

I look forward to working with my colleagues on this critical piece of legislation, and I look forward to working with Secretary Zinke and the Department of the Interior to achieve this goal.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 3 minutes as in morning business.

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

DEPARTMENT OF LABOR TIP PROPOSAL

Mr. BROWN. Mr. President, earlier today I talked to a server who worked in a restaurant in Northeast Ohio, in Trumbull County, north of Youngstown, and she is concerned, as I am, about a proposal from the U.S. Department of Labor that pretty much legalizes wage theft.

We know, in this country right now, servers, or tipped workers, can be the person who pushes the wheelchair in the airport. I spoke to somebody the other day who drove one of those airport carts in the Cleveland airport. She makes \$5 an hour because she is supposed to rely on tips to get up to the minimum wage, but she doesn't always get tips, or a server who works in a restaurant, in a diner in Garfield Heights or in Chillicothe, OH, and makes sometimes only \$2.10 an hour and relies on tips. That is enough of a problem—that companies that employ tipped workers can pay such low wages—but that is compounded by this rule that comes out of the White House and the Department of Labor that really is tantamount to wage theft. The rule simply says the tips you put on the table at a Denny's or at a Bob Evans, the management—the employer—can take those tips and distribute them however he or she wants to other workers in the restaurant.

Now, plenty of waitresses and plenty of waiters and servers give out some of their tips, distribute them to the bartender or others, and that is their choice, but for the employer to be able to take the tips from a worker, from a server, and decide whom to give it to in the back office or in the kitchen—someone they are not paying enough to anyway; to make up for that—or for the employer to just take the money and put it in their pockets, under this rule coming out of the Department of Labor—this is the Secretary of Labor and a government that is supposed to represent workers, supposed to advocate for labor. This administration has turned that upside down, where the Secretary of Labor is advocating for employers and basically legalizing wage theft—taking that money from tipped workers who work so hard.

We know how hard everybody at a diner works. They are not making a lot of money. They rely on those tips. We are going to say—the U.S. Government, the Department of Labor, the President of the United States—is going to say: Oh, it is all right to take some of these tip dollars and put them in my pocket as the employer. Give it to the workers in the kitchen whom the company underpays because they are going to supplement their underpaid wages with tips. It is mean-spirited, it is legitimatizing wage theft, and we have no business doing it. There are 24 of us who have sent a letter to Secretary of Labor Acosta condemning his decision.

First of all, they did a study and found that this would take literally billions of dollars from the pockets of workers. They buried that study. We are saying, at least let that study out. Let people comment. Almost \$6 billion in tips every single year will be lost because of this decision. It is a really bad idea. It is mean-spirited, and it frankly legalizes wage theft. It should be defeated.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE). Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the Vought nomination?

Mr. SANDERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from South Dakota (Mr. ROUNDS).

The yeas and nays resulted—yeas 49, nays 49, as follows:

[Rollcall Vote No. 40 Ex.]

YEAS—49

Alexander	Fischer	Paul
Barrasso	Flake	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rubio
Cassidy	Heller	Sasse
Cochran	Hoeven	Scott
Collins	Inhofe	Shelby
Corker	Isakson	Sullivan
Cornyn	Johnson	Thune
Cotton	Kennedy	Tillis
Crapo	Lankford	Toomey
Cruz	Lee	Wicker
Daines	McConnell	Young
Enzi	Moran	
Ernst	Murkowski	

NAYS—49

Baldwin	Donnelly	Kaine
Bennet	Duckworth	King
Blumenthal	Durbin	Klobuchar
Booker	Feinstein	Leahy
Brown	Gillibrand	Manchin
Cantwell	Harris	Markey
Cardin	Hassan	McCaskill
Carper	Heinrich	Menendez
Cassey	Heitkamp	Merkley
Coons	Hirono	Murphy
Cortez Masto	Jones	Murray

Nelson	Shaheen	Warner
Peters	Smith	Warren
Reed	Stabenow	Whitehouse
Sanders	Tester	Wyden
Schatz	Udall	
Schumer	Van Hollen	

NOT VOTING—2

McCain Rounds

The VICE PRESIDENT. On this vote, the yeas are 49, the nays are 49. The Senate being equally divided, the Vice President votes in the affirmative, and the nomination is confirmed.

The PRESIDING OFFICER (Mr. LEE). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of A. Marvin Quattlebaum, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

Mitch McConnell, Thom Tillis, John Cornyn, John Kennedy, Richard Burr, Mike Lee, David Perdue, Steve Daines, James Lankford, Pat Roberts, Johnny Isakson, Jeff Flake, Lindsey Graham, Patrick J. Toomey, Marco Rubio, Tom Cotton, James E. Risch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of A. Marvin Quattlebaum, Jr., of South Carolina, to be United States District Judge for the District of South Carolina, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—69

Alexander	Coons	Flake
Baldwin	Corker	Gardner
Barrasso	Cornyn	Graham
Bennet	Cortez Masto	Grassley
Blunt	Cotton	Hassan
Boozman	Crapo	Hatch
Burr	Cruz	Heitkamp
Capito	Daines	Heller
Carper	Donnelly	Hoeven
Cassidy	Enzi	Inhofe
Cochran	Ernst	Isakson
Collins	Fischer	Johnson

Jones	Murkowski	Shaheen
Kaine	Nelson	Shelby
Kennedy	Paul	Sullivan
King	Perdue	Tester
Lankford	Portman	Thune
Leahy	Reed	Tillis
Lee	Risch	Toomey
Manchin	Roberts	Warner
McCaskill	Rubio	Whitehouse
McConnell	Sasse	Wicker
Moran	Scott	Young

NAYS—29

Blumenthal	Harris	Sanders
Booker	Heinrich	Schatz
Brown	Hirono	Schumer
Cantwell	Klobuchar	Smith
Cardin	Markey	Stabenow
Casey	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Murphy	Warren
Feinstein	Murray	Wyden
Gillibrand	Peters	

NOT VOTING—2

McCain	Rounds
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The PRESIDING OFFICER. On this vote, the yeas are 69, the nays are 29.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of A. Marvin Quattlebaum, Jr., of South Carolina, to be United States District Judge for the District of South Carolina.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

GUN VIOLENCE

Mr. CASEY. Mr. President, I rise this afternoon—and I know I will be joined by a number of my colleagues on the floor—to talk about gun violence and to talk about what happened most recently and tragically in the State of Florida. I hope we can cover a number of aspects of this challenge, but I wanted to start with the victims who were killed at Marjory Stoneman Douglas High School on February 14. I will make reference to the individuals more specifically a little later, but we are remembering them today. We are thinking of their families and certainly thinking as well of the surviving students.

We are praying for the families, the victims, and the survivors. I can't imagine what these families are dealing with right now just days after this tragedy. There are a lot of ways to express grief, a lot of ways to somehow articulate the loss. I can't do it adequately, so I will turn to, in this case, a songwriter, recording artist Bruce Springsteen. We all know a good bit of his music, but years ago, after 9/11, he wrote the lyrics to a song which was entitled, "You're Missing." Of course, it has application for those who have loved and lost, especially in this instance, so tragically.

Bruce Springsteen's words go, in part, like this, and the refrain of the song is "You're missing." At one point he says:

You're missing when I shut out the lights
You're missing, when I close my eyes
You're missing, when I see the sun rise

He is giving us a sense of the loss—all day, every day, all night, every night—for that family member. He was speaking and reflecting upon the losses of 9/11, but anyone who has lost a loved one, especially this way—in this case, victims of murder in the school—must be thinking the same about what is missing in their lives and who is missing in their life, whether it is a son, a daughter, or another loved one.

Gun violence in our country is all too common. It is almost hard to comprehend how common it has become, and unfortunately it is all too common not just for our country but especially for the younger generation. I will not provide lines of demarcation, but a lot of young people have known little else in their young lives but reading about or seeing on television stories about gun violence or being in the midst of an act of gun violence. At least hundreds of Americans have been in schools that have been the site of gun violence in the last 20 years or so.

What we ought to do here is, in addition to giving speeches and pointing out where we should go—that is helpful, I guess, but the most important thing the Senate can do is to debate and vote. It would be ideal if we would debate one bill and then vote on it, then have another debate on another bill and vote on that, and do that again and again and see where we end up. I think most people here would be willing to do that even if we knew the result, even if you could prove to us that this particular measure will not pass or this one will be close or that one might pass. Whatever the circumstance, we should debate this issue. This institution is supposed to be all about open debate on the issues of the day. That is what I think that not only young people across the country but people of all ages are expecting of us. They expect us to debate and vote and keep trying to pass a measure that might reduce or maybe even substantially reduce the likelihood of further gun violence in schools and all other kinds of places in our society.

Of course, we are thinking particularly about schools, where students should have a reasonable but sometimes cannot be sure of a reasonable expectation of security. I can't imagine this as a student. In all the years I was in school, we never even thought about this as a reality in our lives. People my age probably never thought about it for 1 minute. People who grew up in the 1960s or 1970s or 1980s never thought about this. It is only in the last generation or so that students have had to worry about and think about and unfortunately, for some, experience this kind of violence.

I was a teacher for 1 year. I was a volunteer in North Philadelphia in a fifth grade classroom. I only taught for a year and knew I would only be teaching for a year of volunteer work, but I

never thought about this. I can't imagine what I would do even if I had some training in law enforcement. Even if I had some training in how to handle a weapon, I can't imagine having to defend a classroom against this kind of killer with a high-powered weapon, where he can shoot bullets, one after another, into a classroom. I can't even imagine, and most people can't imagine.

Schools are supposed to be places of teaching, of learning, of friendship, of competition, and of engagement with all kinds of activities in a school. Of course, schools are supposed to be places of growth, where young people start high school or grade school—high school for 4 years, grade school for longer—come through that, and grow into the kind of person their families hope they will be. Schools should not be places of fear and trepidation and uncertainty about what might happen in that school. This is not a common thought that students in years past had, that they would go to school and not be safe, that they would go to school and potentially not come home.

What has been heartening and inspiring in the aftermath of this tragedy is what young people have done in Parkland in the State of Florida and, frankly, throughout the country. The other day, one of my colleagues said something that made a lot of sense. My colleague made the statement that the Senate is not where the focus of attention is. This Senator said that the focus of attention is on these young people. They are leading. In this case, Congress might have to follow, but we should follow them. They are leading on this. They are showing us the way. Young people are charting a new course on this issue, and they are not going away. They are going to be voting for 50 more years or longer. They are not going away, and this issue won't go away. They are leading us, and we should follow them. They and their families expect us to act. That means debating and voting. It doesn't just mean giving speeches or expressing condolence.

Many of us were moved and inspired by their leadership, and we continue to be so inspired. Many of us were moved to tears and outpourings of emotion on all of these tragedies. I will never forget what I was thinking and responding to when it came to the Newtown massacre at Sandy Hook Elementary School. That, for me, was a seminal moment in my life in the Senate. That tragedy informed how I would vote going forward. That tragedy moved me to take a different approach to these issues and, frankly, to vote a different way.

Starting in 2012 and 2013, in the aftermath of that tragedy, the one question I had to ask myself at the time—and I think we are still asking ourselves tragedy after tragedy—is there no action Congress can take that will substantially reduce the likelihood of gun violence in a school? Is there no action