



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, TUESDAY, SEPTEMBER 19, 2017

No. 151

House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, September 21, 2017, at 11 a.m.

Senate

TUESDAY, SEPTEMBER 19, 2017

The Senate met at 10 a.m. and was called to order by the Honorable BEN SASSE, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

Almighty God, by whose providence our steps are ordered, You are our source of hope, joy, and peace.

Guide our lawmakers on the path of integrity so that they will honor You. Lord, inspire them to recommit to the noble principles upon which our Nation was founded. Give them wisdom to trust You with all their hearts and to passionately and humbly pursue Your will, knowing that You have promised to direct their paths. Today, may our Senators experience the constancy of Your presence. Lead them to Your higher wisdom, and bring them to the end of this day with their hearts at peace with You.

And, Lord, sustain those who are dealing with the ravages of Hurricane Maria.

We pray in Your great 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, September 19, 2017.

To the Senate:

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

ORRIN G. HATCH,
President pro tempore.

Mr. SASSE 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the

Francisco nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Noel J. Francisco, of the District of Columbia, to be Solicitor General of the United States.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11 a.m. will be equally divided between the two leaders or their designees.

If no one yields time, time will be charged equally to both sides.

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

Mr. MCCONNELL. Mr. President, later today, the Senate will vote on the nomination of Noel Francisco to become our Nation's next Solicitor General.

The Office of Solicitor General is responsible for representing the United States in litigation before the Supreme Court. It is a very important office, and Mr. Francisco is very well qualified to lead it. His private sector resume is impressive, and his public sector service is remarkable.

He clerked for a towering figure on the Supreme Court, the late Justice Antonin Scalia. During the administration of President George W. Bush, he worked in the White House Counsel's office. He is currently serving as a senior advisor in the Justice Department, after having served as Acting and Principal Deputy Solicitor General earlier this year.

Mr. Francisco has successfully argued a number of complex cases before a number of courts, including, notably, the case of the National Labor Relations Board v. Noel Canning before the

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



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Supreme Court. In that matter, he represented the plaintiff, Noel Canning, in its successful challenge to President Obama's unlawful so-called recess appointments.

That case is especially important for this body because the Supreme Court's unanimous 2014 decision in favor of Noel Canning reaffirmed that the Senate, not the President, possesses the clear constitutional authority to prescribe the rules of its own proceedings.

Noel Francisco is a great choice for this tough job, and I urge colleagues to join me in supporting him.

TAX REFORM

Mr. President, this morning the Senate Finance Committee is hosting another of a series of hearings on comprehensive tax reform. The President, his team, and many of us here in Congress are in agreement that passing tax reform is the single most important action we can take today to energize the economy and help families get ahead.

Our Tax Code is overly complex and has rates that are too high. Chairman HATCH and members of the committee are working to improve American competitiveness under a simplified Tax Code that works better for all of us.

Last week, the committee's hearing examined how to make the Tax Code work better for American individuals and families. Today, the Finance Committee is discussing the consequences of our outdated Tax Code for American businesses and workers.

In an increasingly competitive global economy, our Tax Code stands as a barrier between American enterprise and economic prosperity. It actually incentivizes companies to shift good American jobs overseas. That doesn't make any sense at all. What we should be doing is working to bring them home. Comprehensive tax reform offers the chance to do so.

This is our once-in-a-lifetime opportunity to fundamentally rethink our Tax Code. We want to provide American businesses, small and large, with the conditions they need to form, invest, grow, and hire. We want to stop American jobs from being shipped overseas. We want to bring jobs and investments home so we can spur economic growth and restore opportunity for our families.

After 8 years of a heavyhanded Obama economy, in which it often seemed that only the ultrawealthy could get ahead, it is time to help working class families and small businesses get ahead. It is time for comprehensive tax reform.

Many of our Democratic colleagues have expressed support for an overhaul of the Tax Code. I hope they will choose to work with us in a serious way to modernize our increasingly outdated tax system.

I want to thank Chairman HATCH for his leadership, and I look forward to this morning's hearing and more hearings to come, as we continue to discuss our tax reform goals.

I want to thank the President and his team, as well, for their strong involvement.

Comprehensive tax reform is clearly a top priority for this White House, just as it is for this Congress. So let's deliver more opportunity for the middle class. Let's continue the hard work of tax reform to help American families and small businesses get ahead.

HEALTHCARE

Mr. President, the men and women we represent have suffered a lot under ObamaCare: skyrocketing costs, plummeting choices, and collapsing markets. Many of us thought our constituents deserved better. That is why we did as we promised and voted to repeal this failed law so that we could replace it with something better.

The forces of the status quo went all out to defeat our every effort to improve healthcare. Thus far, they have succeeded. Thus far, they have yet to offer truly serious solutions of their own.

Last week, our colleague from Vermont rolled out healthcare legislation that would quadruple down on the failures of ObamaCare. It envisions what is basically a fully government-run, single-payer system—the kind of system that would strip so many Americans of their health plans and take away so many decisions over their own healthcare, that would require almost unimaginably high tax increases, and that already collapsed, interestingly enough, in the Senator's home State of Vermont when they tried to do it.

This is a massive expansion of a failed idea, not a serious solution, but Democrats are coalescing around it anyway. They apparently think this massive expansion of a failed idea is what America's healthcare future should look like. You can be sure that they will do everything in their power to impose it on our country.

But we don't have to accept it as our future. That is certainly what Senators GRAHAM and CASSIDY believe. They rolled out a healthcare proposal of their own last week. It would repeal the pillars of ObamaCare and replace that failed law's failed approach with a new one, allowing States and Governors to actually implement better healthcare ideas by taking more decision-making power out of Washington. Governors and State legislators of both parties would have both the opportunity and the responsibility to help make quality and affordable healthcare available to their citizens in a way that works for their own particular States.

It is an intriguing idea and one that has a great deal of support.

As we continue to discuss that legislation, I want to thank Senator GRAHAM and Senator CASSIDY for all of their hard work. They know how important it is to move beyond the failures of ObamaCare. They know that our opportunity to do so may well pass us by if we don't act soon.

The ACTING PRESIDENT pro tempore. The majority whip.

FISA AND CFIUS

Mr. CORNYN. Mr. President, as the subway attack in London last week proves all too well, when terrorism goes underground, it doesn't disappear. Every day there are individuals operating in the world's shadows in places like the Parsons Green station in Fulham. They mean to do our allies and us great harm, and they are not going away.

As President Trump said last week, in this era in which attacks like that in London are the new normal, we have to be proactive. We can't take our security for granted. We can't naively assume that when it comes to threats like that and others even bigger, our country is out of the woods. One way to be proactive and to keep our country safe is to reauthorize section 702 of the Foreign Intelligence Surveillance Act.

Earlier this month, Attorney General Jeff Sessions and Director of National Intelligence Dan Coats sent a letter to congressional leadership calling for this reauthorization. It is easy to see why. Title VII of the Foreign Intelligence Surveillance Act allows the intelligence community to collect vital information about international terrorists, cyber actors, and other important foreign intelligence targets. Information collected under one particular section—section 702—produces particularly important foreign intelligence that helps prevent terrorist attacks and malign state actors as well. It does so by focusing on non-U.S. persons, which is important, because, as it is called, it is foreign intelligence surveillance. It focuses on non-U.S. persons located outside of the United States who are foreign intelligence targets.

But that is not all. Just as importantly, section 702 also includes a comprehensive oversight regime to make sure the privacy of U.S. persons is protected under the Constitution. That is done by not only oversight here in the Senate and in the House through the intelligence committees but also by the Foreign Intelligence Surveillance Court, which monitors compliance with the law.

There has been some criticism of this provision, but I must say that the overwhelming support for the section 702 reauthorization is quite remarkable in this polarized environment in which we live. Even the Privacy and Civil Liberties Oversight Board gave the program a ringing endorsement.

But the criticism that has been made is actually based on very few actual facts and often reflects a misunderstanding, both of the purpose of FISA and the controls that constrain government action. Just to be clear, section 702 does not allow intelligence personnel to evade the Fourth Amendment to the U.S. Constitution. It may not be used to intentionally target a citizen of the United States. That citizen could be in New York or New Delhi. It simply doesn't matter. He or she is off limits.