

should concern all of us and is the subject of a revision of the Committee on Foreign Investment of the United States, CFIUS, statute that is going to be coming out of the Senate Banking Committee and the House Financial Services Committee. It will be an updating of the CFIUS process to meet the challenges of today.

Of course, under section 301 of the Trade Act of 1974, the Trump administration is currently considering potential investment restrictions to address the harm that has resulted from China's effort to acquire sensitive technologies through investments. I look forward to working with the President and others to ensure that the proper steps are taken, but the real issues are clear, and we will be considering them in more detail at the hearing this afternoon on China's restrictive market.

Even though multiple administrations have attempted to engage Chinese leaders on their trade practices, the high-level diplomatic talks have generally yielded little progress and have often resulted in commitments with zero follow-up action. Discussions may continue in the future, but China's market access reforms are still too slow, and real barriers exist. Reciprocal treatment for U.S. companies should not be too much to ask. Indeed, it is the minimum we should insist upon. It is my hope that today's hearing will paint a clear picture of the problems that persist with access to Chinese markets and that significant reforms will follow.

JUDGES

Mr. President, on a second brief matter, I will mention that yesterday was the 1-year anniversary of Neil Gorsuch joining the U.S. Supreme Court.

Former Attorney General Ed Meese called Justice Gorsuch someone in the mold of the late Justice Antonin Scalia—an impartial judge who applies laws as they are written and who shows an abiding respect for the rights that are guaranteed by the Constitution.

As I have numerous times in the past, I commend President Trump on his outstanding selection, and I congratulate Justice Gorsuch on his first year of serving on our Nation's highest Court.

Let's not forget that Justice Gorsuch is not the only good news when it comes to the Federal judiciary. He is only one part of a much larger and, often, untold story. As of earlier this month, 30 article III Federal life tenure judges have been confirmed under President Trump's tenure—30. That is due, in large part, to the commitment of the Senate, under our majority leader's leadership, to making sure that this was a priority—to confirm judges who have been passed out of the Judiciary Committee here on the floor of the Senate and to maximize our floor time in order to get that priority accomplished.

My home State has filled two appellate vacancies, as well as two district

vacancies so far. Additionally, five accomplished lawyers are waiting for hearings for Texas district vacancies, and two more are waiting to be confirmed for those vacancies. So is Andy Oldham, who is an accomplished lawyer who has been nominated to fill the third seat on the Fifth Circuit since President Trump has become President. I hope we will continue to move all of these judicial nominees and many more across the country very soon.

I know there is a lot of focus on the executive branch and the legislative branch, but I believe the judiciary is the bedrock of our government as it ensures that equal justice is available to all, no matter what one's station in life. It is the rule of law that enables all of our other freedoms to be possible. It enables our economy to flourish, and it creates opportunities for our people so that they can pursue their dreams. That is how important I believe the judiciary is, and we should never forget it.

Yesterday, President Trump took another important step in this area when he announced he would be nominating David Morales to fill one of the vacancies I just mentioned, this one in Corpus Christi, TX, in the U.S. Southern District. David has extensive experience in working for the Texas attorney general and the Governor, as well as in the University of Texas system. He was recommended by Senator CRUZ and my Federal Judicial Evaluation Committee—a bipartisan group of the best and brightest lawyers the State of Texas has to offer. David was recommended to us by what we call the FJEC. It performs a great service not only to Senator CRUZ and me but to the public, generally, in its vetting of these potential nominees for judicial service and its recommending them to us. David Morales will bring more than 23 years of complex litigation and agency dispute resolution to bear.

I hope our colleagues will join me in making sure his nomination is swiftly considered and that he is confirmed.

I think David and the other Texans whom President Trump has nominated will make excellent additions to our courts. They are the kinds of people we should want in our courts—those who will impartially ensure that justice is done and the law, as written, is followed no matter who the litigant is or the type of controversy at issue.

FIGHT ONLINE SEX TRAFFICKING ACT

Finally, Mr. President, for the skeptics who like to say that nothing good ever gets done here in Washington, I will mention one other item and the real positive consequences of a bill we just passed and that is being signed into law by the President today—the Fight Online Sex Trafficking Act, FOSTA.

The effort to pass it was led by our colleague, the junior Senator from Ohio, Mr. PORTMAN. I and others were honored to serve as original cosponsors of this legislation in the Senate. We

have been working on this issue since at least 2012, when I introduced a resolution, along with a bipartisan group of my colleagues, that called for backpage.com to cease its facilitation of human trafficking, including of children, and prostitution by eliminating the adult section of the website. We had to pass this law because, when it would go to court, under the Communications Decency Act, it was able to claim that Congress had not carved out a provision for trafficking, just merely for child pornography. Thus, it had escaped our attempts to bring it to justice in the past.

This important legislation goes along with a bill we passed in 2015, called the Justice for Victims of Trafficking Act, which refocused our efforts on fighting the sex trade here in the United States by targeting those who purchased human trafficking victims, providing services to the survivors of this crime, and giving law enforcement new tools to target the organized networks that are responsible for commercial sexual exploitation. That was just a few years ago. Yet, just this last month, as I said, we changed section 230 of the Communications Decency Act to allow State attorneys general and victims to seek justice against websites that knowingly assist or facilitate commercial sexual exploitation and child sex trafficking.

The good news is that since that time, a grand jury in Arizona has indicted 7 people, who are affiliated with backpage, on 93 counts of money laundering, facilitating prostitution, and other crimes. The indictment alleged that the website essentially operated as a highly lucrative online brothel.

After we passed FOSTA, the Fight Online Sex Trafficking Act, some websites announced major policy changes and shut down sections that may have helped to enslave and entrap young women. So it has not just been the indictment and, hopefully, the conviction of people who facilitated backpage over the years, but it has also had a deterrent effect on other websites that have done similar things and has encouraged them, in their own self-interests, to shut down those sections that have helped to facilitate human trafficking.

Backpage has now been seized by Federal law enforcement. It can no longer serve as an open forum for the exploitation of children and the purchase of human beings for sexual slavery. These are all positive signs that the law we have enacted is making a real difference, ensuring that this malignant conduct does not go unpunished. The prosecution and dismantling of backpage has sent a clear message to the pimps and the buyers responsible for sexual slavery, resulting in the shutdown of many other sites involved in the commercial sex trade. This includes message boards where individuals post accounts of the sexual assaults of women and children as if they were reviewing a restaurant menu or product.

As I said yesterday, with reference to Facebook, the internet can be a very good thing, but we can't be naive in ignoring the dangers it represents when put to a perverse use to women, children, and others. What we did with FOSTA, or the Fight Online Sex Trafficking Act, is an unqualified good thing. It is something that Republicans and Democrats worked on together with the President to pass and to sign into law. It is a good thing that we changed the provisions that inadvertently shielded the facilitators of sex trafficking online. It is one way we can make the internet a safer place for everyone.

I applaud the bipartisan efforts of the Members here in both Chambers of Congress, as well as the President for his support. For those who think nothing good ever comes out of Washington these days and that Democrats and Republicans can't get along to pursue the public interest, this is exhibit No. 1, which I would offer, of the most recent efforts we have made to shut down this modern day human slavery.

I yield the floor.

Mr. ALEXANDER. Mr. President, today the Senate will vote on the confirmation of John Ring to be a member of the National Labor Relations Board, NLRB. I am glad that we are voting on this nomination because, once Mr. Ring is confirmed, we will once again have a full five-member National Labor Relations Board.

Created in 1935, the NLRB administers the National Labor Relations Act, which seeks to mitigate and eliminate labor-related impediments to the free flow of commerce. The 5 board members have 5-year, staggered terms, and the general counsel has a 4-year term.

The NLRB should be a neutral umpire in labor disputes. While Board partisanship did not start under President Obama, it became worse under him. An overly partisan Board creates instability in our Nation's workplaces and does not serve the intent of the law, which is to create stable labor relations and the free flow of commerce.

The NLRB under President Obama took two particularly harmful actions that are still in place today. First, the joint employer decision threatens the American dream for owners of the Nation's 780,000 franchise locations. Under that decision, companies could find it much more practical to own all their stores and restaurants and daycare centers themselves, rather than encourage more franchisee-owned small businesses.

Second is the ambush election rule, which can force a union election before employers and employees have a chance to figure out what is going on. The rule also forces employers to provide union organizers with a list of employees' work locations, shifts, job classifications, personal email addresses, and home and cellular telephone numbers. This information is highly personal, and employees may not want

it shared, but workers do not have a choice. I am pleased the Board is accepting comments on whether this rule should be revised.

A fully staffed board is vital to both employees and employers, and I am not the only one who thinks that is important. At a Senate Committee on Health, Education, Labor and Pensions, HELP, hearing in September 2014, then-Chairman Harkin said, "Keeping the NLRB fully staffed and able to do its work will send a strong message to the American people that yes, Washington can work, and our government can function."

While attending the Catholic University Columbus School of Law in the evening, Mr. Ring worked for the International Brotherhood of Teamsters. After law school, he joined the law firm Morgan, Lewis & Bockius, where he has worked since 1988. Mr. Ring flourished at the firm, where he worked his way up from summer associate to coleader of the firm's labor and management relations practice.

Mr. Ring was nominated to be a member of the NLRB on January 18, 2018. The HELP Committee held Mr. Ring's hearing on March 1, 2018, and he completed all paperwork in accordance with the committee's rules, practices, and procedures. We received Mr. Ring's HELP Committee paperwork and his Office of Government Ethics paperwork on January 24, 2018, 36 days before his hearing. Mr. Ring offered to meet with all HELP Committee members and met with five of them, including two Democrats. Following his hearing, Mr. Ring responded to 97 questions for the record, or 158, if you include subquestions. These responses were provided to Senators prior to the markup, and the HELP Committee favorably reported Mr. Ring's nomination on March 14, 2018.

I look forward to voting for John Ring, and I trust that he will serve with distinction.

Mr. CARDIN. Mr. President, this week the Senate is considering two important labor-related nominations: the nominations of John Ring to serve as a Member of the National Labor Relations Board, NLRB, and Patrick Pizzella to serve as Deputy Secretary of Labor, DOL. Unfortunately, given the nominees' well-documented hostility to the collective bargaining rights of working men and women, I will not vote to confirm either of them.

If Mr. Ring is confirmed, he will restore the Board to the 3-2 anti-labor majority, with no assurances that President Trump will fill the Democratic seat of former chairman Mark Gaston Pearce expiring this summer. It is important to note here that nominations to the NLRB have traditionally been confirmed in bipartisan pairs.

Mr. Ring authored blog posts calling the NLRB an "activist" organization during the Obama administration. In other blog posts, he characterized the NLRB's union election procedures as "some of the biggest assaults on em-

ployer rights in recent history." In fact, the election rule simply modernized union election procedures and has actually resulted in slightly fewer union elections.

During the brief 3-2 Republican majority late last year before then-Board Chairman Phillip Miscimarra completed his term on December 16, 2017, the NLRB rushed to overturn landmark decisions, weakening workers' rights under the National Labor Relations Act, NLRA, and undermining the statute's core purpose of promoting collective bargaining, including the Browning-Ferris Industries joint employer standard decision. The Board's inspector general has faulted those efforts, and the Board has been forced to vacate the joint employer decision. A new Republican majority may reorganize the NLRB in ways that are unfavorable to workers and their collective bargaining rights.

Mr. Pizzella is a vocal advocate of so-called right-to-work laws. They really ought to be called right-to-be-exploited laws. As Ross Eisenbray of the Economic Policy Institute reported last year, "Wages are 3.1 percent lower in so-called 'right to work' (RTW) states, for union and nonunion workers alike—after correctly accounting for differences in cost of living, demographics, and labor market characteristics. The negative impact of RTW laws translates to \$1,558 less a year in earnings for a typical full-time worker."

There is a clear correlation between the decline in union membership and stagnant wages. If the Senate confirms Mr. Pizzella and Mr. Ring, the Republican assault on unions and collective bargaining rights enshrined in the National Labor Relations Act, NLRA, will gain momentum, and working people and their families will suffer as a result.

Mr. Pizzella previously served at the Department of Labor, as Assistant Secretary of Labor for Administration and Management under President George W. Bush. During Mr. Pizzella's previous tenure at DOL, the Government Accountability Office, GAO, determined that the Department left workers vulnerable to unscrupulous employers while investigating complaints of minimum wage, overtime, and child labor violations. GAO found that the Wage and Hour Division's complaint intake, complaint resolution, and investigation processes were ineffective and discouraged workers from lodging wage-theft complaints.

Mr. Pizzella also has expressed his antipathy to Federal workers and their unions. I am proud to represent many of these public servants. The Federal workforce is one of our Nation's finest assets, and public sector unions make it more productive.

It is ironic that the Senate is considering two nominees this week who are

openly hostile to the collective bargaining rights of working people. Yesterday was Equal Pay Day, which symbolizes the number of extra days a typical woman who works full-time, year-round must work into 2018 to be paid what a typical man was paid in 2017. Women are still only paid 80 cents for every dollar paid to a man, a yearly pay difference of \$10,086, and the disparity is even worse for many women of color.

Based on an analysis of Census Bureau data, the National Partnership for Women and Families is releasing a study which concludes that, in sum, women employed full time in the U.S. will lose nearly \$900 billion to the wage gap this year. If the wage gap were closed, on average, a working woman in this country would be able to afford more than 1 additional year of tuition and fees for a 4-year public university, 74 more weeks of food for her family, nearly 7 more months of mortgage and utility payments, or 14 more months of childcare.

If Mr. Ring and Mr. Pizzella and President Trump are unwilling to protect female workers and try to close that pay gap, which seems likely, then let us let us arm women with the most powerful tool in our legal system: the U.S. Constitution. Let us finally pass the Equal Rights Amendment, ERA.

The ERA is barely longer than a tweet, but it would finally give women full and equal protection under the Constitution. Section 1 of the ERA states, quite simply, that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

When Congress proposed the ERA in 1972, it provided that the measure had to be ratified by three-fourths of the States—38 States—within 7 years. This deadline was later extended to 10 years by a joint resolution, but ultimately only 35 out of 38 States had ratified the ERA when the deadline expired in 1982. Note that the deadline wasn't contained in the amendment itself; the deadline was in the text of the joint resolution.

Article V of the Constitution contains no time limits for the ratification of amendments, so the ERA deadline is arbitrary. To put the matter in context, the 27th Amendment to the Constitution, which prohibits congressional pay raises without an intervening election, was ratified in 1992, 203 years after it was first proposed.

The Senate should vote on a Senate Joint Resolution I have introduced—S.J. Res. 5—to remove the ERA deadline, and every State in our Union that has not yet taken up its consideration should do so without any further delay.

Nevada became the 36th State to ratify the amendment last March, leaving the ERA just two States short of the required three-fourths of the States threshold under the Constitution if the deadline were to be abolished.

The ERA would incorporate a ban on gender-based discrimination, explicitly

written or otherwise, into the Constitution. It could change outcomes in discrimination cases by requiring the Supreme Court to use the higher standard of "strict scrutiny" when assessing those cases, the same standard used in racial and religious discrimination cases.

I think many—perhaps most—Americans would be shocked to learn that our Constitution has no provision expressly prohibiting gender discrimination.

In a 2011 interview, the late Justice Antonin Scalia summed up the need for an Equal Rights Amendment best. He said, "Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't."

So I ask my Senate colleagues this question most sincerely: Are we willing to do what must be done to prohibit gender discrimination in the Constitution? The people being affected by systemic gender inequality are our constituents. They are our mothers, sisters, wives, daughters, and our granddaughters. They are American citizens who deserve basic respect and equality.

It is time to end the assault on working families in this country. Let's end discrimination by making it possible to ratify the ERA. Let's close the pay gap. Let's stop denigrating Federal workers. Let's support, not attack, the collective bargaining rights that are the cornerstone of a strong middle class. I regret that the Senate is poised to confirm two individuals who are unlikely to assist these efforts. We can and must do better.

THE PRESIDING OFFICER. The Senator from Oklahoma.

FAIR TRADE

Mr. LANKFORD. Mr. President, let me do a quick history lesson with this body. In 1773, the Colonies we were getting more and more frustrated with King George. There were a lot of issues we raised with him—a lot of taxes, a lot of changes, things that were happening in the judiciary, things that were arbitrary that were coming down. Then it boiled to a head.

In December of 1773, a group of American colonists went out to Boston infuriated with the tariff policy over tea. The British East India Company had special access that no one else had. They had no taxes and everyone else had a tax—a tariff. It pushed out all of the other companies except for the British East India Company. A group of American colonists went out to one of the ships, grabbed all the tea in the harbor, and threw it overboard, creating the legendary Boston Tea Party.

That was an argument about tariffs. It was an argument about international trade. It was an argument about American companies and fair trade, and we still talk about it today.

It is interesting to note that in our letter that Thomas Jefferson wrote in 1776, which we now call the Declaration of Independence, in the long list of grievances that we wrote out to King

George, we included this line: We are cutting off our trade with all parts of the world as one of our big grievances. That grievance fell between the grievance of the British Government allowing British soldiers to murder inhabitants in America and our taxes without consent. In between those was cutting off our international trade. We have been free traders as a nation since even before we were a nation, and we have been passionate about keeping it fair but keeping it free and keeping it open.

Free trade is a big issue for us, and for some reason it has become this big national conversation again. Should we have free and fair trade? Should we continue to engage? What does it mean to have a deficit in our trade? Does it have to be equal with every country, that they buy from us as much as we buy from them? Suddenly, this has become a brand-new dialogue again.

I wish to bring a couple of real world moments to this, beginning with the history lesson, by stating that trade—and international trade, specifically—was important to us even before we were a country. We were gathering supplies from all over the world to be able to do our basic production. We are still doing that today.

For some reason I run into people that think this international supply chain is something new in this generation. I tell them that they should look at our history and see that the United States has always had an international supply chain.

We are also 25 percent of the world's economy. There is no nation in the world that can afford to buy as much from us as we buy from them. We are the largest economy in the world, by far. We are going to buy more from other countries.

The issue is, How does this work in our economy and how do we make sure we protect American manufacturing and the American consumer at the same time? Let me walk through what this looks like.

Charlie and Mary Swanson are Oklahomans and third-generation farmers and ranchers who live in Roosevelt, OK, with a whopping population of 241. The agricultural products they produce help feed the world. They raise wheat, cotton, cattle, and milo.

Every year their crops are harvested using John Deere equipment. We look at the John Deere tractor and its beautiful green and we think: That is a great American company, except that parts of the equipment also come in its original form from Mexico. Parts come from India, and parts from Germany. Most of the parts come from the United States. They employ 60,000 people in the United States.

It is a great American company—John Deere—but their cabs are made in Germany. Their hydraulic cylinders are made in Mexico. The castings from the foundry are from Iowa, but the guidance products are from California. Some of the transmission and electronic parts come from India, and