

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, November 15, 2017, at 9 a.m., in SR-366 to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, November 15, 2017, at 10 a.m., in SD-406 to conduct a hearing entitled "Promoting American Leadership in Reducing Air Emissions Through Innovation."

COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Wednesday, November 15, 2017, at 9 a.m., in SH-216 to conduct hearing on the bill entitled "Tax Cuts and Jobs Act."

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, November 15, 2017, at 10 a.m., in SD-430 to conduct hearing entitled "Encouraging Healthy Communities: Perspective from the Surgeon General."

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Wednesday, November 15, 2017, at 2:30 p.m., in SD-430 to conduct hearing on the following nominations: Mitchell Zais, of South Carolina, to be Deputy Secretary, and James Blew, of California, to be Assistant Secretary for Planning, Evaluation, and Policy Development, both of the Department of Education, and Kate S. O'Scannlain, of Maryland, to be Solicitor, and Preston Rutledge, of the District of Columbia, to be an Assistant Secretary, both of the Department of Labor.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, November 15, 2017, at 10 a.m., in SD-226 to conduct hearing on the following nominations: James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit, Don R. Willett, of Texas, to be a Circuit Judge, United States Court of Appeals for the Fifth Circuit, Claria Horn Boom, to be United States District Judge for the Eastern and Western Districts of Kentucky, John W. Broomes, to be United States District Judge for the District of Kansas, Rebecca Grady Jennings, to be United States District Judge for the Western District of Kentucky, and Robert Earl Wier, to be United States District

Judge for the Eastern District of Kentucky.

CRIMINAL ANTITRUST ANTI-
RETALIATION ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 258, S. 807.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 807) to provide anti-retaliation protections for antitrust whistleblowers.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 807) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 807

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Antitrust Anti-Retaliation Act of 2017".

SEC. 2. AMENDMENT TO ACPERA.

The Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (Public Law 108-237; 15 U.S.C. 1 note) is amended by inserting after section 215 the following:

"SEC. 216. ANTI-RETALIATION PROTECTION FOR
WHISTLEBLOWERS.

"(a) WHISTLEBLOWER PROTECTIONS FOR EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, AND AGENTS.—

"(1) IN GENERAL.—No employer may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against a covered individual in the terms and conditions of employment of the covered individual because of any lawful act done by the covered individual—

"(A) to provide or cause to be provided to the Federal Government or a person with supervisory authority over the covered individual (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct) information relating to—

"(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws; or

"(ii) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws; or

"(B) to cause to be filed, testify in, participate in, or otherwise assist a Federal Government investigation or a Federal Government proceeding filed or about to be filed (with any knowledge of the employer) relating to—

"(i) any violation of, or any act or omission the covered individual reasonably believes to be a violation of, the antitrust laws; or

"(ii) any violation of, or any act or omission the covered individual reasonably be-

lieves to be a violation of, another criminal law committed in conjunction with a potential violation of the antitrust laws or in conjunction with an investigation by the Department of Justice of a potential violation of the antitrust laws.

"(2) LIMITATION ON PROTECTIONS.—Paragraph (1) shall not apply to any covered individual if—

"(A) the covered individual planned and initiated a violation or attempted violation of the antitrust laws;

"(B) the covered individual planned and initiated a violation or attempted violation of another criminal law in conjunction with a violation or attempted violation of the antitrust laws; or

"(C) the covered individual planned and initiated an obstruction or attempted obstruction of an investigation by the Department of Justice of a violation of the antitrust laws.

"(3) DEFINITIONS.—In this section:

"(A) ANTITRUST LAWS.—The term 'antitrust laws' means section 1 or 3 of the Sherman Act (15 U.S.C. 1 and 3).

"(B) COVERED INDIVIDUAL.—The term 'covered individual' means an employee, contractor, subcontractor, or agent of an employer.

"(C) EMPLOYER.—The term 'employer' means a person, or any officer, employee, contractor, subcontractor, or agent of such person.

"(D) FEDERAL GOVERNMENT.—The term 'Federal Government' means—

"(i) a Federal regulatory or law enforcement agency; or

"(ii) any Member of Congress or committee of Congress.

"(E) PERSON.—The term 'person' has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

"(4) RULE OF CONSTRUCTION.—The term 'violation', with respect to the antitrust laws, shall not be construed to include a civil violation of any law that is not also a criminal violation.

"(b) ENFORCEMENT ACTION.—

"(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any employer in violation of subsection (a) may seek relief under subsection (c) by—

"(A) filing a complaint with the Secretary of Labor; or

"(B) if the Secretary of Labor has not issued a final decision within 180 days of the filing of the complaint and there is no showing that such delay is due to the bad faith of the claimant, bringing an action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy.

"(2) PROCEDURE.—

"(A) IN GENERAL.—A complaint filed with the Secretary of Labor under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

"(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to any individual named in the complaint and to the employer.

"(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

"(D) STATUTE OF LIMITATIONS.—A complaint under paragraph (1)(A) shall be filed with the Secretary of Labor not later than 180 days after the date on which the violation occurs.

"(E) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order or preliminary

order issued by the Secretary of Labor pursuant to the procedures set forth in section 42121(b) of title 49, United States Code, the Secretary of Labor or the person on whose behalf the order was issued may bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

“(c) REMEDIES.—

“(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

“(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

“(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

“(B) the amount of back pay, with interest; and

“(C) compensation for any special damages sustained as a result of the discrimination including litigation costs, expert witness fees, and reasonable attorney’s fees.

“(d) RIGHTS RETAINED BY WHISTLEBLOWERS.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law, or under any collective bargaining agreement.”.

VALOR ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3949, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3949) to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 3949) was ordered to a third reading, was read the third time, and passed.

VA PRESCRIPTION DATA ACCOUNTABILITY ACT 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be discharged from further consideration of H.R. 1545 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1545) to amend title 38, United States Code, to clarify the authority of the Secretary of Veterans Affairs to disclose certain patient information to State controlled substance monitoring programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 1545) was ordered to a third reading, was read the third time, and passed.

RESOLUTIONS SUBMITTED TODAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 332, S. Res. 333, and S. Res. 334.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preamble, where applicable, be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

The resolutions (S. Res. 333 and S. Res. 334) were agreed to.

(The resolutions are printed in today’s RECORD under “Submitted Resolutions.”)

ORDERS FOR THURSDAY, NOVEMBER 16, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, November 16; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; finally, that following leader remarks, the Senate proceed to executive session and resume consideration of the Otting nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MERKLEY.

The PRESIDING OFFICER (Mr. PERDUE). Without objection, it is so ordered.

The Senator from Oregon.

CLIMATE DISRUPTION

Mr. MERKLEY. Mr. President, climate disruption is the seminal challenge of our generation. It affects everything from our farms to our forests, to our fisheries. We are seeing huge impacts around the world: disappearing ice in the Arctic, melting permafrost, dying coral, raging fires, more powerful storms. Everywhere you look it is having an impact, and it is certainly an impact we need to pay a great deal of attention to because it is hurting human civilization, and the impacts are just beginning. They are going to become worse over time.

In response, communities across the globe are transforming their energy economies. They are certainly making their energy economies more efficient, from increasing insulation in buildings to improving vehicle mileage, to greater efficiency in appliances and in replacing fossil fuel energy with clean renewable energy.

How much do you know about the changes underway, about the dramatic modifications of our energy economy and the impacts of climate disruption? Let’s find out. Welcome to episode 8 of the Senate Climate Disruption Quiz. Here we go.

First question. Researchers predict there will be an ice-free Arctic by the summer of what year?

Will it be the year 2020, 3 years from now; the year 2030, the year 2075, or will it be 2100, the end of the century?

Lock in your answers.

Here is the correct answer. That is B, the year 2030. Researchers say that as early as 2030, the Arctic Ocean could lose all of its ice during the year’s warmest months.

We see here a map of what has been happening in the past. The red outlines, in addition to the white, represents where the ice was in 1980. In 1998, less area is covered; in 2012, even less area is covered; and in the last two summers, the Northwest Passage has been free of ice, and that has enabled a ship called the Crystal Serenity to move up and essentially take tourists through the Northwest Passage, where you can see it was ice-covered in 1980. So that is a big change.

If we have an effort to address the improvements made in Paris, then, yes, there would still be ice here in that year of 2030, in an area about the size of India, but you can see it is really shrinking quickly.

OK. On to our second question. Over the next decade, the number of U.S. wind energy technicians is expected to decline by 10 percent; grow by over 100 percent, which is to double; remain about stable; or disappear entirely?

Lock in your answers.

The correct answer is B, grow by over 100 percent. In other words, it will double. These are good jobs. Last year, less