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Senate

EXECUTIVE SESSION

EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. will be equally divided between the two leaders or their designees.

If no one yields time, the time will be charged equally.

The Senator from Oregon.

NOMINATION OF AJIT PAI

Mr. WYDEN. Mr. President, I rise in opposition to the President's nomination of Ajit Pai to head the Federal Communications Commission.

My view is that, Mr. Pai will do an enormous amount of damage to one of the foundational principles of the internet—net neutrality. I am going to outline why that would be a horrendous mistake for our country.

After we came to use the internet and see what an extraordinary asset it would be to our country, really beginning in the late 1990s, and early 2000s, we laid out what I still consider to be the legal foundation for the internet.

On a bipartisan basis, there was a big effort in the Senate and the House to really lay out what were the foundational principles of the net, and there were a variety of them. We wanted to make sure that folks were not hit with multiple and discriminatory taxes, and that they were not taxed on access to the internet. We wrote the digital signatures act, which is of enormous benefit to people, for example, in the Presiding Officer's home State of Nevada, where they are making business transactions. We made a judg-

ment, which some have said has led to \$1 trillion worth of private wealth for our economy, whereby we said that we were not going to expose the small entrepreneur—the person who is getting started in the garage—to needless litigation.

One of those core principles was net neutrality, which, in my view, for the reasons that I am going to describe this morning, I think Mr. Pai would work long and hard to try to undermine.

Because so much of the telecommunications debate sounds like a lot of complicated lingo, I want to try to describe in something resembling English what "net neutrality" is. Essentially, "net neutrality" means that after you have paid your internet access fee, you get to go where you want, when you want, and how you want. In a sentence, that is what net neutrality is all about, and it is a bedrock principle for internet users in the Presiding Officer's home State of Nevada and in Oregon and all across the country.

It locks in equal treatment to accessing the internet.

We are not going to have some kind of information aristocracy in our society whereby the affluent have access to some kind of technological treasure trove, and folks who do not have much are kind of stuck with what almost resembles dial-up. That is not what we want for communications policy in America. We want to give everybody a chance to get ahead so that the kids in rural Oregon and rural Nevada have the same kind of opportunities as youngsters in Beverly Hills or the Gold Coast of Chicago or Palm Beach. We want to make sure everybody has a chance to get ahead.

Mr. Pai says that he is for real net neutrality, and we have tried to pin him down on a whole host of policies that really get him to commit to the essence of it, but he mostly says a version of what the big cable companies say. The big cable companies have

The Senate met at 9:30 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 of grace and glory, lift us with Your might. You are our security, our hope for years to come.

Lord, give our Senators such confidence in Your power that they will celebrate the victories that are yet to be. May they never forget the inheritance that belongs to all who love and serve Your will on Earth. Provide them with the wisdom to know that You are the only sure foundation for all their strivings. Remind them that unless You protect the Nation, its leaders and citizens labor in vain.

Eternal Spirit, great and marvelous are Your works, just and true are Your ways.

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.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. HELLER). Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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



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come to say: We like net neutrality. We are not going to block anything. We are for the consumer; we are for the little guy. We just do not want a whole lot of government.

They say that what they really would like is voluntary net neutrality.

Let me tell my colleagues something. There is about as much likelihood that the big cable companies will voluntarily subscribe to net neutrality as there is the prospect that William Peter Wyden—one of my 9-year-old twins, the boy—will voluntarily limit himself to one dessert. It is just not going to happen. It is just not going to work. Mr. Pai is on the side of the big cable companies. He has a long history of putting those companies before the consumers—the big corporate players over the small businesses—and pay to play over a free and open internet.

I introduced the first strong net neutrality bill here in the Senate in 2006. We all know that back then we were just starting the debate about technology policy. The Senate was getting ribbed pretty seriously by the late night talk show hosts who said that the internet was a series of tubes. So, as I have indicated, what we have tried to do is to make sure that if you pay your internet access fee, you get to go where you want, when you want, and how you want.

Net neutrality has been the law of the land, and our economy has grown around this leading principle with respect to equal access to information and customers. Mr. Pai has said that he wants to take a “weed whacker” to the strong, enforceable net neutrality rules. Right away, with his quotes that are on the record, he is talking about blowing up this notion of a level playing field, which is so crucial to innovation and free speech online and that allows the startups to get out of the garage to become the next YouTube and Google and eBay.

I want to emphasize that point.

People talk a lot about technology policy.

To my colleagues, this tech policy debate is about the little guy who wants to be able to get his business out of the garage so that he can become the next big guy. Net neutrality gives us the opportunity to create opportunities for that small entrepreneur, the person who is a small entrepreneur with big dreams.

Net neutrality prevents your internet service provider from favoring one type of content over another. As an example, suppose your internet provider has a financial stake in a third-party content site. It could ensure that content goes to your home faster and clearer than to the homes of its competitors if you did not have real net neutrality—enforceable, real net neutrality, not something like Mr. Pai wants, which is, oh, we will kind of pay lipservice to net neutrality but not make it enforceable.

For example, you could have AT&T deciding to provide free data for cus-

tomers streaming HBO, which would cause more folks to subscribe to that service over its competitors and starve other creators of the subscribers necessary to create new and innovative content. That is the kind of thing that happens if we do not have real net neutrality.

It even holds true for telehealth providers. Telehealth depends on reliable, fast, and low-cost internet coverage to transmit critical health information, especially in rural and remote areas—for example, the remote monitoring of blood glucose levels in diabetes patients. Net neutrality prevents the internet service providers from viewing this lifesaving service as a cash cow, thus charging rural hospitals and community health centers a premium fee to deliver critical and timely healthcare services.

Not long ago, the Federal Communications Commission adopted a strong legal framework that would make sure that the Federal Communications Commission had the tools to protect the open internet, and the reality was that, then, the Federal Communications Commission and a gentleman named Mr. Tom Wheeler, who had a background in the industry, used their experience in how companies operated and how they treated consumers to make sure that we had constructive, real, and concrete consumer protections.

The reason I feel so strongly about Mr. Pai's nomination is that Mr. Pai made it clear with his comments about taking a weed whacker to anything enforceable. He is going to roll back the rules, and then he is going to claim to be fixing a problem that doesn't exist.

The reality is that we have strong net neutrality protections in place right now. If you vote for Mr. Pai, make no mistake about it, you are voting to roll back consumer protection. You are voting to take a big step backward for the internet. You are going to hurt the people—the small business people, the startups—who are dreaming in their garage of the chance to be big and who are going to have a lot more problems if there is a telecommunications policy that doesn't give them a fair shake.

As I indicated, this notion of a voluntary solution to net neutrality is absurd. I talked about it in the context of my own son. It would be hilarious if I even suggested to my son that I am going to let him, William, voluntarily limit himself to one dessert. He would smile and wait until I got out of the room, and he would dig in for some more. That is going to be the same thing if we embark on a net neutrality policy that says: Let's just trust the big cable companies; the cable companies, in their heart of hearts, are all about the little guy. They are just going to voluntarily go along with net neutrality because they are just that kind of good folks who want to make sure that the little guy gets ahead. The fact is, Chairman Pai's track record

demonstrates that he is not in the consumers' corner.

Last year the Federal Communications Commission acted on the responsibility given to it by the Congress to protect browsing history, favored applications, and even the location of broadband users from the ISP. During that vote, Mr. Pai voted no. He was, again, with cable companies' profits over the American consumers' privacy.

During the August recess, Mr. Pai began an attempt to really backdoor a proposal that would lower the acceptable standard speed of internet access in rural areas. That is just wrong. Rural areas are already facing huge broadband challenges. Last Saturday night, I was in Oak Ridge, OR, which has a population of a little over 3,000. Earlier that day, I had been to La Pine, OR, in Central Oregon. Right on the top of their agenda is trying to find ways to expand opportunities for better communications in rural areas and more opportunities for broadband.

So in the August recess, when communities like Oak Ridge and La Pine want more opportunities in rural communities, we had the Chairman of the Federal Communications Commission trying to sneak through a proposal that would lower the acceptable standard speed of internet access to rural America and hurt rural America. Make no mistake about it. That would hurt rural America—the Oak Ridges and La Pines. It is just wrong. The Congress mandated that the FCC expand access to high-speed internet to every American, and Mr. Pai basically said: No, slower internet speed is good enough.

As I indicated, just this last weekend, on Saturday night, we had a town-hall in Oregon. I am telling you what these small communities are telling me about their current frustrations with slow and unsatisfactory internet speeds. Mr. Pai is giving a big gift to the powerful interests, and their internet speeds are going to get slower rather than what rural America wants, which is faster internet so that they have more opportunities to participate in the global economy and more opportunities to help their kids with their homework. Congress and the Federal Communications Commission ought to be working for all to have access to high-speed internet and not telling folks in rural America that what they have is just good enough.

Mr. Pai has repeatedly failed on another matter, and that is to act even in the face of clear danger to the security of America's mobile phones. Despite years of warnings about well-known weaknesses in mobile phone networks that allow hackers and spies to track Americans' phones, intercept calls and messages, and hack the phones themselves, Mr. Pai has taken a hands-off attitude. His Federal Communications Commission says it is not going to force wireless carriers to fix the weaknesses, and—what a surprise—his traditional answer is that “voluntary measures are going to do enough.” I disagree because they haven't worked.

We always talk about the role of government. I think this is an area that really lends itself to thoughtful discussion because, obviously, we don't want government if you can figure out a way to solve a problem without it. The voluntary measures have not worked here on these basic security issues I have described. The self-regulation approach has failed. The Federal Communications Commission has to force the carriers to secure their networks and protect America's critical communications infrastructure. The failure to act on this security issue means that the American people are going to be less safe.

I close by saying that my view is that net neutrality has sparked the flames of innovation and commerce on the internet. Net neutrality has been one of the foundational principles that we started working on in the late 1990s and in the early part of this century. It was up there in terms of importance, like trying to prevent multiple and discriminatory taxes on electronic commerce, particularly taxing internet access, and the digital signatures law, making sure that you couldn't hold somebody personally liable if they were to invest in a website or a blog. These were foundational principles that have been of enormous benefit to our country, and net neutrality was one of those. I guess it would be the fourth in the list of foundational principles that we talked about and have been talking about for well over a decade.

We should be building on net neutrality, not walking it back. I believe that what Mr. Pai is talking about is a significant retreat from the freedom and openness that the internet is all about.

I urge my colleagues to vote against the confirmation of Mr. Pai. Vote in favor of a truly open internet.

I yield the floor, as I note the Democratic leader is here to speak.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. PORTMAN). The Democratic leader is recognized.

ORDER OF PROCEDURE

Mr. SCHUMER. Mr. President, first I ask unanimous consent that I be able to speak in leader time, and, after my remarks, that the Senator from North Dakota be recognized to speak on the judge nomination and be given the time she wants, about 10 minutes, and that we move the vote to immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

THANKING THE SENATOR FROM OREGON

Mr. SCHUMER. Mr. President, let me thank my friend from Oregon for his outstanding remarks. He has been a leader in keeping the internet open and free and making sure that this new highway system, in effect, is as free as our old highway system, or the existing highway system, to let the big guy

and the little guy compete on equal terms. That is all we want, and Mr. Pai doesn't seem to get that.

There is a whole round of appointees from this administration who simply side with big corporations no matter what, and this is an example of just that.

So I thank my friend from Oregon for his remarks.

Mr. President, I have three topics this morning—briefly, healthcare, then, Puerto Rico and the U.S. Virgin Islands, and, finally, taxes.

HEALTHCARE

Mr. President, on healthcare there is a bit of good news. I just spoke with Senator MURRAY this morning. I saw Senator ALEXANDER in the gym, as I do just about every morning. Both are two of about the best negotiators we have in this body. Both have come to agreements across the aisle on many other occasions. They both inform me that they are on the verge of a bipartisan healthcare agreement to stabilize markets and lower premiums.

Now, we have had some bipartisan sprouts on healthcare recently. It is time for those sprouts to flower, and I am hopeful they will. I told PATTY MURRAY that she has my faith and confidence. She has the freedom to cut the best deal she can, and I hope the leadership will tell the same to Senator ALEXANDER.

It was widely reported, before the Graham-Cassidy bill was withdrawn, that there was pressure on Senator ALEXANDER to pull back. Well, that is over. Let's all come together. Our healthcare system needs it, and our constituents need it. They don't want premiums to go up and coverage to go down, and it would be a great start for some bipartisanship in this place, which I hope we can continue on more issues.

PUERTO RICO AND U.S. VIRGIN ISLANDS RECOVERY EFFORT

Mr. President, on Puerto Rico and the U.S. Virgin Islands, we know about the crisis. Just looking at the pictures breaks your heart. We hear the stories of people desperately needing their medicine and diabetics needing insulin, which can't be refrigerated because there is no electricity to keep the refrigeration going. There are people dying right now because they can't get the medical attention they need, and, of course, there is a need for food, water, power, and transportation. It is awful.

Yesterday, Leader PELOSI and I met with Gen. Lori Robinson. It felt nice, amid this devastation, to see a woman have four stars on her shoulder. She is a four-star general in the Air Force, and she is head of the U.S. Northern Command. She is the military person in charge.

We met with her to get an update on the Department of Defense's work in assisting the islands. It was evident from our conversation that, while the military is increasing the amount of resources it is sending to the island,

there is a lack of command and control about how those resources are distributed. In other words, they probably have enough food, they probably have enough gasoline—that is what the Governor of Puerto Rico said today—but they can't get it to the places it needs to go. Part of it is because they need transportation—trucks and things—but a lot of it is because there is no one there to make sure. Puerto Rico's command and control has been decimated by this storm as well. People can't get to the places they are supposed to go. They don't have their phones, et cetera.

I spoke with Senator RUBIO this morning in the gym as well. He had just recently visited Puerto Rico. He had seen the devastation firsthand, and he told me the same—that Puerto Rico and the Virgin Islands are struggling, and they need help fast. His visit to Puerto Rico confirmed this idea that we really need command and control.

Well, there is no better command and control organization than our military, and we need our military to start aiding Puerto Rico in the command and control sense, as well as in the shipping of supplies, food, and the other kinds of things they need.

Puerto Rico needs help fast. They need personnel to direct the supplies and resources on the ground. All the aid in the world will be ineffective if it doesn't go where it is needed to go. So I joined Senator CANTWELL, the ranking member on the Energy Committee, which has jurisdiction in many ways here, and Senator NELSON, who cares a great deal about Puerto Rico and is from Florida, nearby, and 30 other Senators in sending a letter to the Trump administration that contains a list of needed resources and personnel to coordinate our relief efforts.

It appears there will not be a request for emergency supplemental appropriations this week. We hope it comes very soon.

Mr. President, we cannot forget the utter devastation facing the 3.5 million American citizens in Puerto Rico and the Virgin Islands. I have been on this Earth now for quite a few years, and I have never seen such devastation anywhere in the United States or its territories. So we need to act, and we need to act quickly. Command and control, which our military can help supply, should be at the top of the list.

TAX REFORM

Finally, Mr. President, on taxes, yesterday President Trump and Republican leaders laid out their tax plan, sharing the first sketchy set of details with the American people about what they want to change in our Tax Code. Any serious analysis of their proposal will leave you with one conclusion: President Trump and the Republicans have crafted a massive tax break for the very wealthy in our country.

Welfare is supposed to take care of the poor. This plan takes care of the rich. Plain and simple, the Republican plan is "wealthfare," the opposite of

welfare. It is designed to take care of the rich. It repeals the estate tax, which goes to so few people in such large amounts of money, slashes the corporate rate, creates enormous tax loopholes for wealthy hedge fund managers in the form of a rate cut on passthroughs, and it lowers the rate, amazingly enough, on the top bracket of the wealthiest Americans while raising the tax rate on those at the bottom of the income scale. Who would have thought?

Secretary Mnuchin, Gary Cohn, and the President himself have said: We want to help the middle class. Then the first thing they come out with—again, we don't know all the details—lowers the top rate on the wealthiest and raises the bottom rate on the working families, which is the opposite of what they are saying.

On the estate tax, the bottom line is that only people whose estates are above \$10 million pay a nickel of estate tax—only those. It is a handful. We are compiling how many people in each State have paid the estate tax for the last 5 years. Everyone in their State will see how few people are affected. You know, if someone has a big farm and maybe it is \$12 or \$15 million and they don't want to sell it—pass it onto their kids—I am willing to make an exception for that. I think most people will, but that doesn't justify repealing the entire estate tax.

Moving on to corporate taxes, there is a difference between the big corporations and small corporations. The big corporations right now are making record profits. Let's say the thousand biggest are making record profits. They have more money than they have ever had. According to a study—I believe it is by Goldman Sachs, which is hardly a leftwing think tank—they are paying the lowest percentage of their profits as taxes in a very long while. Big corporate America is flush with money. They are not using it to create jobs. Why in God's Name anyone thinks, after giving them more money through a tax break, all of a sudden they are going to start creating jobs when they are not doing it now is beyond me.

It is different for small businesses. We Democrats understand that small businesses need a break. We will work with our colleagues to do it. But even this passthrough—the biggest benefit is going to be wealthy lawyers and hedge fund managers, who will then pay an individual tax rate of 25 percent while so many others who have much less wealth are paying more in taxes.

So the President gets up and says this is a tax break for the middle class. I believe he said this morning that he will not benefit from it. Please, let's have some honesty here. If you really believe giving tax breaks to the wealthiest people and the biggest corporations is going to create jobs, then have the courage to say it. Don't fudge it.

President Trump said that his plan would create a middle-class miracle. I

think it would be a miracle if it helped the middle class, given the numbers I have seen. While the tax plan doubles the standard deduction—that is one of the points where they say they help the middle class—it eliminates the personal exemption. The standard deduction is \$12,500; personal exemption is \$6,000. Figure it out, my friends. If you are a family of three or more, you lose, not gain. Three times \$6,000 is \$18,000; that is opposed to a \$12,500 standard exemption. It doesn't make sense.

Oh, and how about this one: The personal exemption is not the only one gone. State and local deductibility—I predict that is going to be a downfall of this plan. I know the ideologues say: Let's go after the States that charge taxes. Let me tell you, there are 40 or 50 Republican Congressmen from well-to-do suburban districts in high-tax States—New York, California, New Jersey, Pennsylvania, Illinois, Maryland—whose constituents will be clobbered by removing State and local deductibility. They will be clobbered. The \$12,500 they gain in the standard deduction, minus what they lose in the individual deduction, is far less than they pay in State and local taxes in those districts.

We are going to be watching them like a hawk. I will tell my New York Republican friends from those well-to-do suburban and upstate districts: You are going to be hurting your constituents if you vote for a plan that gets rid of State and local deductibility. The eyes of America will be on you, and certainly the eyes of each State.

How about this one: They eliminate the deduction for extraordinary medical expenses. If you have a child with cancer, it is hard to pay for it, and your insurance covers some, but you are not going to get a tax break for shelling out money for that extra medicine or that extra MRI scan—no.

So the Republican game plan gives a few crumbs to the middle class—and many in the middle class will pay more in taxes, a few hundred off taxes maybe—and at the same time gives a huge break to corporations and the superwealthy. The American people will not buy it. This is not 2000 or 1982, my Republican friends. We have huge problems where the wealthy are doing great, and the middle class and the poor are doing badly.

The American people will not buy tax breaks for the rich. They will not buy it. Seventy percent of Americans already think our system favors the wealthy, and the Republican tax plan drops an anvil on the scales of our tax system, tipping them even further in favor of the wealthy. The American people will not be for that.

What about the deficit? We hear about deficits every time there is a new program. This dwarfs any spending program in terms of the deficit that we have enacted over the last several years—\$5 to \$7 trillion of deficit. What has happened to all the Republicans who talk about wanting to be deficit neutral when it comes to spending? Is that out the window? We will see.

Let me tell you something that really got under my skin—sorry to my colleague from North Dakota. I am just agitated about this in a good way.

This morning, the chief economic adviser to President Trump, Gary Cohn, said the administration believes it "can pay for the entire tax cut through growth" by using a dynamic scoring model. Gary Cohn comes from Goldman Sachs. If he used that funny kind of math at Goldman Sachs the way he is using it here in Washington, he would have been kicked out of that firm a long time ago. Gary Cohn should know better; Gary Cohn does know better.

Let me repeat what I said yesterday: Dynamic scoring is fake math. Paying for tax cuts with growth is fake math. We know it is fake math; we have real-world examples. The 2001 and 2003 Bush tax cuts were promising they would pay for themselves through economic growth. It is the same thing you hear from the Club for Growth and some of my colleagues.

Some dynamic scoring models at the time predicted the 2001 and 2003 tax breaks would grow the economy so much it would nearly wipe out the national debt, but what happened? I heard the Club for Growth leader get on TV and say: Well, there may be a deficit in the short run, but after 10 years it will all be taken care of. Ten years after the Bush tax cut, CBO estimated the Bush tax cuts added \$1.6 trillion to the deficit.

How about the example of the great State of Kansas? Governor Brownback slashed the top rate. He exempted passthrough businesses. It was a real-life experiment in a Republican State, similar to what President Trump announced. Brownback's backers used dynamic scoring models to estimate that his tax cuts would generate \$323 million in new revenue by 2018. Guess what happened. It added so much money to their deficit over 4 years that they have had to figure out ways to raise taxes now, just as Ronald Reagan did in 1986. So this idea that the administration can pay for a \$5 to \$7 trillion tax cut through growth is simply selling a bill of goods using fake, fake math.

I yield the floor

The PRESIDING OFFICER (Mr. YOUNG). The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, I come to the floor today to give my strong support and ask my colleagues to support the confirmation of Judge Ralph Erickson to fill the North Dakota vacancy on the U.S. Court of Appeals for the Eighth Circuit. This is a seat that the U.S. Judicial Conference has deemed a judicial emergency, as it has been empty for almost 900 days. Being nominated to a seat on the U.S. circuit court of appeals is an honor and a privilege, virtually unmatched in the legal profession.

After reviewing Judge Erickson's record and talking to his colleagues and the people who have worked with

him and appeared before him back in North Dakota, I am very proud to come to the floor this morning and offer my strong support for his nomination to the Eighth Circuit. When Judge Erickson was nominated and confirmed to his current seat on the U.S. District Court for North Dakota, it was with the support of our two great former Senators and my good friends, Byron Dorgan and Kent Conrad. Judge Erickson has certainly upheld their faith and trust in his abilities as a district court judge, and I am confident he will uphold my faith and my trust in his ability as he moves to the Eighth Circuit.

Judge Erickson has a long history of commitment to the legal profession and the State of North Dakota, first through his service on the State court and, since 2003, as a judge on the U.S. District Court for the District of North Dakota. Very few lawyers can make such a long-term commitment to public service, and his record certainly reflects his belief that when a lawyer is called to serve for the greater good, they should answer that call. I hope Judge Erickson is able to instill this sense of commitment to public service in aspiring young lawyers whom he will come to meet and whom he will be able to influence through his example.

A nominee for the North Dakota seat on the Eighth Circuit must have experience in working with Indian Country, given the number of Tribes and the Indian land that are contained within the jurisdiction of the Eighth Circuit. During his career and at his hearing before the Judiciary Committee, Judge Erickson has shown an in-depth understanding of Tribal sovereignty issues and a recognition of the challenges and disparities in the treatment of Native Americans under the law when they are arrested and charged for crimes in Indian Country.

Judge Erickson has been an advocate for equal treatment of Native Americans under the law. He also serves as the chair of the U.S. Sentencing Commission's Tribal Issues Advisory Group. I have no doubt that Judge Erickson will bring this knowledge and understanding of Tribal issues, sovereignty, and treaties with him to the Eighth Circuit.

The best judges always have been people who can truly understand and bring to the bench a sense of empathy. Judge Erickson has used some of his own struggles and challenges during the course of his life to inform his own views and to give counsel to those who come before him as he uses his own personal struggles as an example. It takes a really big person to recognize and learn from their failings and to use them to help others. I admire him greatly for that.

During his confirmation hearing before the Senate Judiciary Committee, Judge Erickson showed an openness and frankness in responding to questions and discussing his past struggles. That was refreshing, illuminating, and

honestly all too rare here. I believe he impressed my colleagues on that committee greatly with his willingness to be so forthcoming and so honest. That is why they unanimously reported his nomination out of the committee.

It is a tremendous honor to be on the floor of the U.S. Senate before Judge Erickson's confirmation vote. I am here today to give my highest recommendation in support of his nomination to the U.S. Circuit Court of Appeals for the Eighth Circuit. I, again, urge all of my colleagues' thoughtful consideration and evaluation and favorable endorsement of his confirmation.

Thank you so much.
I yield the floor.

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 Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Orrin G. Hatch, James Lankford, Jerry Moran, Johnny Isakson, John Thune, Thom Tillis, Shelley Moore Capito, Mike Crapo, James E. Risch, Mike Rounds, John Barrasso, John Cornyn, Chuck Grassley, John Boozman, John Hoeven, Rob Portman.

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 Ralph R. Erickson, of North Dakota, to be United States Circuit Judge for the Eighth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

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 Mississippi (Mr. COCHRAN) and the Senator from Alabama (Mr. STRANGE).

Mr. DURBIN. I announce that the Senator from Minnesota (Mr. FRANKEN) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The yeas and nays resulted—yeas 95, nays 1, as follows:

[Rollcall Vote No. 206 Ex.]

YEAS—95

Alexander	Cantwell	Cortez Masto
Baldwin	Capito	Cotton
Barrasso	Cardin	Crapo
Bennet	Carper	Cruz
Blumenthal	Casey	Daines
Blunt	Cassidy	Donnelly
Booker	Collins	Duckworth
Boozman	Coons	Durbin
Brown	Corker	Enzi
Burr	Cornyn	Ernst

Feinstein	Lankford	Rubio
Fischer	Leahy	Sanders
Flake	Lee	Sasse
Gardner	Manchin	Schatz
Gillibrand	Markey	Schumer
Graham	McCain	Scott
Grassley	McCaskill	Shaheen
Harris	McConnell	Shelby
Hassan	Merkley	Stabenow
Hatch	Moran	Sullivan
Heinrich	Murkowski	Tester
Heitkamp	Murphy	Thune
Heller	Murray	Tillis
Hirono	Nelson	Toomey
Hoeven	Paul	Udall
Inhofe	Perdue	Van Hollen
Isakson	Peters	Warner
Johnson	Portman	Whitehouse
Kaine	Reed	Wicker
Kennedy	Risch	Wyden
King	Roberts	Young
Klobuchar	Rounds	

NAYS—1

Warren
NOT VOTING—4

Cochran
Franken

Menendez
Strange

The PRESIDING OFFICER. On this vote, the yeas are 95, the nays are 1.

The motion is agreed to.

The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—S. 1808

Ms. BALDWIN. Mr. President, in 2 days, unless Congress acts, the Federal Perkins Loan Program—the Nation's oldest Federal student loan program—will expire, leaving thousands of students with one fewer option to help them afford a higher education.

Since 1958, the Perkins Loan Program has existed with broad bipartisan support and has provided millions of students a stronger path to the middle class.

In the 2016 to 2017 academic year, the program has served more than 770,000 students with financial need across more than 1,400 institutions of higher education. In my home State of Wisconsin alone, Perkins provided aid to more than 23,000 students who are working hard to achieve their dreams.

Colleges and universities are invested in Perkins. This program operates through campus-based revolving funds that combine prior Federal investments with significant institutional resources. While Congress stopped appropriating new funds for Perkins more than a decade ago, these schools continue to invest in this program because they know it works, and the campus-based nature of the program allows them to target aid to students they know are in the greatest financial need.

I am here to call on all of my colleagues to join me in supporting the extension of this critical program and investment in our students across America.

Two years ago, we allowed this important program to lapse, but thanks to the tireless efforts of students, institutions, advocates, and a bicameral, bipartisan majority in support of Perkins, we were able to advance a compromise that ensured that this source of support continued to be available to students in need.

Once again, we are facing a deadline. Once again, there is strong bipartisan

support for extending the Perkins Loan Program. Last week, Senators PORTMAN, CASEY, and COLLINS joined me in introducing the Perkins Loan Program Extension Act, which would provide for a 2-year extension. My fellow Wisconsinite, Representative MARK POCAN, together with New York Representative ELISE STEFANIK, have introduced a House companion bill that is supported by over 225 of their colleagues—a bipartisan majority in that Chamber.

I am here to call on my colleagues to act once again and support a 2-year extension of the Perkins Loan Program. And while I look forward to a broader conversation about improving Federal supports for students as we look to reauthorize the Higher Education Act, we cannot once again sit by and watch it expire as America's students are left with uncertainty.

Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 1808, a bill to extend the Federal Perkins Loan Program for 2 years; that the Senate proceed to its immediate consideration and the bill be considered read a third time and passed, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I would like to take a moment to explain my reason for the objection.

First, I would like to say to the Senator from Wisconsin that I am grateful for her work on the Health, Education, Labor, and Pensions Committee, where she is a valuable, diligent, and constructive member. We work on a great many things together and have agreed to very many things. However, we disagree on this one, and here is why. Let me summarize it at the beginning of my remarks and then explain it with a little more detail.

No one who has a Perkins loan today loses that loan, period. So if you are a student anywhere in the country and you have a Perkins loan for this year, you don't lose that loan, period.

Second, no one who has a Perkins loan for next year loses that loan because no one has one. They were ended 2 years ago. Every student was told in his or her financial aid information that the Perkins Loan Program ends this year, so no one could expect to have one next year. No one has been granted one for next year, so no one who has a loan is losing a loan.

Why did we, in December of 2015—2 years ago—reach a bipartisan agreement to sunset, or end, the Perkins Loan Program in 2 years, which is the end of this week? In that agreement, we allowed graduate students to receive Perkins loans for 1 additional year and undergraduates to receive Perkins loans for 2 additional years. It

was made clear at that time—2 years ago—that this was the last time the program would be extended, but we wanted to have a smooth transition, and we did not want students and colleges and universities to be surprised. That agreement, therefore, included many requirements for institutions of higher education to inform students over the last 2 years that the Perkins Loan Program would end on September 30 of this year, which is the end of this week. That agreement also set policies to make the sunset of Perkins loans as smooth as possible for students. The expiration of this loan program was not and should not have been a surprise. It has not received any appropriation since the year 2004, and the U.S. Department of Education reminded institutions that it was ending the program this year.

Now, why? Why are we ending the program? Why did we agree to do that 2 years ago, and why have the last three Presidents recommended that we end it—President Obama, President Trump, and President Bush?

The Department of Education estimated that in the 2016 to 2017 school year—that is the school year that just ended—the Perkins Loan Program provided less than \$800 million in new Perkins loans to about 300,000 recipients. That may seem like a lot, but by comparison, the Department estimated that the Federal Government disbursed over \$22 billion to almost 7 million undergraduate students in the Stafford Subsidized Loan Program, or the regular Direct Loan Program. The Perkins loan—a separate loan—provides an average loan of roughly \$2,000, and it illustrates the complicated mess in which students find themselves because of our Federal student aid system today.

The Perkins loans have a higher interest rate than other loans that are available to students today. The interest rate is 5 percent, compared with 4.45 percent for undergraduate loans. And students who have a Perkins loan aren't eligible for certain programs that exist for students with other loans, such as the income-based repayment programs and the public service loan forgiveness programs, which help students manage repayment of their loans. Those aren't available to students with a Perkins loan. The default rate for Perkins loans is higher than for the Stafford loan.

The bill which the Senator from Wisconsin has offered would cost taxpayers, according to the Congressional Budget Office, \$900 million for a 2-year extension. If we were to extend the program over 10 years, it would cost \$6.5 billion, according to the Congressional Budget Office. The bill does not have an offset, so these billions of dollars would only serve to add to the \$20 trillion Federal debt we already have.

I object because I think it is time for our country, through legislation by this Congress, to move on to a simplified Federal student aid program

that has only one Federal loan for students, one Federal grant for students, and one work-study program for students.

As I have spoken often about on this floor, along with Senator BENNET from Colorado, we would like to reduce the application form for those Federal grants and loans called FAFSA—the dreaded FAFSA which 20 million students and their families fill out every year. We would like to reduce that from 108 questions to 2 or 5 or 10 questions.

We need a much simpler program for Federal student loans, and the end of the Perkins Loan Program is a small step toward that end.

As I mentioned, President Bush recommended that the program end, President Obama recommended that the program be changed and folded, in effect, into the regular Direct Student Loan Program, and President Trump has the same position.

I look forward to working with my colleagues, including the Senator from Wisconsin, on the reauthorization of the Higher Education Act later this year, when we can work together to improve our Federal student loan programs and our grant programs, find ways to simplify them, make it easier and cheaper for students to attend college, and to help students pay those loans off, after they get them, in a fair and simpler way.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. Mr. President, I am certainly disappointed that my effort to extend the Perkins Loan Program today was just blocked by my Republican colleague, but I want to say that it is an honor to serve on the HELP Committee, where we do some very impressive bipartisan work.

I understand the Senator's concern about the program and his belief that we must simplify. I share his desire to work on a broader reauthorization of the Higher Education Act, and I look forward to that broader conversation about our Federal financial aid programs. However, I do not think it is right or fair to end this program, with nothing to replace it, to the detriment of students in need.

Also, I cannot agree that the compromise we hammered out 2 years ago was an agreement to wind down the program. I guess it is the perspective that we each bring to this subject, because I believed we were acting to ensure that the Perkins Loan Program could continue until we could discuss changes, improvements, and reforms to it and all Federal financial aid programs as part of broader legislation to improve higher education. We have yet to get to that bigger conversation, and it would once again be unfair to let this program end now without the benefit of a holistic assessment of the many ways the Federal Government helps to make college affordable for students across this country.

I will continue to fight to extend this support for America's students, and I hope the chairman of the committee will once again work with me and the bipartisan supporters of this program to find a path forward for the Perkins Loan Program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I will conclude my remarks because I see the Senator from Mississippi is here.

Of course I will be glad to work with the Senator from Wisconsin. The fact is, 2 years ago we agreed to end the program. The graduate loans ended last year, and the undergraduate loans end this year. Everybody was told about it.

Every student who wants a loan can get a direct student loan from the government at a lower rate, with better repayment programs and better payment provisions than the Perkins loan. So no one is losing a loan, and everyone can get a better loan if they apply for a direct loan.

We do need a simpler program, and we need to simplify the application process for applying for the loans and grants and for paying them off.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

NOMINATION OF AJIT PAI

Mr. WICKER. Mr. President, later on today, the Senate will move to a vote to advance the nomination of Ajit Pai to become Chairman of the Federal Communications Commission. I rise today in strong, enthusiastic support for confirming Chairman Pai as the permanent Chairman of the FCC.

In the 9 short months since Donald Trump chose Mr. Pai to serve as the FCC's Acting Chairman, he has restored confidence in the agency's ability to do its work on behalf of the American people and within the rule of law.

He is working to establish the light-touch regulatory framework that allowed the internet to become the marvel of the modern age, keeping it free and open for consumers, innovators, and providers. Internet technology will continue to thrive if we keep the heavy hand of government away from the controls.

Chairman Pai recognizes the need to close the digital divide between our Nation's rural and urban communities. I am working closely with him and with other members of the Commission to remove barriers to internet connectivity that exist in my home State of Mississippi and across the country. Without broadband access, these rural communities could lose out on critical jobs, economic development, and many other opportunities borne out of the thriving internet economy.

Mr. Pai has already proven he is capable of being an exemplary FCC Chairman who will fight for the unserved and underserved Americans.

As Acting Chairman, Mr. Pai has overseen the adoption of Mobility Fund Phase II rules supporting universal service. He has sought the advice of experts for the most effective broadband deployment, and he has encouraged the development of better networks, lower costs, and relief from regulatory burdens.

Americans are being well-served by a leader like Chairman Ajit Pai, who understands the strong connection between technology and innovation. Mr. Pai understands how high-speed internet can revolutionize small businesses and benefit local economies. He understands the importance of consumer protections and has already instituted proposals and rules that would benefit public safety.

I hope Mr. Pai will also continue to hold the FCC to the highest standards of transparency. His decision to make proposals and orders accessible to the public prior to the Commission's vote on them was a positive action.

The FCC will continue to be in good hands with Mr. Pai as Chairman and when the Senate votes later on today to move this nomination along. I urge my colleagues to vote yes and eventually to vote yes for his confirmation.

ORDER OF PROCEDURE

Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, at 12:15 p.m., all postcloture time be considered expired on the Erickson nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; further, that the Senate then resume consideration of the Pai nomination and the time until 1:45 p.m. be equally divided prior to a cloture vote on the nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NOMINATION OF AJIT PAI

Mr. MARKEY. Mr. President, today we begin debate on a position in our government that impacts the daily lives of every single American. If you use a telephone, connect to the internet, watch television, and pay a big cable company to do all of those things, then you need to know who Ajit Pai is.

President Trump nominated Ajit Pai to be the Chairman of the Federal Communications Commission. While Ajit Pai has devoted many years to public service, I cannot support his nomination. Under Mr. Pai's short tenure, he has made the FCC stand for

"forgetting consumers and competition."

Let's take a look at who is getting a piece of the FCC pie under Chairman Pai. It is American consumers on the one hand versus big corporations on the other hand. Let's take a piece of this pie and determine who is getting that first slice of what is going on at the Federal Communications Commission.

Let's look at net neutrality. Net neutrality is the basic principle that says that all internet traffic is treated equal. Net neutrality ensures that internet service providers like AT&T, Charter, Verizon, and Comcast do not block, slow down, censor, or prioritize internet traffic.

If Ajit Pai gets his way, a handful of big broadband companies will serve as gatekeepers to the internet. Fewer voices, less choice, no competition, but more profits for the big broadband companies—that is Pai's formula. Yet it is today's net neutrality rules that ensure that those with the best ideas, not merely the best funded ideas, can thrive in the 21st-century economy. It is net neutrality that has been the internet's chief governing principle since its inception.

Consider that today essentially every company is an internet company. In 2016, almost half of the venture capital funds invested in this country went toward internet-specific and software companies. That is \$25 billion of investment. Half of all venture capital in America went toward internet-specific and software companies—half of all venture capital.

To meet America's insatiable demand for broadband internet, the U.S. broadband and telecommunications industry invested more than \$87 billion in capital expenditures in 2015. That is the highest rate of annual investment in the last 10 years.

So we have hit a sweet spot. Investment in broadband and wireless technologies is very high. Job creation is very high. Venture capital investment in online startups is very high. That is why more than 22 million Americans wrote to the Federal Communications Commission to make their voices heard about net neutrality. They do not want it repealed. Yet Chairman Pai's proposal would decimate the FCC's open internet order.

Chairman Pai has said: "We need to fire up the weed whacker" to net neutrality rules. Do we really want a leader at the Federal Communications Commission who, ultimately, is going to implement the agenda of the big broadband companies, which want to crush competition, reduce choice, and then make consumers pay more?

So the first slice of this pie of killing net neutrality goes to the big corporations, and the losers are the consumers.

Let's go to the next slice of the FCC pie. Let's see where that goes as these decisions are being made. The next issue is, in fact, broadband privacy.

Chairman Pai has actively supported efforts to allow broadband providers to use, share, and sell your sensitive information without consumer consent. In 2016, Chairman Pai voted against commonsense broadband privacy protections that gave consumers meaningful control over their sensitive information. When he assumed the FCC chairmanship, Ajit Pai stopped the implementation of data security protections, which would have ensured that broadband providers better protect the information they collect about their users. Can you imagine that? Chairman Pai stopped protections that would improve data security.

I have 143 million reasons as to why that was a bad idea. Just this month, Equifax was subjected to a cyber attack that compromised the personally identifiable information of 143 million consumers. The American public wants more protection, not less. Yet what does Chairman Pai do? He effectively eliminates the very data security protections that consumers need to protect their sensitive information. That is just plain wrong.

Just a few weeks later, Mr. Pai supported congressional Republicans' efforts to rescind the Federal Communications Commission's broadband privacy protections. Now your broadband provider can relentlessly collect and sell your sensitive web browsing history without your consent.

You may wonder why Chairman Pai would actively support efforts to undermine the privacy of American consumers. The answer is simple. He wants that slice of the pie to go to the biggest corporations. How do they use it? They take that data—your personal data, the information you put online—and just sell it without your permission in order to make money for the big corporations. Once again, rather than consumers, the big corporations get the benefit of that decision at the Federal Communications Commission.

Let's take a look at the next issue. The next issue goes to the question of mergers, the mergers of big telecommunications companies.

The Sinclair deal has led to a proposal to merge with Tribune Media, granting one company an unprecedented market power of over 200 broadcast stations around the country. In order to help Sinclair, Ajit Pai reinstated what most consider to be an antiquated rule, the UHF discount, to pave the way for the merger. The UHF discount makes the FCC count only half of the stations on certain frequencies toward companies' ownership percentages. This merger would allow Sinclair to reach into 72 percent of American households, but with the discount, the FCC counts it as only 45 percent. Putting this discount back on the books is Chairman Pai's first step to helping Sinclair stay within the national ownership cap of 39 percent.

What will be the impact of this massive telecommunications mega-merger? Less local news, sports, and weather

that millions of Americans count on today. It will lead to the continued squeezing out of independent programmers, and it will mean higher prices for consumers. What signal does approving this merger reveal? It reveals that the FCC and Ajit Pai have put out the welcome mat for the consolidation of other communications companies.

So this third slice, once again, goes to corporations and not to consumers. They are left out in the cold.

Let's look at the fourth slice and see what happens with that at the Federal Communications Commission under the approval of Ajit Pai's nomination on the floor of the Senate. The next slice is one that deals with the education rate, or the E-rate.

The E-rate has proven to be exceptional in linking up schools and libraries to the internet. We went from a country in 1996 in which only 14 percent of K–12 classrooms had internet access to a near ubiquitous deployment today. The E-rate has ensured that students from working-class neighborhoods can connect just like students from more affluent communities. The E-rate democratizes access to the opportunities and technologies that lead to bright futures. Over \$44 billion to date has been committed nationwide.

Again, Ajit Pai does not take that perspective. At his confirmation hearing in July, I explicitly asked him whether he would commit to preserving the success of this bipartisan program and protecting the funding level or whether he would make programmatic changes that could undermine or weaken the E-rate. He would not make this commitment to maintain current funding for E-rate.

Students and library users around the country will not be able to afford this slice of the pie. Once again, consumers will lose and corporations will win.

Now we go to the final slice of that communications pie at the FCC.

Telecommunication is the great equalizer, but a household with no access to basic telecommunications services could lose educational and employment opportunities as well as emergency services. That is why the FCC's Lifeline Program is truly a lifeline for millions of Americans who are able to connect to the world. In Massachusetts alone, more than 180,000 low-income Bay Staters rely on the Lifeline Program to access voice and internet service.

The value of this universal service has always been a bedrock of our telecommunications policy. Yet one of Ajit Pai's first actions as FCC Chairman was to undermine Lifeline and make it more difficult for low-income people to access affordable broadband. I was dismayed by his decision to abruptly revoke the recognition of nine additional companies as Lifeline broadband providers just weeks after they were approved. Mr. Pai's action did nothing but unfairly punish low-income consumers by limiting choice.

So the final slice, again, goes to the Federal Communications Commission's supporting corporations and not supporting consumers.

That is the pie—the FCC pie—as it is put together on net neutrality, on privacy, on mergers, on E-rate, and on Lifeline. It is all the same. The FCC winds up standing for forgetting consumers and competition. That is the era that we are now in, and it will only intensify as each day, week, and month goes by. That is why I am recommending a “no” vote on Ajit Pai as the Chairman of the Federal Communications Commission.

Which side are we going to be on—that of the consumers or corporations? Are we going to side with innovators? Are we going to side with those who are trying to continue to take these platforms of dynamic change in our society for consumers, for entrepreneurs or are we going to allow for a closing of this revolution?

This is the era in which we live in the 21st century. This is the choice that people must make. In which direction are we going?

I urge a “no” vote by my colleagues on Ajit Pai's nomination. Of all of the things that we are going to do this year, this is very near the top of the list. In many ways, this telecommunications revolution is the organizing principle of our lives here in the United States and around the planet, and we have to make sure that we are heading in the right direction—more openness, more competition, more consumer protection, more privacy protection, and more access in libraries and schools to these technologies, not fewer and fewer and fewer and fewer. It is just the wrong direction to head in. I urge a “no” vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

PUERTO RICO AND U.S. VIRGIN ISLANDS

RECOVERY EFFORT AND FAA REAUTHORIZATION

Mr. McCONNELL. Madam President, the people of Puerto Rico and the Virgin Islands have been hit especially hard by powerful hurricanes. As I said earlier this week, the Senate will continue to work with FEMA, the Department of Defense, and the rest of the administration to help in the recovery, just as we have in Texas, Florida, and across the Southeast. We are eager to hear more soon about what additional resources will be necessary.

The American people are stepping up, too, just as they always do, and so are the brave men and women of our military.

This week, 70 soldiers and 8 aircraft from Kentucky's own 101st Airborne Combat Aviation Brigade deployed from Fort Campbell to Puerto Rico to support hurricane relief operations. These soldiers will join the larger joint force effort, which includes elements of the 26th Marine Expeditionary Unit, medical support teams, medevac aircraft, and elements from the Army Corps of Engineers.

Kentucky is similarly proud of the men and women of its Air and Army National Guard who have worked to provide relief in the Virgin Islands, Puerto Rico, as well as in Texas where, according to recent reports, their efforts helped save more than 300 lives in the wake of Hurricane Harvey.

We are all proud of their efforts, but we should not forget that disasters of these proportions typically require a response from nearly every arm of the Federal Government. The FAA plays a critical role as well.

As we all know, the FAA's authority to collect and spend money from the aviation trust fund is set to expire on September 30, this week. These are the resources that fund repairs and replacement parts for our air traffic control system. Even absent a crisis, it would be irresponsible to let this lapse.

We have read in recent days that air traffic in and out of Puerto Rico has already been limited because of damage done to radar, navigational aids, and other equipment. The Governor of Puerto Rico reports that air traffic control capacity is only at about 20 percent of normal.

This critical air safety equipment needs repair. The FAA reports that failure to act on the reauthorization would leave them without sufficient funding in the accounts necessary for replacement parts, equipment, and supplies. They would have only enough funding to cover salary costs for these workers for about 1 week.

These American territories are suffering. What they need right now is aid and assistance from the air, not a manufactured crisis from Washington on top of everything else. The House of Representatives will soon pass legislation that reauthorizes the FAA. It will help open up the air space to that aid so that it can get to where it is needed most.

The House bill goes further by authorizing tax relief for individuals and businesses affected by the recent hurricanes in Puerto Rico and the Virgin Islands, and Texas and Florida, as well, because these disaster victims should not suffer a tax bill on top of their losses. We need to pass that legislation here in the Senate without further delay.

NOMINATION OF AJIT PAI

Madam President, on another matter, the Senate is considering two qualified nominees today. One is the sitting Chairman of the FCC, Ajit Pai.

Chairman Pai has led a fascinating life, one punctuated by hard work and success. It had its beginnings in Buf-

falo. It traced a line through Canada. It unfolded in the small town of Parsons, KS, where Chairman Pai grew up with his parents, first-generation immigrants from Southern India. It was on to Harvard after that and then the University of Chicago for his law degree.

Pai's résumé prior to his appointment as a member of the FCC is as varied as it is impressive. He clerked for a Federal judge. He worked in the Justice Department's Antitrust and Legal Policy Divisions. He gained practical experience in the private sector. He served here in the Senate as committee staff. He even won a Marshall fellowship. He also worked in several positions within the FCC itself.

When President Obama nominated Pai to serve as an FCC Commissioner back in 2011, the Senate confirmed him by a voice vote.

When the Senate considers his nomination again today, I hope Senators will come together to give him strong support one more time. After all, it is no wonder why President Trump chose to elevate him to FCC Chairman earlier this year. He understands the communications industry from nearly every angle, considering his impressive resume. He understands the needs of rural communities in States like Kentucky, thanks to his own rural background. His dedication to bringing more openness and accountability to an agency that is too often known for secrecy is commendable. The same can be said of his advocacy for Americans' First Amendment rights.

I look forward to advancing and then confirming his nomination to a new term.

Madam President, one other nominee we are considering today is district judge Ralph Erickson of North Dakota, who is the nominee before us to fill a vacant seat on the Eighth Circuit. He is clearly qualified. He deeply respects the rule of law. He was confirmed by the Senate to his district judgeship by a voice vote. He enjoys the support of both of his home State Senators, Republican Senator HOEVEN and Democratic Senator HEITKAMP.

When his nomination came before the Judiciary Committee recently, every single member of the committee voted to approve him—every single Republican, every single Democrat. This includes the top Democrat, Senator FEINSTEIN, and the Democratic leadership's second-ranking officer, Senator DURBIN. So you would think his nomination would be as noncontroversial as it gets. You would be right.

Yet Democrats still chose to erect another pointless procedural hurdle before we can actually confirm him. We will probably do so overwhelmingly, given that the Senate just voted 95 to 1 on this pointless cloture motion—a pointless cloture motion on a nominee who nobody opposes.

Until now, our friends across the aisle have thrown up one unnecessary procedural hurdle after the next on even the most uncontroversial of nomi-

nees. As I have noted before, the opposition they have shown to these nominees most of the time seems to have little to do with the nominees themselves nor whether Democrats even support them. Our Democratic colleagues actually do support the nominees, just as they do now.

This really has to stop. It is time to end these silly games. It is time to confirm Judge Erickson, a dedicated jurist who is going to make a great addition to the Eighth Circuit.

The PRESIDING OFFICER. The Senator from West Virginia.

TRIBUTE TO MARY JO BROWN

Mr. MANCHIN. Madam President, I rise today to honor a proud educator, a dedicated public servant, a beloved native of my home State of West Virginia, and my very dear friend, Mary Jo Brown. Words cannot express my gratitude for Mary Jo's service and friendship.

Since my days as Governor, Mary Jo has gone above and beyond to uphold the standards not only of professionalism, loyalty, and dedication but also of what it means to be born in the Eastern Panhandle of West Virginia.

Mary Jo has always had a noble passion for education. She worked for Berkeley County Schools as a teacher, a library media specialist, director of public affairs, and finally as principal of Burke Street Elementary School, where we first became acquainted.

Upon her retirement from Berkeley County Schools, I invited Mary Jo to work with me as a regional coordinator, a role she kept through my entire time as Governor and now as U.S. Senator. Her warm personality and sense of humor truly have a way of making you feel at ease—laughing quite frequently at not only her but yourself.

I have heard many times from members of the Eastern Panhandle community that when she is out meeting with elected officials, business owners, and fellow West Virginians, she provides every confidence that their voices are being heard, and I can assure you, they are. She gets in contact with me immediately.

When Mary Jo is given a task, she doesn't take no for an answer. She is the most tenacious person I have ever met. She gives each project or challenge her all because it is for the good of her community, our State, and her hometown.

It would be difficult to find anyone as knowledgeable and dedicated to our home State as Mary Jo. Among her many contributions to the Eastern Panhandle, together with her loving husband Walter, was founding the Walter and Mary Jo Ziler Brown Fund in 2006 to help Eastern Panhandle students study animal husbandry, agriculture, and veterinary medicine.

We bonded over our passion for public service, inspiring the next generation of leaders, and we share the common goal of helping the rest of the country discover all that our great State of West Virginia has to offer.

Now that she is retiring after a long career of teaching, public service, and more than a decade of Federal service, I know that Mary Jo will carry the same passion for the Eastern Panhandle and for West Virginia that she always has, and she will continue to make a difference wherever she may be and wherever she goes—always for the State of West Virginia and her community.

It is my greatest honor to extend to her and to Walter my very best wishes in the days and years ahead.

Thank you, Mary Jo, and God bless you for everything you have done for me, for our office, and, most importantly, for our State of West Virginia and the Eastern Panhandle. God bless you.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask unanimous consent to complete my remarks.

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

Mr. HOEVEN. Madam President, I am honored to come to the floor today to express my support for the President's nominee to the U.S. Court of Appeals for the Eighth Circuit, Judge Ralph Erickson.

Judge Erickson is a longtime North Dakotan and has been a tremendous public servant in his current capacity as Federal district court judge in Fargo, ND. He has made our State proud, and I am confident he will be an excellent addition to the Eighth Circuit Court.

Judge Erickson has a distinguished legal career which spans over two decades. After working in private practice for 10 years, he served as a magistrate judge for Cass County and then as a State district judge for the East Central Judicial District Court. In 2003, Judge Erickson was nominated by President George W. Bush to the U.S. District Court for the District of North Dakota and was quickly confirmed by the Senate unanimously.

Throughout his tenure, Judge Erickson has demonstrated deep respect for the Constitution and the rule of law. His judicial experience ranges from overseeing routine civil cases to cases involving extreme criminal violence. Throughout all of these cases, Judge Erickson practiced a measured and prudent legal approach that is necessary for a position on the second highest court in the United States.

Judge Erickson has also proved to be a champion for Indian Country. He serves as the Chair of the Tribal Issues Advisory Group on the United States Sentencing Commission, where he works to preserve Tribal sovereignty. As chairman of the Senate Committee on Indian Affairs, I believe Judge Erickson's expertise on this issue will be a valuable asset to the Eighth Circuit Court.

Madam President, part of our duty as Senators is to evaluate the qualifica-

tions of the President's appointees and to vote on their nominations accordingly. This is a responsibility that I take very seriously, and I have no doubt that if confirmed, Judge Erickson will be an excellent circuit judge. I am honored to be here to support his nomination and to urge my colleagues to vote yes.

I would also like to note that in the Gallery today we have his daughter Elizabeth joining us. I think it is wonderful that she could be here to see her father's confirmation vote. She is a sophomore at Catholic University and just an outstanding young person, and there is no doubt that she is extremely proud of her father today. So it is wonderful to welcome her here for this momentous occasion.

With that, Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, all time having expired, the question is, Will the Senate advise and consent to the Erickson nomination?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. STRANGE), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 207 Ex.]

YEAS—95

Alexander	Flake	Murphy
Baldwin	Franken	Murray
Barrasso	Gardner	Nelson
Bennet	Gillibrand	Paul
Blumenthal	Graham	Perdue
Blunt	Grassley	Peters
Booker	Harris	Portman
Boozman	Hassan	Reed
Brown	Hatch	Risch
Burr	Heinrich	Roberts
Cantwell	Heitkamp	Rounds
Capito	Heller	Rubio
Cardin	Hirono	Sanders
Carper	Hoeven	Sasse
Casey	Inhofe	Schatz
Cassidy	Isakson	Schumer
Collins	Johnson	Scott
Coons	Kaine	Shaheen
Corker	Kennedy	Shelby
Cornyn	King	Stabenow
Cortez Masto	Klobuchar	Sullivan
Cotton	Lankford	Tester
Crapo	Leahy	Thune
Cruz	Lee	Toomey
Daines	Manchin	Udall
Donnelly	Markey	Van Hollen
Duckworth	McCain	Warner
Durbin	McCaskill	Whitehouse
Enzi	McConnell	Wicker
Ernst	Merkley	Wyden
Feinstein	Moran	Young
Fischer	Murkowski	

NAYS—1

Warren

NOT VOTING—4

Cochran
Menendez

Strange
Tillis

The nomination was confirmed. The PRESIDING OFFICER. 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.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Pai nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2016.

The PRESIDING OFFICER. Under the previous order, the time until 1:45 p.m. will be equally divided.

The Senator from Florida.

Mr. NELSON. Madam President, I want to speak on the renomination of Ajit Pai to serve as Chairman of the FCC, the Federal Communications Commission, to serve for a term of 5 years.

Under the previous administration, the FCC always had the consumers' back. Back then, that administration's FCC strengthened consumer protections. It furthered competition, it protected public safety, and it pushed forward to ensure universal service for all Americans.

Ultimately, the success or failure of the FCC rises and rests not on the fulfillment of special interest wish lists but on the treatment of those who are least able to protect themselves and whether their First Amendment rights, including those of journalists, are vigorously protected.

Chairman Pai has been a vocal and excessively partisan and often hostile opponent of pro-consumer steps taken by his colleagues on the FCC. We have seen that time after time in the previous administration.

Since becoming Chairman of the FCC this year, he has systematically undercut much of the work done over the past 8 years. I want to give you several examples.

He has acted to prevent millions of broadband subscribers from receiving key information about rates, terms, and conditions of their service. This is called disclosure. He has threatened the expansion of broadband into the homes of low-income Americans by limiting the effectiveness of the new Lifeline Program reforms. If that is not enough, he has proposed sweeping limits on the ability of States and localities to review and improve the installation of certain types of wireless equipment. Furthermore, he has supported the moves by the GOP Congress to eliminate commonsense privacy rules for broadband services.

If all of that is not enough, he has eliminated several media ownership

rules, paving the way for a massive consolidation among TV and radio broadcast stations. Continuing, he has acted as if the way to improve broadband in rural America is to lower standards and saddle our most remote communities with slower speed and worse service. He has also opposed widely supported updates to the E-Rate Program, which brings broadband to schools and libraries in every State in the Nation and leaves that critical program's budget—and the American schoolchildren—in the dial-up era. That is not what we want for our students. Furthermore, he has curtailed rules designed to help small businesses, schools, libraries, and hospitals to find competitive options for high-capacity telecommunications services. What that is going to do is likely raise the cost of these services and potentially harm their quality.

The list I just gave does not include the elephant in the room—Chairman Pai's planned elimination of the FCC's net neutrality protections. This Senator has been very clear that I oppose the effort to revoke these essential consumer protections on the internet. I think Chairman Pai's proposed course is shortsighted, especially when his preferred approach seems to be the abandonment of the FCC's oversight on the action of broadband providers. These are actions that directly impact on the lives of millions of Americans.

In March, I sent to Chairman Pai my deeply held concerns about some of these actions, and I expressed my sincere hope that his early moves were not a sign of things to come, but unfortunately my concerns have only been heightened by his record over the months since that conversation.

At the end of the day, the FCC has a responsibility to put the public interests ahead of the powerful special interests. Just as it has been under the leadership of the past Chairmen and Chairwomen, Congress expects the current FCC to uphold the laws the Congress has passed and to enforce the regulations properly adopted by the agency.

The vast majority of the actions of Chairman Pai have served to eliminate competitive protections, to threaten dangerous industry consolidation, to make the internet less free and less open, and to weaken consumer protections for those most vulnerable.

Ultimately, we need an FCC Chairman who has the consumers' backs. We need an FCC Chairman who is not afraid to use the robust statutory authority Congress has given to the FCC to protect consumers. Based on his record, I have serious and longstanding concerns about whether Chairman Pai really does have the consumers' backs. As a result, I will oppose this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

FAA REAUTHORIZATION

Mr. MORAN. Madam President, it is nice to see the ranking member of the

Commerce Committee on the floor today. I appreciate that he and I share a particular view about the privatization of air traffic control.

Today, we are going to presumably pass a 6-month extension for the Federal Aviation Administration. It was passed by the House earlier today, and once again we are in a position which, in my view, we shouldn't be in. We ought to be passing a long-term authorization of the Federal Aviation Administration. Last year, we did so. The Senate, with 95 votes, passed a 4-year FAA bill. It was the kind of meaningful, bipartisan accomplishment that is too rare in Congress today.

I supported that bill, but unfortunately when it was sent to the House and it came time to meet that last year's deadline, we were ultimately forced to pass a short-term extension—which I opposed.

Our ongoing efforts to pass a long-term bill, Republicans and Democrats in both Chambers of Congress, have found common ground and consensus among the entire aviation community on a wide range of important issues.

I am talking about reforms to strengthen the Contract Power Program, one of the most and overwhelmingly popular and successful FAA programs. That matters a lot to the State of Kansas, and communities in the State of Nebraska as well, the home of the Presiding Officer in the Senate.

I am talking about streamlining the aircraft certification process that allows the FAA to focus its valuable resources elsewhere while generating a positive impact on our economy and job security in the aviation manufacturing sector. Because, once again, Congress refuses to set aside the perpetually controversial proposal to privatize our Nation's air traffic control, we are left, again, with a short-term extension. It is another one of those take-it-or-leave-it moments that is occurring here at the eleventh hour in advance of September 30.

We know in the Senate this proposal for privatization will never have the votes to pass. Yet we keep considering short-term extensions that are damaging to the aviation community, particularly the airports that need certainty in planning their infrastructure projects, and they will be, first and foremost, to improve the safety for our air travelers.

A 6-month extension, in my view, is too short to provide the certainty that is needed. The grant process, at the Department of Transportation, will be ongoing, but no airport can plan based upon whether the FAA is going to be authorized 6 months from now.

I have come to the floor numerous times before to talk about how Kansas is a special place when it comes to aviation. Kansas has built three out of every four general aviation aircraft since the Wright brothers first flew at Kitty Hawk. Today, over 40,000 Kansans earn a living in manufacturing, operating, and servicing our world's

highest quality aircraft. These aviation businesses and their employees depend upon our ability to compete in a global marketplace, an ability which is significantly damaged when we are putting off passage of a long-term reauthorization bill not just once but year after year.

While general aviation manufacturing is our State's largest industry, it is not just those manufacturers and their employees who understand the problems and ramifications with privatization of air traffic control.

I have often said on the floor that I think at times I get categorized, as a Senator from Kansas, as a State that manufactures lots of airplanes and that my views are therefore solely related to the airplane manufacturing sector. I certainly bring that perspective to Congress, and I speak often and work often on behalf of the manufacturing of aircraft. But any of us who represent airports and communities that are not the largest in the country ought to oppose the privatization of air traffic control.

This is not the traditional rural-versus-urban argument that occurs sometimes around here. This is not about little towns versus everybody else. This is about everyone except for the largest cities with the largest airports and the most travelers. So this is not about just Garden City, KS; or Manhattan, my hometown; or Hays, my former hometown. This is about Wichita and Topeka. This is about Kansas City. All but the absolutely largest airports would be damaged by the privatization of air traffic control.

We have said this many times. It is important to the manufacturers, but it is also important to the survival of communities that I represent and that all of my colleagues represent across the country.

Everywhere I go in Kansas, I am reminded that ATC privatization is a bad idea. The idea that we would allow a 13-member private board to make decisions about the future of airports and air transportation across the country is troublesome. Moreover, even the major providers of aircraft and avionics equipment that reside in Kansas—those businesses that create thousands of jobs in my State—are perhaps even more outspoken against privatization than anyone. These businesses know that privatization of the Nation's most complex air system is a solution without a problem that will ultimately create lots of problems, lots of unintended consequences.

Americans expect leadership from their elected officials in Washington. At a time when partisan dysfunction puts up constant barriers in the legislative process, we should be doing everything we can to find common ground and pass legislation that will have immediate positive impacts on our economy. For so much of the FAA reauthorization last year and again this year, we found that common ground—except for this one divisive

issue that we know ultimately will not become law. It impedes the opportunity to do what, without almost any exception, Members of the House and Senate have agreed to.

True FAA reform will dramatically increase the ability of American aviation manufacturers and businesses to create jobs. This short-term extension represents yet another regrettably missed opportunity to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SASSE). The Senator from Alaska.

TRIBUTE TO ROZANN KIMPTON

Mr. SULLIVAN. Mr. President, every week, I have been coming to the floor to talk about my State and what I think makes it the greatest State in the country and in the world. We like to celebrate and recognize somebody in Alaska who is making a difference for their community, for the State, and for the country, and we like to call these extraordinary Alaskan individuals our Alaskan of the Week.

Like many of us here in the Senate, I spent a lot of time recently in August traveling throughout my home State, and wherever I went, I met strong, generous, versatile Alaskans, many of whom survive in some of the harshest conditions on the planet but still have time for their communities and their families and their neighbors. But, like in many places around the country, I also saw the scourge of addiction that is tearing apart communities and tearing apart families.

We have all heard how addiction is often passed down through generations. There are many in Alaska and many throughout the country who are determined to break this intergenerational cycle of addiction and many who are succeeding. We don't always hear about them, but there are many. So this afternoon I wish to introduce my colleagues to 81-year-old Rozann Kimpton, our Alaskan of the Week, who is doing that and a lot more.

Rozann and her husband moved to Alaska from Washington State in 1958, and they immediately settled in. They ran businesses together, including a small retail store, and then they got into construction and contracting. They raised two children. They were a team. About 10 years ago, they moved to a large plot of land in Wasilla, AK—over 50 acres—to spend time in retirement, and they made plans: gardening, traveling around the world. But it didn't take long for Rozann to recognize that something was wrong—very wrong—in her family, particularly with what was happening to two of her great-grandchildren, Luke and Amanda. They were living in a situation that was harmful to them and they needed help.

At this point, Rozann's husband was also suffering from his own illness—cancer—but the two of them took Luke and Amanda in and adopted them. "It was the only way to make sure they were safe," Rozann said. "And when a kid needs to be taken care of, and when

a mommy and daddy can't, you do it," she said. "I couldn't live with myself knowing that they were in danger and I did nothing." This is Rozann talking about her two great-grandkids.

That was 10 years ago. Rozann, now a widow, lives with Amanda and Luke on that big plot of land in Wasilla. Amanda is a senior in high school, and Luke is an eighth grader. They are great kids. As a matter of fact, I just had the opportunity to visit with them in my office yesterday.

Amanda loves geometry. She plays a violin with the Wasilla Youth Orchestra and drums and dances with the Intertribal Drum Group in Anchorage. Luke's big dream is to join the Navy, which I think is great.

The three of them volunteer in their community, helping foster kids. Amanda makes blankets for the foster kids. Every Sunday, they drive over 100 miles to attend Emanuel Presbyterian Church in Anchorage, which is like a second home to all of them.

In addition to all of this, Rozann is the area volunteer coordinator for Volunteers of America Grandfamilies, a grandparents support group. Once a month, she has a picnic for her fellow grandparents and other parents who have adopted kids. The kids play games, eat hamburgers and hot dogs, and adults sit around the campfire, share stories, and encourage one another in all the work they are doing. She is in constant contact with about 25 families, and whenever she spots someone she thinks might need help with their kids, their grandkids, or their great-grandkids, she gives them her card.

"I am not a shy person," she said. "I will talk to anyone who looks like they are struggling, and I am particularly good at spotting grandparents who are raising kids"—grandparents who are raising kids throughout our great Nation.

As the opioid crisis is hitting Alaska, just like it is hitting so many other States, she is seeing more and more grandparents stepping in. "It is a plague," she said, "but the most important thing is to help the children as early as possible, and to do what we can to make sure they don't carry on that plague."

Rozann Kimpton is here right now in Washington, DC. As I mentioned, I had a great meeting with her yesterday. She is here to attend a banquet where her efforts will be recognized. She is the 2017 recipient of the Alaska Angels in Adoption Award and will be recognized by the Congressional Coalition on Adoption.

Rozann, thank you for your warmth and for all your hard work for Alaska. Congratulations on your award, and congratulations on being our Alaskan of the Week.

ECONOMIC GROWTH

Mr. President, an issue I have been coming to the Senate floor to speak about for the past couple of years is an issue that I don't think we focus on

enough here in the Congress, here in the Senate, and that is the key issue of America's economic growth.

With the exception of national security, strong, robust economic growth is probably the most important issue we can be focused on in this body. We certainly have many challenges in this country, but so many of them are made easier when the American economy is strong, when job opportunities are plentiful and optimism in the future because of that strong economic growth is high.

So how have we been doing over the past decade? I want everyone to take a look at this chart. The answer is, not very well; not very well at all. This chart shows the gross domestic product—GDP—decade after decade through different administrations, Democratic and Republican, over the last several decades. So if we take a look at the chart, we see Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Clinton, Bush 41 and 43, and President Obama. We see where levels have been. We see that over the years, over the decades, the average economic growth is about right here—about 4 percent.

There has been a lot of talk about what has made America great and what makes America great. This is what makes America great: strong, robust, economic growth decade after decade. That is the key.

So what happened over the past decade, right here? If we take a look right here at this red line, that is 3 percent. That is not the traditional level. Traditional levels over 200-plus years of American history are closer to 4 percent. But 3 percent GDP growth is considered OK—not bad, not great, but pretty good, and something we should all aspire to, something we should hit.

When we look at this chart, we see that in the last decade we never hit it, not even 3 percent GDP growth—more like 1.5, 2 percent. As a matter of fact, President Obama is the first President in American history where we never hit 3 percent GDP growth for a year.

I know what some may be thinking. This seems to be a pretty important issue, right? Economic growth last decade not even hitting 3 percent. Why wasn't the press writing about that? We didn't hear many stories in the press about this very important issue—a decade of lost economic growth. Many of us come to the floor to talk about this critical issue, and there is a yawn in the Press Gallery. There is no interest. It is hard to understand why.

One theory I have is that if you look at our country more broadly, these are the numbers—very, very weak growth—but certain places in the country over the last 10 years have actually done very well, especially this city, Washington, DC. It has been growing very strong, with probably 5, 6 percent growth. Some other places, some of the coastal big cities, including New York, San Francisco, and Boston, are all doing well—way higher than 3 percent. They are growing stronger. So the

press, in my view, is probably not that interested in this number because in places like Washington, everything seemed to be going great. But it wasn't going great.

Think about this: If Washington or L.A. or New York or San Francisco are growing at 3 or 4 percent growth and yet the country is at about 1.5 or 2 percent, then there are probably huge parts of America that are actually shrinking, not growing at all.

These charts talk about economic growth, GDP. It can sound a little bit wonky. Really, GDP is a marker for the health of our economy. It is an indicator of American progress. It is a proxy for the American dream and optimism in the future.

As this chart shows, we have had a sick economy over the last 10 years, a lost decade of economic growth. The press hasn't written much about it, and when they have, they have typically bought the line of the previous administration saying: Hey, look, we know that the traditional levels of economic growth are close to 4 percent. Look at Clinton, look at Reagan—4½, 5, 6. We know that is the case. We know 3 percent is OK. But we haven't hit that in the last 10 years, so what is wrong? Well, the press started buying the line from the last administration: That is the "new normal." We can't hit 3 percent anymore. We certainly can't hit 4 percent anymore. So 1½, 2 percent is America hitting on all cylinders. I believe that is a surrender. I believe dumbing down our expectations for economic growth is a retreat from the American dream.

As you know, the American people aren't buying this. They are not buying the dumbing down. They are not saying: Oh yeah, we can live with this 1½ percent growth. Sure. No problem. They are wise, and they aren't buying the dumbing down.

We all saw the book recently released by former Senator and Secretary of State Hillary Clinton, and her book is entitled "What Happened." What happened? This is what happened: Our citizens saw the American dream slipping away after a lost decade of economic growth, and they weren't ready to surrender to the new normal.

What do we need to focus on in the Senate? We have to start moving beyond this. We have to. We need policies that are going to focus on reigniting growth—the growth that Democrats and Republicans have supported for decades. What is that? I think there is a lot of agreement—infrastructure, less burdensome regulations, energy. America has enormous supplies of energy that we can take advantage of. Yet the issue we are starting to debate now in the Senate is tax reform.

As we debate this and work in a bipartisan way—I have heard a lot of my colleagues say that we do need to undertake tax reform. We need to keep asking ourselves, on all these policies, what they will do to reignite growth, to reignite the American dream, to

allow hard-working American families to keep more of their paychecks, and to return to the optimism that comes with a robust economy, not just along the coast of America but throughout the entire country, to get back to that optimism and growth. That is what I am going to be doing as we undertake this debate on tax reform.

The Trump administration is off to an OK start. The first quarter—again, kind of a hangover from the Obama years—1.2 percent growth. That is not good at all. The last quarter, second quarter, was 3.1. It hit above 3 percent, which is what the President says his policies are meant to do. As long as they are focused on that, I certainly am going to be somebody who wants to support those kinds of pro-growth policies, and I think it is imperative, whether it is tax reform, infrastructure, regulatory reform, or energy, that we all come together in this body and make sure we work together so the next decade of growth in America does not look like this last one and gets us over 3 percent, gets us back to traditional levels of growth. I don't think there is anything more important we can do in the Senate than getting back to those important levels of growth for our country and our citizens.

TRIBUTE TO TYLER ROBERTS AND MICHAEL SOUKUP

Mr. President, I wish to say a few words about some of my staff who have done a great job serving Alaskans and who are leaving my office soon. I am going to miss them a lot. One is here now, and he will probably be embarrassed that I am talking about him on the Senate floor—Tyler Roberts.

Tyler has been a legislative assistant of mine, handling healthcare, budget, tax. He is leaving to join the private sector. He has been with me from the beginning, 2½ years ago. I can tell you this: He has worked long hours serving the people of our great State and has set a tone in the office of hard work, diligent work, good-natured, and we are going to miss Tyler very much.

I wish to also recognize Michael Soukup. Michael is our digital director and press secretary. From educating Alaskans on what we are doing in DC to designing poster boards like this, creating awesome graphics and videos, Michael has been an invaluable member of my team as well. He is an artist. Like all good artists, his work has a distinctive look and style. If you see one of my photo montages on Facebook and you think it is well-done, which we do, you can thank Michael. We call them Soukup specials.

Tyler has also worked tirelessly for me and Alaska, his home State. I know that he will bring the same amount of creativity, ingenuity, and integrity to all he does as he moves into the next phase of his career.

Thank you to all my staff.

Mr. President, I yield the floor.

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

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

DISASTER TAX RELIEF AND AIRPORT AND AIRWAY EXTENSION ACT OF 2017

Mr. McCONNELL. Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3823.

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

The legislative clerk read as follows:

A bill (H.R. 3823) to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, 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 Cassidy amendment at the desk be agreed to and the bill, as amended, be considered read a third time.

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

The amendment (No. 1108) was agreed to, as follows:

(Purpose: To strike the provisions relating to development of a private flood insurance market)

Strike title IV.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 3823), as amended, was passed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

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

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

EXECUTIVE CALENDAR—Continued

PUERTO RICO AND U.S. VIRGIN ISLANDS RECOVERY EFFORT

Mr. BLUMENTHAL. Mr. President, I am here for the third time in as many days to talk about this Nation's response to a humanitarian crisis affecting millions of Americans—the people

of Puerto Rico and the Virgin Islands. It is similar to the situation in Florida, in the gulf coast, and, some years ago, in Connecticut and in other parts of this country when they faced a natural disaster that was almost as devastating as an attack would be by a foreign power. Analogous but different, this category 4 Hurricane Maria caused consequences as devastating and destructive as any that man could do. It is a natural disaster, not manmade, but it is turning into a manmade disaster.

So far, the response from our government has been underwhelming. In fact, it has been inadequate and anemic. It has been shamefully slow and under-sized and should be vastly upgraded and increased.

Just moments ago, I learned that Lieutenant General Buchanan has been appointed to head the military efforts in Puerto Rico. That appointment followed a call just an hour or so ago with all of the representatives, including FEMA, the Department of Defense, other Federal agencies, and the Red Cross, during which I urged our U.S. military to be mobilized, much as we would be in responding to a natural disaster in Connecticut or Texas or Florida or other places in this country on the mainland where we have seen the same kind of storm.

The 3.4 million people in Puerto Rico are almost exactly the same number as the population of Connecticut. I hope, and I believe, the response would be better in Connecticut if we were to face the same kind of natural disaster. Yet the manmade disaster is the failure to move food, fuel, medicine, water, other necessities, and communications equipment from the ports and the airports into the interior of the country, even into the major cities, where currently apparently a lack of drivers and passable roads make it all the more difficult. Whether the supplies of food and fuel and medicine and water are adequate on the island or need to be increased on an emergency basis and whether there are sufficient shipments and airlifts going into the island, the simple fact is that Puerto Rico faces a disaster—manmade after natural.

I commend the loyal and dedicated people of FEMA and all of the National Guard, including the National Guard of Connecticut, who have performed with such heroism and dedication in the face of the most difficult circumstances imaginable, but their efforts need to be matched by many others. There are 4,500 American military personnel now in Puerto Rico. Rather than 5,000, there should be 50,000 of our National Guard, not to occupy the island, not to enforce martial law but to make sure the logistics—the transportation, the means of delivery of the lifeblood of that island in food and fuel and medicine and water and other basic necessities—are sufficient to move those basic supplies to the places they are needed. The troops who are there now are performing heroic, Herculean work, and so are many volunteers, along with FEMA

officials, the Coast Guard, and others, but they need more help.

Nearly a week after this storm, Maria, more than 90 percent of the island's residents are without power, 42 percent have no water, the vast majority of the country's 69 hospitals cannot function, and only 10 percent of the cell towers are working. If those conditions existed in Connecticut, I would be on the floor 24 hours a day. Puerto Rico and the Virgin Islands have no one here, and they have no elected Representatives in the House of Representatives. They are voiceless or at least voteless in this body. We need to stand for them, speak out, and fight for them. That is why I am here for the third day in a row.

We need a plan and a strategy, which has been lacking from this administration. In that phone call earlier today with FEMA officials and the Department of Defense, I asked about a plan. They are working on it. The military, U.S. Northern Command, is working on a plan. They could not tell me when it will be ready or what it will say or what the total number of troops or other logistical supplies will be nor could they commit that there would be a waiver under FEMA regulations of the C through G conditions, which apply to permanent recovery.

The only decision that has been made is A to B, which provides for debris and other emergency responses over the next 180 days, and that is part of what the island needs—a longer term plan as well as an immediate one to make sure there is a road to recovery, that there is a path that will provide hope. Not only is the well-being and health of this island threatened but so is hope, which is so important for progress to be made.

The people of Puerto Rico have been met with, at best, ambivalence and ambiguity by the President of the United States. Earlier this week, he seemed more inclined to blame the island itself and the size of the ocean than in advocating for help. I hope we can come together on a bipartisan basis. With the kind of situation that is there now—the danger of epidemic as well as immediate health threats before disease takes hold—we must act before people die. We must come to the aid of Puerto Rico. They need medical care. They need access to food and safe drinking water, and, yes, they need greater security.

The 78 mayors of Puerto Rico, along with the Governor, are doing also heroic and Herculean work, but a whole of government response is necessary from this body and from the Federal Government at a much higher magnitude. In the long term, we must have a martial plan—a strategy for rebuilding the island's roads, bridges, rail, airports, ports, and VA facility, much as we do in this country, except that, there, the need is so much more dire and immediate. Hospitals, transportation, electricity, power, communications, safety, housing all have been de-

stroyed, and the consequences will be deadly.

My hope is that Lieutenant General Buchanan will expedite that plan. So far, it has been lacking. It should be done today. It should be integrated with the FEMA approach, and I hope they will permit visits by Members of the Congress who, so far, have been prevented from going there.

The American people deserve to have elected Representatives there because Puerto Rico has none here. The extraordinary work done by the cable TV and reporters for the print media and others who are there have given us a picture—and often a picture is worth a thousand words—of the devastation that now continues from a manmade disaster that must be avoided before it takes lives and destroys hope.

Thank you.

I yield the floor.

THE PRESIDING OFFICER. The Senator from South Dakota.

MR. THUNE. Mr. President, I ask unanimous consent to be able to complete my remarks.

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

MR. THUNE. Mr. President, I rise to voice my strong support for the nomination of Ajit Pai to a second 5-year term as Commissioner of the Federal Communications Commission.

Mr. Pai has served as a Commissioner of the FCC since 2012, when he was first confirmed by a voice vote in the Senate. Mr. Pai was designated by President Trump to be the 34th Chairman of the FCC in January of this year and was renominated to a second term to the FCC in March.

In July, the Senate Commerce, Science, and Transportation Committee, which I am privileged to chair, held a hearing on the nomination of Mr. Pai, and the committee reported out his nomination favorably on August 2.

Prior to becoming a Commissioner, Chairman Pai worked on telecommunications policy in both the public and private sectors, notably serving in the Senate as a staffer on the Judiciary Committee as well as in the general counsel's office at the FCC.

It is my belief that Mr. Pai's stellar career and communications policy, his integrity, and his tireless work ethic all serve him well as he continues to serve the FCC and guide the agency back to being a more collaborative and productive institution.

In just 9 months since becoming Chairman, Mr. Pai has made much needed reforms to improve transparency at the FCC and to improve the agency's processes. I am particularly heartened by Chairman Pai's efforts to treat his fellow Commissioners fairly by instituting the process of sharing documents with other Commissioners before discussing them publicly.

Additionally, under Chairman Pai's leadership, the public is now able to view the text of all agenda items in advance of Commission meetings. Also,

to better reflect the realities of today's competitive landscape, Chairman Pai has announced the creation of an Office of Economics and Data to provide cost-benefit analyses to better inform the FCC's work.

These measures are a significant step forward from the last Chairman's leadership style, which I frequently criticized as being hyperpartisan and warned would lead to counterproductive outcomes over the long term. That is why, a little over a year ago, I felt compelled to stand in this same spot and to strongly criticize the previous Chairman of the FCC for leading the Commission with unprecedented partisan zeal. At that time, I noted that the voting record for open meetings at the Commission showed a long history of consensus-building with the previous five permanent FCC Chairmen combining for only 14 party-line votes at open meetings during their tenures. However, this all changed under Chairman Wheeler as he pursued a highly partisan agenda, driven by ideological beliefs more than by a sober reading of the law. Chairman Wheeler forced 3-to-2 votes on a party-line basis a total of 31 times. To put it another way, in 3 years under Chairman Wheeler, the FCC saw over twice as many partisan votes than in the previous 20 years combined.

While partisan differences are sometimes inevitable, what were once very rare events have become standard operating procedure at the Commission. This extreme partisanship was used to do the following things: a complete upending of how the internet is regulated, creating years of uncertainty for everyone; stripping important consumer protection responsibilities from the Federal Trade Commission; a failed attempt to override States' rights on municipal broadband and a power grab that was overturned by the courts; increasing the size of the Universal Service Fund by billions of dollars by simultaneously undermining bipartisan efforts to improve the program's accountability; the unnecessary and possibly unlawful disclosure of trade secrets and a plan to have the FCC and its Media Bureau design and dictate the future of television ads.

I was not alone in noticing Chairman Wheeler's overreach. On several occasions other Federal agencies refused to support his actions. The Copyright Office strongly criticized a proposal for set-top boxes. The staff at the Federal Trade Commission called the FCC's privacy rules "not optimal," which is bureaucrat speak for really bad. The Obama administration's Department of Justice refused to defend the FCC's unlawful action on municipal broadband.

With respect to internet regulations, I am pleased that Chairman Pai has sought to hit the reset button on the 2015 title II order because, as I have previously said, the FCC should do what is necessary to rebalance the agency's regulatory posture under current law. I continue to believe, how-

ever, that the best way to provide long-term protections for the internet is for Congress to pass bipartisan legislation.

Two and a half years ago, I put forward legislative principles and a draft bill to begin the conversation, and I continue to stand ready and willing today to work toward finding a lasting legislative solution that will resolve the dispute over net neutrality once and for all.

Thankfully, the net neutrality debate has not distracted the FCC from important work in other areas. For instance, the FCC's proposed rulemaking on robocalls is a positive step in the right direction. The government must do everything we can to protect consumers from those who are truly bad actors, but we also must be sure that the government's rules are not unfairly punishing legitimate callers who are not acting maliciously. The FCC's notice of inquiry will give that conversation a much needed jump-start.

Furthermore, Chairman Pai's focus on the expansion of rural broadband and acceleration of next-generation infrastructure deployment will help close the digital divide—a goal that we all share. He has also worked tirelessly to help ensure communications services are restored to the communities affected by Hurricanes Harvey, Irma, and Maria.

Given the FCC's importance to the future of our economy and our society, it is important for the Commission to seek opportunities for common ground. In the past, people used to say that communications policy was not particularly partisan and that both sides of the aisle could often find common ground to work together. Well, times have changed, and the debate on this nomination is another example of that.

I know that agreement is not always possible. Nevertheless, as a corrective to the Commission's recent history, I urged Chairman Pai at his confirmation hearing to treat all Commissioners fairly, to respect the law, to be willing to ask Congress for guidance, and to seek consensus whenever and wherever possible. I believe doing so will improve the agency's credibility and will result in actions that are more likely to endure, and I believe that Chairman Pai will do these things.

As I noted at the outset, Chairman Pai has already made much needed reforms to improve the processes at the FCC and to empower his fellow Commissioners. He has already shown a commitment to ensuring transparency and openness at the Commission, which gives me great confidence in the direction that he will lead the agency. Chairman Pai's new approach, I believe, will lead to more long-lasting and positive results at the FCC. That is why I believe the elevation of Ajit Pai to be the Chairman of the Commission is a much needed breath of fresh air, and why I believe he should be confirmed promptly and without further delay.

So I urge my colleagues to support this nomination.

I yield the floor.

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 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 Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission.

Mitch McConnell, Joni Ernst, Thom Tillis, Ben Sasse, Steve Daines, Mike Crapo, Jerry Moran, Tom Cotton, John Thune, Pat Roberts, James M. Inhofe, Johnny Isakson, John Cornyn, James Lankford, John Boozman, James E. Risch, Roger F. Wicker.

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 Ajit Varadaraj Pai, of Kansas, to be a Member of the Federal Communications Commission shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. STRANGE), and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

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

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 208 Ex.]

YEAS—55

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

NAYS—41

Baldwin	Feinstein	Markey
Bennet	Franken	Merkley
Blumenthal	Gillibrand	Murphy
Booker	Harris	Murray
Brown	Hassan	Nelson
Cantwell	Heinrich	Reed
Cardin	Heitkamp	Sanders
Casey	Hirono	Schatz
Cortez Masto	Kaine	Schumer
Donnelly	King	Shaheen
Duckworth	Klobuchar	Stabenow
Durbin	Leahy	

Udall
Van Hollen

Warner
Warren

Whitehouse
Wyden

NOT VOTING—4

Cochran
Menendez

Strange
Tillis

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 41.

The motion is agreed to.

The Senator from Nebraska.

Mr. SASSE. Mr. President, I would like to extend thanks to my colleagues from Ohio and Maryland for allowing me to cut in line.

PUERTO RICO AND U.S. VIRGIN ISLANDS
RECOVERY EFFORT

Mr. President, a few minutes ago, the Senator from Connecticut made a speech about the natural disaster and humanitarian disaster unfolding in Puerto Rico. He urged the executive branch and, in particular, FEMA, the Department of Homeland Security, and the Department of Defense to move quicker to enable the Congress to do our oversight responsibilities.

Director Long at FEMA today made clear to a number of us on a conference call briefing that there are constraints into and out of the airport at San Juan. There are all sorts of legitimate arguments he has made. At the same time, it is absolutely imperative for the American people and for the disaster unfolding in Puerto Rico that the Congress, in general, and the Senate, in particular, be able to do our oversight work.

I would like to associate myself with the comments of the Senator from Connecticut.

Thank you.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I appreciate the comments of my colleague from Nebraska, and our hearts go out to those victims of the hurricane now in the Virgin Islands and Puerto Rico, following the terrible devastation in Texas and Florida. These are American citizens who deserve our assistance and urgent help.

I am glad to hear there is now more support mobilizing on the island. I would like to associate myself with the comments of those who talk about the need to move quickly to save lives.

STOP ENABLING SEX TRAFFICKERS ACT

Mr. President, I rise to talk about something different today, something equally urgent and concerning. It has to do with legislation that is present here in the U.S. Senate and in the House of Representatives. It is about an issue called sex trafficking—human trafficking. It is a crime against humanity. It is a human rights issue that really transcends partisanship and transcends politics.

Every day that we aren't acting here to help push back against this, countless vulnerable women and children are suffering. I personally think it is a stain on our national character that sex trafficking is increasing in this country, in this century, at this time. Experts tell us that it is increasing because of the internet. So the internet,

which has so many positive aspects, also has a dark side. One is the selling of children and women online with ruthless efficiency.

I appreciated the Senate Commerce Committee holding a hearing last week on bipartisan legislation called the Stop Enabling Sex Traffickers Act. I appreciated the opportunity to testify in support of this legislation at that hearing. But, actually, the most powerful testimony by far came from a mom. Her name is Yvonne Ambrose. Yvonne received a call on Christmas Eve that every parent dreads. As a dad of three kids, I can't imagine. Her 16-year-old daughter, Desiree, was murdered while being exploited and sold for sex on backpage.com, the industry leader in the online sex trafficking of minors.

A 16-year-old girl should never have been trafficked online, but the tragedy of her death is compounded by the fact that backpage.com, the website she was bought and sold on, has repeatedly evaded justice for its role in child sex trafficking.

We know from the National Center for Missing and Exploited Children that backpage alone is responsible for most child trafficking. In fact, 75 percent of all child trafficking reports the organization receives from the public have to do with backpage.com. We know from a nearly 2-year investigation by the Senate Permanent Subcommittee on Investigations, which I chair, that backpage actively and knowingly facilitated online sex trafficking, coached its users on how to post so-called clean ads for illegal transactions, and knowingly edited ads to conceal evidence of crimes, including the concealed evidence of underage girls being sold online.

Despite these facts, which are horrendous, courts have consistently ruled that a Federal law called the Communications Decency Act protects backpage from its liability for its role in sex trafficking. This law is 21 years old. It shields websites from liability for crimes others commit through their site. It was enacted when the internet was in its infancy. It was intended, by the way, in part to protect children from indecent material on the internet. Now it is protecting websites that sell women and children for sex.

This was never Congress's intention when enacting the Communications Decency Act. In fact, last week, California's attorney general, Xavier Becerra, testified at the Senate hearing I talked about. He was a Congressman in 1996 when the law was enacted. In discussing the Communications Decency Act, he said: "I don't remember in 1996 believing my 'yes' vote meant I was going to allow, 21 years later, for kids to be sold through the internet for sex."

Congress clearly did not intend for this broad immunity to occur, but courts have made it clear their hands are tied because of legal precedent and have invited the Congress to fix this injustice.

Just last month, a Sacramento judge made the most blatant call on Congress yet. The court threw out pimping charges against backpage.com because of the liability protections provided to the website under Federal law. The court opinion stated: "If and until Congress sees fit to amend the immunity law, the broad reach of section 230 of the Communications Decency Act even applies to those alleged to support the exploitation of others by human trafficking."

Because of this interpretation of the law over the last 20 years, only Congress can fix this injustice. Again, that is why I introduced the bipartisan Stop Enabling Sex Traffickers Act.

Along with coauthors Senators BLUMENTHAL, MCCAIN, MCCASKILL, CORNYN, and HEITKAMP, we are determined to get this bill passed to make a difference in the lives of countless women and children who have been exploited by online sex traffickers.

Last week's hearing was a great positive step in that direction. We had bipartisan support in the hearing, and I hope that after the hearing, we can move quickly to a markup. I thank Senator THUNE, who was on the floor earlier—chairman of the committee—for his leadership in this area.

The bill would do two things. They are both very targeted and narrow. One, it would allow sex trafficking victims to get the justice they deserve against websites that knowingly facilitate crimes against them. Second, it would allow State and local law enforcement to prosecute websites that violate Federal sex trafficking laws, again, with the knowing standard.

This standard of knowing is a high bar to meet. Websites would have to be proven to knowingly facilitate, support, or assist online sex trafficking to be liable. Because the standard is so high, our bill protects good technology companies—good actors—and targets rogue online traffickers like backpage. Our bill also preserves the Good Samaritan provision in the Communications Decency Act, which protects the actors that proactively screen their websites for offensive material.

These are commonsense updates to bring a 21-year-old statute into the 21st century.

This bill has received wide bipartisan support. Thirty-three Senators have supported it, one-third of the entire U.S. Senate as cosponsors. We also have the support of dozens of anti-human trafficking groups in all of our States, faith-based groups from around the country, law enforcement groups, all the national law enforcement groups, including the attorneys general, the groups out there that actually are involved in these prosecutions. They have all publicly endorsed this legislation.

Some significant players in the tech and business community have also stepped up to support it. Recently, Oracle endorsed the legislation, also 21st

Century Fox, Hewlett-Packard Enterprise, Walt Disney Company, and others have supported our narrowly crafted legislation because they know it is necessary, it is needed, and it doesn't affect the good actors.

I would love to see others in the tech community step forward and help us. We want them to partner with us in this. They should be as concerned as anyone, if not more, because online, on the internet, this is taking place. They should want to support, address this injustice, where traffickers exploit women and children with immunity.

Some in the tech community have argued this bill would inadvertently harm good-intentioned websites. I don't believe that is true, but, more importantly, nor do legal scholars who have looked at this.

Attorney General Xavier Becerra explained in last week's hearing that "we have to prove criminal intent. We can't win a prosecution unless we can show that the individuals we're prosecuting, like Backpage, had the intent—the knowledge—to do what they are doing. The legislation that you have before you is very narrowly tailored. It goes only after sex trafficking."

That was our intent, to do it narrowly. The bill targets websites that knowingly facilitate sex trafficking and protects those that don't. It is as simple as that. I think those in the tech community who remain in opposition to this legislation have to realize that by doing so, they are protecting these bad actors, bringing a bad name to the internet. Instead, they should partner with us to protect our kids.

I have spoken about courts and attorneys general calling on Congress to change the Communications Decency Act. The most powerful call on Congress actually came at the Senate hearing last week—not from a lawyer, not from a judge. It came from a mom.

Yvonne Ambrose, whom I mentioned earlier, the mother of the late 16-year-old, Desiree Robinson, with great courage, stated:

Backpage.com and other companies like it must be held responsible for what they have created. I'm sure when this act was put in place in [19]96, the Internet was in its infancy, and it was not intended to allow companies to legally sell children on the internet. But somehow, a dollar has become more important than a human life. If you're going to fix this problem, fix it.

Let's fix it. Last week's Senate hearing was a step in the right direction. Senators from both sides of the aisle understood the injustice that occurs and were passionate in expressing their desire to find a solution. I would just tell you that we have very carefully assessed this problem over the last couple of years, carefully and thoughtfully not just assessed it but looked for a legislative fix that would be a solution to the problems we have identified. We now need to act on it as soon as possible to save those women and children who are being trafficked online every day as we wait.

The Stop Enabling Sex Traffickers Act stops an injustice. I urge the Sen-

ate to take up this legislation, seize this opportunity, have the markup, get it to the floor, get it to the House where there is companion legislation, and fix this problem to protect our kids.

Thank you.

I yield back.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I want to compliment Senator PORTMAN for his leadership on this issue of ending modern-day slavery and trafficking. The United States is taking the leadership globally in fighting trafficking.

We had the Trafficking in Persons Report that is looked upon as being the most authoritative document on how well every country is doing in fighting modern-day slavery and trafficking, but we must make sure we take care of issues here at home.

I applaud Senator PORTMAN's efforts to make sure we do everything in this country we can to protect those victims who are being trafficked for sex or labor. We need to redouble our efforts. I compliment my colleague for his leadership in this area. I can tell him that all of us here want to work with him to make sure America continues to lead in our fight to end modern-day slavery.

HEALTHCARE

Mr. President, I would like to say one thing about the fellows who serve in our office. I know many of us are privileged to have fellows who get assigned to us. Arnold Solamillos has been assigned to my office and has helped us in so many different areas. His expertise from the Social Security Administration is a valuable service. I, personally, thank him for the contributions he has made not just to my Senate office but to the work we do in the U.S. Congress.

Mr. President, I want to comment about the status of healthcare. We had expected that the majority leader might have brought up this week the Graham-Cassidy bill as part of budget reconciliation. I can tell you I am relieved he did not, but I hope this Chamber will consider healthcare legislation not 6 months from now, not a year from now, but there is important work we need to do now in regard to healthcare, and we need to work together, Democrats and Republicans.

One of the urgent issues is to reauthorize the Children's Health Insurance Program, CHIP. That program, as I am sure the Presiding Officer knows, expires in the next 2 days. We need to make sure there is predictability for our States to continue this extremely important program that protects the health of our children.

It was created as a bipartisan program, enjoyed bipartisan support. I certainly compliment Chairman HATCH and Ranking Member WYDEN for their work together to reach an agreement on the reauthorization of this program. I hope we can consider that very shortly.

I also would like to point out that we have very important healthcare policies that have time limits on it and expire, and we need to pass what is known as extenders in health. Some of these policies expire in the next 2 days.

I am going to just mention one. There are many others I could mention, but I want to mention one that I have been involved with ever since Congress made the mistake of placing a limit known as the therapy cap on rehab services. This limit makes absolutely no sense. It made no sense 20 years ago when it was imposed. It was put in there to reach a budget number and reconciliation and had nothing to do with policy.

Today, those who have the most serious needs of therapy services are the ones who are the most at risk. So I would urge my colleagues that we need to take up these medical extenders, and we need to do it now. We need to do it quickly. We don't want to leave the uncertainty out there. Every day we leave the uncertainty, there is a question in the minds of individuals who need these services and those who are providing these services whether, in fact, Congress will extend the policies.

Let me talk a little bit about the broader issue of the Affordable Care Act. We had, I thought, a very informative hearing before the Senate Finance Committee on the Graham-Cassidy amendment to the Reconciliation Act. We had that hearing on Monday, and I thought it was a very informative hearing for the members of our committee and the American public. We had the opportunity to have one of the members of our committee on the panel of witnesses. Senator CASSIDY was a witness at the witness table. During the questioning, I said to him that he had mentioned many examples of individuals who are facing very high premium increases or they don't have the ability to pay the premiums and the out-of-pocket costs. He was using those examples, as some of my other colleagues were using, as to why we have to deal with a change in the Affordable Care Act.

I had the opportunity to question what individuals he was talking about. He identified the group. The group is those who are in the individual marketplace. These are not the families who have policies through their employers or in the group plans, these are individuals who have no other opportunity but to go into the individual market in order to buy their health insurance. Secondly, these are individuals who don't qualify for subsidies because their income is too high.

So I asked Mrs. Miller, who was on the panel who is the insurance commissioner from Pennsylvania, whether my estimate of the number of people who fall into this category is correct. She confirmed it is somewhere between 1 to 2 percent of the population that fall in the individual marketplace and incomes are too high for subsidies.

That is a significant number of Americans, and we need to deal with their concerns. Let me sort of spell out what that is all about. In my State of Maryland, the average cost—capital cost—of healthcare is somewhere around \$8,600 a year. If you don't have an employer helping to contribute to your healthcare insurance or cost or you don't qualify for any subsidies and you are a husband or wife with two children, then your average costs are going to be in excess of \$34,000. That is if you buy insurance so you are not exposed to the unexpected costs. A lot of families just can't afford that.

The problem is, the individual marketplace is not stable. There are too many uncertainties, and those premium costs can become unaffordable for those families whose incomes are too high to receive subsidies. It is an important group, but let's keep in mind it is 1 to 2 percent, so let's not jeopardize the healthcare of 98 to 99 percent of Americans in an effort to say we are doing something for the 1 or 2 percent.

Here is the rub. The Graham-Cassidy bill didn't help that 1 to 2 percent. In fact, it made it worse. It made it less likely that they would be able to get affordable coverage so they didn't deal with the problem that was identified for the reason for the reform. Instead, what the Graham-Cassidy bill did was basically to block grant the Medicaid Program to the States. They had a complicated formula, where many States, like Maryland, would lose a lot of money because we used our State resources to expand Medicaid, and now we are being penalized for it. The bottom line was every State was going to have a cap as to how much money the Federal Government was going to make available, and that cap became tighter and tighter every year.

So I asked one of the witnesses on our panel on Monday: How would you deal with that?

The witness who is responsible in his State said: Well, you manage to the cap. Those were his exact words: "You manage to the cap."

So I said to Mrs. Miller, the insurance commissioner from Pennsylvania: What does that mean, managing to the cap?

She said: Well, it means that in order to make the cap, you either knock people off the rolls and change the eligibility so fewer people have coverage in our State—and let me remind my colleagues the Congressional Budget Office, although they didn't give us a finite score, did say there would be millions of people who would lose their coverage under the Graham-Cassidy bill—so that is one way. Also, the bill eliminated the expansion of Medicaid, which was part of the Affordable Care Act and was responsible for tens of millions getting healthcare coverage. So there would be millions of people who would lose their benefits because the States have to manage to this cap that was in the bill.

The second way Mrs. Miller said you can manage to the cap is to reduce benefits, and many States have done that. They can impose caps. Caps means that if—I had so many people who wrote me letters, and I am sure the Presiding Officer got letters from people in his State—but the ones who really got to you was when you heard from a young husband and wife who have a child with special needs and that person indicated that within the first couple of months, they would have exceeded the cap that was in the insurance policies before the passage of the Affordable Care Act.

What are we supposed to do? If the State, in order to save money to manage to the cap, imposes a cap on how much the coverage is and you have a child with special needs, what do you do about that?

Well, the answer, quite frankly, is you either sell everything you have, mortgage everything you have, or go into a bankruptcy in order to take care of your child because you just can't do it.

So that is what was at risk.

There was a third way to manage to the cap, and Mrs. Miller said: We could cut provider fees, and States have done that. Cutting provider fees means that in areas where there is a large Medicaid population, you are going to have a hard time finding a hospital or a doctor that will be willing to treat the lack of access to care. We saw that over and over again, where people may have coverage, but they can't get a provider. That is not access to care.

So, for all of these reasons, what would have been done under the Graham-Cassidy bill would not have dealt with the 1 to 2 percent where we do have an issue and we need to work on it, it would have created significant problems for millions of others, and I haven't even gotten to the fact that it eliminated the Patients' Bill of Rights and insurance protections that we put into law against preexisting conditions and things like that. So I was glad to see we are not considering that amendment this week. That, to me, was the right decision.

I know we are now going to end this fiscal year in the next 2 days and that next week we are likely to see come out of the Budget Committee another budget document so that we are back on fiscal year 2018 rather than fiscal year 2017. We don't know whether that will deal with taxes or with healthcare, but there will come a time that we may be getting back to this debate. I would hope we don't need a budget resolution to do it. I hope we can move in a bipartisan manner and get some things done now to improve and stabilize the Affordable Care Act.

I have been participating, under the leadership of Senator ALEXANDER, the chairman of the HELP Committee, and Senator MURRAY, the ranking Democrat on the committee—who have been conducting hearings over the last several weeks, and we have invited Members who are not on that committee to

join them. We were able to ask the witnesses questions. We were able to find out whether there were some common areas where we could in fact help stabilize the market that includes the 1 to 2 percent I have already talked about who are the ones who have issues here.

I have met with our insurance carriers in Maryland in reference to why we were having large increases in the individual marketplaces, and we went over the various reasons. The three principal reasons were all talked about in this bipartisan group. Quite frankly, Senator ALEXANDER said: Look, we are trying to see whether we can't come together with some legislation, perhaps to pass as early as this month, which gave a lot of us confidence that at long last we are coming back to work, Democrats and Republicans.

I was criticized by some of my constituents during this debate who asked: Where is your proposal? How are you going to fix it? So several months ago I filed legislation, and I was pleased to see that a couple of the issues I included in my legislation were consensus proposals in this bipartisan group that has been meeting for the last couple of weeks.

One of those that is in my legislation and that is in conversation is to have predictable funding for the cost sharing. As we know, President Trump has raised a question as to whether he is going to continue to pay the insurance companies for keeping the copays and deductibles and premiums low for low-income families. He is doing it on a month-to-month basis. If we could make that a predictable payment, as was anticipated under the Affordable Care Act, that could affect a significant part of the premium increase that has been sought in the individual marketplace. That was what was told to me in Maryland, and that was confirmed by a wide network of groups from many States in the discussions with Senator ALEXANDER and Senator MURRAY. That is something we could do right now. We anticipated that would be done. We can do that, and then we can help those people whose examples were given for reasons why we need to address the Affordable Care Act.

A second issue that is included in my legislation that was very much included in this discussion is, let's make it easier for States to implement a reinsurance program. A reinsurance program takes the high risks and spreads them over so an insurance company doesn't have to impose higher premiums because they have unknown risks. It is a pretty simple process, to use reinsurance. The State Senate used reinsurance and it has worked. It was in the original Affordable Care Act.

The problem is, the States' budgets have already been put to rest. In order to do a reinsurance program, you have to put some money upfront in order to save money. The States just don't have those funds. So let's look for ways we can make it easier for States to implement the reinsurance program, and

part of that is to deal with the waivers that are in the Affordable Care Act. We have guardrails to make sure States use waivers but do not compromise the protections that are in the statute. So let's make it easier for States to implement a reinsurance program which could also bring down rates. Quite frankly, I didn't see anyone object to those two suggestions that were made, which would certainly help.

There are other things I hope we can do. The three main reasons given by the insurance carriers in Maryland for the premium increases are, No. 1, the uncertainty of the cost-sharing payments; No. 2, the reinsurance program; and, No. 3, that we are not enforcing the requirement that everybody be in the pool. We don't do that. You get those that are at the highest risk who are going to come in, but those who feel like they are not going to be using the policies stay out, and then we have adverse risk selection and therefore higher premiums than there should be.

So we really need to do a better job to try to get people into the plans. That is why many of us have been urging our appropriators to provide the funds so we can inform people about the advantages of having healthcare coverage and we can get a broader market in there. I certainly hope a law is passed by Congress that requires the coverage would be enforced. These are things I think we all could do.

There are other issues I hope we can deal with that I think will help all people, in addition to the 1 to 2 percent who need immediate help, as well as bring down the entirety of our healthcare costs. Part of that is to bring down healthcare costs generally. We all know prescription drugs are too expensive in this country. We pay twice what other countries pay. One simple way is to get the same discounts for Medicare as we get for Medicaid. My understanding is that saves billions of dollars. It was in my legislation, just one simple way. I think that if you can collect the bargaining power of the Medicare marketplace, we can certainly get better prices than we get by using a divided market.

So there are things we can do. We can have a better delivery system for providing healthcare to people in this country. I have talked about this many times—collaborative and integrative care models. In Maryland, we have Mosaic, which is a behavioral health facility, working with Sheppard Pratt, a mental health hospital. They worked together in order to have a more efficient delivery system. We need to encourage those types of models that use integrative care to bring down healthcare costs.

Lastly, we need more competition. Yes, I have always supported a public option under the exchanges. I think that makes sense.

We have a lot of other proposals that have been given. Let's sit down and talk about these proposals to see if we can't find ways to make our system better.

We have, once again, reached a situation where the majority has pulled the budget reconciliation, this time permanently, from the fiscal year 2017 calendar year. Let us start the new year that begins on October 1—the new fiscal year—with a commitment from Democrats and Republicans to work together, to share our best ideas, to make sure our children are protected by the extension of the CHIP program, to make sure policies that are currently in place that protect our constituents such as the therapy cap relief are extended.

Let's join together so the Affordable Care Act can be made stronger, particularly in stabilizing the problems in the individual marketplace, and help bring down the growth rate of healthcare costs. That is what we should be working on now, and I encourage my colleagues to do just that.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

BURMA

Mr. MERKLEY. Mr. President, anyone who watches the news, reads the newspaper, or goes on social media knows there are a lot of bad things happening in our world. Folks at home and across the globe are confronting devastations from hurricanes, earthquakes, floods, wars, and forest fires, as in my home State. Tensions between the United States and North Korea have never been higher, reaching a dangerous level. The world is watching all of this with bated breath.

In the midst of this deluge of news, a human rights catastrophe is unfolding virtually unnoticed. I am talking about the members of the Burmese military engaging in horrific acts of unthinkable violence against the Rohingya—a Muslim minority population in a predominantly Buddhist nation.

The Burmese military, along with civilian accomplices, have slaughtered more than 3,000 innocent civilians. They have raped thousands of Rohingya women. They have beheaded children as young as 6 years old. They have burned countless villages to the ground. Through these brutal acts, the Burmese military has driven half a million Rohingya refugees to camps in nearby Bangladesh, with Burmese soldiers continuing to shoot at them as they try to cross the border—a border, by the way, along which landmines have been laid by the Burmese military.

The brutality of what is happening in that country is truly beyond comprehension. The Burmese Government calls it a security operation, but we need to call it exactly what it is—eth-

nic cleansing. So often I have heard the words “never again,” that the United States will stand up to ethnic cleansing. This is one of those moments when we must stand up.

What is happening in Burma is a crime against humanity. As a country, we have more responsibility to take a stand and to speak out against it, to make the world take notice of the atrocities, call for their end, and to work toward their end.

The Rohingya are a people trapped in a cycle of violence and persecution by the Burmese Government and military. The Government of Burma has turned them into stateless people—refusing to recognize them, refusing to give them citizenship in spite of the fact that much of the Rohingya community has been there for centuries. They need our help.

The Burma Government has adopted laws that ban the Rohingyas from traveling without official permission, from owning land, from securing a public education, from obtaining employment by either a state or private business.

When the Burmese Government says that it will welcome back the refugees who can prove their citizenship, they are being completely disingenuous and completely treacherous, because they know—and the whole world should know—that the very laws of Burma make it impossible for the Rohingya to prove their citizenship since they have been denied citizenship by the Government of Burma. We cannot sit idly by and let ethnic cleansing continue.

One nation that has stepped up is Bangladesh. As the leaders of Burma have persecuted the Rohingya and burned the villages and shot the refugees as they were fleeing, the Government of Bangladesh has opened its door. It has proceeded to allow humanitarian groups access and the United Nations access. This is commendable, but more needs to be done. These refugee camps are overcrowded. There are not enough supplies, clean toilets, food, or clean water. Doctors Without Borders says that they are on the brink of a “public health disaster.” Unlike Bangladesh, other countries have yet to speak up.

Indeed, I am concerned by reports that some factions within India have been explicitly, publicly seeking to expel India's own Rohingya population. It is important for the international community to weigh in with them and to ask them to respect international law and to protect the Rohingya refugees. India knows full well that there is nowhere to send them. If they send them back to Burma, there will just be more persecution of the men, the women, and the children.

It underscores the fact that the Rohingya need help and that the world should answer the call. As we do, we must use what influence we have to put an end to the violence and the persecution of this ethnic minority. We need to call on Burma's leaders to protect these minorities, not to assist in the

persecution. We need to call on the Government of Burma to immediately give humanitarian groups access to the Rohingya who are trapped in Burma, in what some have described as concentration camps. We need to call on Burma's leaders to provide the hundreds of thousands of Rohingya refugees who have been forced to flee their homes and villages with a safe and assisted right of return.

In addition, the Burmese Government—the Burmese nation—needs to figure out how to end the root causes of this conflict—an age-old ethnic and religious conflict—and find a way to embrace the diversity within their nation. Certainly, this is not the first time that the tensions have erupted into violence. It has happened time and time and time again, but this is the worst we have ever seen.

Kofi Annan, the former U.N. Secretary General, is the current chairman of the Advisory Commission on Rakhine State. He and his team have called on Burma to take the appropriate actions to end this cycle of violence, this cycle of radicalization.

The entire Rohingya community is counting on us—the world—to notice and to act. We must immediately see an end to the violence, full access for humanitarian organizations, cooperation with and access for the United Nations fact finding mission, the safe return of refugees, and the implementation of the full set of recommendations from Kofi Annan's report.

It is also critical that the United States and the international community continue to shed light on this horrific problem, provide sustained aid and support to the refugees in Burma and in Bangladesh, and take action to show other repressive governments that there will be consequences for pursuing this type of persecution, starting with a strong U.N. Security Council resolution.

International action to end this violence, increase humanitarian assistance, and extend our aid to the Rohingya people is the right thing to do. I pray that together we will answer that call.

I also thank my colleagues who have already been engaged in this issue. There are a number of them, but I am particularly aware of Senator Richard Durbin's, Senator JOHN McCAIN's, and Senator BEN CARDIN's involvement and leadership.

Let's build on that foundation to have the Senate demonstrate attention to this issue through letters, and we should also try to arrange a Senate trip to visit both Burma and Bangladesh in order to draw additional international attention and build momentum for action.

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

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

HURRICANE RECOVERY EFFORTS AND TARGETED TAX RELIEF

Mr. CORNYN. Mr. President, it has been quite a few weeks now since Harvey hit and, then, Irma. Now Maria has devastated the island of Puerto Rico and the Virgin Islands. Of course, my gaze has been firmly on the devastation wrought by Hurricane Harvey back in my home State of Texas. Yet we are joined together with those who suffered under Irma and Maria, and we will remain steadfastly with them as we all work to recover from these terrible hurricanes.

Last week, I rode in a Black Hawk helicopter with Russ Poppe, as well as our Adjutant General, John Nichols. Mr. Poppe is executive director of the Harris County Flood Control District. We were able to survey in the air things I had seen up close during several trips back home, the wreckage of the land and livelihoods.

It is an emotional thing for families and homeowners to basically take all of their worldly possessions out to the front of their house and put it in the front yard because it is completely ruined as a result of the water, along with things like the drywall, trying to attack the mold before it grows and makes the house uninhabitable.

We saw from about 10,000 feet in the air what we had previously seen from the ground, but from the air, you definitely get a different perspective on the waterlogged landscape. You see so much more. You see the levees, the reservoirs, the areas hit. You see the damaged goods and drywall that people have taken out of their homes as the first step toward recovery. It definitely has an impression on you, particularly with the size and scale of the affected area. It is really hard to believe until you see it from that perspective.

So when I took off my headset and sunglasses—and by the way, Speaker PAUL RYAN joined us on that particular trip, and we all appreciate his being there. When we stepped off the chopper, what I thought about was not only what we have done so far but how much further we still had to go. It is not just about building materials, street and roof repairs, or even the temporary housing that people need, although all of those things are surely important. We need to remember that the remedies are not going to be one-size-fits-all. We need broad support, but we also need targeted and narrow support to help people get back on their feet. We need to keep each family in mind and what their own particular needs may be depending on their particular circumstances.

As I started out to say, it is not just Texas we are talking about anymore; it is Florida, Puerto Rico, and the Virgin Islands too. We all remember that those places were hit by Hurricanes Irma and Maria right after Texas was hit by Harvey.

I want to make one thing clear, though: We in Texas stand together

with our fellow Americans who suffered from Hurricanes Maria and Irma, as well as those who suffered from other natural disasters occurring in and around our country, and we will do everything we can to help the people who were harmed and damaged, even devastated by these terrible storms. We will help them fight to get back on their feet, to recover, and to return their lives to some form of normalcy.

One way we can work together and deliver relief to different people in different geographic areas is in providing temporary tax relief. Now, I know this sounds kind of like a small thing to do, but if you think about it, this is a thousand-year storm. Hurricane Harvey dropped 34 trillion gallons of water on the same area over a period of about 5 or so days. Many people were not in the hundred-year floodplain, which is typically where you would buy flood insurance, so many people suffered losses that were not covered by flood insurance. What many of these folks will have to do is dip into their retirement savings and other savings in order to help to get life back to normal. This relief will help folks get back on their feet as they rebuild their homes and businesses and neighborhoods in the wake of these hurricanes.

We recently passed—earlier this afternoon—a Federal Aviation Administration reauthorization, but it also included the tax package I am talking about now that provides this targeted relief. These provisions will help hurricane victims in all of the devastated areas keep more of their paycheck, first and foremost, but be able to deduct the cost of their property damage on their tax return and encourage even more Americans to generously donate to hurricane relief to help their neighbors and employees.

I know this tax package is a small matter. It is not a panacea and certainly not a cure-all, and it is not supposed to fix every storm-related problem or absolve us from honoring our ongoing responsibilities in the days ahead. But as John Steinbeck once said, “and now that you don't have to be perfect, you can just be good,” and I think these are good reforms. They will complement other measures by the Federal Government, as well as other State and local actors.

Similar provisions were introduced in a noncontroversial section of the FAA reauthorization bill that unfortunately House Democrats, led by Leader PELOSI, tried to block earlier this week. Despite the delays, I am pleased that the House acted a second time earlier today to ensure that this relief is delivered to those who need it most—again, not just in Texas but in Florida, the Virgin Islands, and in Puerto Rico, which reportedly has been devastated. Now we in this Chamber seem to have finally gotten the message, too, by passing this relief just this very afternoon as part of the FAA bill.

Our colleague from Florida, Representative CARLOS CURBELO, said

about the hurricane victims in his home State: “They don’t have time to wait. They certainly don’t have time to play political games.” He is right, and now we can say we have taken those words to heart.

So I remember what I saw from that helicopter. Now that the time for surveying the scene has ended, what is no longer up in the air is this: For many Texans, Floridians, and Puerto Ricans, targeted tax relief will serve to make a difficult year just a little easier.

So I salute the House for getting the job done, and I am glad we in this Chamber have quickly followed suit.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, I want to thank the senior Senator from Texas for his leadership in the disaster response, and I pledge my commitment to whatever is needed for Houston and the areas around Houston, as well as Florida. I appreciate the commitment at the legislative level for what needs to be done in Puerto Rico.

Mr. President, we also need to continue to apply pressure to the administration because it does appear as though there is an unequal response between what is happening in Puerto Rico and what has happened in Houston and in Florida. So we need to hold as a country the executive branch accountable for the lack of a sense of urgency for 3.5 million Americans who are mostly going to be without power for 9 months, who are currently without potable water, who are in a devastated situation. It is our obligation to do everything we can.

Mr. President, the Senate is about to make an important decision about who leads the Federal agency that oversees everything from the internet, to the TV, to radio.

This vote is a choice: We can either give our stamp of approval on the FCC’s direction under the leadership of Chairman Pai, or we can decide that his leadership has put the FCC on the wrong track and that it is time for someone else to take charge.

Generally speaking, here is how I approach a nomination. There are three reasons one might reject a nominee. If the person is corrupt, it is a nonstarter. If the person is nonqualified, it is also a nonstarter. And even on policy grounds, in the policy space, just disagreeing with someone can often boil down to the fact that there is a President from another party and is not sufficient to vote no.

Chairman Pai is someone I know. He is skillful, he is a decent human being, he is very smart, and he is qualified. When we disagree, we can do it in a way that doesn’t ruin our ability to work together on the following day on the following issue. And this is no small thing in today’s political climate. So it is important that if we are ever going to get something done, we are able to disagree and find common ground afterward.

I do like Chairman Pai as a person. I think he is ethical and he is capable. But he is just so wrong on policy. For me, that means he is not the right leader for the FCC. I want to highlight four of the concerns I have.

First, the FCC really is trying to end the internet as we know it by getting rid of net neutrality. If they succeed, your internet service provider will have the power to stop you from seeing certain kinds of content. They will be the ones that make decisions about what you can access online and how fast and how much you have to pay for it.

Some people say that companies aren’t going to change the internet because it is not in their interest to change the internet, even if the law goes away. But think about this: Most often, these ISPs are publicly traded companies, and they are going to make decisions based on their own financial interests. It is not just an objective; it is their obligation. If there is an opportunity to change their business model for internet service, they are duty bound to pursue it. They do not have any obligation to a free and open internet; they have an obligation to shareholders and to profits.

That is why net neutrality exists in the first place—because we should not leave it up to any company to decide whether they are going to charge people more to stream video, for example, or block certain content altogether. If we allow the FCC to end net neutrality, Americans across the country are going to find that the internet no longer works in the way that it should. And this has happened under Chairman Pai’s leadership.

It is not just bad policy that he is pursuing; they have also had some serious process fouls. When Chairman Pai announced that the FCC was revisiting the rules, he made clear that the FCC was going to get rid of net neutrality regardless of what happened throughout the process. He said: “This is a fight we intend to wage and it is a fight we intend to win.” Why is that a significant thing to say? “This is a fight we intend to wage and it is a fight we intend to win.” This is a quasi-judicial agency. They just opened up a public comment period. There were 22 million members of the public who submitted public comments after the Chairman of the Commission has already announced that he has decided which way they are going to go. I think that is antithetical to the governing statute, and it is antithetical to the basic premise that if you have an open comment period where an individual has an opportunity to express themselves, you have to listen to them. You don’t say: I already decided, but you 22 million people—if you have an opinion, I will be happy to receive it and file it and do what I planned to do all along. That is the exact opposite of how this is supposed to work.

The agency proposes the rule, the public weighs in, and then the agency

considers the comments from the public in making the decision. But Chairman Pai turned it upside down. The FCC has tried to diminish the fact that so many people tried to weigh in. About 96 percent of the roughly 22 million people who have weighed in have weighed in in favor of net neutrality. They are trying to lay the groundwork to get rid of net neutrality even though the vast majority of people are for it. By doing that, the FCC is effectively saying that lobbyists and law firms matter more than regular citizens.

This is just the tip of the iceberg. The FCC has claimed that cyberattacks kept people from being able to comment, but they have not been forthcoming about what exactly happened, and we are still working in our oversight role to figure that all out.

Secondly, I would like to address media ownership. Local TV broadcasters are an essential part of every community. People know their local TV station. They trust it. There is a range of perspectives offered. Because the broadcasters are based in the community, they have relationships with their viewers that make their content better and more relevant.

For decades, Congress and the FCC have taken steps to keep local broadcasting local because it benefits the public interest. These are the public airways. It is like fast food options across the country. You may not mind McDonald’s once in a while, but you don’t want that to be the only option in your hometown. You want something that captures the local culture in your community. That is what local broadcasting does. It makes TV in Honolulu different from TV in Hartford or Houston.

But now the American tradition of local broadcasting is in real danger because the FCC is going to change the rules so that these stations can be bought out by a single company without any limits. I have no doubt this would create a world of sort of nationalized content distributed through each of these local companies, with consumers having to watch whatever is distributed to them by their national headquarters. This is no longer local news, and this is not the broadcast media that Americans deserve.

The third area I want to talk about is broadband access. Right now, Americans have widely different levels of internet speed basically based on where they live. In some places, you have great broadband access, no trouble streaming video, accessing government services online, downloading, uploading, but in rural and Tribal communities, they are very, very far behind. As the FCC noted, 39 percent of rural America and 41 percent of those on Tribal land lack access to advanced broadband. Even if they have cell phones with internet access, a mobile network will typically offer slower speed than fixed broadband, so they can’t go online and do the things we can in Washington, DC, or in many

other cities across the country. So everyone, on a bipartisan basis, understands that this needs to change.

High-speed broadband is the cornerstone to economic development, public safety, and quality of life in every community, no matter how many people live in your community. The FCC has historically worked so that every home, school, and business has had adequate access to the internet because that is what it will take to unlock the innovation and potential for all Americans.

The FCC has worked on this issue by setting the bar for what it will take to connect more Americans to the internet. There is already a threshold in place which says that this is what high-speed internet access is, so we know who has it and who doesn't. But instead of actually working to get more people broadband, the FCC is working to change the definition of broadband so that it looks as if they have gotten people more broadband. That way they can say that more Americans are covered, even if they have internet service that does not meet their needs. In other words, they are not actually solving the problem; they are literally just redefining what it means to have access. Rather than giving people access, they are papering over the problem that they are not solving. This is a real issue, and it is something that the Commerce, Science, and Transportation Committee members have worked on on a bipartisan basis.

The way to get more people broadband access is to get more people broadband access. It is not to change the rules and to change the metrics so that you can come back to the Congress and say: Look, we just achieved more access by allowing these companies to claim that people are covered who are not.

The fourth and final concern I want to raise is a little more sensitive because, as I said, I like Chairman Pai, and I respect Chairman Pai, but he made some comments during his confirmation hearing that worried me. I asked if he agreed with the President's comments calling the media the enemy of the state. He would not give a direct answer.

I understand that Mr. Pai is a Republican. That is not the problem. I understand Republicans will be appointed in a Republican administration. I am the former Democratic Party chairman of the State of Hawaii, so I understand party loyalty. I respect party loyalty.

We have a President and a White House that are pushing to blur the legal, moral, and ethical boundaries in our Nation's Capital. This is not the time to get cute when we ask a question about the rule of law. This is not the time to finesse an answer. The only acceptable answer is this: I will not let anyone interfere with my work, whether it is the President or anyone else, and the media is not the enemy of the state. Mr. Pai did not take that oppor-

tunity. This was one of a few opportunities Mr. Pai had to be unequivocal. The senior Senator from New Mexico, if I remember correctly, and other members of the panel, sort of gave him a second and third bite at the apple so that he could get it right. It was an easy one to get right.

I understand it is politically complicated, but sometimes you have to set aside the politics and just say what is right and do what is right. My instinct is that he will not use the FCC to do anything that crosses any ethical boundaries that I am worried about, but the fact that he will not say so leaves an opening that should not be there.

The President has tweeted about media companies that give him bad coverage. He consistently refers to the media as "fake news" media and "garbage" media and makes unsubstantiated claims about various networks and newspapers and threatens to come after them. So it is not out of the realm of possibility that this could go beyond some partisan talking point from the Democrats in the Commerce, Science, and Transportation Committee and into a real crisis.

I just want to hear from Mr. Pai. He will be confirmed on Monday, but I want to hear from Mr. Pai that he does not believe the media is the enemy of the state and he will not allow any interference from the White House.

I would like to end by bringing this back to the American people. This vote is our chance to stand up for them. There will not be a vote on net neutrality on the floor in the next weeks or months, but they deserve to keep their faith in local broadcasting, they deserve a free and open internet, and they deserve to have adequate access to the internet no matter where they live. That is why I have to vote no on this nominee.

I admire Chairman Pai. I like him as a person, but he is the wrong leader for the FCC. I urge my colleagues to join me and vote no on his nomination.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

Ms. HASSAN. Mr. President, I, too, rise today to oppose the renomination of Ajit Pai to serve as Chairman of the Federal Communications Commission. I will start my remarks by acknowledging my friend, the Senator from Hawaii, and echoing his sentiments about the respect I have for Chairman Pai's ability, his skill, his intelligence, his dedication, and commitment, but I, too, as a member of the Commerce Committee, have sat through testimony from Mr. Pai and watched a number of things unfold with regard to policy that is critically important to people of New Hampshire and our country. I find that I, too, am in a position of being unable to support this nomination.

The FCC plays a critical role in overseeing our communications networks, protecting consumers, and ensuring

that our Nation's businesses can compete on a level playing field. Unfortunately, throughout his tenure at the FCC, and particularly during his time as Chairman, Mr. Pai has not demonstrated a commitment to those goals. To start, I have real concerns with the Chairman's actions to undermine net neutrality and the impact that would have on people in New Hampshire and throughout our country.

A free and open internet is essential to consumers, essential to entrepreneurs and innovative small businesses that are the foundation of our economic success. Net neutrality is the concept that internet service providers should provide equal access to applications and content online, and they should not be able to discriminate against content and content providers by making certain web pages, applications, or videos load faster or slower than others. Put simply, net neutrality ensures that even the smallest voices and businesses can be heard and can thrive. People and businesses in New Hampshire know this. Granite Staters have called and written to my office in support of net neutrality, and the FCC has received a recordbreaking number of public comments, reaching tens of millions, from people looking to make their voices heard on this topic.

Chairman Pai is not addressing the concerns of Americans who are speaking out. Instead, he is listening to big cable companies and internet service providers and taking direct aim at net neutrality protections. That is unacceptable. Protecting net neutrality is essential, but with Chairman Pai at the FCC, these critical rules are in danger.

I also oppose this nomination because Chairman Pai is putting rural broadband advancements at stake. Recently, Chairman Pai and the FCC released a notice of inquiry that raises questions about its goals, suggesting it will consider mobile broadband as an adequate replacement for fixed broadband, which would allow speeds that are two-thirds slower. For many parts of New Hampshire, mobile is not dependable enough or fast enough to meet our economy's needs, promote innovation, and connect young students with their homework. We must address the challenges that rural communities face in getting access to broadband. But by focusing instead on mobile broadband, the Chairman would have us leave rural America without a reliable connection.

Finally, I have concerns about Chairman Pai's ability to adequately evaluate the pending Sinclair-Tribune merger that sits before the FCC. For decades, our Nation has maintained a policy that limits the number of broadcast stations that one company can own nationwide. This policy has protected Americans by allowing them to receive robust and fair news content about their communities and has provided a diversity of voices in the broadcast news media marketplace.

This merger would result in Sinclair's ability to reach over 70 percent of Americans across our country, far exceeding the Commission's ownership caps and threatening the diversity in broadcast news that Americans deserve and expect.

Since Chairman Pai took the lead of the FCC, the Commission has worked to loosen regulations regarding media ownership, and, in turn, Sinclair benefited. As this proposed merger is still under consideration, we need someone at the helm of the FCC who will thoroughly vet the implications and ensure that it is in the public interest. There is too much at stake with this merger, and Chairman Pai's actions raise doubts that he can evaluate it impartially.

We need an FCC that is focused on putting consumers first and ensuring that all Americans have the opportunity to thrive in the 21st century economy. There are simply too many concerns about Chairman Pai's record, his ability to express impartiality on key decisions, and his goals for Federal Communications Commission priorities. I will vote against Chairman Pai's renomination, and I urge my colleagues to do the same.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TAX REFORM

Mr. WYDEN. Mr. President, I am going to take some time this afternoon to respond to the remarks of the President's top economic adviser, Mr. Gary Cohn, with respect to this administration's approach to taxes.

Let me be clear right at the outset. The President and his parade of millionaires are executing a middle-class con job. I am going to be very specific in saying why I reached that judgment with respect to what they are saying about taxes.

The President said: "I don't benefit. Very, very strongly I think there's very little benefit for people of wealth." Those are the President's exact words. "It's not good for me, believe me," the President said in his speech unveiling the tax reform blueprint on Wednesday.

Unless the President paid zero tax, the President is going to benefit enormously from his tax plan. His family would save billions if the estate tax is eliminated, as he has proposed. His more than 500 passthroughs will be able to take advantage of the new Grand Canyon-sized passthrough loophole that his plan proposes. Based on his 2005 tax return—that is the only one available—the President would save millions each year if the alternative minimum tax is eliminated.

Today, the President's top adviser, Gary Cohn, said: "We've also said that wealthy Americans are not getting a tax cut." They expect you to believe them and not your lying eyes.

I want to take a few minutes and describe exactly what the well-to-do are getting in this bill.

The plan outlined by the Trump administration would cost upwards of \$5 trillion, and it is overwhelmingly skewed toward the wealthy and the biggest corporations. It lowers the corporate rate from 35 to 20, and much of that goes to wealthy shareholders.

The new passthrough, which would give this big gift to high-flyers, hedge funds, basically would let them start calling ordinary income business income, so it could be taxed at a much lower rate, and they would in the process harm Social Security and Medicare because they aren't paying those payroll taxes.

I mentioned the estate tax. This is for just a few thousand people. The exemption for a couple is already \$11 million. This break would cost the American people between \$250 to \$270 billion. That is an awful lot of money to parcel out to a few thousand families.

They would lower the individual top rate from 39.6 to 35 percent. Let's make no mistake about it—the President of the United States and his top economic adviser have said they are not going to give tax cuts to the wealthy. That is not what they said yesterday. They said that the top rate was going to go down from 39.6 to 35 percent. And to add insult to injury, for those at the bottom of the economic system who pay 10 percent now, theirs would go up to 12 percent. So this is just making a mockery out of the President's pledge that this was going to be about working families and not about the wealthy. The fact is, with respect to the middle class, the Trump team is running a sleight-of-hand shell game. What they give with one hand, they just take away with the other.

They touted yesterday that they were going to be helping middle-class folks by doubling the standard deduction. First of all, that is walking back the bipartisan proposal we had here in the Senate—written by myself and my colleague Dan Coats, now a member of the Trump administration—that would triple the standard deduction.

What is particularly outrageous is that the Trump people aren't leveling with those middle-class families. Basically, they are saying: Oh, you are really going to do well. You are going to double the standard deduction. What they don't tell them is that they are going to eliminate the personal exemption that large middle-class families rely on. In effect, those large middle-class families—I think a lot of working-class families who may have supported the President—are going to see a tax increase under the President's tax outline that we heard about yesterday, even with this larger standard deduction.

The President's team also took a big pass on the opportunity to expand the child tax credit to make sure more working families would benefit from it. There are no specifics about the child tax credit in this plan.

The Treasury Secretary went on FOX News and said that the tax plan is going to cut the deficit by a trillion dollars. Mr. Mnuchin is doubling down on the failed experiment—the idea that the tax cuts, in effect, pay for themselves through economic growth. History shows that just is not true.

The tax cuts don't pay for themselves. The 2001 and 2003 Bush tax cuts were billed as tax relief for the middle class to spark economic growth. Instead, the benefits skewed to those at the very top, and they added trillions of dollars to America's debt. Middle-class wages fell. Unemployment increased. This is a pattern that working families, middle-class families, cannot afford to have repeated.

Now the Secretary of Treasury's claim is: Well, the Trump tax cuts will not just pay for themselves; they are going to bring in an additional \$1 trillion in revenue atop their own cost. William Peter Wyden, age 9, my son, would say: That is just a bunch of whoppers. It couldn't be further from the truth.

As even Republican-appointed Budget Office Director Keith Hall has said and made clear, the tax cuts do not pay for themselves: "No, the evidence is that tax cuts do not pay for themselves." Those are the words of the Budget Director appointed by the Republicans.

That Budget Director, Mr. Keith Hall, went on to say that the models they are doing—the macroeconomic effects, the fancy kind of economic lingo for the big picture in the long term—show it.

The other comment that was noteworthy from Mr. Gary Cohn is that the President remains committed to ending the carried interest deduction. Despite his campaign promise that won him bouquets from political commentators and typical middle-class voters, once again, the President's plan doesn't close the carried interest loophole. This is the second big occasion on which the President has failed to follow through on his campaign promise.

A few months ago, in the spring, they had a one-page outline. They said that was where they were going on taxes. They said that one-page outline was shorter than a typical Fred Meyer receipt. Fred Meyer is kind of an iconic store in our State. They had one page then and didn't do anything about following through on the President's promise to get rid of the carried interest loophole.

Yesterday—again, we didn't get a bill, but at least when you kind of eliminate all the white space, they put out close to five pages. Once again, they didn't close the carried interest loophole.

In fact, the plan gives such massive tax cuts to those at the top, investment managers will not be the only

people who can get away with paying less than their fair share. Many of the megawealthy are going to be able to do so. It is all going to be legal under the President's plan.

What is the one question on which the Trump team doesn't bend the truth? Whether their plan will protect the middle class from a tax hike. On ABC, the Trump adviser, Mr. Cohn, said that he couldn't guarantee taxes will not go up for middle-class folks. On ABC, the Treasury Secretary said that he couldn't guarantee middle-class folks would not pay more under the tax plan.

What is really striking about this, and it is quite a contrast, is that what people at the very top are going to get is spelled out in detail—in detail. They are going to see the abolition of the estate tax, an incredible windfall to a few thousand families.

Middle-class folks—can't guarantee you will not pay more. Mr. Cohn said: We are aiming to help the middle class. But then he was asked: Would you commit to it? His answer: Well, I don't know. There might be somebody somewhere.

Then there are State and local taxes. He just wouldn't stand behind the middle class the way that this administration stands foursquare behind those at the top. It is why I have said that the President and his parade of millionaires are executing a middle-class con job, and we sure saw it today.

The President's ultrawealthy, out-of-touch advisers clearly fail to understand that the time is now to deliver tax relief to middle-class folks who need it most. It is time to go back to the drawing board and come up with a plan that doesn't threaten middle-class Americans, particularly those with larger families, and doesn't hit them with a tax increase they can't afford.

I want to close by way of saying that on our side, we have repeatedly said we share the view that the tax system is a dysfunctional, broken-down mess filled with loopholes. Then you have the inversion virus. Often my wife says: Why don't you stop there? Any more is going to frighten the children.

We share the view that the tax system is broken. I have been very proud over the years to join two senior Republicans, close allies—the majority leader, MITCH MCCONNELL—in a tax reform proposal that is bipartisan that really puts the focus on the middle class and on red, white, and blue jobs.

Our proposal—the outline laid out by Democrats—was that there had to be fiscal responsibility, it had to focus on the middle class, and the tax relief couldn't go to the 1 percent. The bill I wrote that had Republican support, the outline led by the distinguished Democratic leader, Senator SCHUMER, doesn't even go as far as Ronald Reagan and the Democrats went in 1986.

President Reagan, whom no one would call a flaming liberal, entered into an agreement with Democrats in

1986 that said there would be equal treatment of income earned by a cop or a nurse with that earned by someone from a hedge fund or an investment shop.

In effect, Ronald Reagan said that a dollar is a dollar is a dollar. Everything ought to be treated fairly. That was important then, and it is even more important now because, in reality, there are two tax systems in America. There is one for the cop and the nurse. They have their taxes taken out every paycheck. That taxation is compulsory—no Cayman Island deal for them.

Then there is another tax system for the kind of people who benefit from what the President outlined yesterday. Those are the high-fliers. They get to pay what they want when they want to. I think it is very unfortunate that what the President has described is another gift to that group I just described, who pay what they want when they want to. To quote the President, it is really sad to hear that this administration and the President are pretending that they are doing something else and putting the focus on the middle class when what they really are doing is advancing the cause of the parade of millionaires, a number of whom are part of this administration.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 328, 334, 335, and 336.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of John R. Bass, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan; Jon M. Huntsman, Jr., of Utah, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation; Justin Hicks Siberell, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Bahrain; and A. Wess Mitchell, of Virginia, to be

an Assistant Secretary of State (European and Eurasian Affairs).

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Bass, Huntsman, Siberell, and Mitchell nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following nominations: Executive Calendar Nos. 316, 317, 318, and 319.

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

The clerk will report the nominations en bloc.

The senior assistant legislative clerk read the nominations of Robert J. Higdon, Jr., of North Carolina, to be United States Attorney for the Eastern District of North Carolina for the term of four years; J. Cody Hiland, of Arkansas, to be United States Attorney for the Eastern District of Arkansas for the term of four years; Joshua J. Minkler, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years; and Byung J. Pak, of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Thereupon, the Senate proceeded to consider the nominations en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nominations en bloc with no intervening action or debate; that if confirmed, the motions to reconsider be considered made and laid upon the table en bloc; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD.

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

The question is, Will the Senate advise and consent to the Higdon, Hiland, Minkler, and Pak nominations en bloc?

The nominations were confirmed en bloc.

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 338 through 348 and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

IN THE ARMY

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael R. Fenzel

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jacqueline D. Van Ovost

The following named Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be brigadier general

Col. Jeffery D. Aebischer
 Col. Nathan B. Alholinna
 Col. Boris R. Armstrong
 Col. Kimberly A. Baumann
 Col. Robert L. Bell
 Col. Shawn N. Bratton
 Col. Jeffrey L. Butler
 Col. Michael E. Callahan
 Col. Kevin J. Campbell
 Col. Thomas S. Cauthen
 Col. Lawrence L. Christensen
 Col. Shawn A. Clouthier
 Col. Darwin L. Craig
 Col. Robert C. Desko
 Col. Kevin M. Donovan
 Col. Bobbi J. Doorenbos
 Col. David M. Dziobkowski
 Col. Randal K. Efferson
 Col. Howard L. Eissler, III
 Col. Shawn D. Ford
 Col. Jed J. French
 Col. Daniel E. Gabrielli
 Col. Mark P. Gaul
 Col. Rainer G. Gomez
 Col. Patrick M. Guinee
 Col. Penny C. Hodges-Goetz
 Col. Jeremy C. Horn
 Col. Cassandra D. Howard
 Col. Paul D. Johnson
 Col. Edward S. Jones
 Col. Gary W. Kirk
 Col. Heidi L. Kjos
 Col. Meaghan Q. LeClerc
 Col. Gregor J. Leist
 Col. Suzanne B. Lipcaman
 Col. Keith G. MacDonald
 Col. Rolf E. Mammen
 Col. Gerald E. McDonald
 Col. Christopher G. McGraw

Col. Michael R. Morgan
 Col. Rebecca L. O'Connor
 Col. Duke A. Pirak
 Col. Jeffrey L. Ryan
 Col. Jon S. Safstrom
 Col. William L. Sparrow
 Col. James R. Stevenson, Jr.
 Col. Jeffrey D. Storey
 Col. Bryan J. Teff
 Col. Edward L. Vaughan, IV
 Col. April D. Vogel
 Col. Charles M. Walker
 Col. Christopher S. Walker
 Col. David A. Weishaar
 Col. Wendy B. Wenke
 Col. Gregory T. White
 Col. Brent W. Wright
 Col. William T. Yates
 Col. Daniel S. Yenchesky

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John E. Cardwell

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Joseph D'Costa

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Michael A. Bills

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Daniel J. Christian

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Kenneth H. Moore

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Matthew P. Easley

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

To be brigadier general

Col. Johnny R. Bass

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Tony L. Wright

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN944 AIR FORCE nomination of Stephen J. Augustine, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN945 AIR FORCE nomination of William J. Vit, Jr., which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN946 AIR FORCE nomination of Theresa A. Jones, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN947 AIR FORCE nominations (2) beginning JAMES S. SHIGEKANE, and ending ANDREW H. STEPHAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN948 AIR FORCE nominations (2095) beginning MARC AALDERINK, and ending JOSEPH R. ZITO, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN949 AIR FORCE nominations (149) beginning IAN S. ANDERSON, and ending JOAN DIAZ ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN950 AIR FORCE nominations (53) beginning JENNIFER L. BAKER, and ending DORIAN R. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

IN THE ARMY

PN952 ARMY nomination of Derrick C. Long, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN953 ARMY nomination of Natalie E. Vanatta, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN954 ARMY nomination of John F. Lopes, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN955 ARMY nomination of Terrance R. Latson, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN959 ARMY nomination of Robert P. L. Bailey, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN960 ARMY nomination of Mariah C. Smith, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN961 ARMY nomination of Mark W. Canary, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN962 ARMY nomination of David E. Meacher, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN963 ARMY nomination of Christopher D. McDevitt, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN964 ARMY nominations (8) beginning BRUCE M. COCCOLI, and ending SCOTT J. SHERIDAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN965 ARMY nominations (35) beginning THOMAS A. BROOKS, and ending D012739, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN966 ARMY nominations (2) beginning EDWARD A. JARRETT, and ending CASEY T. SCHOVER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN967 ARMY nominations (19) beginning CURTIS J. ALLEN, and ending BRADLEY A. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

IN THE MARINE CORPS

PN979 MARINE CORPS nomination of Megan L. Bustin, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN980 MARINE CORPS nomination of Robert M. Barclay, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

IN THE NAVY

PN968 NAVY nomination of Jason A. Tews, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN969 NAVY nomination of Christopher P. Carroll, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN970 NAVY nominations (2) beginning GABRIEL PEREZ, and ending ERIC R. TRUEMPER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN971 NAVY nominations (91) beginning ANTON A. ADAM, and ending YING P. ZHONG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN972 NAVY nominations (33) beginning ADRIENNE T. BENTON, and ending AARON R. WESSON, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN973 NAVY nominations (55) beginning SALAHHUDIN A. ADENKHALIF, and ending VICTOR T. F. WONG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN974 NAVY nominations (107) beginning SANTIAGO A. ABADAM, II, and ending JAIME M. YORK, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN975 NAVY nominations (49) beginning SARAH A. AGUERO, and ending DENNIS E. WESTMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN976 NAVY nominations (123) beginning JOKO A. ABUBAKAR, and ending YUI Y. WONG, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN977 NAVY nominations (77) beginning BROOKE T. AHLSTROM, and ending MARK C. WARNER, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN978 NAVY nominations (212) beginning MIGUEL M. ALAMPAY, and ending ZACHARY A. ZANFES, which nominations were received by the Senate and appeared in the Congressional Record of September 5, 2017.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate be in 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 unavoidably absent for rollcall vote No. 205, on the nomination of Makan Delrahim, of California, to be an Assistant Attorney General. Had I been present, I would have voted nay.

Mr. President, I was unavoidably absent for rollcall vote No. 206, the motion to invoke cloture on the nomination of Ralph Erickson, of North Dakota, to be a judge on the U.S. Court of Appeals for the Eighth Circuit. Had I been present, I would have voted yea.

Mr. President, I was unavoidably absent for rollcall vote No. 207, on the nomination of Ralph Erickson, of North Dakota, to be a judge on the U.S. Court of Appeals for the Eighth Circuit. Had I been present, I would have voted yea.

Mr. President, I was unavoidably absent for rollcall vote No. 208, the motion to invoke cloture on the nomination of Ajit Varadaraj Pai, of Kansas, to be a member of the Federal Communications Commission. Had I been present, I would have voted nay. •

VOTE EXPLANATION

Mr. DONNELLY. Mr. President, yesterday, September 27, 2017, I was in Indiana with the President of the United States and was unable to vote. Had I been present, I would have voted in support of Mr. Heath Tarbert's nomination to be an Assistant Secretary of the Treasury and in support of Mr. Makan Delrahim's nomination to be an Assistant Attorney General.

CONFIRMATION OF MAKAN DELRAHIM

Ms. HIRONO. Mr. President, yesterday, the Senate confirmed the nomination of Makan Delrahim to be Assistant Attorney General in charge of the Department of Justice's Antitrust Division. While I voted in favor of that nomination, I would like to explain my expectations for Mr. Delrahim and express my deep concerns about the Trump administration's approach to antitrust policy, such as it is, as he assumes that important position.

As a former antitrust lawyer myself, I know these are complex issues that benefit from a rigorous and non-political assessment, which is best done by the talented career professionals at the Department of Justice, but I am also concerned that, in what has become a much politicized Department of Justice, such an independent review may not be respected and the recommendations of career lawyers and economists can be overridden.

At every turn, the Trump administration has catered to the interests of big business over those of the American consumer, and I am very concerned about what their approach to antitrust enforcement will be. In the past, the President has made remarks about supporting or opposing particular mergers that are deeply troubling and highly political. I am particularly concerned about this haphazard approach from the President because there are a number of major proposed and rumored mergers that will be coming before the Antitrust Division in the coming months and years, par-

ticularly in the telecommunications industry, and they will require very careful and professional review independent of politics. I am also deeply concerned about the possibility that this administration will use antitrust laws as a weapon against companies it perceives as somehow unfair to it.

For example, Sinclair Broadcast Group's proposed merger with the Tribune Media Company would give Sinclair control of stations in 42 cities, expanding its reach to a total of 108 communities. In the past, Sinclair has drawn criticism for programming that benefitted then Republican Presidential candidates Donald Trump and George W. Bush. Given reports of the President's continued attacks on the press, including reports of his threats to jail journalists, it is imperative that consumers retain access to a diversity of news sources. The Department of Justice, through its Antitrust Division, must ensure that their review of this merger is free of political considerations.

However, despite those concerns, I believe Mr. Delrahim has the qualifications necessary to lead the Antitrust Division, which does the important work of preventing unlawful anti-competitive conduct and upholding our Nation's antitrust laws. Mr. Delrahim has served as a deputy assistant attorney general in the division he would now lead, as well as chief counsel and staff director for the Judiciary Committee under then-Chairman HATCH, and as an attorney in private practice working on complicated antitrust cases. He has a remarkable personal story and has received the support of many of his peers, both Democrats and Republicans.

During his nomination hearing on May 10, Mr. Delrahim promised to protect competitive markets and consumers, vigorously enforce the antitrust laws, and to cooperate with the Judiciary Committee in a bipartisan manner. I will hold him to these promises. Importantly, he told the committee that he would follow the law and his ethical responsibilities to recuse himself in cases involving his former clients. I support his nomination with the expectation that he will honor these commitments.

Mr. Delrahim also made a number of assurances in response to written questions for the record that I submitted after his hearing, questions that were based on my concerns about the anti-competitive impact of corporate mergers, as well as about actions taken by President Trump.

In response to my question about President Trump holding private meetings with the CEO of AT&T, which is planning on merging with Time Warner, and the CEOs of Bayer and Monsanto, which are planning on merging, Mr. Delrahim promised that he would conduct antitrust investigations "in a fair, professional, and impartial manner, without regard to political considerations." He promised to comply with

Department of Justice policies intended to ensure only appropriate communications with the White House.

This concern is particularly pressing because during his campaign, President Trump singled out the proposed AT&T-Time Warner merger, promising to block it. The President has also repeatedly attacked CNN, which is owned by Time Warner, and it was even reported that White House advisers have discussed the proposed merger as a “potential point of leverage” over the network. Mr. Delrahim specifically stated that he had no preordained outcome in mind for that merger investigation. He can be certain that the Department of Justice will receive particular scrutiny in its treatment of this merger. Leveraging antitrust laws to coerce or intimidate a media company goes against the foundational protections for a free press.

While Mr. Delrahim expressed that he shared my concerns about consolidation in the media and agricultural sectors, I regret that he refused to address my specific concerns about the proposed merger of Sinclair Broadcast Group with the Tribune Media Company and the effect of the proposed Bayer-Monsanto merger on prices for Hawaii farmers. I would have welcomed his comments about these types of mergers and I expect him, as head of the Antitrust Division, to give concerns about the impact of these types of mergers the attention they deserve.

As a member of the Judiciary Committee, I will continue to exercise oversight of the Department of Justice, and of the Antitrust Division in particular, to ensure that it is meeting the commitments Mr. Delrahim made during his nomination, especially as to his independence and his ability to be a fair, active, and nonpartisan ally of consumers and competitive markets. With this in mind, I supported his confirmation.

30TH ANNIVERSARY OF THE PRESIDENT'S COMMISSION ON AMERICANS OUTDOORS

Mr. ALEXANDER. Mr. President, in 1985, when I was Governor of Tennessee, I got a call from Don Hodel, the Secretary of the Interior for President Reagan. He asked me to be the chairman of ORRRC 2, a follow-up (commission to the Outdoor Recreation Resources Review Commission, which was led by Laurance Rockefeller a generation earlier. I agreed in part because of my love for the outdoors, but also because Don told me that Gil Grosvenor would serve as vice chairman of the commission and Pat Noonan would serve on the board.

The chance to work with them and the National Geographic Society made the request to serve as chairman of the commission even more attractive. My first act as chairman was to change the name from ORRRC 2 to the President's Commission on Americans Outdoors. The new name did a better job of con-

veying our mission: “to look ahead for a generation and see what needs to be done for Americans to have appropriate places to do what they want to do outdoors.”

More than a generation has passed now, and on this 30th anniversary of the commission, we can look back on the recommendations of the report and take an assessment.

Overall, the commission found that “outdoor recreation occurs close to home, in or near towns or cities where 80 percent of us soon will live. So, more and more, the solutions must be found close to home. We have concluded that the best way to assure that Americans will have adequate outdoor recreation opportunities is through a prairie fire of concern and investment, community by community. State and local governments will play a major role, but implementation of our recommendations ultimately will depend on the efforts of thousands of individual citizens, non-profit organizations, and businesses.”

The idea that outdoor recreation occurs close to home was especially true for me.

I was one of the luckiest guys in the world growing up in Maryville, in Blount County, TN.

When you grow up next to a national park, what do you do? You grow up in the park. You spent your weekends and special times there, and most all the memories I have are related to the Smokies.

When I was 15, my dad dropped me off at Newfound Gap on the day after Christmas. I was with two other boys in 3 feet of snow, and my dad said, “I’ll pick you up in Gatlinburg,” which was 15 miles away. He did, later that afternoon.

Then, later that same year, we were in Spence Field, and we made an error in judgment. About 3 in the morning, I looked over, and I thought one of my bunkmates was moving around, but it turns out it was a bear. We left breakfast in our packs inside the tent, which is something you should never do and something I have never done since. These are memories that stick with us forever.

A generation earlier, in 1958, Congress created the Outdoor Recreation Resources Review Commission to ensure America did not neglect its heritage of the outdoors. The commission was chaired by Laurance Rockefeller. Like me, Laurance Rockefeller was fascinated with the natural world from a young age. His father, John D. Rockefeller, Jr., was an enthusiastic supporter of park-building and historic preservation. John D. Rockefeller, Jr., also had a hand in shaping my childhood outdoor memories.

1872, Congress established Yellowstone National Park, carving the park out of land already owned by the Federal Government. In the following years, Congress followed this model, protecting and preserving Federal acres out West. In the early 20th century, citizens in the eastern part of the

country began to push for national parks of their own. However, the land was already privately owned and would need to be purchased and donated to the Federal Government before a park could be created.

In the late 1920s, \$5 million was raised to create a new national park in the Smokies on the border of Tennessee and North Carolina. The two States had appropriated \$2 million each for the effort and combined that with \$1 million in private donations, but that was only half the money needed to purchase the land that was needed to create the new park.

That is when John D. Rockefeller, Jr., stepped in and matched the money that had been raised with a donation of \$5 million through the Laura Spelman Rockefeller Memorial Fund. Rockefeller's donation assured the purchase of the land and the creation of the Great Smoky Mountains National Park, where I spent my childhood and still live next to today.

Nearly 25 years after the Great Smoky Mountains National Park was established, John D. Rockefeller, Jr.'s son worked with Congress to find solutions to continue to protect our Nation's treasures. The Rockefeller Commission advocated for a Federal national recreation policy “to preserve, develop and make accessible to all Americans the resources needed for individual enjoyment and outdoor recreation.”

The Land and Water Conservation Fund and the National Wild and Scenic Rivers System grew out of the recommendations of the report. Years later, the President's Commission on Americans Outdoors reaffirmed our commitment to these Federal programs, and we also took an important step forward by recommending policies that States, towns, and individuals could adopt. We focused on State and local action, calling for investments from communities around the country to help keep our outdoors great.

First, our commission recommended land trusts, “private landowners recognizing the opportunity to provide expanded recreation resources and services to the public.” Local land trusts have been one of the fastest growing conservation tools in the past 30 years. These local land trusts work with landowners who volunteer to preserve their property through conservation easements. According to the Land Trust Alliance's “Land Trust Census,” there are over 1,300 land trusts that are active in the United States.

These 1,300 national, State, and local land trusts have conserved more than 56 million acres as of the end of 2015, an increase of 9 million acres since 2010. In Tennessee, 15 active land trusts have protected nearly 900,000 acres throughout the State. In 1999, Jeanie Nelson and former Governor Phil Bredesen founded the land trust for Tennessee. In less than 20 years, the land trust has

protected over 100,000 acres of Tennessee landscapes. In 2015, the Foothills Land Conservancy, which “is dedicated to protecting, preserving, and enhancing the lands and environments of the Southern Appalachian region,” completed “a record number 24 land partnerships totaling 7,215 acres” spanning five States and seven Tennessee counties.

When our report came out 30 years ago, less than 5 million acres were protected by State and local land trusts. Today more than 20 million acres are protected by State and local land trusts. The explosion of state and local land trusts has greatly increased access to our country’s outdoors.

Second, our commission recommended that “local and state governments create a network of scenic byways, compose of scenic roadways and thoroughfares throughout the nation.” We are seeing the benefits from that recommendation today. In 1991, Congress created the National Scenic Byways Program to recognize and protect roads for their archaeological, cultural, historic, natural, recreational, and scenic value.

Today, according to the Federal Highway Administration, there are 150 designated National Scenic Byways and American Roads in 46 States throughout the Nation. Five of these national scenic byways pass through Tennessee.

In the 1980’s, as Tennessee was building new highways to attract the auto industry, the State created 10,000 miles of State roads and scenic highways. These roads, marked with mockingbird signs, prohibited new billboards and new junkyards and allow people to enjoy the beauty of the state as they drive across the country. These scenic byways bring visitors to Tennessee and the beauty of our State keeps them coming back.

Third, we recommended that “communities establish greenways, corridors of private and public recreation lands and waters, to provide people with access to open spaces close to where they live, and to link together the rural and urban spaces in the American landscape.” Today, there are almost 1,000 greenways and trails in Tennessee that provide access to the outdoors to Tennesseans in their own communities.

A good national example of the popularity of greenways is the dramatic increase in rails-to-trails projects across the country. In communities throughout the Nation, unused railroad tracks and the land surrounding the tracks are sold or donated and converted into new recreational trails.

According to the Rails-to-Trails Conservancy, there are over 22,000 miles of open trails that were converted from previous railroad tracks and rights-of-way. In Tennessee, today there are over 30 rails-to-trails projects that cover 125 miles.

Fourth, we recommended full funding of the Land and Water Conservation

Fund, which was first proposed in Laurance Rockefeller’s Commission. The idea for the Land and Water Conservation Fund was very simple. It was to say, “When we have an environmental burden, we should have an environmental benefit.” If we are going to drill for oil offshore for example, that is an environmental burden. We said let’s take some of those revenues and use them for an environmental benefit.

So since the 1960s, we have used oil and gas revenues to conserve important parts of America. Rocky Fork, in my home State of Tennessee, is an excellent example of the productive use of LWCF funding. Ten years ago, the Southern Appalachian Highlands Conservancy, the Appalachian Trail Conservancy, and the Conservation Fund began working with the U.S. Forest Service, the Tennessee Wildlife Resources Agency, and the Tennessee Department of Environment and Conservation to protect Rocky Fork, a 10,000-acre tract in Tennessee within the Cherokee National Forest.

In 2015, working together and using Land and Water Conservation Fund dollars, Federal, State, and local partners saved the largest unprotected tract of land in the Southern Appalachians from development. To make sure everyone could enjoy this natural treasure, the State of Tennessee used some of the land to create the Rocky Fork State Park. The State park—with its proximity to the Appalachian Trail, miles of native brook trout streams with cascades and waterfalls, historic battle site, Black Bear Reserve, significant wildlife habitat and scenic vistas—may 1 day be the State’s most popular park. It wouldn’t have been possible without tree Land and Water Conservation Fund.

As chairman, I also called on my fellow Governors to establish State-level outdoor commissions. Twenty-five States responded by establishing commissions or holding Governors’ forums. Seven additional States had recently completed conferences on the topic in anticipation of a national study. The purpose of my call to the Nation’s Governors was “to stimulate action at the local and state levels on behalf of the outdoors. More than 2,000 people testified at hearings or participated in meetings sponsored by States in 1986.” The Tennessee State-level outdoor commission, Tennesseans Outdoors, sought to “look 40 years down the road, to consider what people will want to do outdoors, and to see that there will be places for them to do those things.”

The Tennessee Commission recommended setting aside special places throughout the State, making the most of the State’s resources, ensuring a quality environment, spreading the word on the importance of the outdoors and recreation, and providing stable funding for important conservation and outdoor recreation projects. Specifically, one of the report’s recommendations was for cities to promote urban open space preservation and riverfront

planning. Today all of my home State’s major metropolitan areas have taken steps to implement this recommendation.

In 2004, Memphis adopted the Memphis Riverfront Master Plan, and the city has been making progress on riverfront redevelopment. Just 3 months ago, the Big River Crossing—the longest public pedestrian and bike bridge across the Mississippi River—opened in Memphis.

In 2005, the city of Chattanooga completed the 21st Century Waterfront Project, which redeveloped 129 acres “along the river to create multiple public spaces and opportunities for citizens to enjoy Chattanooga’s waterfront.”

In 2006, Nashville began the process to revise the Nashville Riverfront for the 21st Century to “provide new public attractions, parkland and waterfront access, giving residents and visitors a reason to come and enjoy both banks of the Cumberland River.”

Also in 2006, Knoxville adopted the Knoxville South Waterfront Vision Plan to implement an improvement strategy for 750 acres along the 3-mile shoreline of the Tennessee River that flows through Knoxville.

Last year, the Tennessee Wildlife Federation called for the State to create a forum on Tennessee’s great outdoors to “assess the current status of our state’s natural resources, identify critical challenges facing their management and conservation, and develop strategic solutions to ensure their persistence well into the future.”

When advocating for a new forum, Mike Butler, the CEO of the Tennessee Wildlife Federation, acknowledged the success of the implementation of many of the recommendations of the Tennesseans Outdoors report, but also recognized that much has changed over the last 30 years and “these changes have had a profound effect on our natural resources and outdoor recreation needs.” Mike understands the need to reexamine the issues facing our State’s great outdoors and to work together to maintain and expand the benefits that our outdoors provide.

Like the State of Tennessee, 30 years ago, we looked at ways to help our future generations enjoy the great American outdoors like we did. Our report stated: “We have learned over the course of our study of urgent needs for action to protect our outdoor recreation estate. Preservation of fast-disappearing open space, investment in rehabilitation of deteriorating facilities, getting ahead of urban growth as it races across the land—these are actions which cannot wait, but must be taken now, for tomorrow they will be more expensive, or in some cases, impossible.”

From land trusts to greenways to scenic highways, many of the recommendations have been implemented, and we, as a country, have been able to preserve some of our open spaces and protect our outdoor recreation estate.

One way to illustrate the success of these programs is to take a look at the economic benefit of today's outdoor economy. According to an Outdoor Industry Association economic study in 2012, outdoor recreation generates \$646 billion in consumer spending and 6.1 million direct jobs each year. In Tennessee, outdoor recreation generates \$8.2 billion annually in consumer spending and supports 83,000 direct jobs across the State.

Our work is not done. Theodore Roosevelt once said that nothing short of defending this country in wartime "compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us. . . ."

On the 30th anniversary of the Americans Outdoors Commission report, I look forward to continuing to work to protect and preserve the great American outdoors and leave future generations a more beautiful nation.

TRIBUTE TO BOB MILLS

Mr. PORTMAN. Mr. President, today I wish to recognize Bob Mills as the 67th recipient of the Dayton Region's 2017 Citizen Legion of Honor Award from the President's Club. As founder of Synergy Building Systems and Mills Development, Bob Mills' leadership and vision for quality development in and around the I-75 and I-675 corridors has made a tremendous impact on the economic vitality of the region.

More than a dozen corporate and not-for-profit boards have benefited from Bob Mills' leadership over the years, including Greene Memorial Hospital, the Air Force Museum, Wright State University Foundation, and the Dayton Development Coalition. He has been recognized for his generosity by the Dayton Regional STEM School, Beavercreek Chamber of Commerce, the American Cancer Society, the Leukemia Lymphoma Society, and as the recipient of the Mathile Community Award.

Maybe most impressive, Bob Mills and his family created the Gala of Hope Foundation and have raised more than \$6 million to fight cancer and improve cancer care in the Dayton region by providing grants and funding for patient care, families, caregivers, and research.

Additionally, he and his family have worked tirelessly to support Dayton Children's new patient tower which supports local children's needs for important healthcare services.

I would like to honor and congratulate Bob Mills for his many contributions to his community and our State.

TRIBUTE TO PATRICE GORDON

Mr. VAN HOLLEN. Mr. President, today I wish to recognize Patrice Gordon in honor of her retirement this week after 29 years of exceptional service to the Congress at the Congressional Budget Office. She began her

congressional career in CBO's Natural Resources and Commerce Division in 1988 after receiving her Ph.D. in economics from the University of Maryland.

Since that time, Patrice has been recognized as one of CBO's best when it comes to focusing on details, ensuring analyses are thorough and correct, and questioning any gaps in reasoning. She is a critical thinker with an encyclopedic mind for details. Throughout her career, she has balanced her keen analytic approach with humility and kindness, becoming a mentor to many young analysts and helping them hone their quantitative skills. She is a valued colleague to everyone who has worked closely with her.

In the mid-1990s, Patrice and a few other colleagues at CBO took on the task of implementing requirements of the Unfunded Mandates Reform Act, and soon she would end up supervising all of CBO's work on private-sector mandates. Throughout her tenure, she helped distill the principles that guide CBO's analyses of Federal mandates, ensuring that the agency's work was consistent with the provisions of UMRA. During that time, she also reviewed virtually every bill reported by a congressional committee, including bills that regulate the transportation of snakes on airplanes to healthcare reform and bankruptcy regulation. Patrice has probably read more than 10,000 bills during her time at the Congressional Budget Office.

In short, over the past 29 years, the Congressional Budget Office and Congress have been fortunate to enjoy the dedication and insight that Patrice has brought to her work. I understand she is looking forward to playing more competitive bridge and perhaps even tuning up a clarinet and saxophone to jazz up her time away from cost estimates and mandate analyses. I know my Senate colleagues join me in extending our appreciation to Patrice for her service to our Nation and our very best wishes for a happy and productive retirement.

TRIBUTE TO DAVID AHART AND CATHY GLENN

Mr. GRASSLEY. Mr. President, today, I wish to congratulate and thank Mr. David Ahart and Ms. Cathy Glenn on their retirement for their more than 28 years of service to the U.S. Senate.

I have worked with Dave and Cathy in various roles within the U.S. Senate Recording Studio for nearly three decades.

Before working in the radio division, Dave worked on the television side of the Senate Recording studio.

Cathy also worked on the television side before coming to radio. Before that, she worked for Senator Dennis DeConcini of Arizona.

It is not unusual for me to go to the Senate recording studio multiple times a week. If you do the math, you can see

I have gotten to know Dave and Cathy very well over the years.

I have always said that representative government is a two-way street, and communicating with Iowans through the media has always been an important part of my job. Dave and Cathy are an instrumental part of that process. Put simply, they have helped me keep in touch with Iowans, and for that, I couldn't be more grateful.

It's also worth noting that Dave and Cathy are immensely kind and patient. Many days, my schedule can change in an instant. Dave and Cathy are always generous with their time and help me and my staff complete the work that needs to be done.

Those who know Dave and Cathy know you never leave their studio without a smile and laughter. They are as friendly now as they were 30 years ago.

Dave, I hope you get back to Denison soon and stop at Cronks.

Dave had family who lived in Denison, IA. Cronks is a mutually favorite restaurant that I always try to stop at when traveling through the area.

Cathy, as you celebrate, make sure to eat an extra piece of chocolate for me. I think you have as big of a sweet tooth as I do.

I wish Dave and Cathy all the best in retirement and the years to come.

So to you two, I say thank you for all you have done. The U.S. Senate, the Senate Recording Studio, my staff and I will be forever grateful for your service.

ADDITIONAL STATEMENTS

RECOGNIZING BAKER FURNITURE

• Mr. DAINES. Mr. President, this week, I have the distinct honor of recognizing a multigeneration cornerstone of the community in Fallon County. Baker Furniture has served the people of eastern Montana for over eight decades. Through the years, the team at Baker Furniture has skillfully navigated changes in consumer tastes and a shifting business climate in order to provide quality furniture and appliances for the folks in Baker.

Baker Furniture initially began operations on Main Street in 1936, by the original proprietor, Leif Holmlund. Leif's understudy in the furniture industry, Army veteran Orville Stevens, would eventually take the reins of the enterprise in the 1960s. Under Orville's guidance, the business flourished. Orville's sons, Tom and Dave, also pitched in to help make the business a success.

Tom and Dave went on to assume the primary duties for the business in the late 1990s. After a life that included service to his Nation, raising a family, and operating a successful business, Orville passed away in 2009. Since his passing, the business that Orville developed has continued to thrive and meet the needs of the community.

Small businesses, operated by hard-working family members, are an engine of commerce for many rural communities across Montana. Baker Furniture is a shining example of this business model, and many shoppers in Baker and the surrounding area are grateful. Thank you to the team at Baker Furniture for the many years of excellent service to your neighbors, and I wish you continued success in the future.●

RECOGNIZING THE MASSACHUSETTS WALKING TOUR

● Mr. MARKEY. Mr. President, today I wish to recognize the Massachusetts Walking Tour. Founded in 2010 in Webster, MA, the Walking Tour recognizes and celebrates local arts and culture throughout Massachusetts by featuring a nonprofit concert tour across the Commonwealth. Every concert is unique as it pairs the traveling musicians with local artists and outdoor recreation enthusiasts and is free for the whole community. These memorable events include diverse artistic and musical performances and even discussions about public land use with outdoor educators and trail managers. Since its founding, the Walking Tour has visited 90 towns in Massachusetts, playing 101 free community concerts. I thank founders Mark Mandeville and Raianne Richards, as well as all of the performers, artists, educators, and nature enthusiasts who have made Walking Tour such a success across Massachusetts.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:55 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 327. An act to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes.

S. 1866. An act to provide the Secretary of Education with waiver authority for the reallocation rules and authority to extend the deadline by which funds have to be reallocated in the campus-based aid programs under the Higher Education Act of 1965 due to Hurricane Harvey, Hurricane Irma, and Hurricane Maria, to provide equitable serv-

ices to children and teachers in private schools, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3229. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes.

At 11:40 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3823. An act to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes.

ENROLLED BILLS SIGNED

At 11:54 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1141. An act to ensure that the United States promotes the meaningful participation of women in mediation and negotiation processes seeking to prevent, mitigate, or resolve violent conflict.

H.R. 3819. An act to amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

At 12:42 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2792. An act to amend the Social Security Act to make certain revisions to provisions limiting payment of benefits to fugitive felons under titles II, VIII, and XVI of the Social Security Act.

H.R. 2824. An act to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program, and to amend the Social Security Act to make certain revisions to provisions limiting payment of benefits to fugitive felons under titles II, VIII, and XVI of the Social Security Act.

ENROLLED BILLS SIGNED

At 1:58 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore (Mr. UPTON) signed the following enrolled bills:

S. 327. An act to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes.

S. 1866. An act to provide the Secretary of Education with waiver authority for the reallocation rules and authority to extend the deadline by which funds have to be reallocated in the campus-based aid programs under the Higher Education Act of 1965 due to Hurricane Harvey, Hurricane Irma, and Hurricane Maria, to provide equitable services to children and teachers in private schools, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. HATCH).

At 4:27 4:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announcing that the House agrees to the amendment of the Senate to the bill (H.R. 3823) to amend title 49, United States code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2792. An act to amend the Social Security Act to make certain revisions to provisions limiting payment of benefits to fugitive felons under titles II, VIII, and XVI of the Social Security Act; to the Committee on Finance.

H.R. 2824. An act to amend title V of the Social Security Act to extend the Maternal, Infant, and Early Childhood Home Visiting Program, and to amend the Social Security Act to make certain revisions to provisions limiting payment of benefits to fugitive felons under titles II, VIII, and XVI of the Social Security Act; to the Committee on Finance.

H.R. 3229. An act to protect the safety of judges by extending the authority of the Judicial Conference to redact sensitive information contained in their financial disclosure reports, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1894. A bill to exempt Puerto Rico from the coastwise laws of the United States (commonly known as the "Jones Act").

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 28, 2017, she had presented to the President of the United States the following enrolled bill:

S. 810. An act to facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1766. A bill to reauthorize the SAFER Act of 2013, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on the Judiciary.

Brian Allen Benczkowski, of Virginia, to be an Assistant Attorney General.

Halsey B. Frank, of Maine, to be United States Attorney for the District of Maine for the term of four years.

D. Michael Hurst, Jr., of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Jeffrey B. Jensen, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Thomas L. Kirsch II, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years.

William J. Powell, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. ERNST (for herself, Mr. TILLIS, Mr. GRASSLEY, and Mr. CORNYN):

S. 1881. A bill to expand eligibility for health care under the Veterans Access, Choice, and Accountability Act of 2014 to include certain veterans seeking mental health care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MARKEY (for himself, Mr. DURBIN, Mr. MANCHIN, Mr. BROWN, Mrs. SHAHEEN, and Ms. HASSAN):

S. 1882. A bill to amend the Controlled Substances Act to require the Attorney General to make procurement quotas for opioid analgesics publicly available, and for other purposes; to the Committee on the Judiciary.

By Mr. BOOKER (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 1883. A bill to require the Secretary of Transportation to publish a final rule to provide for the screening, testing, and treatment for sleep disorders of individuals operating commercial vehicles; to the Committee on Commerce, Science, and Transportation.

By Mrs. MCCASKILL (for herself and Mr. LEE):

S. 1884. A bill to provide for joint reports by relevant Federal agencies to Congress regarding incidents of terrorism, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE (for himself, Mr. PETERS, Mr. BLUNT, and Ms. STABENOW):

S. 1885. A bill to support the development of highly automated vehicle safety technologies, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LANKFORD:

S. 1886. A bill to amend subchapter I of chapter 31 of title 5, United States Code, to authorize agencies to make noncompetitive temporary and term appointments in the competitive service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:

S. 1887. A bill to grant expedited hiring authority to the head of an agency to appoint college graduates and post-secondary students; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LANKFORD:

S. 1888. A bill to amend title 5, United States Code, to increase the maximum amount of a Voluntary Separation Incentive Payment and to include an annual adjustment in accordance with the Consumer Price Index; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUNT (for himself, Ms. KLOBUCHAR, Mrs. CAPITO, Mrs. MCCASKILL, Mr. CORNYN, Mr. BLUMENTHAL, and Ms. HASSAN):

S. 1889. A bill to require Federal agencies and Federal courts to comply with address confidentiality programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself, Mr. BLUNT, and Mr. NELSON):

S. 1890. A bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes; to the Committee on Finance.

By Mr. CARDIN:

S. 1891. A bill to promote peace and justice in Afghanistan, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRUZ (for himself, Mr. CORNYN, and Mr. RUBIO):

S. 1892. A bill to provide tax relief related to Hurricanes Harvey, Irma, and Maria; to the Committee on Finance.

By Mrs. MCCASKILL (for herself and Mr. PERDUE):

S. 1893. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN (for himself, Mr. LEE, Mr. LANKFORD, and Mr. FLAKE):

S. 1894. A bill to exempt Puerto Rico from the coastwise laws of the United States (commonly known as the "Jones Act"); read the first time.

By Mr. UDALL (for himself, Mr. TESTER, Mr. FRANKEN, and Mr. SCHATZ):

S. 1895. A bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996, and for other purposes; to the Committee on Indian Affairs.

By Mr. JOHNSON:

S. 1896. A bill to amend section 8331 of title 5, United States Code, and the Fair Labor Standards Act of 1938 to clarify the treatment of availability pay for Federal air marshals and criminal investigators of the Transportation Security Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mrs. SHAHEEN, and Mr. PETERS):

S. 1897. A bill to help small businesses access capital and create jobs by reauthorizing the successful State Small Business Credit Initiative; to the Committee on Small Business and Entrepreneurship.

By Mr. DAINES:

S. 1898. A bill to amend the Internal Revenue Code of 1986 to retroactively repeal the individual mandate for health insurance; to the Committee on Finance.

By Mr. BLUNT (for himself, Ms. STABENOW, Mrs. CAPITO, Mr. CARPER, Mr. GARDNER, Mr. CARDIN, Ms. COLLINS, Mrs. MCCASKILL, Mr. WICKER, and Mr. MANCHIN):

S. 1899. A bill to reauthorize and extend funding for community health centers and the National Health Service Corps; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL:

S. 1900. A bill to require all persons who acquire, maintain, or use personal information

to have in effect reasonable cybersecurity protections and practices whenever acquiring, maintaining, or using personal information in commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. STABENOW (for herself, Mr. BROWN, Mr. KING, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MENENDEZ, and Ms. HIRONO):

S. Res. 270. A resolution designating September 2017 as "National Ovarian Cancer Awareness Month"; to the Committee on the Judiciary.

By Ms. DUCKWORTH:

S. Res. 271. A resolution supporting the goals and ideals of National Community Gardening Awareness Week; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRUZ (for himself and Mr. BLUMENTHAL):

S. Res. 272. A resolution commemorating the 230th anniversary of the signing of the Constitution of the United States; considered and agreed to.

By Mr. SCOTT (for himself, Mr. BOOKER, Mr. ISAKSON, Mr. BROWN, Mr. RUBIO, Mr. COONS, and Ms. WARREN):

S. Res. 273. A resolution expressing support for the designation of September 2017 as "Sickle Cell Disease Awareness Month" in order to educate communities across the United States about sickle cell disease and the need for research, early detection methods, effective treatments, and preventative care programs with respect to sickle cell disease, complications from sickle cell disease, and conditions related to sickle cell disease; considered and agreed to.

By Mr. ENZI (for himself, Mr. CARDIN, Mr. WYDEN, Ms. COLLINS, and Mr. ALEXANDER):

S. Res. 274. A resolution supporting the goals and ideals of National Retirement Security Week, including raising public awareness of the various tax-preferred retirement vehicles, increasing personal financial literacy, and engaging the people of the United States on the keys to success in achieving and maintaining retirement security throughout their lifetimes; considered and agreed to.

By Ms. DUCKWORTH (for herself and Mr. DURBIN):

S. Res. 275. A resolution congratulating Northeastern Illinois University on the sesquicentennial of the University; considered and agreed to.

By Mr. COONS (for himself, Mr. CRAPO, Mr. MURPHY, Ms. KLOBUCHAR, and Mr. HATCH):

S. Res. 276. A resolution designating September 2017 as "Pulmonary Fibrosis Awareness Month"; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. DURBIN, Mr. COCHRAN, Ms. COLLINS, Mr. DONNELLY, Mr. MURPHY, and Mr. REED):

S. Res. 277. A resolution designating the week of September 25 through 29, 2017, as "National Adult Education and Family Literacy Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 220

At the request of Mr. SASSE, the name of the Senator from Utah (Mr.

HATCH) was added as a cosponsor of S. 220, a bill to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

S. 497

At the request of Ms. CANTWELL, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 574

At the request of Mr. MARKEY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 574, a bill to restrict the use of funds for the long-range standoff weapon until the Secretary of Defense completes a Nuclear Posture Review that includes an assessment of the capabilities and effects of the use of the long-range standoff weapon, and for other purposes.

S. 593

At the request of Mrs. CAPITO, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 593, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 620

At the request of Mr. FRANKEN, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 620, a bill to amend the Workforce Innovation and Opportunity Act to support community college and industry partnerships, and for other purposes.

S. 680

At the request of Mr. MARKEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 680, a bill to protect consumers from security and privacy threats to their motor vehicles, and for other purposes.

S. 736

At the request of Mr. CARDIN, the name of the Senator from Indiana (Mr. DONNELLY) was added as a cosponsor of S. 736, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 946

At the request of Mr. FLAKE, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 946, a bill to require the Secretary of Veterans Affairs to hire additional Veterans Justice Outreach Specialists to provide treatment court services to justice-involved veterans, and for other purposes.

S. 1002

At the request of Mr. MORAN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a co-

sponsor of S. 1002, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1015

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 1015, a bill to require the Federal Communications Commission to study the feasibility of designating a simple, easy-to-remember dialing code to be used for a national suicide prevention and mental health crisis hotline system.

S. 1361

At the request of Mr. CRAPO, the names of the Senator from Colorado (Mr. GARDNER) and the Senator from Montana (Mr. DAINES) were added as cosponsors of S. 1361, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 1500

At the request of Mr. WARNER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1500, a bill to amend the Federal Deposit Insurance Act to ensure that the reciprocal deposits of an insured depository institution are not considered to be funds obtained by or through a deposit broker, and for other purposes.

S. 1561

At the request of Mr. MCCAIN, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 1561, a bill to repeal the Jones Act restrictions on coastwise trade, and for other purposes.

S. 1595

At the request of Mr. RUBIO, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Missouri (Mr. BLUNT), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mr. CRUZ), the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nebraska (Mr. SASSE) were added as cosponsors of S. 1595, a bill to amend the Hizballah International Financing Prevention Act of 2015 to impose additional sanctions with respect to Hizballah, and for other purposes.

S. 1672

At the request of Mr. HEINRICH, his name was added as a cosponsor of S. 1672, a bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

S. 1702

At the request of Mr. RISCH, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1702, a bill to amend the Marine Mammal Protection Act of 1972 to reduce

predation by sea lions on endangered Columbia River salmon and other species not listed under the Endangered Species Act of 1973, and for other purposes.

S. 1718

At the request of Mr. NELSON, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 1718, a bill to authorize the minting of a coin in honor of the 75th anniversary of the end of World War II, and for other purposes.

S. 1766

At the request of Mr. CORNYN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Texas (Mr. CRUZ), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Mr. KENNEDY) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 1766, a bill to reauthorize the SAFER Act of 2013, and for other purposes.

S. 1767

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1767, a bill to reauthorize the farm to school program, and for other purposes.

S. 1808

At the request of Ms. BALDWIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Mr. PETERS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1808, a bill to extend temporarily the Federal Perkins Loan program, and for other purposes.

S. 1816

At the request of Ms. WARREN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1816, a bill to amend the Fair Credit Reporting Act to enhance fraud alert procedures and provide free access to credit freezes, and for other purposes.

S. 1827

At the request of Mr. WYDEN, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1827, a bill to extend funding for the Children's Health Insurance Program, and for other purposes.

S. 1854

At the request of Mr. GRAHAM, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 1854, a bill to amend chapter 44 of title 18, United States Code, to enhance penalties for theft of a firearm from a Federal firearms licensee.

S. 1859

At the request of Mr. GARDNER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1859, a bill to extend the moratorium on the annual fee on health insurance providers.

S. 1864

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1864, a bill to expand the use of open textbooks in order to achieve savings for students.

S. 1865

At the request of Mr. RUBIO, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1865, a bill to provide temporary direct hire authority for certain emergency response positions.

S. RES. 61

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. Res. 61, a resolution calling on the Department of Defense, other elements of the Federal Government, and foreign governments to intensify efforts to investigate, recover, and identify all missing and unaccounted-for personnel of the United States.

S. RES. 250

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. Res. 250, a resolution condemning horrific acts of violence against Burma's Rohingya population and calling on Aung San Suu Kyi to play an active role in ending this humanitarian tragedy.

S. RES. 264

At the request of Mr. DAINES, his name was added as a cosponsor of S. Res. 264, a resolution designating September 2017 as "National Kinship Care Month".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. BLUNT, and Mr. NELSON):

S. 1890. A bill to improve the understanding of, and promote access to treatment for, chronic kidney disease, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise in support of the bipartisan Chronic Kidney Disease Improvement in Research and Treatment Act of 2017, which I am introducing with Senators BLUNT and NELSON today. This legislation seeks to make a real difference in the lives of Americans suffering from kidney disease and end-stage renal disease.

Kidney disease is the 9th leading cause of death in the United States, and unfortunately, more than 1 in 10 Americans today suffer from some form of kidney disease. More than 661,000 Americans are living with kidney failure or end-stage renal disease, which is an irreversible condition that can be fatal without a kidney transplant or life-sustaining dialysis. Of these, 468,000 patients in our Country rely on life-sustaining dialysis care to survive and roughly 193,000 live with a functioning kidney transplant.

This legislation seeks to promote research, expand patient choice, and im-

prove care coordination for these hundreds of thousands of patients. Specifically, it would identify payment disincentives that create barriers to kidney transplants. The bill would require the Government Accountability Office (GAO) to submit a comprehensive report on how and to what extent palliative care is utilized in treating individuals with advanced kidney disease and the effect of palliative care on the quality of life and treatment outcomes of individuals with ESRD. It would also direct the Department of Health and Human Services (HHS) to evaluate and report on the biological, social, and behavioral factors related to kidney disease and efforts to slow the progression of disease in minority populations disproportionately affected by this disease.

This legislation would improve access to pre-dialysis kidney education programs to better manage patients' kidney disease and even prevent kidney failure in some cases. Nephrologists and other health professionals would be incentivized to work in underserved rural and urban areas, and current payment policies would be modified to encourage home dialysis, which is not incentivized under the current Medicare payment structure. Patients with acute kidney injury would also be allowed to receive treatments through dialysis providers, therefore reducing costs associated with care provided in the more expensive hospital outpatient setting. Perhaps most importantly, our legislation would guarantee access to Medigap policies to all ESRD Medicare beneficiaries, regardless of age. Currently, Medicare patients under 65, whether disabled or ESRD beneficiaries do not have access to Medigap plans, even though Medicare is their primary insurance.

Lastly, the bill would expand the options for patients by allowing individuals diagnosed with kidney failure to enroll in the Medicare Advantage program starting in plan year 2020 and reauthorizing on a permanent basis the Medicare Advantage Special Needs Plan for patients with kidney failure.

I urge my colleagues to join me, Senator BLUNT and Senator NELSON in supporting the Chronic Kidney Disease Improvement in Research and Treatment Act of 2017, which will improve the care of patients who suffer from kidney disease and end-stage renal disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1890

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 "Chronic Kidney Disease Improvement in Research and Treatment Act of 2017".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—IMPROVING PATIENT LIVES AND QUALITY OF CARE THROUGH RESEARCH AND INNOVATION

Sec. 101. Improving patient lives and quality of care through research and innovation.

Sec. 102. Enhancing care through new technologies.

Sec. 103. Understanding current utilization of palliative care services.

Sec. 104. Understanding the progression of kidney disease and treatment of kidney failure in minority populations.

TITLE II—EMPOWER PATIENT DECISION MAKING AND CHOICE

Sec. 201. Providing individuals with kidney failure access to managed care.

Sec. 202. Medigap coverage for beneficiaries with end-stage renal disease.

Sec. 203. Promoting access to home dialysis treatments.

TITLE III—IMPROVING PATIENT CARE AND ENSURING QUALITY OUTCOMES

Sec. 301. Maintain an economically stable dialysis infrastructure.

Sec. 302. Improve patient decision making and transparency by consolidating and modernizing quality programs.

Sec. 303. Increasing access to Medicare kidney disease education benefit.

Sec. 304. Certification of new facilities.

Sec. 305. Improving access in under served areas.

TITLE I—IMPROVING PATIENT LIVES AND QUALITY OF CARE THROUGH RESEARCH AND INNOVATION

SEC. 101. IMPROVING PATIENT LIVES AND QUALITY OF CARE THROUGH RESEARCH AND INNOVATION.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study on increasing kidney transplantation rates. Such study shall include an analysis of each of the following:

(1) Any disincentives in the payment systems under the Medicare program under title XVIII of the Social Security Act that create barriers to kidney transplants and post-transplant care for beneficiaries with end-stage renal disease.

(2) The practices used by States with higher than average donation rates and whether those practices and policies could be successfully utilized in other States.

(3) Practices and policies that could increase deceased donation rates of minority populations.

(4) Whether cultural and policy barriers exist to increasing living donation rates, including an examination of how to better facilitate chained donations.

(5) Other areas determined appropriate by the Secretary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Secretary determines to be appropriate.

SEC. 102. ENHANCING CARE THROUGH NEW TECHNOLOGIES.

(a) AGREEMENT WITH NATIONAL ACADEMY OF SCIENCES.—The Secretary of Health and Human Services shall seek to enter into an agreement with the National Academy of Sciences within six months of the date of the enactment of this Act under which the National Academy of Sciences will conduct a study on the design of payments for renal dialysis services under the Medicare program

under title XVIII of the Social Security Act, including an analysis of whether adjustments to such payments are needed to allow for the incorporation of new technologies and therapies.

(b) **CONTENTS.**—In conducting the study under subsection (a), the National Academy of Sciences shall evaluate the current payment system for renal dialysis services under the Medicare program, identify barriers to adopting innovative items, services, and therapies, and make recommendations as to how to eliminate such barriers.

SEC. 103. UNDERSTANDING CURRENT UTILIZATION OF PALLIATIVE CARE SERVICES.

(a) **STUDY.**—

(1) **IN GENERAL.**—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on the utilization of palliative care in treating individuals with advanced kidney disease, from stage 4 through stage 5, including individuals with kidney failure on dialysis through any progression of the disease. Such study shall include an analysis of—

(A) how palliative care can be utilized to improve the quality of life of those with kidney disease and facilitate care tailored to their individual goals and values;

(B) the successful use of palliative care in the care of patients with other chronic diseases and serious illnesses;

(C) the utilization of palliative care at any point in an illness, including when used at the same time as curative treatment; and

(D) other areas determined appropriate by the Comptroller General.

(2) **DEFINITION OF PALLIATIVE CARE.**—In this section, the term “palliative care” means patient and family centered care that optimizes quality of life by anticipating, preventing, and treating suffering. Such term includes care that is furnished throughout the continuum of the illness that addresses physical, intellectual, emotional, social, and spiritual needs and that facilitates patient autonomy, access to information and choice.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Congress a report on the study conducted under subsection (a), together with such recommendations as the Comptroller General determines to be appropriate.

SEC. 104. UNDERSTANDING THE PROGRESSION OF KIDNEY DISEASE AND TREATMENT OF KIDNEY FAILURE IN MINORITY POPULATIONS.

(a) **STUDY.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall conduct a study on—

(1) the social, behavioral, and biological factors leading to kidney disease;

(2) efforts to slow the progression of kidney disease in minority populations that are disproportionately affected by such disease; and

(3) treatment patterns associated with providing care, under the Medicare program under title XVIII of the Social Security Act, the Medicaid program under title XIX of such Act, and through private health insurance, to minority populations that are disproportionately affected by kidney failure.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a), together with such recommendations as the Secretary determines to be appropriate.

TITLE II—EMPOWER PATIENT DECISION MAKING AND CHOICE

SEC. 201. PROVIDING INDIVIDUALS WITH KIDNEY FAILURE ACCESS TO MANAGED CARE.

(a) **PERMANENT EXTENSION OF MEDICARE ADVANTAGE ESRD SPECIAL NEEDS PLANS AU-**

THORITY.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by inserting “, in the case of a specialized MA plan for special needs individuals who have not been determined to have end stage renal disease,” before “for periods before January 1, 2019”.

(b) **ACCELERATED ACCESS TO MEDICARE ADVANTAGE.**—Section 17006(a)(3) of the 21st Century Cures Act (Public Law 114–255) is amended by striking “2021” and inserting “2020.”

(c) **ACCELERATED MEDPAC RISK ADJUSTMENT REPORT.**—Section 17006(f)(2)(A)(i)(II) of the 21st Century Cures Act (Public Law 114–255) is amended by striking “2020” and inserting “2019.”

SEC. 202. MEDIGAP COVERAGE FOR BENEFICIARIES WITH END-STAGE RENAL DISEASE.

(a) **GUARANTEED AVAILABILITY OF MEDIGAP POLICIES TO ALL ESRD MEDICARE BENEFICIARIES.**—

(1) **IN GENERAL.**—Section 1882(s) of the Social Security Act (42 U.S.C. 1395ss(s)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “is 65” and inserting the following: “is—

“(i) 65 years of age or older and is enrolled for benefits under part B; or

“(ii) is entitled to benefits under 226A(b) and is enrolled for benefits under part B.”; and

(ii) in subparagraph (D), in the matter preceding clause (i), by inserting “(or is entitled to benefits under 226A(b))” after “is 65 years of age or older”; and

(B) in paragraph (3)(B)—

(i) in clause (ii), by inserting “(or is entitled to benefits under 226A(b))” after “is 65 years of age or older”; and

(ii) in clause (vi), by inserting “(or under 226A(b))” after “at age 65”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to medicare supplemental policies effective on or after January 1, 2020.

(b) **ADDITIONAL ENROLLMENT PERIOD FOR CERTAIN INDIVIDUALS.**—

(1) **ONE-TIME ENROLLMENT PERIOD.**—

(A) **IN GENERAL.**—In the case of an individual described in subparagraph (B), the Secretary of Health and Human Services shall establish a one-time enrollment period during which such an individual may enroll in any medicare supplemental policy under section 1882 of the Social Security Act (42 U.S.C. 1395ss) of the individual’s choosing.

(B) **ENROLLMENT PERIOD.**—The enrollment period established under subparagraph (A) shall begin on January 1, 2020, and shall end June 30, 2020.

(2) **INDIVIDUAL DESCRIBED.**—An individual described in this paragraph is an individual who—

(A) is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act under section 226A(b) of such Act (42 U.S.C. 426–1);

(B) is enrolled for benefits under part B of such title XVIII; and

(C) would not, but for the provisions of, and amendments made by, subsection (a) be eligible for the guaranteed issue of a medicare supplemental policy under paragraph (2) or (3) of section 1882(s) of such Act (42 U.S.C. 1395ss(s)).

SEC. 203. PROMOTING ACCESS TO HOME DIALYSIS TREATMENTS.

(a) **IN GENERAL.**—Section 1881(b)(3) of the Social Security Act (42 U.S.C. 1395rr(b)(3)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in clause (ii), as redesignated by subparagraph (A), strike “on a comprehensive” and insert “subject to subparagraph (B), on a comprehensive”;

(3) by striking “With respect to” and inserting “(A) With respect to”; and

(4) by adding at the end the following new subparagraph:

“(B) For purposes of subparagraph (A)(ii), an individual determined to have end-stage renal disease receiving home dialysis may choose to receive the monthly end-stage renal disease-related visits furnished on or after January 1, 2018, via telehealth if the individual receives a face-to-face visit, without the use of telehealth, at least once every three consecutive months.”.

(b) **ORIGINATING SITE REQUIREMENTS.**—

(1) **IN GENERAL.**—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(A) in paragraph (4)(C)(ii), by adding at the end the following new subclauses:

“(IX) A renal dialysis facility, but only for purposes of section 1881(b)(3)(B).

“(X) The home of an individual, but only for purposes of section 1881(b)(3)(B).”; and

(B) by adding at the end the following new paragraph:

“(5) **TREATMENT OF HOME DIALYSIS MONTHLY ESRD-RELATED VISIT.**—The geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to telehealth services furnished on or after January 1, 2018, for purposes of section 1881(b)(3)(B), at an originating site described in subclause (VI), (IX), or (X) of paragraph (4)(C)(ii).”.

(2) **NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.**—Section 1834(m)(2)(B) of the Social Security Act (42 U.S.C. 1395m(m)(2)(B)) is amended—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), and indenting appropriately;

(B) in subclause (II), as redesignated by subparagraph (A), by striking “clause (i) or this clause” and inserting “subclause (I) or this subclause”;

(C) by striking “SITE.—With respect to” and inserting “SITE.—

“(i) **IN GENERAL.**—Subject to clause (ii), with respect to”; and

(D) by adding at the end the following new clause:

“(ii) **NO FACILITY FEE IF ORIGINATING SITE FOR HOME DIALYSIS THERAPY IS THE HOME.**—No facility fee shall be paid under this subparagraph to an originating site described in paragraph (4)(C)(ii)(X).”.

(c) **CONFORMING AMENDMENT.**—Section 1881(b)(1) of the Social Security Act (42 U.S.C. 1395rr(b)(1)) is amended by striking “paragraph (3)(A)” and inserting “paragraph (3)(A)(i)”.

(d) **EXCLUSION FROM REMUNERATION FOR PURPOSES OF APPLYING CIVIL MONETARY PENALTIES.**—

(1) **IN GENERAL.**—Section 1128A(i)(6) of the Social Security Act (42 U.S.C. 1320a–7a(i)(6)) is amended—

(A) in subparagraph (H)(iv), by striking “; or” at the end;

(B) in subparagraph (I), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(J) the provision of telehealth or remote patient monitoring technologies to individuals under title XVIII by a health care provider for the purpose of furnishing telehealth or remote patient monitoring services.”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to services furnished on or after the date of the enactment of this Act.

TITLE III—IMPROVING PATIENT CARE AND ENSURING QUALITY OUTCOMES

SEC. 301. MAINTAINING AN ECONOMICALLY STABLE DIALYSIS INFRASTRUCTURE.

(a) **IN GENERAL.**—Section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)) is amended—

(1) in subparagraph (D), in the matter preceding clause (i), by striking “Such system” and inserting “Subject to subparagraph (J), such system”; and

(2) by adding at the end the following new subparagraph:

“(J) For payment for renal dialysis services furnished on or after January 1, 2018, under the system under this paragraph—

“(i) the payment adjustment described in clause (i) of subparagraph (D)—

“(I) shall not take into account comorbidities; and

“(II) shall only take into account age for purposes of distinguishing between individuals who are under 18 years of age and those who are 18 years of age and older but shall not include any other adjustment for age;

“(ii) the Secretary shall reassess any adjustments related to patient weight under such clause;

“(iii) the payment adjustment described in clause (ii) of such subparagraph shall not be included;

“(iv) the standardization factor described in the final rule published in the Federal Register on November 8, 2012 (77 Fed. Reg. 67470), shall be established using the most currently available data (and not historical data) and adjusted on an annual basis, based on such available data, to account for any change in utilization of drugs and any modification in adjusters applied under this paragraph; and

“(v) take into account reasonable costs for determining the payment rate consistent with paragraph (2)(B).”

(b) INCLUSION OF NETWORK FEE AS AN ALLOWABLE COST.—Section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

“(K) Not later than January 1, 2018, the Secretary shall amend the ESRD facility cost report to include the per treatment network fee (as described in paragraph (7)) as an allowable cost or offset to revenue.”

SEC. 302. IMPROVE PATIENT DECISION MAKING AND TRANSPARENCY BY CONSOLIDATING AND MODERNIZING QUALITY PROGRAMS.

(a) MEASURES.—Section 1881(h)(2) of the Social Security Act (42 U.S.C. 1395rr(h)(2)) is amended by adding at the end the following new subparagraphs:

“(F) WEIGHTING LIMITATION.—No single measure specified by the Secretary or individual measure within a composite measure so specified may be weighted less than 10 percent of the total performance score.

“(G) STATISTICALLY VALID AND RELIABLE.—In specifying measures under subparagraph (A), the Secretary shall only specify measures that have been shown to be statistically valid and reliable through testing.”

(b) ENDORSEMENT.—Section 1881(h)(2)(B) of the Social Security Act (42 U.S.C. 1395rr(h)(2)(B)) is amended—

(1) in clause (ii), by adding at the end the following new sentence: “The exception under the preceding sentence shall not apply to a measure that the entity with a contract under section 1890(a) (or a similar entity) considered but failed to endorse.”; and

(2) by adding at the end the following new clause:

“(iii) COMPOSITE MEASURES.—Clauses (i) and (ii) shall apply to composite measures in the same manner as such clauses apply to individual measures.”

(c) REQUIREMENTS FOR DIALYSIS FACILITY COMPARE STAR RATING PROGRAM.—Section 1881(h)(6) of the Social Security Act (42 U.S.C. 1395rr(h)(6)) is amended by adding at the end the following new subparagraph:

“(E) REQUIREMENTS FOR ANY DIALYSIS FACILITY COMPARE STAR RATING PROGRAM.—To

the extent that the Secretary maintains a dialysis facility compare star rating program, under such a program the Secretary—

“(i) shall assign stars using the same methodology and total performance score results from the quality incentive program under this subsection;

“(ii) shall determine the stars using the same methodology used under such quality incentive program; and

“(iii) shall not use a forced bell curve when determining the stars or rebaselining the stars.”

(d) HOSPITALS REQUIRED TO PROVIDE INFORMATION.—Section 1881 of the Social Security Act (42 U.S.C. 1395rr) is amended by adding at the end the following new subsection:

“(i) HOSPITALS REQUIRED TO PROVIDE INFORMATION.—

“(1) IN GENERAL.—The Secretary shall establish a process under which a hospital or a critical access hospital shall provide a renal dialysis facility with health and treatment information with respect to an individual who is discharged from the hospital or critical access hospital and who subsequently receives treatment at facility.

“(2) ELEMENTS.—Under the process established under paragraph (1)—

“(A) the request for the health information may be initiated by the individual prior to discharge or upon request by the renal dialysis facility after the patient is discharged; and

“(B) the information must be provided to the facility within 7 days of the request being made.”

(e) INCENTIVE PAYMENTS.—Section 1881(h)(1) of the Social Security Act (42 U.S.C. 1395rr(h)(1)) is amended by adding at the end the following new subparagraph:

“(D) INCENTIVE PAYMENTS.—

“(i) IN GENERAL.—In the case of a provider of services or a renal dialysis facility that the Secretary determines exceeds the attainment performance standards under paragraph (4) with respect to a year, the Secretary may make a bonus payment to the provider or facility (pursuant to a process established by the Secretary).

“(ii) FUNDING.—The total amount of bonus payments under clause (i) in a year shall be equal to the total amount of reduced payments in a year under subparagraph (A).

“(iii) NO EFFECT IN SUBSEQUENT YEARS.—The provisions of subparagraph (C) shall apply to a bonus payment under this subparagraph in the same manner subparagraph (C) applies to a reduction under such subparagraph.”

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2019.

SEC. 303. INCREASING ACCESS TO MEDICARE KIDNEY DISEASE EDUCATION BENEFIT.

(a) IN GENERAL.—Section 1861(ggg) of the Social Security Act (42 U.S.C. 1395x(ggg)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “or stage V” after “stage IV”; and

(B) in subparagraph (B), by inserting “or of a physician assistant, nurse practitioner, or clinical nurse specialist (as defined in section 1861(aa)(5)) assisting in the treatment of the individual’s kidney condition” after “kidney condition”; and

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) in subparagraph (A)—

(i) by striking “(A)” after “(2)”; and

(ii) by striking “and” at the end of clause (i);

(iii) by striking the period at the end of clause (ii) and inserting “; and”;

(iv) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(v) by adding at the end the following:

“(C) a renal dialysis facility subject to the requirements of section 1881(b)(1) with personnel who—

“(i) provide the services described in paragraph (1); and

“(ii) is a physician (as defined in subsection (r)(1)) or a physician assistant, nurse practitioner, or clinical nurse specialist (as defined in subsection (aa)(5)).”

(b) PAYMENT TO RENAL DIALYSIS FACILITIES.—Section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) is amended by adding at the end the following new paragraph:

“(15) For purposes of paragraph (14), the single payment for renal dialysis services under such paragraph shall not take into account the amount of payment for kidney disease education services (as defined in section 1861(ggg)). Instead, payment for such services shall be made to the renal dialysis facility on an assignment-related basis under section 1848.”

(c) EFFECTIVE DATE.—The amendments made by this section apply to kidney disease education services furnished on or after January 1, 2018.

SEC. 304. CERTIFICATION OF NEW FACILITIES.

(a) CERTIFICATION.—

(1) IN GENERAL.—Section 1865(a)(1) of the Social Security Act (42 U.S.C. 1395bb(a)(1)) is amended by striking “or the conditions and requirements under section 1881(b)”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and apply to a finding made on or after such date.

(b) TIMING FOR ACCEPTANCE OF REQUESTS FROM ACCREDITATION ORGANIZATIONS.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall accept a completed application from any national accreditation body for providers and facilities that provide services under 1881(b), in accordance with section 1865(3)(A). Any application received pursuant to the preceding sentence shall be deemed approved unless the Secretary, within 90 days after the date of the submission of the application to the Secretary, either denies such request in writing or informs the applicant in writing with respect to any additional information that is needed in order to make a final determination with respect to the application. If the Secretary requests additional information pursuant to the preceding sentence and the applicant submits such information, the application shall be deemed approved unless the Secretary, within 90 days of date of receiving such information, denies such request.

(c) NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—Section 338A(a)(2) of the Public Health Service Act (42 U.S.C. 2541(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(d) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(e) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(f) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(g) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(h) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(i) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(j) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(k) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(l) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(m) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(n) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(o) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(p) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(q) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

(r) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(a)(2) of the Public Health Service Act (42 U.S.C. 2541-1(a)(2)) is amended by inserting “, including nephrology health professionals” before the period at the end.

By Mr. McCAIN (for himself, Mr. LEE, Mr. LANKFORD, and Mr. FLAKE):

S. 1894. A bill to exempt Puerto Rico from the coastwise laws of the United

States (commonly known as the "Jones Act"); read the first time.

S. 1894

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

SECTION 1. EXCEPTIONS TO APPLICATION OF COASTWISE LAWS FOR PUERTO RICO.

Section 55101(b) of title 46, United States Code, is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) the Commonwealth of Puerto Rico;"

By Mr. DAINES:

S. 1898. A bill to amend the Internal Revenue Code of 1986 to retroactively repeal the individual mandate for health insurance; to the Committee on Finance.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1898

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 "Repeal and Refund Act".

SEC. 2. REPEAL OF INDIVIDUAL MANDATE.

(a) REPEAL OF REQUIREMENT TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.—

(1) IN GENERAL.—The Internal Revenue Code of 1986 is amended by striking chapter 48.

(2) CONFORMING AMENDMENTS.—

(A) AMENDMENTS RELATED TO THE INTERNAL REVENUE CODE OF 1986.—

(i) Section 36B of the Internal Revenue Code of 1986 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (g) the following new subsection:

"(g) MINIMUM ESSENTIAL COVERAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'minimum essential coverage' means any of the following:

"(A) GOVERNMENT SPONSORED PROGRAMS.—Coverage under—

"(i) the Medicare program under part A of title XVIII of the Social Security Act,

"(ii) the Medicaid program under title XIX of the Social Security Act,

"(iii) the CHIP program under title XXI of the Social Security Act,

"(iv) medical coverage under chapter 55 of title 10, United States Code, including coverage under the TRICARE program,

"(v) a health care program under chapter 17 or 18 of title 38, United States Code, as determined by the Secretary of Veterans Affairs, in coordination with the Secretary of Health and Human Services and the Secretary,

"(vi) a health plan under section 2504(e) of title 22, United States Code (relating to Peace Corps volunteers), or

"(vii) the Nonappropriated Fund Health Benefits Program of the Department of Defense, established under section 349 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1587 note).

"(B) EMPLOYER-SPONSORED PLAN.—Coverage under an eligible employer-sponsored plan.

"(C) PLANS IN THE INDIVIDUAL MARKET.—Coverage under a health plan offered in the individual market within a State.

"(D) GRANDFATHERED HEALTH PLAN.—Coverage under a grandfathered health plan.

"(E) OTHER COVERAGE.—Such other health benefits coverage, such as a State health benefits risk pool, as the Secretary of Health and Human Services, in coordination with the Secretary, recognizes for purposes of this subsection.

"(2) ELIGIBLE EMPLOYER-SPONSORED PLAN.—The term 'eligible employer-sponsored plan' means, with respect to any employee, a group health plan or group health insurance coverage offered by an employer to the employee which is—

"(A) a governmental plan (within the meaning of section 2791(d)(8) of the Public Health Service Act), or

"(B) any other plan or coverage offered in the small or large group market within a State.

Such term shall include a grandfathered health plan described in paragraph (1)(D) offered in a group market.

"(3) EXCEPTED BENEFITS NOT TREATED AS MINIMUM ESSENTIAL COVERAGE.—The term 'minimum essential coverage' shall not include health insurance coverage which consists of coverage of excepted benefits—

"(A) described in paragraph (1) of subsection (c) of section 2791 of the Public Health Service Act; or

"(B) described in paragraph (2), (3), or (4) of such subsection if the benefits are provided under a separate policy, certificate, or contract of insurance.

"(4) INDIVIDUALS RESIDING OUTSIDE UNITED STATES OR RESIDENTS OF TERRITORIES.—Any applicable individual shall be treated as having minimum essential coverage for any month—

"(A) if such month occurs during any period described in subparagraph (A) or (B) of section 911(d)(1) which is applicable to the individual, or

"(B) if such individual is a bona fide resident of any possession of the United States (as determined under section 937(a)) for such month.

"(5) INSURANCE-RELATED TERMS.—Any term used in this section which is also used in title I of the Patient Protection and Affordable Care Act shall have the same meaning as when used in such title."

(ii) Section 36B(c)(2)(B) of such Code is amended to read as follows:

"(B) EXCEPTION FOR MINIMUM ESSENTIAL COVERAGE.—The term 'coverage month' shall not include any month with respect to an individual if for such month the individual is eligible for minimum essential coverage other than eligibility for coverage described in subsection (g)(1)(C) (relating to coverage in the individual market)."

(iii) Clauses (i)(I) and (ii) of section 36B(c)(2)(C) of such Code are each amended by striking "section 5000A(f)(2)" and inserting "subsection (g)(2)".

(iv)(I) Subclause (II) of section 36B(c)(2)(C)(i) of such Code is amended by striking "(within the meaning of section 5000A(e)(1)(B))".

(II) Paragraph (2) of section 36B(c) of such Code is amended by adding at the end the following new subparagraph:

"(D) REQUIRED CONTRIBUTION.—For purposes of subparagraph (C)(i)(II), the term 'required contribution' means—

"(i) in the case of an individual eligible to purchase minimum essential coverage consisting of coverage through an eligible-employer-sponsored plan, the portion of the annual premium which would be paid by the individual (without regard to whether paid through salary reduction or otherwise) for self-only coverage, or

"(ii) in the case of an individual eligible only to purchase minimum essential coverage described in subsection (g)(1)(C), the annual premium for the lowest cost bronze plan available in the individual market through the Exchange in the State in the rating area in which the individual resides (without regard to whether the individual purchased a qualified health plan through the Exchange), reduced by the amount of the credit allowable under subsection (a) for the taxable year (determined as if the individual was covered by a qualified health plan offered through the Exchange for the entire taxable year)."

(v) Section 162(m)(6)(C)(i) of such Code is amended by striking "section 5000A(f)" and inserting "section 36B(g)".

(vi) Subsections (a)(1) and (b)(1) of section 4980H of such Code are each amended by striking "section 5000A(f)(2)" and inserting "section 36B(g)(2)".

(vii) Section 4980I(f)(1)(B) of such Code is amended by striking "section 5000A(f)" and inserting "section 36B(g)".

(viii) Section 6056(b)(2)(b) of such Code is amended by striking "section 5000A(f)(2)" and inserting "section 36B(g)(2)".

(ix) The table of chapters of the Internal Revenue Code of 1986 is amended by striking the item relating to chapter 48.

(B) AMENDMENTS RELATED TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(i) Section 1251(a)(4)(B)(ii) of the Patient Protection and Affordable Care Act is amended by striking "section 500A(f)(2)" and inserting "section 36B(g)(2)".

(ii) Section 1302(e)(2) of such Act is amended to read as follows:

"(2) INDIVIDUALS ELIGIBLE FOR ENROLLMENT.—An individual is described in this paragraph for any plan year if the individual has not attained the age of 30 before the beginning of the plan year."

(iii) Section 1311(d)(4) of such Act is amended by striking subparagraph (H).

(iv) Section 1312(d)(4) of such Act is amended by striking "section 5000A(f)" and inserting "section 36B(g)".

(v) Section 1363(e)(1)(C) of such Act is amended—

(I) by striking "section 5000A(f)" and inserting "section 36B(g)", and

(II) by striking "or is eligible for an employer-sponsored plan that is not affordable coverage (as determined under section 5000A(e)(2) of such Code)" and inserting "or who is eligible for an employer-sponsored plan and whose household income for the taxable year described in section 1412(b)(1)(B) is less than the amount of gross income specified in section 6012(a)(1) of the Internal Revenue Code of 1986 with respect to the taxpayer".

(vi) Section 1332(a)(2)(D) of such Act is amended by striking "36B, 4980H, and 5000A" and inserting "36B and 4980H".

(vii) Section 1401(c)(1)(A)(iii) of such Act is amended by striking "section 5000A(f)" and inserting "section 36B(g)".

(viii) Section 1411(a) of such Act is amended—

(I) by inserting "and" at the end of paragraph (2).

(II) in paragraph (3)—

(aa) by striking "and section 5000A(e)(2)", and

(bb) by striking " , and" and inserting a period, and

(III) by striking paragraph (4).

(ix) Section 1411(b)(4)(C) of such Act is amended by striking "5000A(e)(1)(B)" and inserting "36B(c)(2)(D)".

(x) Section 1411(b) of such Act is amended by striking paragraph (5).

(xi) Section 1411(e)(4)(B) of such Act is amended by striking clause (iv).

(C) OTHER CONFORMING AMENDMENTS.—Section 2715(b)(3)(G)(i) of the Public Health Service Act is amended by striking “section 5000A(f)” and inserting “section 36B(g)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2013.

(b) REPEAL OF REPORTING OF HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by striking subpart D.

(2) CONFORMING AMENDMENTS.—

(A) Section 6056(d) of the Internal Revenue Code of 1986 is amended to read as follows:

“(d) COORDINATION WITH OTHER REQUIREMENTS.—To the maximum extent feasible, the Secretary may provide that any return or statement required to be provided under this section may be provided as part of any return or statement required under section 6051.”.

(B) Section 6724(d)(1)(B) of such Code is amended by inserting “or” at the end of clause (xxiii), by striking clause (xxiv), and by redesignating clause (xxv) as clause (xxiv).

(C) Section 6724(d)(2) of such Code is amended by inserting “or” at the end of subparagraph (FF), by striking subparagraph (GG), and by redesignating subparagraph (HH) as subparagraph (GG).

(D) Subsection (c) of section 1502 of the Patient Protection and Affordable Care Act is repealed.

(E) The table of subparts for part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by striking the item relating to subpart D.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to calendar years beginning after December 31, 2013.

(C) TAXPAYER REFUND PROGRAM.—

(1) IN GENERAL.—The Secretary of the Treasury shall implement a program under which taxpayers who have paid a penalty under section 5000A of the Internal Revenue Code of 1986 for any taxable year receive 1 payment in refund of all such penalties paid, without regard to whether or not an amended return is filed. Such payment shall be made not later than April 15, 2018.

(2) WAIVER OF STATUTE OF LIMITATIONS.—Solely for purposes of claiming the refund under paragraph (1), the period prescribed by section 6511(a) of the Internal Revenue Code of 1986 with respect to any payment of a penalty under section 5000A shall be extended until the date prescribed by law (including extensions) for filing the return of tax for the taxable year that includes December 31, 2017.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 270—DESIGNATING SEPTEMBER 2017 AS “NATIONAL OVARIAN CANCER AWARENESS MONTH”

Ms. STABENOW (for herself, Mr. BROWN, Mr. KING, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MENENDEZ, and Ms. HIRONO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 270

Whereas ovarian cancer is the deadliest of all gynecologic cancers;

Whereas ovarian cancer is the fifth leading cause of cancer deaths among women in the United States;

Whereas, in 2017 in the United States, approximately 22,440 new cases of ovarian can-

cer will be diagnosed and 14,080 women will die of ovarian cancer;

Whereas the mortality rate for ovarian cancer has not significantly decreased since the “War on Cancer” was declared more than 40 years ago;

Whereas ¼ of women will die within 1 year of being diagnosed with ovarian cancer and more than ½ will die within 5 years of that diagnosis;

Whereas, while the mammogram can detect breast cancer and the Pap smear can detect cervical cancer, there is no reliable early detection test for ovarian cancer;

Whereas the lack of an early detection test means that approximately 80 percent of cases of ovarian cancer are detected at an advanced stage;

Whereas all women are at risk for ovarian cancer, but approximately 20 percent of women who are diagnosed with ovarian cancer have a hereditary predisposition to ovarian cancer, which places them at even higher risk;

Whereas scientists and physicians have uncovered changes in the BRCA genes that some women inherit from their parents, which may make those women 30 times more likely to develop ovarian cancer;

Whereas the family history of a woman has been found to play an important role in accurately assessing the risk of that woman of developing ovarian cancer and medical experts believe that family history should be taken into consideration during the annual well-woman visit of any woman;

Whereas many experts in health prevention now recommend genetic testing for young women with a family history of breast and ovarian cancer;

Whereas women who know that they are at high risk of breast and ovarian cancer may undertake prophylactic measures to help reduce the risk of developing those diseases;

Whereas, as of 2017, the Society of Gynecologic Oncology recommends that all women who are diagnosed with ovarian cancer receive counseling and genetic testing;

Whereas many people are unaware that the symptoms of ovarian cancer often include bloating, pelvic or abdominal pain, difficulty eating or feeling full quickly, urinary symptoms, and several other symptoms that are easily confused with other diseases;

Whereas awareness of the symptoms of ovarian cancer by women and health care providers can lead to a quicker diagnosis;

Whereas, in June 2007, the first national consensus statement on ovarian cancer symptoms was developed to provide consistency in describing symptoms to make it easier for women to learn and remember those symptoms; and

Whereas, each year during the month of September, the Ovarian Cancer Research Fund Alliance and community partners hold a number of events to increase public awareness of ovarian cancer: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2017 as “National Ovarian Cancer Awareness Month”; and

(2) supports the goals and ideals of National Ovarian Cancer Awareness Month.

SENATE RESOLUTION 271—SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY GARDENING AWARENESS WEEK

Ms. DUCKWORTH submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 271

Whereas countless families in the United States live with hunger every day and do not have access to fresh produce in their neighborhoods;

Whereas community gardens conserve limited resources and promote sustainability;

Whereas community gardens provide an important and nutritious source of fresh produce donations for local food pantries and social service agencies;

Whereas community gardens enable individuals to gain control over the quality, variety, and cost of their food supply;

Whereas community gardening encourages individuals of diverse cultural and economic backgrounds to work together, foster a better sense of community, and improve the quality of their lives;

Whereas community-based youth and school gardening programs encourage personal self-esteem and healthy attitudes toward learning;

Whereas community gardening and greening projects provide a catalyst for neighborhood and community development;

Whereas community gardens reduce city heat and preserve open spaces for present and future generations;

Whereas community gardens and other green spaces—

(1) provide a more livable environment in municipalities throughout the United States; and

(2) present a positive local image to the residents of, and visitors to, a community;

Whereas community gardens help provide local food banks with fresh produce for individuals in need; and

Whereas the last week of September 2017 is an appropriate week to designate as “National Community Gardening Awareness Week”: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Community Gardening Awareness Week, including—

(1) raising awareness of the importance of community gardens and urban agriculture;

(2) improving access to public land for the development of sustainable food projects;

(3) encouraging further growth of community gardens and other opportunities that increase food self-reliance, improve fitness, contribute to a cleaner environment, and enhance community development; and

(4) supporting cooperative efforts among Federal, State, and local governments and nonprofit organizations—

(A) to promote the development and expansion of community gardens; and

(B) to increase the accessibility of community gardens to disadvantaged population groups.

SENATE RESOLUTION 272—COMMEMORATING THE 230TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES

Mr. CRUZ (for himself and Mr. BLUMENTHAL) submitted the following resolution; which was considered and agreed to:

S. RES. 272

Whereas, on September 17, 1787, the Constitution of the United States was signed by 39 delegates from 12 States;

Whereas the Constitution of the United States was subsequently ratified by each of the original 13 States;

Whereas James Madison and the other delegates drafted the Constitution of the United States “in Order to form a more perfect Union, establish Justice, insure domestic

Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty” for the people of the United States;

Whereas the Constitution of the United States has provided the means and structure for the United States and the people of the United States to achieve a level of prosperity, liberty, security, and justice that is unparalleled among nations;

Whereas the contributions of the Constitution of the United States to the welfare of individuals reach far beyond the borders of the United States;

Whereas the Constitution of the United States—

(1) was the first permanent constitution in the world adopted by elected representatives;

(2) includes seminal ideas about individual rights, the separation of powers, and the rule of law; and

Whereas the Constitution of the United States has been amended 27 times since its adoption and includes amendments that reflect the will of the people of the United States “to form a more perfect Union”, such as amendments to recognize and protect individual rights, eliminate slavery, and expand the franchise;

Whereas the Senate continues to strive to preserve and strengthen the values and rights bestowed on the United States and the people of the United States by the Constitution of the United States; and

Whereas the preservation in the hearts and minds of the people of the United States of the values and rights expressed in the Constitution of the United States would be advanced by an official recognition on September 17, 2017, of the 230th anniversary of the signing of the Constitution of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) on September 17, 2017, commemorates the 230th anniversary of the signing of the Constitution of the United States; and

(2) calls on the people of the United States to observe the day with appropriate ceremonies and respect, including by reading the Constitution of the United States and reflecting on the enduring structure of government built by the Founders and successive generations of people of the United States.

SENATE RESOLUTION 273—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 2017 AS “SICKLE CELL DISEASE AWARENESS MONTH” IN ORDER TO EDUCATE COMMUNITIES ACROSS THE UNITED STATES ABOUT SICKLE CELL DISEASE AND THE NEED FOR RESEARCH, EARLY DETECTION METHODS, EFFECTIVE TREATMENTS, AND PREVENTATIVE CARE PROGRAMS WITH RESPECT TO SICKLE CELL DISEASE, COMPLICATIONS FROM SICKLE CELL DISEASE, AND CONDITIONS RELATED TO SICKLE CELL DISEASE

Mr. SCOTT (for himself, Mr. BOOKER, Mr. ISAKSON, Mr. BROWN, Mr. RUBIO, Mr. COONS, and Ms. WARREN) submitted the following resolution; which was considered and agreed to:

S. RES. 273

Whereas sickle cell disease (referred to in this preamble as “SCD”) is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas SCD causes the rapid destruction of sickle cells, which results in multiple

medical complications, including anemia, jaundice, gallstones, strokes, restricted blood flow, damaged tissue in the liver, spleen, and kidneys, and death;

Whereas SCD causes episodes of considerable pain in the arms, legs, chest, and abdomen of an individual;

Whereas SCD affects an estimated 100,000 individuals in the United States;

Whereas approximately 1,000 babies are born with SCD each year in the United States, with the disease occurring in approximately 1 in 365 newborn African-American infants and 1 in 16,300 newborn Hispanic-American infants, and is found in individuals of Mediterranean, Middle Eastern, Asian, and Indian origin;

Whereas more than 3,000,000 individuals in the United States have the sickle cell trait and 1 in 13 African-Americans carries the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of an individual with SCD is often severely limited;

Whereas, while hematopoietic stem cell transplantation (commonly known as “HSCT”) is currently the only cure for SCD and advances in treating the associated complications of SCD have occurred, more research is needed to find widely available treatments and cures to help patients with SCD; and

Whereas September 2017 has been designated as Sickle Cell Disease Awareness Month in order to educate communities across the United States about SCD, including early detection methods, effective treatments, and preventative care programs with respect to SCD, complications from SCD, and conditions related to SCD: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of Sickle Cell Disease Awareness Month; and

(2) encourages the people of the United States to hold appropriate programs, events, and activities during Sickle Cell Disease Awareness Month to raise public awareness of preventative care programs, treatments, and other patient services for those suffering from sickle cell disease, complications from sickle cell disease, and conditions related to sickle cell disease.

SENATE RESOLUTION 274—SUPPORTING THE GOALS AND IDEALS OF NATIONAL RETIREMENT SECURITY WEEK, INCLUDING RAISING PUBLIC AWARENESS OF THE VARIOUS TAX-PREFERRED RETIREMENT VEHICLES, INCREASING PERSONAL FINANCIAL LITERACY, AND ENGAGING THE PEOPLE OF THE UNITED STATES ON THE KEYS TO SUCCESS IN ACHIEVING AND MAINTAINING RETIREMENT SECURITY THROUGHOUT THEIR LIFETIMES

Mr. ENZI (for himself, Mr. CARDIN, Mr. WYDEN, Ms. COLLINS, and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 274

Whereas people in the United States are living longer and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the

sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States—

(1) only approximately ⅓ of workers or the spouses of those workers are saving for retirement; and

(2) the amount that workers have saved for retirement is much less than the amount those workers need to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is important so that those workers understand the need to save for retirement;

Whereas saving for retirement is a key component of overall financial health and security during retirement years and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not—

(1) be aware of the various options in saving for retirement; or

(2) have focused on the importance of, and need for, saving for retirement and successfully achieving retirement security;

Whereas, although many employees have access through their employers to defined benefit and defined contribution plans to assist the employees in preparing for retirement, many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas saving for retirement is necessary even during economic downturns or market declines, which makes continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from developing personal budgets and financial plans that include retirement savings strategies that take advantage of tax-preferred retirement savings vehicles;

Whereas effectively and sustainably withdrawing retirement resources throughout the retirement years of an individual is as important and crucial as saving and accumulating funds for retirement; and

Whereas the week of October 15 through October 21, 2017, has been designated as “National Retirement Security Week”: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Retirement Security Week, including raising public awareness of the importance of saving adequately for retirement;

(2) acknowledges the need to raise public awareness of a variety of tax-preferred retirement vehicles that are used by many people in the United States but could be used by more; and

(3) calls on States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Retirement Security Week with appropriate programs and activities, with the goal of increasing the retirement savings and personal financial literacy of all people in the United States, thereby enhancing the retirement security of the people of the United States.

SENATE RESOLUTION 275—CONGRATULATING NORTHEASTERN ILLINOIS UNIVERSITY ON THE SESQUICENTENNIAL OF THE UNIVERSITY

Ms. DUCKWORTH (for herself and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 275

Whereas Northeastern Illinois University has served the Chicagoland area and beyond for 150 years, having graduated nearly 80,000 students who have—

- (1) strengthened the local workforce;
- (2) made a positive difference in their communities; and
- (3) transformed the lives of others, just as the University has done for those students;

Whereas Northeastern Illinois University is regarded as the most diverse regional university in the Midwest and is designated by the Department of Education as a Hispanic-Serving Institution;

Whereas Northeastern Illinois University is known for—

- (1) having the safest campus in the State of Illinois;
- (2) being among the best institutions in the United States for adult learners; and
- (3) the fact that graduates of the University have the ninth-lowest amount of student loan debt among graduates of 4-year colleges and universities in the United States; and

Whereas Northeastern Illinois University offers more than 80 undergraduate and graduate programs in the arts, sciences, education, and business at 5 locations in the Chicago metropolitan area, including in the North Park and Bronzeville neighborhoods: Now, therefore, be it

Resolved, That the Senate—

- (1) congratulates Northeastern Illinois University on the sesquicentennial of the University; and

- (2) extends best wishes to Northeastern Illinois University for continued success and achievement.

SENATE RESOLUTION 276—DESIGNATING SEPTEMBER 2017 AS “PULMONARY FIBROSIS AWARENESS MONTH”

Mr. COONS (for himself, Mr. CRAPO, Mr. MURPHY, Ms. KLOBUCHAR, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas pulmonary fibrosis is a debilitating and ultimately fatal lung condition that causes progressive scarring in the lungs and has no definitive cause;

Whereas as many as 200,000 individuals in the United States are known to suffer from pulmonary fibrosis, the majority of whom are between the ages of 50 and 75;

Whereas the average life expectancy from the diagnosis of the idiopathic form of pulmonary fibrosis is just 2.8 years, and as many as 80 percent of idiopathic pulmonary fibrosis patients die within 5 years of diagnosis;

Whereas pulmonary fibrosis takes the lives of 40,000 or more individuals in the United States each year—approximately 1 individual every 13 minutes;

Whereas many patients afflicted with pulmonary fibrosis are misdiagnosed for 1 year or longer after the patients are presenting with pulmonary fibrosis symptoms;

Whereas, as of July 2017, there are no confirmed biomarkers for screening and testing for pulmonary fibrosis;

Whereas a cure, treatment, or drug to halt the fibrotic process in pulmonary fibrosis does not yet exist;

Whereas the symptoms of pulmonary fibrosis vary from person to person and include shortness of breath, a dry cough, fatigue, weight loss, and aching muscles and joints;

Whereas volunteers, researchers, caregivers, and medical professionals are work-

ing to improve the quality of life for individuals with pulmonary fibrosis and for the families of those individuals; and

Whereas developing more effective treatments for pulmonary fibrosis and providing access to quality care to individuals with pulmonary fibrosis requires increased research, education, and community support services: Now, therefore, be it

Resolved, That the Senate—

- (1) designates September 2017 as “Pulmonary Fibrosis Awareness Month”;

- (2) supports the goals and ideals of Pulmonary Fibrosis Awareness Month;

- (3) continues to support more robust and accelerated research to develop more effective treatments for pulmonary fibrosis and to ultimately find a cure for the disease;

- (4) recognizes the courage and contributions of individuals with pulmonary fibrosis who participate in vital clinical trials to advance the knowledge of the disease; and

- (5) commends the dedication of organizations, volunteers, researchers, and millions of individuals in the United States and abroad working to improve the quality of life for individuals with pulmonary fibrosis and the families of those individuals.

SENATE RESOLUTION 277—DESIGNATING THE WEEK OF SEPTEMBER 25 THROUGH 29, 2017, AS “NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK”

Mrs. MURRAY (for herself, Mr. ALEXANDER, Mr. DURBIN, Mr. COCHRAN, Ms. COLLINS, Mr. DONNELLY, Mr. MURPHY, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 277

Whereas the Organisation for Economic Co-operation and Development reports that approximately 36,000,000 adults in the United States lack the basic literacy and numeracy necessary to succeed at home, in the workplace, and in society;

Whereas the literacy of the people of the United States is essential for the economic and societal well-being of the United States;

Whereas the United States reaps the economic benefits of individuals who improve their literacy, numeracy, and English-language skills;

Whereas literacy and educational skills are necessary for individuals to fully benefit from the range of opportunities available in the United States;

Whereas the economy and position of the United States in the world marketplace depend on having a literate, skilled population;

Whereas the unemployment rate in the United States is highest among those without a high school diploma or an equivalent credential, demonstrating that education is important to economic recovery;

Whereas the educational skills of the parents of a child and the practice of reading to a child have a direct impact on the educational success of the child;

Whereas parental involvement in the education of a child is a key predictor of the success of a child, and the level of parental involvement in the education of a child increases as the educational level of the parent increases;

Whereas parents who participate in family literacy programs become more involved in the education of their children and gain the tools necessary to obtain a job or find better employment;

Whereas, as a result of family literacy programs, the lives of children become more stable, and the success of children in the

classroom and in future endeavors becomes more likely;

Whereas adults need to be part of a long-term solution to the educational challenges faced by the people of the United States;

Whereas many older people in the United States lack the reading, math, or English-language skills necessary to read a prescription and follow medical instructions, which endangers the lives of the older people and the lives of their loved ones;

Whereas many individuals who are unemployed, underemployed, or receive public assistance lack the literacy skills necessary to obtain and keep a job, to continue their education, or to participate in job training programs;

Whereas many high school dropouts do not have the literacy skills necessary to complete their education, transition to postsecondary education or career and technical training, or obtain a job;

Whereas a large portion of individuals in prison have low educational skills and prisoners without educational skills are more likely to return to prison once released;

Whereas many immigrants in the United States do not have the literacy skills necessary to succeed in the United States; and

Whereas National Adult Education and Family Literacy Week highlights the need to ensure that each individual in the United States has the literacy skills necessary to succeed at home, at work, and in society: Now, therefore, be it

Resolved, That the Senate—

- (1) designates the week of September 25 through 29, 2017, as “National Adult Education and Family Literacy Week” to raise public awareness about the importance of adult education, workforce skills, and family literacy;

- (2) encourages people across the United States to support programs to assist individuals in need of adult education, workforce skills, and family literacy programs;

- (3) recognizes the importance of adult education, workforce skills, and family literacy programs; and

- (4) calls on public, private, and nonprofit entities to support increased access to adult education and family literacy programs to ensure a literate society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1107. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill H.R. 3823, to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes; which was ordered to lie on the table.

SA 1108. Mr. MCCONNELL (for Mr. CASSIDY (for himself, Mr. ROUNDS, and Mr. KENNEDY)) proposed an amendment to the bill H.R. 3823, *supra*.

TEXT OF AMENDMENTS

SA 1107. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill H.R. 3823, to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. FEDERAL AUTHORITY OVER INTER-STATE TRANSPORTATION.

(a) IN GENERAL.—Section 14501(c) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking “Paragraph (1)” and inserting “Paragraphs (1) and (6)”;

(2) in paragraph (3)(A), by striking “Paragraph (1)” and inserting “Paragraphs (1) and (6)”;

(3) by adding at the end the following:

“(6) ADDITIONAL LIMITATIONS.—

“(A) IN GENERAL.—A State, a political subdivision of a State, or a political authority composed of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law relating to meal or rest breaks applicable to employees whose hours of service are subject to regulation by the Secretary under section 31502.

“(B) SAVINGS PROVISION.—Nothing in this paragraph may be construed to limit the provisions under paragraph (1).”

(b) EFFECTIVE DATE.—The amendments made by this section shall have the force and effect as if enacted on the date of the enactment of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305).

SA 1108. Mr. McCONNELL (for Mr. CASSIDY (for himself, Mr. ROUNDS, and Mr. KENNEDY)) proposed an amendment to the bill H.R. 3823, to amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to provide disaster tax relief, and for other purposes; as follows:

Strike title IV.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WICKER. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

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 AGRICULTURE, NUTRITION, AND FORESTRY

The Committee on Agriculture, Nutrition, and Forestry is authorized to meet during the session of the Senate on Thursday, September 28, 2017 at 9:30 a.m., in 216 Hart Senate Office Building, in order to conduct a hearing entitled “Rural Development and Energy Programs: Perspectives for the 2018 Farm Bill.”

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, September 28, 2017, at 10 a.m., in closed session, to receive a briefing on North Korea.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to

meet during the session of the Senate on Thursday, September 28, 2017 at 9:30 a.m. to conduct a hearing entitled, “Evaluating Sanctions Enforcement and Policy Options on North Korea: Administration Perspectives.”

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet in executive session during the session of the Senate on Thursday, September 28, at 10:30 a.m. in room 216 of the Capitol.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate, on September 28, 2017, at 9:30 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

SUBCOMMITTEE ON AVIATION OPERATION, SAFETY AND SECURITY

The Committee on Commerce, Science, and Transportation is authorized to hold a meeting during the session of the Senate on Thursday, September 28, 2017, at 10 a.m. in room 253 of the Russell Senate Office Building.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my science fellows Michelle Romo and Beth Wester be granted floor privileges today and for the rest of their fellowship.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to Arnold Solamillos, who is a Brookings Fellow on my staff on loan from the Social Security Administration, during today's session of the Senate.

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

THE AMERICAN LEGION 100TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2519, 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. 2519) to require the Secretary of the Treasury to mint commemorative coins in recognition of the 100th anniversary of The American Legion.

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.

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

The bill was ordered to a third reading and was read the third time.

Mr. McCONNELL. I know of no further debate on the bill.

The PRESIDING OFFICER. There being no further debate, the bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 2519) was passed.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

MAIN STREET CYBERSECURITY ACT OF 2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 217, S. 770.

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

The senior assistant legislative clerk read as follows:

A bill (S. 770) to require the Director of the National Institute of Standards and Technology to disseminate resources to help reduce small business cybersecurity risks, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Making Available Information Now to Strengthen Trust and Resilience and Enhance Enterprise Technology Cybersecurity Act of 2017” or the “MAIN STREET Cybersecurity Act of 2017”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) *Small businesses play a vital role in the economy of the United States, accounting for 54 percent of all United States sales and 55 percent of jobs in the United States.*

(2) *Attacks targeting small and medium businesses account for a high percentage of cyberattacks in the United States. Sixty percent of small businesses that suffer a cyberattack are out of business within 6 months, according to the National Cyber Security Alliance.*

(3) *The Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7421 et seq.) calls on the National Institute of Standards and Technology to facilitate and support a voluntary public-private partnership to reduce cybersecurity risks to critical infrastructure. Such a partnership continues to play a key role in improving the cyber resilience of the United States and making cyberspace safer.*

(4) *There is a need to develop simplified resources that are consistent with the partnership described in paragraph (3) that improves its use by small businesses.*

SEC. 3. IMPROVING CYBERSECURITY OF SMALL BUSINESSES.

(a) **DEFINITIONS.**—*In this section:*

(1) **DIRECTOR.**—*The term “Director” means the Director of the National Institute of Standards and Technology.*

(2) **RESOURCES.**—*The term “resources” means guidelines, tools, best practices, standards, methodologies, and other ways of providing information.*

(3) **SMALL BUSINESS CONCERN.**—*The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).*

(b) **SMALL BUSINESS CYBERSECURITY.**—*Section 2(e)(1)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)(1)(A)) is amended—*

(1) in clause (vii), by striking “and” at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

“(viii) consider small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and”.

(c) DISSEMINATION OF RESOURCES FOR SMALL BUSINESSES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director, in carrying out section 2(e)(1)(A)(viii) of the National Institute of Standards and Technology Act, as added by subsection (b) of this Act, in consultation with the heads of such other Federal agencies as the Director considers appropriate, shall disseminate clear and concise resources for small business concerns to help reduce their cybersecurity risks.

(2) REQUIREMENTS.—The Director shall ensure that the resources disseminated pursuant to paragraph (1)—

(A) are generally applicable and usable by a wide range of small business concerns;

(B) vary with the nature and size of the implementing small business concern, and the nature and sensitivity of the data collected or stored on the information systems or devices of the implementing small business concern;

(C) include elements that promote awareness of simple, basic controls, a workplace cybersecurity culture, and third party stakeholder relationships, to assist small business concerns in mitigating common cybersecurity risks;

(D) are technology-neutral and can be implemented using technologies that are commercial and off-the-shelf; and

(E) are based on international standards to the extent possible, and are consistent with the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(3) NATIONAL CYBERSECURITY AWARENESS AND EDUCATION PROGRAM.—The Director shall ensure that the resources disseminated under paragraph (1) are consistent with the efforts of the Director under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451).

(4) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—In carrying out paragraph (1), the Director, to the extent practicable, shall consider any methods included in the Small Business Development Center Cyber Strategy developed under section 1841(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

(5) VOLUNTARY RESOURCES.—The use of the resources disseminated under paragraph (1) shall be considered voluntary.

(6) UPDATES.—The Director shall review and, if necessary, update the resources disseminated under paragraph (1) in accordance with the requirements under paragraph (2).

(7) PUBLIC AVAILABILITY.—The Director and such heads of other Federal agencies as the Director considers appropriate shall each make prominently available to the public on the Director’s or head’s Internet website, as the case may be, information about the resources and all updates to them disseminated under paragraph (1). The Director and the heads shall each ensure that the information they respectively make prominently available is consistent, clear, and concise.

(d) CONSISTENCY OF RESOURCES PUBLISHED BY FEDERAL AGENCIES.—If a Federal agency publishes resources to help small business concerns reduce their cybersecurity risks, the head of such Federal agency, to the degree practicable, shall make such resources consistent with the resources disseminated under subsection (c)(1).

(e) OTHER FEDERAL CYBERSECURITY REQUIREMENTS.—Nothing in this section may be construed to supersede, alter, or otherwise affect any cybersecurity requirements applicable to Federal agencies.

Mr. McCONNELL. I ask unanimous consent that the committee-reported

substitute amendment be considered; that the Schatz amendment No. 977, as modified with the changes at the desk, be considered and agreed to; that the committee-reported substitute amendment, as amended, be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 977), as modified, was agreed to, as follows:

(Purpose: To improve the bill)

On page 7, beginning on line 14, strike “Sixty” and all that follows through line 17.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 770), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 770

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 “Making Available Information Now to Strengthen Trust and Resilience and Enhance Enterprise Technology Cybersecurity Act of 2017” or the “MAIN STREET Cybersecurity Act of 2017”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Small businesses play a vital role in the economy of the United States, accounting for 54 percent of all United States sales and 55 percent of jobs in the United States.

(2) Attacks targeting small and medium businesses account for a high percentage of cyberattacks in the United States.

(3) The Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7421 et seq.) calls on the National Institute of Standards and Technology to facilitate and support a voluntary public-private partnership to reduce cybersecurity risks to critical infrastructure. Such a partnership continues to play a key role in improving the cyber resilience of the United States and making cyberspace safer.

(4) There is a need to develop simplified resources that are consistent with the partnership described in paragraph (3) that improves its use by small businesses.

SEC. 3. IMPROVING CYBERSECURITY OF SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) RESOURCES.—The term “resources” means guidelines, tools, best practices, standards, methodologies, and other ways of providing information.

(3) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) SMALL BUSINESS CYBERSECURITY.—Section 2(e)(1)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 272(e)(1)(A)) is amended—

(1) in clause (vii), by striking “and” at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

“(viii) consider small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)); and”.

(c) DISSEMINATION OF RESOURCES FOR SMALL BUSINESSES.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director, in carrying out section 2(e)(1)(A)(viii) of the National Institute of Standards and Technology Act, as added by subsection (b) of this Act, in consultation with the heads of such other Federal agencies as the Director considers appropriate, shall disseminate clear and concise resources for small business concerns to help reduce their cybersecurity risks.

(2) REQUIREMENTS.—The Director shall ensure that the resources disseminated pursuant to paragraph (1)—

(A) are generally applicable and usable by a wide range of small business concerns;

(B) vary with the nature and size of the implementing small business concern, and the nature and sensitivity of the data collected or stored on the information systems or devices of the implementing small business concern;

(C) include elements that promote awareness of simple, basic controls, a workplace cybersecurity culture, and third party stakeholder relationships, to assist small business concerns in mitigating common cybersecurity risks;

(D) are technology-neutral and can be implemented using technologies that are commercial and off-the-shelf; and

(E) are based on international standards to the extent possible, and are consistent with the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

(3) NATIONAL CYBERSECURITY AWARENESS AND EDUCATION PROGRAM.—The Director shall ensure that the resources disseminated under paragraph (1) are consistent with the efforts of the Director under section 401 of the Cybersecurity Enhancement Act of 2014 (15 U.S.C. 7451).

(4) SMALL BUSINESS DEVELOPMENT CENTER CYBER STRATEGY.—In carrying out paragraph (1), the Director, to the extent practicable, shall consider any methods included in the Small Business Development Center Cyber Strategy developed under section 1841(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328).

(5) VOLUNTARY RESOURCES.—The use of the resources disseminated under paragraph (1) shall be considered voluntary.

(6) UPDATES.—The Director shall review and, if necessary, update the resources disseminated under paragraph (1) in accordance with the requirements under paragraph (2).

(7) PUBLIC AVAILABILITY.—The Director and such heads of other Federal agencies as the Director considers appropriate shall each make prominently available to the public on the Director’s or head’s Internet website, as the case may be, information about the resources and all updates to them disseminated under paragraph (1). The Director and the heads shall each ensure that the information they respectively make prominently available is consistent, clear, and concise.

(d) CONSISTENCY OF RESOURCES PUBLISHED BY FEDERAL AGENCIES.—If a Federal agency publishes resources to help small business concerns reduce their cybersecurity risks, the head of such Federal agency, to the degree practicable, shall make such resources consistent with the resources disseminated under subsection (c)(1).

(e) OTHER FEDERAL CYBERSECURITY REQUIREMENTS.—Nothing in this section may be construed to supersede, alter, or otherwise affect any cybersecurity requirements applicable to Federal agencies.

NATIONAL WORKFORCE
DEVELOPMENT MONTH

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 267 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 267) designating September 2017 as "National Workforce Development Month."

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

Mr. McCONNELL. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 267) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 25, 2017, under "Submitted Resolutions.")

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. 272, S. Res. 273, S. Res. 274, S. Res. 275, S. Res. 276, and S. Res. 277.

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 preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

SIGNING AUTHORITY

The PRESIDING OFFICER. Mr. President, I ask unanimous consent that the majority leader and the senior Senator from Alaska be authorized to sign duly enrolled bills or joint resolutions on Friday, September 29, 2017, through Monday, October 2, 2017.

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

MEASURE READ THE FIRST
TIME—S. 1894

Mr. McCONNELL. Mr. President, I understand that there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 1894) to exempt Puerto Rico from the coastwise laws of the United States (commonly known as the "Jones Act").

Mr. McCONNELL. Mr. President, I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, OCTOBER 2,
2017

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, October 2; 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; further, that following leader remarks, the Senate proceed to executive session and resume consideration of the Pai nomination, with the time until 5:30 p.m. equally divided between the two leaders or their designees; further, that notwithstanding the provisions of rule XXII, all postcloture time on the Pai nomination expire at 5:30 p.m.; finally, that at 5:30 p.m., the Senate vote on confirmation of the Pai nomination with no intervening action or debate and, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

ADJOURNMENT UNTIL MONDAY,
OCTOBER 2, 2017, AT 3 P.M.

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.

There being no objection, the Senate, at 5:17 p.m., adjourned until Monday, October 2, 2017, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

THOMAS HARKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE SUSAN J. RABERN.

ROBERT H. MCMAHON, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DAVID J. BERTEAU, RESIGNED.

JOHN P. ROTH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE RICARDO A. AGUILERA, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

ROBERT HUNTER KURTZ, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE SANDRA BROOKS HENRIQUEZ, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

BRUCE LANDSBERG, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2022, VICE CHRISTOPHER A. HART, TERM EXPIRING.

CONSUMER PRODUCT SAFETY COMMISSION

DANA BAIOTTO, OF OHIO, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2017, VICE MARIETTA S. ROBINSON, TERM EXPIRING.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

RAYMOND MARTINEZ, OF NEW JERSEY, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE THOMAS F. SCOTT DARLING III.

TENNESSEE VALLEY AUTHORITY

KENNETH E. ALLEN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2021, VICE C. PETER MAHURIN, TERM EXPIRED.

A. D. FRAZIER, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2022, VICE VERA LYNN EVANS, TERM EXPIRED.

JEFFREY SMITH, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2022, VICE MARILYN A. BROWN, TERM EXPIRED.

JAMES R. THOMPSON III, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2021, VICE JOE H. RITCH, TERM EXPIRED.

DEPARTMENT OF STATE

IRWIN STEVEN GOLDSTEIN, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, VICE RICHARD STENGEL, RESIGNED.

SEAN P. LAWLER, OF MARYLAND, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE PETER A. SELFRIDGE.

JAMES RANDOLPH EVANS, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

NATIONAL MEDIATION BOARD

LINDA A. PUCHALA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2018. (REAPPOINTMENT)

DEPARTMENT OF EDUCATION

JAMES BLEW, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION, VICE CARMELO MARTIN, RESIGNED.

DEPARTMENT OF JUSTICE

NORMAN EUCELL ARFLACK, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS, VICE PARKER LOREN CARL, TERM EXPIRED.

MICHAEL T. BAYLOUS, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE JOHN DALE POSTER, TERM EXPIRED.

DAVID G. JOLLEY, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS, VICE JAMES THOMAS FOWLER, RETIRED.

DANIEL R. MCKITTRICK, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE DENNIS J. ERBY, TERM EXPIRED.

JESSE SEROYER, JR., OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE ARTHUR DARROW BAYLOR, RETIRED.

ERIN ANGELA NEALY COX, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE SARAH R. SALDANA, RESIGNED.

THE JUDICIARY

RYAN T. HOLTE, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE NANCY B. FIRESTONE, TERM EXPIRED.

DEPARTMENT OF JUSTICE

DUANE A. KEES, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE WILLIAM CONNER ELDRIDGE, RESIGNED.

MATTHEW D. KRUEGER, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE JAMES L. SANTELLE, RESIGNED.

THE JUDICIARY

HOWARD C. NIELSON, JR., OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE BRIAN THEODORE STEWART, RETIRED.

DEPARTMENT OF JUSTICE

CHRISTINA E. NOLAN, OF VERMONT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS, VICE ERIC STEVEN MILLER, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 28, 2017:

THE JUDICIARY

RALPH R. ERICKSON, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT.

DEPARTMENT OF JUSTICE

ROBERT J. HIGDON, JR., OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

J. CODY HILAND, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

JOSHUA J. MINKLER, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

BYUNG J. PAK, OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF STATE

JOHN R. BASS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

JON M. HUNTSMAN, JR., OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

JUSTIN HICKS SIBERELL, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF BAHRAIN.

A. WESS MITCHELL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AND EURASIAN AFFAIRS).

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL R. FENZEL

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JACQUELINE D. VAN OVOST

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JEFFERY D. AEBISCHER
COL. NATHAN B. ALHOLINNA
COL. BORIS R. ARMSTRONG
COL. KIMBERLY A. BAUMANN
COL. ROBERT L. BELL
COL. SHAWN N. BRATTON
COL. JEFFREY L. BUTLER
COL. MICHAEL E. CALLAHAN
COL. KEVIN J. CAMPBELL
COL. THOMAS S. CAUTHEN
COL. LAWRENCE L. CHRISTENSEN
COL. SHAWN A. CLOUTHER
COL. DARWIN L. CRAIG
COL. ROBERT C. DESKO
COL. KEVIN M. DONOVAN
COL. BOBBI J. DOORENBOS
COL. DAVID M. DZIORKOWSKI
COL. RANDAL K. EFFERSON
COL. HOWARD L. EISSLER III
COL. SHAWN D. FORD
COL. JED J. FRENCH
COL. DANIEL E. GABRIELLI
COL. MARK P. GAUL
COL. RAINER G. GOMEZ
COL. PATRICK M. GUINEE
COL. PENNY C. HODGES-GOETZ
COL. JEREMY C. HORN
COL. CASSANDRA D. HOWARD
COL. PAUL D. JOHNSON
COL. EDWARD S. JONES
COL. GARY W. KIRK
COL. HEIDI L. KJOS
COL. MEAGHAN Q. LECLERC
COL. GREGOR J. LEIST
COL. SUZANNE B. LIPCAMAN
COL. KEITH G. MACDONALD
COL. ROLF E. MAMMEN
COL. GERALD E. MCDONALD
COL. CHRISTOPHER G. MCGRAW
COL. MICHAEL R. MORGAN

COL. REBECCA L. O'CONNOR
COL. DUKE A. PIRAK
COL. JEFFREY L. RYAN
COL. JON S. SAFSTROM
COL. WILLIAM L. SPARROW
COL. JAMES R. STEVENSON, JR.
COL. JEFFREY D. STOREY
COL. BRYAN J. TEFF
COL. EDWARD L. VAUGHAN IV
COL. APRIL D. VOGEL
COL. CHARLES M. WALKER
COL. CHRISTOPHER S. WALKER
COL. DAVID A. WEISHAAR
COL. WENDY B. WENKE
COL. GREGORY T. WHITE
COL. BRENT W. WRIGHT
COL. WILLIAM T. YATES
COL. DANIEL S. YENCHESKY

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. CARDWELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JOSEPH D' COSTA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL A. BILLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DANIEL J. CHRISTIAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. KENNETH H. MOORE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MATTHEW P. EASLEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. JOHNNY R. BASS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. TONY L. WRIGHT

IN THE AIR FORCE

AIR FORCE NOMINATION OF STEPHEN J. AUGUSTINE, TO BE MAJOR.

AIR FORCE NOMINATION OF WILLIAM J. VIT, JR., TO BE MAJOR.

AIR FORCE NOMINATION OF THERESA A. JONES, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES S. SHIGEKANE AND ENDING WITH ANDREW H. STEPHAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

AIR FORCE NOMINATIONS BEGINNING WITH MARC AALDERINK AND ENDING WITH JOSEPH R. ZITO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

AIR FORCE NOMINATIONS BEGINNING WITH IAN S. ANDERSON AND ENDING WITH JOAN DIAZ ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

AIR FORCE NOMINATIONS BEGINNING WITH JENNIFER L. BAKER AND ENDING WITH DORIAN R. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

IN THE ARMY

ARMY NOMINATION OF DERRICK C. LONG, TO BE COLONEL.

ARMY NOMINATION OF NATALIE E. VANATTA, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JOHN F. LOPES, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF TERRANCE R. LATSON, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF ROBERT P. L. BAILEY, TO BE MAJOR.

ARMY NOMINATION OF MARIAH C. SMITH, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MARK W. CANARY, TO BE MAJOR.

ARMY NOMINATION OF DAVID E. MEACHER, TO BE COLONEL.

ARMY NOMINATION OF CHRISTOPHER D. MCDREVITT, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH BRUCE M. COCCOLI AND ENDING WITH SCOTT J. SHERIDAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

ARMY NOMINATIONS BEGINNING WITH THOMAS A. BROOKS AND ENDING WITH D012739, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

ARMY NOMINATIONS BEGINNING WITH EDWARD A. JARRETT AND ENDING WITH CASEY T. SCHOBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

ARMY NOMINATIONS BEGINNING WITH CURTIS J. ALLEN AND ENDING WITH BRADLEY A. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF MEGAN L. BUSTIN, TO BE MAJOR.

MARINE CORPS NOMINATION OF ROBERT M. BARCLAY, TO BE MAJOR.

IN THE NAVY

NAVY NOMINATION OF JASON A. TEWS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF CHRISTOPHER P. CARROLL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH GABRIEL PEREZ AND ENDING WITH ERIC R. TRUEMPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH ANTON A. ADAM AND ENDING WITH YING P. ZHONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH ADRIENNE T. BENTON AND ENDING WITH AARON R. WESSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH SALAHUDDIN A. ADENKHALIF AND ENDING WITH VICTOR T. F. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH SANTIAGO A. ABADAM II AND ENDING WITH JAIME M. YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH SARAH A. AGUERO AND ENDING WITH DENNIS E. WESTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH JOKO A. ABUBAKAR AND ENDING WITH YUI Y. WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH BROOKE T. AHLSTROM AND ENDING WITH MARK C. WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

NAVY NOMINATIONS BEGINNING WITH MIGUEL M. ALAMPAY AND ENDING WITH ZACHARY A. ZANFES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 2017.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on September 28, 2017 withdrawing from further Senate consideration the following nominations:

RYAN DEAN NEWMAN, OF NEW MEXICO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE ARMY, VICE ALISSA M. STARZAK, WHICH WAS SENT TO THE SENATE ON APRIL 28, 2017.

DAVID G. EHRHART, OF TEXAS, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE GORDON O. TANNER, WHICH WAS SENT TO THE SENATE ON JUNE 12, 2017.