

how America hadn't been doing the right thing. Now, all of a sudden, we have changed that around. That is what is taking place now. At that time we didn't have the threats that are out there today.

We look at North Korea. North Korea is run by a questionable person, totally unpredictable, according to our own military leaders. He is rapidly getting the capability not just of an ICBM—he has already proven he has an ICBM—but with a range not just of Alaska and some of those areas but of the entire continental United States.

On July 4 he launched his first successful ICBM. If that were fired on a standard trajectory, that missile could have reached Alaska. Some experts think it could have reached even further, into the continental United States. In light of that test, the Defense Intelligence Agency updated their assessment of the timeline by which North Korea would have the capability of hitting an American city. Instead of being 2 years out and 3 years out, it is now down to 1 year out. Some people say they have it right now. We have that threat that is out there. It is the greatest threat, in my opinion, that we are facing now or that we have ever faced.

Following this, on September 3, North Korea tested what is believed to be a hydrogen bomb. That would be seven times the power of what was dropped on Hiroshima. Even if delivered by a relatively inaccurate ICBM, there would be horrible damage imposed on our continent.

It is important to remember that all of this power is being wielded by an erratic despot, Kim Jong Un. North Korean officials have stated that they are not interested in diplomacy until they have an ICBM capable of reaching the east coast of the United States.

What does that tell you? It tells you that they are on their way. This stresses the need for the United States to enhance and accelerate our ballistic missile defense systems and to continue to put pressure on North Korea through every other means we can, diplomatic and otherwise.

My recent travels enforced again what I have been saying for some time; that is, that this is the most dangerous situation we have had, certainly in my lifetime. We have an opportunity to counter that threat right now. We are in the midst of our NDAA. One thing about the National Defense Authorization Act is that this act is going to pass. It has passed for 55 consecutive years so we know it is going to pass now. But we need to go ahead and get it done. It is important because the primary constitutional responsibility that we have is to provide for the common defense of our great Nation.

We have serious readiness issues that are going to have to be addressed, and they are being addressed in this bill. I am the chairman of the Readiness Subcommittee, and we have fought hard to ensure that this year's NDAA takes

care of these shortfalls we have had. Our forces are smaller now. We actually had a Readiness Subcommittee hearing, and we had the Vice Chiefs of all of the services there. They came in and said that right now we are in the same situation we were in when we had the hollow force following the Carter administration in the 1970s.

In January of this year, the Vice Chief of Staff of the Army, General Daniel Allyn, said: What it comes down to is that we are going to be too late. Our soldiers arrived too late. Our soldiers required too much time to close the manning, the training, and the equipment we have, and the end result is extensive casualties to civilians and to our forces.

We are talking about death. That is what is at stake right here. Just last week, I met with the Secretary of the Air Force, Heather Wilson, to discuss aviation readiness. Right now we are 1,500 pilots short, and 1,300 of those are fighter pilots. Only 50 percent of the Air Force's squadrons are actually trained and ready to conduct all of their assigned missions. One-third of our ground brigades don't work. They are not ready for combat. As to the aviation brigades, it is the same thing.

Right now, as we know, the Marines use our fleet of F-18s. Sixty-two percent of them don't work. They don't have the parts for combat. We have this situation. That is going to have to be direct. This year's bill will increase the troop levels. We will do what is necessary to correct these problems. We need to get moving on that and make people aware that help is on the way.

By the way, here is one of my concerns in this bill. A lot of people are interested in the BRAC process. We do prohibit base realignment closings to take place for another year. The reason for that is not that there may be excess capacity right now or excess resources out there, but when we are in a rebuilding mode, we would rather be able to use those resources that aren't being used now rather than build new ones. One thing is true about a BRAC; it always loses money the first 3 years. Right now we can't afford to lose any of the money that goes to defending America.

Anyway, of the additional funding, there is going to be \$8.5 billion for the missile defense that has been suffering, and we are going to be doing some good things. As we continue the conference process, which started today—we had our first conference meeting today—we need to focus on where we are.

Again, I repeat, the threat is there. We understand that. We know what is happening in Africa. By the way, the number of troops we have over there—you have to quit using this number of about 6,000—is really 1,300 troops for the entire continent who are not committed or working in some of the Embassies. We need to get busy on that.

ENVIRONMENTAL PROTECTION AGENCY

Mr. President, I have another issue I wish to visit. A lot of people are crit-

ical of what is happening right now in the Environmental Protection Agency. I feel I have to talk about this because, first of all, I was chairman of the committee that had jurisdiction over the Environmental Protection Agency for about 8 years. I see the things that are happening now, improvements that are being made.

One is by a guy named Scott Pruitt. Scott Pruitt happens to be from Oklahoma. He is doing things now, and I don't know of anyone who has ever been abused during a confirmation process like he was. Poor Scott sat there. As a general rule, after a committee gets through with that process, they have questions for the record. Normally, they are somewhere between 15 and 20 questions for the record. Do you know how many questions Scott Pruitt got? He got 675 questions for the record. Anyway, he sustained that. He is now doing great things.

Over the last 8 years, I have had little, if any, chance to praise the work of the EPA, but I can do it now. After 8 years of being relentlessly targeted by the Obama administration to shut out our farmers, ranchers, manufacturers, and energy industries, we have an administration that will listen to them and work with them. This is what jobs are all about.

There is a lot of talk about the visit that was made to our conference by President Trump yesterday. What he talked about most of the time was jobs. We are in the position to correct it.

What have we done to do that? A lot of the overregulations have been eliminated. There is the caricature of businesses referred to as greedy, loony boogeymen. But in reality, businesses are run by people who want what is best for America, for their families, and for the stockholders.

Now, like any sector of society, you are going to find a few bad actors, but we have laws and remedies in place to make sure we go after those individuals. The last administration treated those they regulated as the enemy, not as partners in ensuring that the environment was taken care of, which led to very harmful, unworkable regulations.

All of that is changing right now with President Trump and his administration. The administration realizes that working with those they regulate will produce better outcomes than only listening to those who wish to drive the industry into the ground. Administrator Pruitt has been meeting with farmers, ranchers, energy producers, and other industries to listen to and learn about how regulations affect them and how a worthwhile regulation might be implemented in a way that is producing an unintended harm.

I really cannot see why this is a bad thing, as the goal of the EPA is not to put companies or farmers out of business; it is to put forward policies that protect the environment and do not have a heavy cost, but just meeting with those who have been shut out of

the process in the past has extremists on the left seeing red. I guess they are just upset that they have lost their monopoly and their ability to write rules for the EPA.

Pruitt and the EPA are also moving forward to repeal the unlawful waters of the United States. This is one of the things, if you talk to the farmers throughout not just Oklahoma but throughout America, they will say, of all of the rules and regulations, this is the most harmful. This is No. 1. That is what they say. In fact, Tom Buchanan is the head of the Farm Bureau in the State of Oklahoma, and he says that is the problem.

People are not aware. In my State of Oklahoma, when you get out into Western Oklahoma, it is dry out there. I mean, it is about as arid as any part of the United States. Yet we know, if they were to move that jurisdiction of water away from the States and to the Federal Government, as was proposed in a rule that was promulgated by the previous administration, that area in Western Oklahoma would be considered a wetland before it is over. Anyway, that is probably, singularly, the best of the rules that he changed.

By the way, if anyone wants to see the rules—a lot of people say the President has not been doing anything. Most of these rules and regulations—there are up to 48 now—that have been costing jobs and putting people out of business have now been addressed by this administration, by the Trump administration, and very successfully. Right now, we are in the process of getting some of these things done.

The waters rule is going to take a while to get done because that is going to take some hearings and so forth. Another of the rules the EPA is working on repealing is the Clean Power Plan. Now, this is the thing that came from the Paris show. In fact, I have done this before. I have talked about the history of these things that have been put forth for 21 consecutive years now by the U.N., which is that they have these meetings. They get 196 countries together, and they try to see what they can do to get them to reduce CO<sub>2</sub> emissions, when, in fact, they have not been able to do this.

Besides that, 87 percent of the power that is developed to run our country is either from fossil fuels or it is nuclear. If you extract those, as they tried to do, how do you run the machine called America? The answer is, you can't.

Anyway, as far as the Clean Power Plan, that was put together by President Obama, and it was something you could talk about as long as you wanted to, but the fact is, it was not good for the country. The rule was so unpopular that 27 States, 37 rural electric co-ops, and 3 labor unions challenged it in court. The cost of the rule was estimated to be \$292 billion, but I have seen estimates that are well in excess of \$400 billion.

The plan would raise electricity prices in 47 States; 40 of those States

would see double-digit increases, and these increases would be shouldered by American families, many of whom already have to choose between making rent payments and paying their power bills or choosing between putting food on their tables or paying their power bills. The plan would also see the closure of 66 powerplants and eliminate over 125,000 jobs in the coal industry—an industry that has already been struggling in recent years.

The goal of this rule was to effectively end the use of coal-fired powerplants, which is a cheap and bountiful energy. What benefit would we get out of this? It would be more expensive energy.

By the way, the whole idea of the Paris thing was not just the Clean Power Plan put forth by our President; it was also what other countries were forced to do. For example, in signing on to this deal in Paris, which everyone was so upset about, China committed, for the next 10 years, to continue to increase, every 10 days, an additional coal-fired powerplant. Then they would try to reduce them after that.

What kind of a deal is that? They look back at the United States and think they know what is going to happen to our manufacturing base. They would go to China if we had to do this thing.

The most ridiculous thing about this is, the President's commitment under the Clean Power Plan was to reduce our CO<sub>2</sub> emissions by somewhere between 26 and 28 percent by 2025. The problem with that is, it cannot be done. We even called in the EPA so they may tell us how this could be done, and they agreed it could not be done.

Anyway, that is something that is behind us now. I commend Scott Pruitt for realizing the legal footing of this rule and seeing that the costs the American people will bear under this rule is not going to happen.

Just last week, the EPA announced that it will end its controversial policy known as sue and settle. This is a good one. It is a policy that has cost the taxpayers an estimated \$67 billion in new regulations that stemmed from this practice. How this works is that some extremist group will come in and sue the EPA for not doing something, and so they go into a settlement agreement with the EPA, and the EPA is in concert with them to come up with the very thing they were not able to get through legislatively. It is called sue and settle. You have heard the President talk about ending that practice. It is one that needs to be ended, and it is going to be. This practice circumvented the Administrative Procedure Act and usually ended up in settlements that were extremely beneficial to extremist groups and got them exactly what they wanted all the time.

My State of Oklahoma was a victim of this practice. In 2011, the EPA used consent agreements that stemmed

from court cases in other States, not in Oklahoma, as Oklahoma was not even part of it or aware of it. They do that to overrule the State's Regional Haze Plan to impose EPA's own costly plan on Oklahoma electricity ratepayers. Now, the plan the EPA has pushed on this State costs an estimated \$282 million each year. That is just in our State of Oklahoma, and it is something we would have to pay for.

The regional haze problem has nothing to do with health. It is all visibility. So this was ruining the theme of the Obama EPA. Never mind that regional haze is entirely a visibility issue and not a health issue, never mind that Congress specifically gave States the authority to regulate regional haze under the Clean Air Act in the amendments I strongly supported when they went through because it is a visibility issue and not a health issue. Yet because an environmentalist group did not like how Oklahoma was handling its own business, it sued the EPA in court outside of Oklahoma and did not include Oklahoma as a party in the case. The EPA capitulated and entered into an agreement with some of the extremists that conveniently required the EPA to impose its own expensive plan on my State of Oklahoma.

So I am glad Administrator Pruitt has announced an end to this policy, and I urge my colleagues to take up S. 119. It is the Sunshine for Regulatory Decrees and Settlements Act, of which I am an original cosponsor, to ensure that this practice is ended across the government and cannot be implemented by future administrations.

Finally, I would like to encourage the EPA to move ahead with a hinted-at, pending directive that would restrict scientists who receive EPA grants from serving on the Agency's scientific advisory committees. I have previously expressed concerns over the composition of the Agency's advisory committees for many reasons, including highlighting the fact that many science advisers under the Obama EPA, including a majority of those on the Clean Air Scientific Advisory Committee—that is called CASAC—have received considerable financial support from the EPA. They are calling into question their independence and the overall integrity of panels on which the advisers sit.

The National Academy of Sciences and the EPA's own "Peer Review Handbook" state that grants can constitute a conflict or a lack of impartiality. We are not talking about small grants either; we are talking about millions of dollars in grants. During the last year of the Obama administration, CASAC had six of seven members receiving these. Keep in mind, six of the seven members received a total of \$119 million in grants—in EPA research grants—and three of the members received in excess of \$25 million each. These are the scientists who are making the decisions. There were 22 of the 26 members of the CASAC Subcommittee on Particulate Matter who

received more than \$330 million in EPA grants.

The scientists who receive vast sums of money from the very agencies they are advising certainly constitute a conflict of interest and, at a minimum, give an appearance of a lack of impartiality. As such, I welcome the news that Administrator Pruitt will be seeking to limit this worrisome practice.

I have laid out only a few of the many great things the EPA is doing right now and what Administrator Pruitt is doing. I got to know him a long time ago. In fact, I flew him around the State in my airplane back when he ran for the first statewide office. He is a guy who is a tiger and who is doing the right thing. I am very proud of what they are doing.

After this morning, the EPA is now advancing five EPA nominees for the EPA general counsel and for the Offices of Enforcement and Compliance Assurance, Air and Radiation, Water, and Chemical Safety and Pollution Prevention. Each of these nominees is needed for the issues I have talked about and for the many others that are on the Agency's plate.

Scott Pruitt has been working on so much of the President's conservative agenda alone, and he needs help to run these policies. I call on my colleagues and the leadership to prioritize these nominations. You cannot get this stuff done unless you have help. We have never seen a time when we have gotten this far into an administration and have had this large of a number of people who have not been confirmed.

Mr. President, I do want to mention one other thing because, for some reason, the Democrats have decided they are going to run out the whole 30 hours on the confirmation of a guy named Scott Palk. I have to say, Scott Palk has been doing a great job. In fact, on the vote that just took place on him, he received 79 votes in the U.S. Senate. Yet, just to be obstructionists, they are still demanding 30 hours.

Scott Palk is an experienced prosecutor with a decade of service. He was the assistant district attorney for Cleveland County in my State of Oklahoma and spent 9 years as an assistant U.S. attorney in the criminal division of the Western District of Oklahoma. He has a reputation for honesty, integrity, and a commitment to fairly applying the law. Mr. Palk will serve Oklahoma with distinction as a principled jurist who will uphold the Constitution.

He is going to be confirmed. We know he is going to be confirmed because he already received 79 votes. There is no reason to delay it, other than to hold people here and be obstructionists. I would urge my friends on the other side of the aisle to go ahead and confirm the guy. He is going to do a great job.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TILLIS). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I have remarks that I wish to make, but I will yield at this time in order for the Republican leader to be recognized after which I will seek recognition.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I thank my friend from Illinois.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for 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.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

### VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 250, on the motion to invoke cloture on Scott L. Palk, of Oklahoma, to be United States District Judge for the Western District of Oklahoma. Had I been present, I would have voted nay. •

### CONGRESSIONAL REVIEW ACT RESOLUTION

Ms. KLOBUCHAR. Mr. President, today I wish to discuss the vote in the Senate last night to overturn the Consumer Financial Protection Bureau's rule regarding forced arbitration that would protect consumers and make sure they get their day in court when financial institutions violate the law. The floor schedule did not allow me to give these remarks before the vote, so I am giving them today. This rule would have restored the ability of servicemembers, veterans, and other consumers to join together and seek relief through class action lawsuits. I opposed this rule repeal.

In 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act included a provision instructing the CFPB to study mandatory arbitration and write a rule based on what they found. After several years of careful study, the CFPB released a 728-page report in 2015. This year, the CFPB finalized its arbitration rule mandating that consumer financial product contracts no longer include language barring class actions.

This rule was an important step forward in protecting consumers from the fine print arbitration clauses included in all sorts of contracts, including con-

tracts for credit cards, debit cards, prepaid bank cards, payday loans, and even cell phones. The 2015 CFPB report found that 93 percent of consumers whose credit cards included forced arbitration clauses did not know that they could not sue their credit card companies.

The CFPB rule enhanced protections for consumers in the military. That is why the American Legion, the Nation's largest wartime veterans service organization, which represents 2 million veterans, and the Military Coalition, which represents 5.5 million current and former servicemembers and their families, supported the protections provided under this rule.

I have cosponsored the Military Consumer Protection Act led by Senator REED, which would put the enforcement of the Servicemember Civil Relief Act under the CFPB so that the agency responsible for protecting servicemembers and their families is also able to enforce those protections.

Our servicemembers and veterans face challenges that are different from civilian consumers, especially during deployment. We need to make sure that they have all the protections they earn through their service. That is why I voted against H.J. Res. 111, the resolution of disapproval with respect to the CFPB arbitration rule, and I will continue to fight for our servicemembers, veterans, and consumers to get the protections they deserve.

### TRIBUTE TO RICHARD LINCOLN

Ms. COLLINS. Mr. President, throughout our Nation's history, young Americans have left the comfort and security of home in order to preserve our freedom and to extend the blessings of freedom to others. We set aside Veterans Day to express our gratitude.

One such veteran is Mr. Richard Lincoln of Wayne, ME. Although the story of his service in Italy during World War II is extraordinary, the virtues of courage, sacrifice, and devotion to duty it demonstrates describe the character of American patriots in all places and at all times.

Now 91 years of age, Mr. Lincoln entered the U.S. Army in 1943 when he was just 17. He served with the legendary 88th Infantry Division, the first all-draftee division to serve in combat during the war. The 88th, known as the Fighting Blue Devils, proved that with rigorous training, able leadership, and unflagging determination, peace-loving Americans could stand up to a battle-hardened, militaristic enemy.

The 88th played a key role at the Battle of Anzio, the long, costly, and critically important amphibious landing on the Italian coast in January of 1944 that eventually led to the liberation of Rome. Mr. Lincoln served as a first scout, an extremely dangerous assignment in a forward position under constant fire, to locate enemy artillery positions. When the Allies liberated Rome on June 4, 1944, the all-draftee