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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

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

Let us pray.

God, our Father, help our lawmakers this day to do Your work faithfully and well. Prepare them to be sober-minded and filled with Your Spirit, accomplishing tasks that receive Heaven's approval. Lord, keep them from deviating from integrity as they strive to ensure that their conduct rightly represents You. May they live lives of holiness and goodness, being as kind to others as they would wish them to be to them.

Lord, prepare us all to stand before You in peace without spot or blemish. As we pursue Your peace on Earth, lead us not into temptation but deliver us from evil.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. COTTON). The majority leader is recognized.

NOMINATIONS

Mr. McCONNELL. Mr. President, the Republican Senate is continuing its important work on behalf of the American people. We are moving forward on legislative priorities that will benefit hard-working families throughout the

country. We are also continuing to confirm President Trump's nominees throughout the Federal Government.

Last week, we continued our momentum with the confirmation of well-qualified and talented individuals to serve in the Federal judiciary. This week, the Senate is considering multiple nominations to important agencies. Yesterday, we confirmed officials to the Department of Defense and to the Department of Justice. Soon, they will get to work for the American people.

Next, the Senate will vote to confirm Peter Robb as the general counsel of the National Labor Relations Board. As I said yesterday, Mr. Robb's experience in employment law will help return the NLRB to its role as an impartial arbiter of labor disputes instead of a political cudgel for union bosses and leftwing special interests, as it was under the Obama administration.

We will then turn to another qualified individual who will help undo some of the damage of the Obama administration. William Wehrum, President Trump's nominee to be the Assistant Administrator for EPA's Office of Air and Radiation, will put his experience to good use for our Nation.

The Office of Air and Radiation is one of the most important parts of the EPA. Unfortunately, under the previous administration, it was also one of the offices with the most significant overreach. This one office was responsible for 95 percent of the annual regulatory burdens that the EPA forced onto our economy, according to one report, reportedly costing the economy at least \$41 billion—this one Agency.

So this is an office in desperate need of new leadership from an individual who understands how to implement clean air policies in a balanced way rather than with extreme regulatory overreach. Mr. Wehrum is the right person for the job. With more than three decades of experience in environmental policy, he understands the

issues before the EPA and how to address them. He even worked in this particular office before serving as Acting Administrator from 2005 to 2007.

Mr. Wehrum has earned support from many different corners. His former boss at the EPA, Jeff Holmstead, said that "there is no better person" to fill this position. The EPA's Deputy Administrator from 2005 to 2009, Marcus Peacock, said that "Wehrum's understanding of the Clean Air Act may be second to none." Even the Natural Resources Defense Council—not exactly a rightwing organization—had this to say about this nominee's previous experience at the EPA, noting that he "achieve[d] important air pollution reductions."

"Wehrum, Holmstead, and the Bush EPA," the NRDC further wrote, "deserve credit for these substantial public health and air quality achievements."

Nominees like Mr. Wehrum will continue the work of this EPA to undo the damage of the Obama administration's overreach in a reasonable manner. For instance, Obama's Office of Air and Radiation was responsible for the administration's dubious energy regulatory scheme, which threatened to punish coal families and ship middle-class jobs overseas.

When Administrator Scott Pruitt came to Kentucky last month, he announced the official withdrawal of that rule. Unlike the previous leadership of the EPA, Administrator Pruitt actually cared enough to come to my home State and hear directly from the men and women impacted by the Agency's regulations. He is someone who will work with us to protect our environment and save Kentucky families from harmful regulations. Mr. Wehrum will work with Administrator Pruitt to help continue this trend at the EPA. I look forward to the Senate advancing his nomination.

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



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TAX REFORM

Mr. McCONNELL. Now on another matter, Mr. President, Members of the Senate are continuing to work hard to deliver much needed tax reform for families and small businesses. Yesterday, Senators, members of the administration, and tax reform advocates met here in the Capitol to discuss a mutual vision for relief. They shared the goals of simplicity, fairness, and economic growth. These are the same goals I have, they are the same goals the House wrote into its legislation, they are the same goals the President asked us to consider, and most importantly, they are the goals shared by many Americans across the political spectrum. So we are working together to get this done.

This is a once-in-a-generation opportunity, and it will help us create jobs and boost the economy, while closing special interest loopholes at the same time. We can do all of this through tax reform.

Today, the House Ways and Means Committee will continue to mark up its legislative proposal. I would like to once again commend Chairman BRADY for his good work on the House plan. The hearings this week are building momentum to accomplish our goals for the American people.

Soon, the Senate Finance Committee, under the leadership of Senator HATCH, will release its own plan for tax reform. Working through an open committee process, the committee will ultimately bring tax reform legislation to the floor. I am exceedingly grateful to Chairman HATCH for his continued leadership of the Finance Committee.

As we continue to advance tax reform, I would urge our Democratic colleagues to join us. In recent years, many prominent Democrats have expressed support for tax reform. Since then, the need for tax reform hasn't changed at all. The American people haven't stopped hurting either. The only thing that changed was the President. So I hope our colleagues will put partisanship aside and work with us in a serious way to help us deliver real relief to families. I hope they will help us take more money out of Washington's pockets and put more money in the pockets of the middle class. That is the aim of this tax reform effort, and we are going to keep working until we accomplish it.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session and resume consideration of the Robb nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Peter B. Robb, of Vermont, to be General Counsel of the National Labor Relations Board for a term of four years.

The PRESIDING OFFICER. The Senator from Arizona.

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. FLAKE. Mr. President, the Senate Foreign Relations Committee had a very important hearing last week regarding the 2001 authorization for use of military force, the law that serves as the legal underpinning for the war against al-Qaida and the Taliban. I am grateful to our witnesses, Secretaries Mattis and Tillerson, for making themselves available to the members of the committee and for the straightforward and honest answers they provided to us.

As we have gotten further and further away from the September 11 attacks that resulted in the passage of the 2001 AUMF, I have urged Congress to take a fresh look at that authorization. When four soldiers died recently in Niger, I think most Americans—and even some Members of Congress—were shocked to learn that we even had troops in that country. Our troops were not there under the auspices of the 2001 AUMF, but considering that they were reportedly ambushed and killed at the hands of an Islamic State affiliate, questions have been raised about where our forces are and where they are at war with terrorists versus when they are simply conducting train-and-equip or other missions of that sort.

It was encouraging that nearly every member of the Foreign Relations Committee was in attendance at that hearing where the witnesses testified that the administration believes it has ample authority to prosecute the war on terrorism and does not need a new AUMF.

I can't say I was surprised to hear that testimony. No administration, Republican or Democratic, will ever willingly cede the broad authority given to the executive branch 3 days after the September 11 attack. If they were to say that we need new authorization, they would be conceding that they haven't been acting with authorization all this time. So they are never going to say that we need a new AUMF.

What has surprised me is that there are Members of this body, the Senate, who are content to let this 16-year old authorization remain in place. Some have even suggested that any updates to the AUMF can be made using the appropriations process. Are we really going to start using policy riders on annual spending bills to approve of sending troops into harm's way? We

rarely even vote on individual spending bills anymore, let alone controversial policy riders to those spending bills. Are we truly willing to leave it to the members of the Appropriations Committee to update a law that has put our servicemembers into harm's way, particularly those of us on the authorizing committee, the Senate Foreign Relations Committee? I hope that we more jealously guard our prerogatives than that.

Our inaction on updating the 2001 law has already relegated the role of the Senate in authorizing force to that of a cog in the feedback loop. I would submit that we in the Senate ought to aspire to be more than that.

For 16 years, Congress has been all too willing to let successive administrations use those broad authorities to address new threats and to deploy U.S. troops to new places. Beyond Afghanistan, our troops have deployed all over the world, to places such as Yemen, the Philippines, Somalia, and Libya to fight al-Qaida and its affiliates.

We have also sent forces to Syria and back to Iraq to defeat ISIS, a group that didn't even exist in 2001. We need to fight terrorism overseas, and I am not suggesting that the United States should shy away from these battles. To the contrary, I believe Congress should do its duty in supporting these missions by voting to authorize them.

In the 16 years since the passage of the 2001 AUMF, approximately 300 Members of the House who voted on it are no longer with that Chamber. In the Senate, of those Senators who voted on the original AUMF, only 23 Senators remain in their seats today. That leaves approximately 70 percent of the entire Congress that has never cast a vote to authorize military force abroad. Yet, over the years, deployments have continued to new places, combating new foes.

The United States is strongest when we speak with one voice. Therefore, Congress must have some buy-in on these missions. Our allies and other adversaries need to know that the war on terrorism has the support of Congress. More importantly, our troops need to know that Congress is behind them.

I know the concept of passing a new, updated AUMF is a tricky one. This is not a conventional war against a sovereign nation in which victory is easily defined. Instead, we are fighting an ideological enemy that has no sovereignty and which, over the years, has moved all over the world, resulting in many splinter factions that could change their name at any time with ease.

This new kind of war requires a new kind of authorization, one that allows Congress's continued buy-in and increases its oversight. Right now, we have neither of these.

After working on this issue for several years, Senator TIM KAINE and I have introduced legislation that we think gets us in the right place. Our bill would authorize the use of military force against al-Qaida and the Taliban