the issuance of the Final Rule, the CCD Rights Task Force conveyed its opposition to the rule through a letter to the Obama Administration and through the public comment process. We—and many other members of CCD—opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

Based on similar concerns, the National Council on Disability an independent federal agency charged with advising the President, Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule.

We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

On behalf of the CCD Rights Task Force, the undersigned Co-Chairs,

DARA BALDWIN,
National Disability Rights Network.
SAMANTHA CRANE,
Autistic Self-Advocacy Network.
SANDY FINUCANE,
Epilepsy Foundation Law.
JENNIFER MATHIS,
Bazelon Center for Mental Health.
MARK RICHERT,
American Foundation for the Blind.

THE JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW,
January 30, 2017.

Hon. MITCH MCCONNELL,
Senate Majority Leader,
Washington, DC.
Hon. CHUCK SCHUMER,
Senate Minority Leader,
Washington, DC.

Dear MAJORITY LEADER MCCONNELL AND MINORITY LEADER SCHUMER: The Bazelon Center for Mental Health Law urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' The Center is a national legal advocacy organization that protects and advances the rights of adults and children with mental disabilities.

This rule would require the Social Security Administration to forward the names of Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

The rule is inconsistent with the statute it implements, has no evidentiary justification, would wrongly perpetuate inaccurate stereotypes of individuals with mental disabilities as dangerous, and would divert already too-scarce SSA resources away from efforts to address the agency's longstanding backlog of unprocessed benefits applications toward a mission in which the agency has little expertise.

First, there is no statutory basis for the rule. The National Instant Criminal Background Check System (NICS) statute authorizes the reporting of an individual to the NICS database on the basis of a determination that the person ''lacks the capacity to contract or manage his own affairs'' as a result of ''marked subnormal intelligence, or mental illness, incompetency, condition or disease.'' The appointment of a representative payee simply does not meet this standard. It indicates only that the individual needs help managing benefits received from SSA.

Second, the rule puts in place an ineffective strategy to address gun violence, devoid of any evidentiary basis, targeting individuals with representative payees and mental impairments as potential perpetrators of gun violence. In doing so, it also creates a false sense that meaningful action has been taken to address gun violence and detracts from potential prevention efforts targeting actual risks for gun violence.

Third, the rule perpetuates the prevalent false association of mental disabilities with violence and undermines important efforts to promote community integration and employment of people with disabilities. The rule may also dissuade people with mental impairments from seeking appropriate treatment or services, or from applying for financial and medical assistance programs.

Finally, the rule creates enormous new burdens on SSA without providing any additional resources. Implementation of the rule will divert scarce resources away from the core work of the SSA at a time when the agency is struggling to overcome record backlogs and prospective beneficiaries are waiting for months and years for determinations of their benefits eligibility. Moreover, SSA lacks the expertise to make the determinations about safety that it would be called upon to make as part of the relief process established by the rule.

Based on similar concerns, the National Council on Disability, an independent federal agency charged with advising the President,

Congress, and other federal agencies regarding disability policy, has urged Congress to use the Congressional Review Act to repeal this rule. We urge Congress to act, through the CRA process, to disapprove this new rule and prevent the damage that it inflicts on the disability community.

Sincerely,

JENNIFER MATHIS,
Director of Policy and Legal Advocacy.

AAPD,
January 26, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The American Association of People with Disabilities (AAPD) urges you to support a Congressional Review Act (CRA) resolution to disapprove the Final Rule issued by the Social Security Administration (SSA) on December 19, 2016, ''Implementation of the NICS Improvement Amendments Act of 2007.'' This rule would require the Social Security Administration to forward the names of all Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefit recipients who use a representative payee to help manage their benefits due to a mental impairment to the National Instant Criminal Background Check System (NICS).

AAPD is a national disability rights organization that works to improve the lives of people with disabilities by acting as a convener, connector, and catalyst for change, increasing the economic and political power of people with disabilities.

Prior to the issuance of the Final Rule, AAPD conveyed its opposition to the rule to the Obama Administration. We, and many other disability rights organizations, opposed the rule for a number of reasons, including:

The damaging message that may be sent by a SSA policy change, which focused on reporting individuals who receive assistance from representative payees in managing their benefits to the NICS gun database. The current public dialogue is replete with inaccurate stereotyping of people with mental disabilities as violent and dangerous, and there is a real concern that the kind of policy change encompassed by this rule will reinforce those unfounded assumptions.

The absence of any data suggesting that there is any connection between the need for a representative payee to manage one's Social Security disability benefits and a propensity toward gun violence.

The absence of any meaningful due process protections prior to the SSA's transmittal of names to the NICS database. Although the NICS Improvements Act of 2007 allows agencies to transmit the names of individuals who have been ''adjudicated'' to lack the capacity to manage their own affairs, SSA's process does not constitute an adjudication and does not include a finding that individuals are broadly unable to manage their own affairs.

AAPD urges Congress to act, through the CRA process, to disapprove this new rule to prevent the damage that it inflicts on the disability community and the extraordinarily damaging message it sends to society that people with mental impairments could should be feared and shunned.

Thank you for taking our position into consideration. If you have any questions or concerns, please do not hesitate to contact me at (202) 521–4315 or at *hberger@aapd.com.*

Yours truly,

HELENA R. BERGER,
President & CEO.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—DESIGNATING JANUARY 27, 2017, AS ''EARNED INCOME TAX CREDIT AWARENESS DAY''

Ms. BALDWIN (for herself, Mr. BROWN, Mr. COONS, Mr. REED, Mrs. SHAHEEN, Mr. DURBIN, Ms. WARREN, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 28

Whereas the earned income tax credit is a refundable Federal tax credit available to low- and moderate-income working families and individuals;

Whereas the earned income tax credit encourages and rewards work;

Whereas, in 2015, the earned income tax credit lifted approximately 6,500,000 people out of poverty, including approximately 3,300,000 children;

Whereas the earned income tax credit provides substantial economic benefit to local economies; and

Whereas an estimated 20 percent of eligible workers do not claim the earned income tax credit: Now, therefore, be it

Resolved, That the Senate—

(1) designates Friday, January 27, 2017, as ''Earned Income Tax Credit Awareness Day''; and

(2) calls on Federal, State, and local agencies, community organizations, nonprofit organizations, employers, and other partners to help increase awareness about the earned income tax credit and other refundable tax credits to ensure that all eligible workers have access to the full benefits of the credits.

SENATE RESOLUTION 29—RECOGNIZING JANUARY 28, 2017, AS ''NATIONAL DATA PRIVACY DAY''

Mr. DAINES submitted the following resolution; which was referred to the Committee on the Judiciary:

Mr. DAINES. Mr. President, as an engineer who worked at a cloud computing company for 13 years, I have seen firsthand how technology has become an integral part of our everyday lives. Innovative products and services have made it easier than ever to learn, communicate, and to share our data with others.

Personal data has become a form of currency, and the sharing of personal information may compromise privacy if appropriate protective action is not taken. That is why I am proud to recognize January 28, 2017; as National Data Privacy Day. Each year, our Nation recognizes this day as an opportunity for private organizations, governments, and individuals to work together to raise awareness and promote privacy and data protection best practices.

I am pleased to recognize this day and am committed to working with my colleagues to ensure the privacy of individuals is protected.

S. RES. 29

Whereas, on January 28, 2017, National Data Privacy Day is recognized;

Whereas technology has enhanced our ability to communicate, learn, and work and is now a part of our everyday lives;

Whereas personal information has become a form of currency;

Whereas it is easier now than ever before to share personal information with friends, colleagues, and companies;

Whereas the sharing of personal information may compromise the privacy of individuals if appropriate protective action is not taken;

Whereas governments, corporations, and individuals have a role in protecting the privacy of individuals; and

Whereas National Data Privacy Day constitutes a nationwide effort to educate and raise awareness about respecting privacy and safeguarding data: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes January 28, 2017, as ''National Data Privacy Day''; and

(2) encourages governments, individuals, privacy professionals, educators, corporations, and other relevant organizations to take steps to protect the privacy of individuals.

The PRESIDING OFFICER. The Senator from Arizona.

PROGRAM

Mr. FLAKE. Mr. President, the Senate is about to adjourn.

Under the standing order, we will convene at 12 noon tomorrow. Following the prayer and pledge, we will proceed to the consideration of the Chao nomination under the previous order. Following disposition of the Chao nomination, we will continue consideration of the Tillerson nomination postcloture.

VOTE ON MOTION TO ADJOURN

Mr. FLAKE. I move to adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion to adjourn.

The motion was agreed to.

ADJOURNMENT UNTIL TOMORROW

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

Thereupon, the Senate, at 10:48 p.m., adjourned until Tuesday, January 31, 2017, at 12 noon.

NOMINATIONS

Executive nomination received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

MICK MULVANEY, OF SOUTH CAROLINA, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET, VICE SHAUN L. S. DONOVAN.