

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 Today, the Finance Committee is discussing the consequences of our outdated Tax Code for American businesses and workers.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 I hope they will choose to work with us in a serious way to modernize our increasingly outdated tax system.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.

Section 702 also does not allow for bulk collection or the unlimited dissemination of intelligence that is obtained. Rather, the government's capabilities are specifically circumscribed.

Finally, section 702 does not ignore the possibility that intelligence personnel will inadvertently obtain information about U.S. persons, but that statute requires intricate procedures to minimize this type of incidental collection to make sure that American citizens are not swept up in foreign intelligence surveillance targets.

Because of these safeguards, section 702 achieves a careful balance, preserving privacy and civil liberties while giving our intelligence personnel the flashlights they need to find terrorists and other adversaries operating in the dark.

This careful balance is why scholars at the U.S. Naval Academy, commenting on section 702, summarized that "there is simply no good case for not reauthorizing when it comes up for renewal."

I say to my colleagues that the time for renewal is fast approaching. That is why today I join the Attorney General and the Director of National Intelligence in recommending the speedy enactment of legislation reauthorizing title VII before it sunsets later this year.

Section 702 is only one piece of our dense security puzzle. It complements many other pieces of legislation that were designed to handle our incredibly diverse array of threats, and I just want to mention one other.

We need to strengthen the Committee on Foreign Investment in the United States, also known as CFIUS. Yesterday we passed the National Defense Authorization Act which contains an important CFIUS provision. I would like to thank the senior Senator from Arizona, the chairman of the Armed Services Committee, as well as the ranking member, the senior Senator from Rhode Island, for including it in the National Defense Authorization Act, which we approved yesterday.

This provision is critically important, as it could help strengthen the process by which we screen investment by foreign companies to ensure that our military superiority and our technological edge is not whittled away by foreign governments that might use our technology against us or to undermine our industrial base here in the United States.

As my colleagues know, many national security threats don't make the headlines. Some of them emerge gradually. They develop quietly when countries like China begin acquiring American technology in every way possible, knowledgeable of our laws, and with a conscious strategy to try to evade and circumvent those protections in order to grab our technological edge and undermine our industrial base.

It has been reported that the Chinese Government has already made investments in robotics and artificial intel-

ligence, pouring some \$30 billion into early-stage U.S. technologies over a 6-year period.

When the Chinese are able to get their hands on our cutting-edge technology, just imagine the boost for their long-term military capabilities.

But here is the problem. CFIUS needs to be modernized and brought up to date in order to plug these holes that currently exist in the protective regime. Secretary Mattis, the Secretary of Defense, said that CFIUS "needs to be updated to deal with today's situation." I agree.

My provision included in the NDAA would begin that process. It requires the Secretary to find and propose ways to make the current CFIUS process work more effectively. The NDAA also sets the stage for more comprehensive reform that I will be discussing in the coming days and weeks.

I want to thank the senior Senator from Idaho, the chairman of the Banking Committee, for taking this important issue up in the Senate Banking Committee just this last Thursday. As chairman, his leadership on the committee has been indispensable, and CFIUS reform is just the latest example.

The bipartisan legislation I am spearheading is called the Foreign Investment Risk Review Modernization Act. It will modernize the CFIUS process to prepare our country to meet the 21st century threats, and I plan to introduce it soon.

This bill would ensure, first, that the government scrutinizes closely those nations that are the biggest threats to our national security; second, that CFIUS obtains more authority to look at investment deals that, as of today, don't fall under its purview, just as certain joint ventures based overseas and minority-position investments in companies do not currently fall within its purview; and, third, it would give CFIUS the means to assess rapidly developing technologies our export control regime has not yet figured out how to handle.

Colleagues, I hope you will join me in supporting this important reform package, and I look forward to further debate on this topic.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### HEALTHCARE

Mr. SCHUMER. Mr. President, there is a possibility that by the end of next week, the Senate will have a vote again on a Republican healthcare bill assembled in the dark of night by one party, without a full account of what the bill would do. It will be a shameful return to the same process the majority used to try to ram a bill through in July, unsuccessfully.

To consider a bill like this without a full CBO score is worse than negligent; it is grossly irresponsible. We were told yesterday that CBO may be able to pro-

vide a baseline estimate of the cost of the bill but not the coverage numbers or a detailed analysis of how the bill would affect Americans' healthcare choices.

We are talking about one-sixth of the economy; we are talking about the healthcare of the Nation; we are talking about the lives, day in and day out, of millions of Americans who need healthcare; and we are not going to really know what the legislation does.

Senators will be voting blind. They say justice is blind, but the Senators on the other side of the aisle should be walking around here with a blindfold over their eyes because they don't know what they are voting on. Maybe they don't care. I don't know how any Senator could go home to his or her constituents and explain why they voted for a major bill with major consequences to so many of their people without having specific answers about how it would impact their State.

What we do know is that this new TrumpCare bill, the Graham-Cassidy legislation, is worse in many ways than the previous versions of TrumpCare. The new TrumpCare would devastate our healthcare system in five specific ways.

First, it would cause millions to lose coverage.

Second, it would radically restructure and deeply cut Medicaid, ending the program as we know it. It has been the dream of the hard right to get rid of Medicaid, which could happen, even though it is a program that affects the poor and so many in the middle-class—nursing homes, opioid treatment, people who have kids with serious illnesses.

Third, it brings us back to the days when insurance companies could discriminate against people with pre-existing conditions. The ban on discriminating against people with pre-existing conditions would be gone. We have had a lot of promises from the other side that they would never vote for a bill that didn't protect people with preexisting conditions. That seems to be going by the wayside in a headlong rush to pass a bill so that they can claim a political victory. What about that mom or dad who finds out his or her son or daughter has cancer, and the insurance company says: Yes, we will cover you; it will cost you \$50,000. And they don't have it, so they have to watch their child suffer. This was an advance that almost all Americans supported. It was an advance most people on the other side of the aisle believe in—gone.

Fourth, the bill gets rid of the consumer protections that guarantee Americans' access to affordable maternity care, substance abuse treatment, and prescription drugs. All of those could be out of any plan. You can pay a lot for a plan and not get much for it in this bill.

Fifth, it would throw the individual market into chaos immediately, increasing out-of-pocket costs for individual market consumers and resulting