against cloture would have allowed this body to improve FISA section 702 through a legitimate amendment process—one that we, unfortunately, are being denied this week.

You see, one of the reasons why it is important, as we consider this, to allow for amendments is that this law comes up for reauthorization only so often. I think the American people legitimately would expect that when it comes up, we would actually have an open, honest debate and discussion; that we would do more than simply rubberstamp what the other Chamber has already passed; that we would ask some difficult but important questions about the rights of the American people relative to this program.

Had we voted down cloture, had we decided not to vote to end debate, this would have given us an opportunity to protect Americans' safety and their constitutional rights, not one or the other. It wouldn't have put us in this awful Hobson's choice scenario, where you have to choose to protect one or the other.

What, you might ask, may some of these possible changes to section 702 of the Foreign Intelligence Surveillance Act have looked like? They would look a lot like the provisions contained in the proposed USA Liberty Act, which Senator LEAHY and I introduced last year. The USA Liberty Act would tighten this standard the government must meet in order to collect and access information on you, pursuant to section 702. This safeguard, and any of the other provisions contained in the USA Liberty Act, would be worthy additions to FISA 702.

These changes would not restore respect for the Fourth Amendment overnight. I believe it will take many more battles with the entrenched interests within government to achieve that, but they would be steps in the right direction.

If history is our guide, any unlimited, unaccountable power we hand to the government ultimately will be used against the people. In FISA section 702, the government has a vast grant of power—a digital-aged general warrant—to hoard untold terabytes of information about American citizens.

I hope we can work together in the coming months to improve this surveillance program and vindicate what the Founders so clearly knew; that our safety does not have to come at the expense of our rights; that our security and our privacy are not at odds with one another but that our privacy and our security are one and the same. Our security is part of our privacy and vice versa. We can protect both. We can walk and chew gum at the same time. We can honor the Constitution and protect the rights of the individual while simultaneously protecting the security of the greatest civilization the world has ever known. We can do better, and we must.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

RAPID DNA ACT OF 2017—Continued

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I and the Acting President pro tempore have been on the Select Intelligence Committee for a considerable period of time—I much longer than he. However, I think we are both well experienced with the subject, and I would like to make a few comments on section 702. For 6 years, I was chairman of the committee, and the ranking member for 2 years. What I came to see is that, in my view, there was no more significant content collection program than section 702, and I want to give a couple of examples and explain why I think it is so important that 702 be reauthorized.

A little more than a year ago, on December 31 of last year, approximately 500 people gathered in a popular Turkish nightclub on the banks of the Bosphorus to celebrate New Year's Eve. Tragically, shortly after midnight, a gunman entered that club and opened fire, killing 39 innocent civilians and wounding 69 others. At least 16 of those killed were foreign nationals, including an American who was shot in the hip. Many people inside reportedly jumped into the water in an attempt to protect themselves from the gunfire. After committing this act, the gunman changed his clothes and fled the scene.

Almost immediately, Turkish law enforcement and American intelligence officials began cooperation to identify and locate the shooter. Part of that effort included intelligence collection under section 702 of the Foreign Intelligence Surveillance Act. The information derived from the 702 collection ultimately led the police to an apartment in the Esenyurt district neighborhood of Istanbul. There, law enforcement arrested an Uzbek national, named Abdulkadir Masharipov, at a friend's apartment, along with firearms, ammunition, drones, and over $200,000 in cash.

Thanks to the work of Turkish and American law enforcement and intelligence agencies, just 16 days after this horrific attack, police had the prime suspect in custody. Mr. Masharipov is currently awaiting trial in Turkey.

Section 702 of FISA is the most important foreign content collection program that we have. It allows the government to quickly and efficiently collect phone call and email content from non-U.S. persons who are located outside of the United States. Information collected under section 702 informs nearly every component of our Nation's national security and foreign policy.

Section 702 was used by the CIA to alert a partner nation to the presence of an al-Qaida operative who was turning into a cooperating source. Section 702 was used to intercept al-Qaida communications about a U.S. person seeking instructions on how to make explosives in the United States. It was also used to understand proliferation networks used by adversary nations to evade sanctions, including military communications equipment.

In 2014 the Privacy and Civil Liberties Oversight Board, or what we call PCLOB, reported: ''Over a quarter of the NSA's reports concerning international terrorism include information based in whole or in part on section 702 collection, and this percentage has increased every year since the statute was enacted.''

The law expressly prohibits the targeting of U.S. persons or the targeting of persons located in the United States. Section 702 is a foreign content collection program.

I also believe it is equally important that reauthorization include reforms to ensure that the program continues to operate consistently with the statute's original intent and our Constitution.

Perhaps the most important among these reforms is the issue of U.S. person queries. U.S. person queries refer to the process by which the government searches the 702 database for the content of U.S. persons' communications.

U.S. persons cannot be targeted under section 702, but they can be collected incidentally if the individual is communicating with a non-U.S. person who is located overseas and is targeted under section 702. If an American's communications are collected incidentally, they are added to the 702 database. The government can later search, or query, that database for any American and gain access to the contents of any phone calls or emails that may have been swept up in the section 702 collection. Each of these queries results in the government's accessing the contents of a U.S. person's communications without ever going before a judge or securing a warrant.

The Fourth Amendment requires the government to obtain a warrant based on probable cause before accessing those communications, and the Supreme Court has been clear: Americans have a right to privacy in the content of their phone calls and emails. The same standard should apply to communications incidentally collected under section 702.

During the Senate Intelligence Committee's markup of section 702, I offered an amendment with my colleague from California, Senator HARRIS, that would require the government to obtain a warrant from the Foreign Intelligence Surveillance Court prior to accessing the content of any U.S. person's communications collected under section 702. Unfortunately, our amendment did not succeed in the committee.

I have also filed our warrant requirement as a floor amendment to the bill that is currently under consideration. This amendment has been cosponsored again by Senator HARRIS as well as by Senators LEAHY and LEE. I really do believe that a warrant requirement will eventually be important as people become more concerned with the need to reform some of these longstanding provisions.

The House-passed bill that is currently before us has a number of positive reforms. First, it does have limited warrant authority that would require the FBI to obtain a warrant from the Foreign Intelligence Surveillance Court prior to accessing the contents of the U.S. person's communications that are associated with a query that was not related to foreign intelligence or national security. The warrant provision in this bill is not as strong as the one I offered in committee, but it was the result of a bipartisan compromise in the House, and I do believe it is a step in the right direction.

The House bill also includes other important reforms. It establishes a required congressional review process before the government is permitted to restart ''abouts'' collection. It requires the DNI to declassify minimization procedures. It provides greater flexibility to the Privacy and Civil Liberties Oversight Board to meet and hire staff. It also directs the inspector general to assess the FBI's section 702 practices so that we can continue to provide oversight for that program.

In conclusion, section 702, by its numbers and by its covering, is our Nation's most important foreign content collection authority. I would like to see more reforms to this program, and perhaps that is something that those of us on the Select Intelligence Committee can strive for. I believe this is the best we are going to do at this time, and I look forward to supporting its passage.

I thank the Acting President pro tempore.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, last week, the House voted to reauthorize for a period of 6 years section 702 of the Foreign Intelligence Surveillance Act—a vital tool in tracking foreign terrorists abroad. Last night, we had a very important vote in this Chamber, a cloture vote, which will allow us to proceed to a final vote on this legislation perhaps as early as tomorrow morning.

Congress enacted section 702 in 2008 in direct response to the enduring threats to the country being posed by radical Islamic extremism and the ever-expanding use of the internet and social media by terrorists and foreign operatives. The law authorizes the Attorney General of the United States and the Director of National Intelligence to conduct surveillance on foreigners who are outside of the United States so that the U.S. Government can effectively acquire that intelligence information. As the Director of National Intelligence and many others have stated—former FBI Director James Comey is another one—section 702 is the crown jewel of our foreign intelligence collection and a critical weapon in the defense of our Nation.

The law expires this Friday—that is right, just 2 days from now—so the clock is ticking. I am glad the Senate took the first step last evening, and I trust my colleagues will soon make sure the law is reauthorized so that the U.S. Government can continue to collect information that is vital to the protection of the Nation.

Because the law requires targets of section 702 to be foreign citizens outside the United States, those targets are not covered by the Fourth Amendment of the U.S. Constitution. Clearly, people who are inside the country, American citizens, are all protected by the Fourth Amendment, but not foreigners, under Supreme Court precedent. Because of that, the government isn't required to obtain a warrant before initiating surveillance. That is where the misconceptions and confusion start to arise, and I want to talk a little bit more about that.

Despite the strong bipartisan vote in support of section 702 in the House of Representatives last week and the strong bipartisan support for the provision here in the Senate, some critics want to delay reauthorization and engage in a never-ending lamentation about the demise of the Fourth Amendment. The Fourth Amendment, of course, is a guarantee against unreasonable searches and seizures. Again, that applies to American citizens, not to foreigners abroad. But these critics have mischaracterized the aims of the many Republican and Democratic proponents of this law, and frankly their concerns are misplaced. They ignore the enduring value and core protections in section 702 and the merits of various pro-privacy reforms in the House bill. As I said, it is truly a bipartisan bill.

Critics have expressed three concerns, and I want to address each in turn.

The first is that under 702, ''millions of bits of information are collected on Americans,'' not just foreigners, and that ''[w]e don't know the exact amount.''

What they are referring to, of course, is what the intelligence community calls ''incidental collection''—when intelligence officials monitor the communications of foreign terrorists and the information of any Americans who are in communication with those terrorists sometimes gets included in the mix. But, of course, if even an American is talking to a foreign terrorist, certainly the intelligence community would want to know that.

There are additional protections for U.S. persons who are incidentally collected based on a target of a foreign national. All of this would be a legitimate worry were it not for the fact that there are safeguards built into the statute that ensure that no more American communications are collected than are necessary to safely monitor foreigners with suspected terrorist ties. For example, section 702 already explicitly prohibits the U.S. Government from intentionally targeting a foreign person ''if the [real] purpose . . . is to target a particular, known person . . . in the United States.'' That is illegal. There are also so-called ''minimization'' procedures that limit the dissemination and use of information acquired and scrupulous practices at our intelligence agencies—the NSA, the CIA, and the FBI—on how that information is dealt with in order to protect U.S. persons.

Under the bill, several additional features should be acknowledged.

The Foreign Intelligence Surveillance Court must review the FBI's so-called ''querying'' procedures and certify that they are consistent with the Fourth Amendment.

I know of no government program that has as much oversight and protection for the privacy rights of American citizens as the Foreign Intelligence Surveillance Act. It is actually supervised by all three branches of government—by the executive branch internally; by the judicial branch through the Foreign Intelligence Surveillance Court and other courts, which decided that there is no constitutional violation in any of the procedures laid down in the Foreign Intelligence Surveillance Act; and, of course, the oversight we conduct here in the Senate and in the House on the Senate and House Intelligence Committees.

To make sure all of this is scrupulously adhered to, a record must be kept of each U.S. person query term used. And far from ignoring Americans' privacy concerns related to incidental collection, the bill requires that the intelligence community hire and employ civil liberties officers—people whose explicit job is to look out for our privacy rights.

In sum, those who would misleadingly paint the intelligence community as renegade—as deliberately surveilling millions of Americans with no checks in place—are simply wrong about the facts of this bill and the layered protections that have been put in place.

Let me reiterate. The intelligence community is expressly prohibited from targeting Americans under section 702, directly or incidentally. In fact, the only Americans who might be worried about their communications

being swept up under section 702 are those who are deliberately communicating with foreign terrorists. But all Americans will benefit from a host of additional protections under the law.

The critics' second and related concern is that incidental collection can be used in domestic criminal prosecutions. They are concerned that the U.S. Government could collect information without ever having to obtain a warrant and then use it to investigate and punish Americans for crimes.

Again, this fear is misplaced under this bill. It is mitigated by analysis done by the Privacy and Civil Liberties Oversight Board in 2014, who, after a comprehensive review, found no evidence of intentional abuse. Concerns of the critics are also mitigated by the FBI, which under this bill has to obtain a court order before it can access the contents of 702 communications in support of a purely criminal investigation, as opposed to an intelligence-gathering activity. It is also mitigated by the fact that section 702 intelligence can be used as evidence against Americans only in instances of the most serious crimes. Apart from obtaining a court order, it can only be used if the Attorney General determines that the criminal proceeding involves national security or other heinous crimes, such as murder, kidnapping, or crimes against children.

The critics' preferred approach—and they introduced bills to this effect last year—would prohibit the government from using any 702 collection to investigate these dangerous, violent crimes, and therefore it would potentially protect dangerous criminals engaged in some of the most egregious behavior imaginable—something I think we would not want to do.

That brings us to the skeptics' third problem, which deals with oversight. They fear that the reauthorization of this legislation could spell the end of congressional monitoring of the program. They have chastised this possibility as one that is ''callous in its disregard for our cherished Bill of Rights.''

They are entirely correct to insist, in light of recent events, that Congress should continue to engage in rigorous oversight of the intelligence community and make sure that our surveillance tools aren't used for political ends. But we already have oversight in spades, and under this bill, we will have even more.

First of all, the House bill reauthorizes the program for only 6 years—not indefinitely. At the end of 2023, we will revisit section 702. In the meantime, existing and extensive oversight of section 702 will continue. As I mentioned, for example, there is judicial review. The Foreign Intelligence Surveillance Court annually reviews section 702, and other courts have examined the use of section 702 in support of criminal cases. All agree that section 702 does not violate the Fourth Amendment to the U.S. Constitution. Even the Ninth Circuit, which is frequently out of line with other circuits and the Supreme Court, agrees that section 702 is constitutional.

Courts, of course, are not the only oversight mechanism; there are ones within the executive branch, which I alluded to earlier, including routine reviews by the Department of Justice and the Office of the Director of National Intelligence. Of course, congressional committees, such as the Senate Intelligence Committee and the Judiciary Committee, both of which I serve on, also receive regular reporting on the 702 program and hold open and closed hearings on the subject.

Ultimately, the approaches that are preferred by the 702 critics would force the FBI to rebuild the wall between criminal and national security investigators that existed before the attacks in New York on 9/11 and would cause the FBI to stovepipe its section 702 collection, contrary to the recommendations of numerous commissions, including the 9/11 Commission and the Fort Hood Commission. We need to remember that the FBI protects our national security both as an intelligence agency and as a law enforcement agency. In other words, it wears two hats. So we can't wall off the FBI from the content of crucial communications, and we can't wall off the FBI from intelligence agencies, such as the National Security Agency and the Central Intelligence Agency. That was the situation the FBI was in leading up to September 11, 2001.

We can't forget the increasingly dangerous world we are living in and the diverse array of threats that confront us. FBI Director Chris Wray has summarized our threat landscape. It is one that includes not only large mass-casualty events like 9/11 in the United States and similar recent attacks in Europe but also more isolated and diffuse lone-wolf and homegrown violent extremist threats that give law enforcement and national security investigators much less time to detect and disrupt. Imposing additional obstacles to accessing this critical information could either delay us when time is of the essence or, worse, prevent us from being able to connect the dots of information that the U.S. Government has already lawfully collected.

Real-world examples show how devastating this could be. A tip under 702 from the NSA, the National Security Agency, is what helped the FBI stop an attack on the New York City subway system in 2009. There is also Hajji Iman, who at one point was the second in command of ISIS. Section 702 helped us get him and take him off the battlefield. Then there is ISIS recruiter Shawn Parson—702 revealed his terrorist propaganda and identified members of his terrorist network. There are many, many more examples of instances where 702 helped us identify, disrupt, and prevent attacks against the homeland here in the United States and innocent civilians.

Whether it is combatting terrorism, detecting and countering cyber threats, uncovering support to hostile powers, or acquiring intelligence on foreign adversary militaries, 702 is one of our most effective tools, and we simply can't afford to blunt the sharpness of its blade or dull the focus of its lens.

In closing, I want to make one final point clear. I agree that, in the words of one critic, the Fourth Amendment is not a ''suggestion.'' It is a core constitutional protection of our sacred freedom. But reauthorizing section 702 would not suddenly relegate the Fourth Amendment to second-tier status. Every court that has considered the matter has said so, and frankly, it is obscene to ignore the balanced, pro-privacy reforms in the House-passed bill that would provide even greater protections for the Fourth Amendment rights of Americans.

The truth is that section 702 has never been systematically abused. It has helped stop terrorist attacks both at home and abroad. It has helped defend our troops on the battlefield. It has been critical to the Russian collusion probe and other counterintelligence work. As I said, every court—every single court—that has considered the program has found it to be lawful and constitutional; in other words, consistent with the Fourth Amendment in the U.S. Bill of Rights.

So we can all rattle the saber of civil liberties to score political points, but large, misguided changes to 702 are not the way to go. The House-passed bill will provide greater transparency and procedural protections for the Fourth Amendment rights of innocent, law-abiding Americans, while at the same time allow us to remain vigilant in protecting the homeland and our troops abroad and our national security at large by making sure we have the information we need in order to connect the dots with the threats to our national security.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TAX REFORM

Mr. THUNE. Mr. President, tax reform has been the law of the land for less than a month, but it is already fostering a new era of economic optimism, and American workers are seeing the benefits. For years, American businesses, large and small, were weighed down by high tax rates and growth-killing provisions of the Tax Code. Plus, our outdated international tax rules left America's global businesses at a competitive disadvantage in the global economy.

The Tax Cuts and Jobs Act changed all that. We lowered tax rates across

the board for owners of small- and medium-sized businesses, farms, and ranches. We expanded business owners' ability to recover investments they make in their businesses, which will free up cash they can reinvest in their operations and their workers. We lowered our Nation's massive corporate tax rate, which up until January 1 was the highest corporate tax rate in the developed world. We brought the U.S. international tax system into the 21st century by replacing our outdated worldwide system with what is called a territorial tax system so American businesses are not operating at a disadvantage next to their foreign competitors.

Despite the fact that the new law has been in place for less than a month, it is already having a noticeable effect. Businesses are seeing a future defined by growth and success, and they are already passing some of the expected benefits on to their workers. Business after business has announced special bonuses, wage hikes, or benefit increases: AT&T, Bank of America, Comcast, American Airlines, Southwest, Visa, Nationwide Insurance, Jet Blue, and the list goes on and on.

In addition to giving out bonuses to eligible employees, Walmart is raising its starting wage for hourly employees, expanding maternity and parental leave benefits, and creating a new adoption benefit for employees. More than 1 million Walmart employees will benefit from the changes.

Aflac is boosting retirement benefits for its workers by increasing the size of its 401(k) match from 50 to 100 percent on the first 4 percent of employees' contributions. It has also announced a onetime $500 contribution to the retirement account of every employee.

PNC is giving a $1,000 bonus to 90 percent of its employees and adding $1,500 to employees' pension accounts. It is also boosting its minimum pay.

Similarly, Great Western Bank, which is headquartered in my State of South Dakota, is raising its minimum wage to $15 an hour and providing a $500 bonus or wage increase for nearly 70 percent of its workforce. The bank is also enhancing its employee healthcare program and doubling its annual contribution to its Making Life Great Grants community reinvestment program.

I could go on, but the good news is not limited to increased wages, bonuses, and benefits, as important as that is, particularly to people who are living paycheck to paycheck, but companies are also acting to keep jobs and to create new ones.

Fiat Chrysler just announced it will be adding 2,500 jobs at a Michigan factory to produce pickups it has been making in Mexico. In October, CVS Health announced it would create 3,000 new jobs if the corporate tax rate was reduced. In my own backyard, Molded Fiber Glass is keeping its doors open longer than expected, which is good news for its employees and the entire community of Aberdeen, SD.

Then there are the utility companies. Utilities from around the country are benefiting from tax reform, and more than one is looking to pass on savings to consumers. Bloomberg reports that ''Exelon Corp., the biggest U.S. utility owner by sales, is already offering to reduce bills.'' In Illinois, ComEd is requesting permission to ''pass along approximately $200 million in tax savings to its customers in 2018.'' In Washington DC, Pepco has announced plans to pass on tax savings to customers beginning in the first quarter of this year.

All these benefits are going to make a real difference in families' lives this year and, in some cases, well into the future, and the main benefits of tax reform are still to come. The IRS just released the new withholding tables for the tax law, and Americans should start seeing the results in February. Thanks to lower income tax rates, the doubling of the standard deduction, and the doubling of the child tax credit, 90 percent of American workers—90 percent—should see bigger paychecks starting next month, and that is just the beginning.

One major goal of tax reform was to provide immediate, direct relief to hard-working Americans, and that is happening right now, but our other goal was to create the kind of robust, long-term economic growth that will provide long-term security for American families. That is already starting with the wave of bonuses and wage increases, but there is a lot more to come.

As businesses, large and small, experience the benefits of tax reform, American workers will see the benefits of tax reform. American workers will see increased access to the kinds of jobs, wages, and opportunities that will secure the American dream for the long term.

It is a good day in America, and it is going to get even better.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VETERANS IMPROVED ACCESS AND CARE ACT

Mr. GARDNER. Mr. President, when we were kids, we learned a song that I think Herman's Hermits made very famous around 1965. It was the ''I'm Henry VIII, I Am'' song, and it went on for a while about Henry VIII, and then it had a little phrase in there that as kids we would repeat. We would say: ''Henry VIII, I am. I'm Henry VIII, I am. Second verse, same as the first,'' and then they would repeat themselves: ''Second verse, same as the first,'' and they would keep going. Well, today, we find ourselves kind of stuck in that ''Second verse, same as the first'' when it comes to the Veterans Affairs Department and how they have treated veterans in Colorado.

I rise, once again, to address troubling reports coming out of the Veterans' Administration. It has now been over 3 years since the Phoenix VA catastrophe—we all remember the Phoenix VA catastrophe, where secret wait lists led to the deaths of veterans. At that time, the VA pledged this problem would be fixed, but here we are ''Second verse, same as the first.'' They said it would never happen again. Well, it saddens me today that in Denver, CO, that promise has been broken.

Following the Phoenix disaster, this body passed the Veterans Access, Choice, and Accountability Act, also known as the VA Choice Act, to expand access for veterans to community medical providers. No doubt, it has been successful in different parts of the country, but the Denver VA system continues to post inexcusable wait times, experience a shortage of doctors and nurses, and use secret wait lists. This is simply unacceptable.

The average wait time for a new patient at the Denver VA for a primary care appointment has topped 42 days. This leads the Nation in an unfortunate category, and it is twice the national average. Our veterans deserve better, and to many who have been affected by this travesty, they demand better.

Last week, NBC Nightly News told the story of one Colorado veteran, Alison Bush. Alison served in the Army for 7 years and suffers from a nerve disorder. With such a disorder, she cannot afford delayed appointments. Yet Alison was forced to wait over 3 months for a primary care appointment and another 60 days for an MRI. There is absolutely no excuse for this, particularly given the work we have done and the promises the VA has made. Alison, like so many others, answered the call of duty, only to be let down after retiring the uniform.

I recognize that Colorado was witnessing an increase in demand with more than 11,000 veterans seeking care in the last 2 years, but this is no excuse. The VA must adapt in the face of adversity. We must change this repeat after repeat of the same verse, and we must never forget that this Nation's No. 1 priority is upholding the promises we have made to our veterans.

Because of stories like Alison's, I recently introduced S. 2168, the Veterans Improved Access and Care Act of 2017. My legislation would address three issues: hiring shortages, delayed wait times, and malpractice reporting.

A large driver of delayed wait times for veterans is the shortage of doctors and nurses. The current system for hiring these medical professionals is too long and too burdensome. According to a McKinsey & Company study in 2015, it took 4 to 8 months to hire VA employees. The onboarding process alone can take 3 months. According to the

same study, private medical facilities took less than 2 months to hire an applicant. Just think about that for a moment. Just like in the VA, a private applicant has to go through an interview process, a certification process, credentials process, background check. Yet the VA's onboarding process is longer than the private sector's entire hiring process. It makes absolutely no sense.

My legislation would take steps to fix this problem. It would authorize the VA to establish a pilot program to expedite the hiring of doctors at facilities where there are shortages of available specialists, such as nurses or anesthesiologists. Furthermore, it would require the Secretary of the VA to submit a report to Congress detailing a strategy to reduce the length of the VA's hiring process by half.

My bill would also look to expand access to our veterans. The VA Choice Program, while well-intentioned, still contains arbitrary rules, such as a 30-day waiting period before a veteran can seek access to community providers. Well, 29 days is also unacceptable. My legislation would work to improve the Choice Act by eliminating the 30-day/40-mile eligibility rule, giving veterans full access to medical care regardless of his or her situation.

Finally, my legislation will work to ensure that secret wait lists are forever extinguished. No more ''second verse same as the first.''

Last November, a Department of Veterans Affairs Office of Inspector General report substantiated the claim that the Eastern Colorado Health Care System used unofficial wait lists for veterans, estimating that at least 3,775 veterans were affected. This is extremely disheartening. There needs to be accountability for this malpractice. My legislation would do just that. It would codify the VA's policy to expand the requirements of reporting malpractice to include all medical providers.

Our veterans have served our country. They have missed holidays with their families to protect our Nation. They have suffered battlefield injuries. They have laid it all on the line for you and for me. The Presiding Officer is a veteran of this great country. The least we can do is ensure that our veterans are treated with the dignity, respect, and honor they have rightfully earned.

It is my hope that the Senate Veterans' Affairs Committee will soon take up my bill so that we can work to ensure accountability and greater access to care for all veterans. But whether it is my legislation or any piece of legislation, one thing is for sure: Something has to be done—not tomorrow, not next week, but now. The current system is not working, and it continues to let our veterans down. Nevertheless, we must remain optimistic and deliver on the promises we gave our men and women in uniform. I am optimistic that we can make this right on their behalf. We can't wait. Time is a luxury our veterans do not have.

I ask that everyone in this body—and especially the VA—always remember the stories of veterans like Alison Bush. May we never forget those who set aside their own dreams to make sure they save the dreams of their fellow Americans. Our veterans honorably served this great Nation. Now is the time that we step up and honorably serve them.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TOOMEY). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Colorado for his remarks. He reminds me of something former Majority Leader Tom Daschle told us one morning at the Prayer Breakfast. He said that after World War II, Archibald MacLeish, who was the poet laureate of the United States, said of the veterans who came back from the war—when talking to Members of the Senate, he said: They gave us our country. Now it is up to us to see that we can do something with it.

I think we need to always remember that challenge and opportunity that we have.

THE JACKSON MAGNOLIA

Mr. President, some disappointing news arrived last month. The White House announced that the Andrew Jackson magnolia is sick and dying and that part of it had to be removed. On December 27, the east leader, which is a top section of a tree, was removed. The other leader of the Jackson magnolia is still intact, but it is supported by a cabling system. The part that was removed will eventually be replaced with a seedling from the original tree.

When President Trump visited the Hermitage outside Nashville in March of last year and laid a wreath at Andrew Jackson's tomb, he likely walked past trees that were also seedlings from the Jackson magnolia.

The news of the Jackson magnolia has special significance for Tennesseans and for several Tennessee families, including our own.

Shortly after his arrival at the White House in 1829, Jackson, who was our seventh President, planted a magnolia seedling in honor of his wife Rachel, who had died only weeks earlier. During the Presidential campaign, Rachel had been so maligned about the legitimacy of her marriage to Jackson that she had said: ''I would rather be a doorkeeper in the House of God than live in that palace at Washington.''

The seedling that Jackson planted came from a magnolia at the Hermitage, the couple's home outside Nashville. Over the years, it grew into a magnificent, sprawling specimen, reaching the roof of the White House at the South Portico.

Take a look at the back of the twenty-dollar bill—the one in your billfold or wallet or purse, the one with President Jackson on the front, and you will see the Jackson magnolia, along with another magnolia planted later to supplement it.

The Washington Post detailed some of the tree's history when the news was announced. Here is what the Post said:

> Long after Jackson left office, his magnolia remained. Other trees were planted to supplement it, and the tree became a fixture in White House events. Herbert Hoover reportedly took breakfast and held Cabinet meetings at a table beneath its sprawling branches. Franklin Delano Roosevelt spoke with Winston Churchill in its shade. Richard Nixon strode past it as he left the White House for the last time after his resignation. In 1994, a Maryland man piloting a stolen plane clipped the tree before suffering a deadly crash against the White House wall.

Some said it might have saved President Bill Clinton's life.

> No tree on the White House grounds can reveal so many secrets of romance and history, longtime White House butler Alonzo Fields once told the Associated Press.

The Jackson magnolia itself may be dying, but its children and grandchildren and even its great-grandchildren will live on.

In 1988, President Ronald Reagan presented a cutting of the Jackson magnolia to Howard H. Baker, Jr.—a former majority leader of this Senate—when Baker retired as Reagan's chief of staff. Baker planted that cutting at his home in Huntsville, TN.

Six years later, in 1994, Baker was lunching at his home with John Rice Irwin, founder of the Museum of Appalachia in Norris, TN. Irwin noticed the tree, which by then had grown to a height of 18 feet. Baker told Norris the story of the Jackson magnolia and, with the help of the University of Tennessee College of Agriculture, arranged for two cuttings from Baker's magnolia to be rooted and sent to John Rice Irwin.

In 1995, Senator Baker presided at a formal ceremony at the Museum of Appalachia when those two cuttings—the grandchildren of the White House Jackson magnolia—were presented to the Museum of Appalachia. They are planted in front of the museum's Hall of Fame.

In 1996, John Rice Irwin gave a cutting from the Museum of Appalachia magnolia to my wife Honey and me. We planted this great-grandchild of the White House magnolia in front of our home outside Maryville, TN. Today, it is 80 feet tall.

In 1998, a tornado destroyed the original magnolia at the Hermitage, from which the White House Jackson magnolia had been taken. At the request of Hermitage officials, the Museum of Appalachia provided a cutting from the museum magnolia to replace the original tree. It was presented at a ceremony presided over by Lewis Donelson, III, the descendent of John Donelson, Rachel Jackson's father. Senator Baker and John Rice Irwin attended.

According to the Museum of Appalachia, five cuttings have been successfully propagated from the museum magnolia. In 2009, John Rice Irwin gave my wife and me a second cutting from

the museum magnolia, which is planted at our home in Blount County. We, in turn, have given cuttings to Graham and Cindy Hunter in Knoxville and to Denise and Steve Smith of Franklin. Their trees are growing tall in the Tennessee soil from which the Jackson magnolia came 180 years ago.

While we commemorate the long and prominent life of the Jackson magnolia, we can also look forward to long lives from its grandchildren and great-grandchildren now planted at the Museum of Appalachia in Norris, at a city park in Sevier County, and at the Hermitage and other homes in Tennessee.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from the Washington Post dated December 26, describing the history of the Jackson magnolia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 26, 2017]

WHITE HOUSE TO CUT BACK MAGNOLIA TREE PLANTED BY ANDREW JACKSON

(By Sarah Kaplan)

The White House cut down part of the aging historic magnolia tree planted by former president Andrew Jackson on Dec. 27. Here's a bit of the tree's history.

The enormous magnolia tree stood watch by the South Portico of the White House for nearly two centuries. Its dark green, glossy leaves shaded politicians and heads of state. Its ivory flowers bloomed through times of peace and war. It is the oldest tree on the White House grounds, a witness to Easter egg rolls and state ceremonies, a resignation, a plane crash, all the tumult and triumph of 39 presidencies.

But the iconic magnolia is now too old and badly damaged to remain in place, the White House announced Tuesday. At the recommendation of specialists from the National Arboretum, first lady Melania Trump called for a large portion of the tree to be removed this week.

The decision, first reported by CNN, comes after decades of attempts to hold the aged tree up with a steel pole and cables. Arboretum experts said that rigging is now compromised and that the wood of the magnolia's trunk is too delicate for further interventions. Any other tree in that condition would have been cut down years ago.

But this is not any other tree. According to White House lore, the stately evergreen was brought to Washington as a seedling by Andrew Jackson. The magnolia was a favorite tree of his wife, Rachel, who had died just days after he was elected. Jackson blamed the vicious campaign—during which his political opponents questioned the legitimacy of his marriage for his wife's untimely death.

The new planting, which came from the couple's Tennessee farm, the Hermitage, would serve as a living monument to her in the place she despised; before her death, Rachel had reportedly said, ''I would rather be a doorkeeper in the house of God than live in that palace at Washington.''

Long after Jackson left office, his magnolia remained. Other trees were planted to supplement it, and the tree became a fixture in White House events. Herbert Hoover reportedly took breakfast and held Cabinet meetings at a table beneath its sprawling branches. Franklin Delano Roosevelt spoke with Winston Churchill in its shade.

Richard Nixon strode past it as he left the White House for the last time after his resignation. In 1994, a Maryland man piloting a stolen plane clipped the tree before suffering a deadly crash against the White House wall. And for decades, the magnolia was featured on the back of the $20 bill.

''No tree on the White House grounds can reveal so many secrets of romance and history,'' longtime White House butler Alonzo Fields once told the Associated Press.

In 2006, when the National Park Service initiated a ''Witness Tree Protection Program'' to study historically and biologically important trees in the Washington area, the Jackson magnolia was at the top of the program's list. By then, the tree was tall enough to reach the White House's second-story windows and had already eclipsed the minimum life expectancy for its species—about 150 years.

According to a report from the NPS program, workers attempted to repair a gash in the tree in the 1940s. But within a few decades, much of the interior portion of the tree had decayed, leaving behind a ''rind'' of brittle wood. Those surviving portions were held in place by a 30-foot pole and guy-wires. ''It is doubtful that without this external support the specimen would long survive,'' the report said.

Ultimately, those measures could not allay safety concerns about the tree, said White House spokeswoman Stephanie Grisham. Visitors and members of the press are frequently standing right in front of the magnolia when the president departs on Marine One; the high winds from the helicopter could make a limb collapse more likely.

Keith Pitchford, a D.C.-based certified arborist, is familiar with the Jackson magnolia but has not professionally assessed it. He wondered whether the removal may be premature: ''If you can lower the tree and make it a bit more squat, it really prolongs the life of these trees we thought were hazardous,'' he said.

According to Grisham, the first lady requested that wood from the magnolia be preserved and seedlings be made available for a possible replanting in the same area.

Already, progeny of the historic tree are thriving in other spots nationwide. It's said that Lyndon B. Johnson had a seedling from the magnolia planted outside a friend's home in Texas so that when Lady Bird stayed there she could look out the window and imagine the president at work in the White House. Ronald Reagan gifted a cutting to chief of staff Howard Baker Jr. for his retirement in 1988. Then first lady Michelle Obama donated a seedling to the U.S. Department of Agriculture's ''people's garden'' in 2009.

Jackson's original magnolia at the Hermitage was destroyed along with hundreds of other trees during a devastating tornado in the late 1990s. It was ultimately replaced by new trees donated from the Museum of Appalachia in Norris, Tenn. According to Michael Grantham, gardens manager for the Hermitage, staff always said that those trees were clones of the White House magnolia—but without an identifying label, no one knew for sure. So Grantham sent tissue samples to a plant genetics lab at Cornell University.

''It was not an exact match,'' he said. ''What we got was probably seedlings from underneath the tree.''

Someday, Grantham would like to bring a cutting, or an exact clone, of the White House magnolia back to the Hermitage. ''I know there are some out there,'' he said. In those trees, Jackson's two-century-old tribute lives on.

Mr. ALEXANDER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

TAX REFORM

Mr. SCOTT. Mr. President, the last 3 weeks have shown us the beginning of what happens when Congress listens to the American people and delivers on our promises.

For years, we have been talking about real, lasting tax reform—helping American families bring more of their hard-earned money back home in their paychecks and ensuring that the jobs of the future are created here at home in America.

Last month, we started reaching those goals, and just 3 weeks since we passed tax reform, more than 2 million Americans have received bonuses in their paychecks, and hundreds of thousands of employees have been informed that they will have permanent pay increases or increased benefits.

Right after Christmas, in my home State of South Carolina, Nephron Pharmaceuticals announced that 640 employees will receive a minimum of a 5-percent raise. This is good news. The raise is due to the passage of tax reform. In other words, 2 million Americans all across the country—thousands of Americans in South Carolina—are starting to see the fruit of tax reform.

This is just the beginning. In fact, all across the country, more than 160 companies have already begun the steps of improving the lives of their employees by allowing them to share in the benefits of tax reform. This is counter to what we heard on the floor for days and weeks and I would dare say for months, when folks railed about how the corporations and the companies and the employers of America simply would not share the benefits of lower taxes.

I am thankful that I live in a country and blessed to live in a State where our corporate family has obviously recognized the benefits and the wisdom of sharing the profits with their employees. And that number will rise. As a matter of fact, I think just today the Apple Corporation—home of the iPhones and all those good gadgets—said that instead of making the $1.5 billion investment that they had announced, they would instead make a $300 billion investment here at home in America, creating 20,000 new American jobs. This is good news.

Earlier this month—last week, I believe it was—the IRS announced that they had been able to change the withholdings, and they have predicted—this is an astounding number—that up to 90 percent of employees will see more take-home pay in their paychecks as early as February 15.

You see, lower taxes and higher take-home pay translates into maybe a movie night out for a struggling family, maybe new tennis shoes for a youngster, and, without any question, more money to do more good for nonprofits, for churches and other organizations.

Next year, when they file their taxes, our efforts to double the child tax credit and our efforts to double the standard deduction will kick in, and more families will see more money from their returns.

Frankly, my Investing in Opportunity Act that was included in the tax

reform will present new opportunities for perhaps billions of dollars to be reinvested in distressed communities, like the one where I grew up. More than 50 million Americans live in these distressed communities. And because of the good will of this body, because of the good will of the House of Representatives, and because of the good will of the current administration, millions of Americans will have more reasons to be hopeful in 2018.

This is just the beginning of what a strong, middle-class oriented, business-friendly tax code will do.

I plan to spend more time on the floor of the Senate over the next year, talking about the benefits of tax reform and relaying the stories of employees who are starting to fill my mailbox with amazing stories of the things they are doing with their extra dollars.

This is a good start to 2018, and my prayer is that this is just the beginning.

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

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

OFFSHORE OIL AND GAS DRILLING

Mr. CARDIN. Mr. President, I will take this time to go over with my colleagues the reasons why I unequivocally oppose the Trump administration's decision to allow oil and gas drilling along our Atlantic coast.

There are many reasons why I oppose this policy. One is that the risk to the environment is too great. The Atlantic coast contains some of the most pristine coastlines in America. This region is very much aware of the importance of the Chesapeake Bay and how fragile the Chesapeake Bay is and what an oilspill off the coast of the Atlantic could do to the Chesapeake Bay.

There are also reasons to oppose this because, quite frankly, the amount of suspected reserves are just not great enough to warrant this risk. We also know that already there are significant lands that have been devoted and are available for oil exploration that will meet our needs, but a lot of it has not even been explored yet because of the current economic realities.

Lastly, when we are talking about an energy policy that makes sense for our country, exploring for new oil off the coast of the Atlantic makes no sense whatsoever. In November 2016, the Bureau of Ocean Energy Management wisely did not include any parcels in the Atlantic Outer Continental Shelf in the 2017–2022 plan to lease offshore land the Federal Government controls.

The following month, former President Obama used his authority under section 12(a) of the Outer Continental Shelf Lands Act of 1953 to withdraw unleased Outer Continental Shelf lands from future lease sales. This makes sense.

In June of 2017, the U.S. Energy Information Administration projected that U.S. oil output will hit 10 million barrels per day in 2018, breaking the alltime 1970 record—all without drilling off the Chesapeake Bay. The previous record was 9.6 million barrels a day in 1970.

So we are at a record pace on bringing oil out of the ground. Yet we take a look at the amount of oil that is projected to be available for exploration off the Atlantic Coast, and it is a relatively small amount. When we recognize the risk, it is just not worth the risk to explore for that amount of oil with the potential of causing devastation to our environment.

Last March, officials from the Spanish oil company Repsol and its privately held U.S. partner Armstrong Energy announced the discovery of 1.2 billion barrels of oil in Alaska's North Slope, which was previously viewed as an aging oil basin. That amount exceeds the projected entire reserves along the Atlantic coast. Production could begin as soon as 2021 and lead to as much as 120,000 barrels of output per day. This is the biggest onshore discovery of conventional oil in the United States in three decades.

In addition to these massive onshore discoveries, as of fiscal year 2016—the last year for which data is available—only 47 percent of the public lands already held by oil and gas industries are under production. In other words, half the lands are still yet to be produced. The industry also has a glut of drilling permits, with more than 7,900 approved but unused permits on the book. In fiscal year 2016, the Bureau of Land Management issued 2,184 drilling permits, of which only 847 were used by the industry. So they have a big backlog. They don't need another area to explore.

As the Wilderness Society reported last month, leasing more lands than industry could possibly develop or seems interested in developing allows companies to stockpile land while they wait for a more favorable market, but stockpiling prevents these lands from being used for popular pastimes like hunting, fishing, hiking, and conservation, while leaving them open to the risk of drilling.

There is an Atlantic Outer Continental Shelf site known as lease sale 220. It has been proposed for oil and gas development previously. Lease sale 220 is located off the shore of Virginia. It is a 2.9 million-acre, triangle-shaped site. NOAA tells us that 72 percent of the time the prevailing winds in this region blow toward or along the coast—72 percent of the time. Coupled with the way the Gulf Stream flows and local currents, if lease sale 220 is developed and there is an oilspill, the likelihood of oil washing up on the shores of New Jersey, Delaware, Maryland, Virginia, and the Outer Banks is quite high. The mouth of the Chesapeake Bay is just 50 miles away from this site. It is hard enough just dealing with the existing pollutants that come into the bay from agriculture, development, and storm runoff. Add oil into the mix, and it would set us back decades in order to restart our oyster crops and help our watermen with blue crabs and to help the rock fish return and thrive.

We have spent a lot of energy in the U.S. Congress as a Federal partner with the Chesapeake Bay Program. I remember my days in the State legislature where Governor Hughes provided the leadership for the development of the Chesapeake Bay Program. We worked with governments from six States and the District of Columbia, the Federal Government, and private sector partners—all so we could preserve and reclaim the Chesapeake Bay, a national treasure. It has been declared so by many Presidents. We spent a lot of effort. We asked our farmers to do more. We asked our developers to do more. We asked our local governments, in the way they treat their wastewater, to do more. Now, if we allow drilling off the Atlantic coast, all that effort could be put at risk.

Drilling off the coast of Maryland would interfere with our naval Atlantic Test Range, preventing our military from developing next-generation fighter aircraft, sensors, and weapons to keep us safe. We have a large military presence along the Atlantic coast.

Adding insult to injury—or, perhaps I should say, heaping injury on top of injury, this move to open up the Atlantic coast to drilling came just 1 week after President Trump repealed safety regulations President Obama implemented to prevent another Deepwater Horizon disaster. Deepwater Horizon was a $600 million state-of-the-art rig, but it failed, causing the greatest accidental oilspill in history. Eleven crewmen lost their lives. Up to 4.9 million barrels of oil gushed from the broken well for more than 3 months, eventually fouling over 570 miles of gulf shoreline and killing thousands of birds and other marine life.

The long-term effects of the oilspill and the 1.8 million gallons of dispersants used on it remain unknown, but experts say they could devastate the gulf coast for many years or even decades. Dolphins continue to die, fish are showing strange lesions, coral in the gulf have died, and oil still remains in some marsh areas. The oil could remain in the food chain for generations to come. An oilspill entering the Chesapeake Bay would be a similar disaster.

Whatever happened to Interior Secretary Zinke's promise during his confirmation process to be highly mindful of local input when managing public lands and waters? Opponents of offshore drilling flooded the Bureau of Ocean Energy Management with more than a half million comments. The list of opponents included more than 1,200 local, State, and Federal officials, including the Governors of Maryland,

Delaware, Virginia, New Jersey, North Carolina, South Carolina, California, Oregon, and Washington; more than 150 coastal municipalities; and an alliance of more than 41,000 businesses and 50,000 fishing families. President Trump and Interior Secretary Zinke cavalierly ignored the widespread public opposition to expanded offshore drilling and the time and effort the public dedicated to making their dissenting voices heard.

It is reckless, even wanton, to jeopardize so much—the livelihood of those who depend on fishing and tourist industries, our fisheries, and our military readiness—along the Maryland coast and Chesapeake Bay when there is so much more oil and gas in other parts of the country where production is already well established and locally supported.

My concerns aren't limited to the Chesapeake Bay or Maryland's beautiful coastline, even though both are priceless national, not parochial, natural resources. The international scientific consensus regarding human contributions to climate change is clear. Greenhouse gas emissions are a huge problem. Yet the Trump administration is determined to double down on burning fossil fuels when we need to be diminishing, not increasing, our reliance on them. Instead of promoting an energy policy for the 21st century, President Trump is pushing policies from the early 20th century. This isn't just ill-advised, it is deadly. We have little time to lose when it comes to cutting fossil fuel use and greenhouse gas emissions. Politico recently reported:

> Last year was the third hottest on record in 125 years of record-keeping, and the U.S. faced record-breaking losses from weather and climate disasters. . . . A NOAA study found that hurricanes, wildfires and other events did $306 billion worth of damage to the U.S. economy, factoring in destroyed property and lost business activity in affected areas. . . .
>
> The most expensive storm of 2017 was Hurricane Harvey, with an estimated $125 billion in costs, followed by Hurricane Maria at $90 billion and Hurricane Irma at $50 billion. As for wildfires, they burned through more than 9.8 million acres in the West and caused close to $18 billion in damage, tripling the previous record. The U.S. in total saw 16 separate events with losses exceeding $1 billion each in 2017, tying a record set in 2011 for most billion-dollar disasters in a single year.
>
> NOAA scientists also found the five warmest years on record for the U.S. all have occurred since 2006.

For all these reasons, I urge President Trump and Interior Secretary Zinke to reverse course on this ill-begotten plan immediately. What we really need is a permanent moratorium on oil and gas drilling off our Atlantic coast. The potential rewards of such drilling—problematic as they are—don't come anywhere close to equaling the risks to the Chesapeake Bay and Maryland's and our Nation's irreplaceable shorelines and coastal communities.

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

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

REVIEWING LAST YEAR'S SENATE AGENDA

Mr. MERKLEY. Mr. President, our Constitution starts out with three beautiful words: ''We the people.'' This was the whole mission statement for the development of our form of government—not a government that would deliver benefits by and for the privileged, not a government that would deliver decisions for the rich and the powerful, but for the people of the United States, for the best policy for the population of the United States, so that its citizens everywhere, of every stripe and every corner of the Nation, could have a foundation to thrive. But in 2017, the leadership of this body dedicated itself to a different mission. They dedicated themselves to the mission of government of, by, and for the powerful and the privileged.

I think it is worth reviewing some of those items that we have gone through in the course of this past year. Let's start by looking at the attack on the Consumer Financial Protection Bureau. My colleagues on the Republican side spent a whole year attacking this organization, which was set up to make sure that financial transactions are fair—a fair, square deal for ordinary Americans. We had seen all kinds of predatory practices in consumer loans. We had seen all kinds of predatory practices in auto loans. We certainly had seen them in home mortgages. In fact, the exploding interest rate mortgages and the triple option mortgages that were designed to deceive and bankrupt ordinary Americans turned the dream of homeownership into a nightmare.

Fortunately, in 2010 this body said: No more. We are going to set up an organization that can identify predatory practices as they develop and prevent them from being implemented.

It makes a lot of sense. It is very similar to an organization we have in the government that says: That appliance is dangerous and should never be sold; that toy is dangerous and should never be sold. In this case, it is this: That loan is predatory, deceptive and should never be marketed.

This assault on CFPB went on throughout the year, purely encapsulating government for the powerful, the rich, and the predatory over ordinary people. This has culminated at the end of the year in which President Trump has appointed an Acting Director to the CFPB who hates the Consumer Financial Protection Bureau and wants to dismantle it from the inside. In fact, that Director has called the organization a ''sick, sad joke.''

Just yesterday, he threw out the payday loan rule. Payday loans have interest rates of 300, 400, 500 percent interest. People have them, initially, and borrow $1,000. In a year, they owe $5,000. In another year, they owe $25,000. In another year, they owe $125,000. It is a vortex of debt that pulls families into bankruptcy, squeezes them for as long as it can, and then throws them out bankrupt. Many States have said this is outrageous. Many religious traditions have said this is unacceptable. People have seen the carnage it does in a society that has high-interest loans. These are not just high-interest loans of 25, 35, or 45 percent. No, it is 300 percent, 400 percent, or 500 percent.

Yesterday the Director of the organization set up to protect against predatory loans restored full power to allow these predatory loans to occur. That symbolizes the whole year of leadership in this body supporting the powerful and the privileged instead of the people of the United States of America.

Just a little while ago we had a vote in the body—a 50–50 vote that was broken by the Vice President, 51–50—that really does symbolize the powerful over the people. This is a case where there was a rule adopted by the Consumer Financial Protection Bureau that said you have to have fairness in adjudicating consumer issues. Let's say, for example, a telephone company puts charges on your bill that you didn't authorize. Let's say, for example, a cable company proceeds to charge you a higher price than the contract called for and you want to dispute this, but currently if you seek to dispute it, you can't do so in a fair setting. Instead, it is a rigged system set up for the company and against the people, in which the company chooses the judge, in which the company pays the judge, and in which the company promises future business to the judge.

Who here in this Chamber really thinks they can get a fair decision when one party to a dispute chooses a judge, pays the judge, and promises the judge future business? That is the fair arbitration rule that was undone by this body choosing to weigh in during 2017 once again on the side of the powerful against ordinary people, choosing the system rigged against middle-class and ordinary Americans.

Let's turn to yet another decision for the powerful in 2017 over the people—net neutrality. People value the fairness of the internet. You decide you have an idea, and you want to set up a company. Maybe you want to offer a website that provides services to people who need home repairs. You know you are going to be competing against big, powerful actors who have other websites. But you decide: I have a different idea, a different innovation, and a different way of doing this would be better. Right now, until recently, you had the same ability to get the same speed on your pages, or your website, loading as the big player did so you could compete. But the Republican majority, team Trump, says: No, we want

to weigh in for the powerful over ordinary people. We want to give the powerful the ability to have those web pages put up on the computer screen really, really fast and stop the challengers—the little guy, the ordinary person who wants to compete—from being able to have the same speed so that the customer can only decide: Well, I better go to the established big player.

What could more symbolize the powerful over the people than the FCC, with the support of this administration—this Trump team for the powerful—choosing to wipe out net neutrality? I think we will have that issue revisited in 2018 when we have a Congressional Review Act that already 50 Senators in this body—49 Democrats, 1 Republican—have said they are ready to sponsor for the overturn of this act against ordinary people. At least 50 out of 100 are saying that on this issue they want to stand up for ordinary people against this 2017 reign of terror by the powerful and privileged over ordinary people. It is at least 50, but we are going to need 51. Isn't there one more Senator who will stand up for ordinary people?

Then, we have the Congressional Review Act attack on Planned Parenthood. This was a case where the administration and this Republican leadership and this Republican-led body said: We want to enable jurisdictions to divert funds away from a women's health organization, Planned Parenthood. They centered their argument around diminishing the number of abortions. Here is the fact. Family planning decreases abortions. So it has the contrary impact than what was stated by those who made that argument.

Here is another fact: 97 percent of the work of those organizations is about general women's health/reproductive services, not abortion—97 percent. This takes away screenings for all kinds of cancers, for all kinds of women's healthcare. Here we have the privileged and the powerful choosing to weigh in against the health of ordinary women across the United States. The list just goes on and on.

Let's turn to big, powerful mining companies brought to bear against ordinary people. This is simply the case of a rule which said that when you create a big mess with mountaintop removal mining, you have to fix it so that it doesn't contaminate the stream. This was a rule in which the people weighed in and said they wanted clean streams for the fish, where the ordinary people of America weighed in and said they wanted clean streams for fishing, where the ordinary people weighed in and said they wanted clean streams for their water supplies—but no. This body saw fit to weigh in for the rich and powerful, taking away those streams for the fish and the opportunity for fishing, taking away those clean streams for water in favor of the rich and powerful over the interests of the people of the United States.

This ''rich and powerful over the people'' has extended abroad, even beyond our borders. Equatorial Guinea, a country of Sub-Saharan Africa, has a massive wealth of oil. President Obiang of that country has been in power since 1979. That country has a per capita income of around—I believe it is $20,000, but most of the nation lives on less than $2 a day. Why is that? Why do ordinary people live on so little when the country has so much wealth? It is because the international oil companies have made their royalty payments to the leader of the country rather than to the treasury of the country.

Congress came along and said: Do you know what? We need transparency of these international transactions so that ordinary people overseas are not ripped off through these hidden transactions of paying off leaders who live extraordinary lives of luxury while their people suffer.

When I talk about suffering, who here can live on $2 a day? Who here can do that? It is a life-and-death issue, as 20 percent of the children in Equatorial Guinea—a country with this vast wealth—die before the age of 5 while the President and his Vice President own yachts worth $250 million. They have a $200 million mansion in Paris, and they have a $10 million car collection while people are dying because in 2017 this Chamber chose to support the powerful over the ordinary people of the world.

We see this in another environmental issue—the issue of the Arctic National Wildlife Refuge. We have protected that decade after decade—a last great natural treasure, sacred Tribal land that is home to polar bears and brown bears and lynx and moose and Arctic foxes and seals. In fact, it is the calving ground where a herd of 160,000 porcupine caribou go to give birth. Yet we decided that Tribal land was not as important as the decision for the rich and powerful oil companies to be able to destroy that pristine area.

Let's turn, really, to what was one of the biggest issues of the powerful over the people in 2017, one in which this body facilitated the theft of a Supreme Court seat in order to maintain the Citizens United ruling that allows billionaires to flood our campaigns with cash in order to control this body—one of the most evident sources of corruption in the history of this country.

Finally, we had an opening for the Supreme Court in 2016, an opening that might have redressed this ''we the powerful'' decision over ''we the people.'' This body came forward, and the leadership said: We are not going to allow a debate on President Obama's nominee. We are not going to allow a vote.

They justified it because it was an election year. Yet, if you look through history, there is nothing in our history that supports that. Fifteen times before, we had openings on the Supreme Court during election years. Fifteen times before, we had debated. Fifteen times before, we had voted. Then again, it was dressed up as, maybe this is protecting the Constitution. Of course, the Constitution doesn't absolve us of our advice and consent responsibilities in the fourth year of a Presidency or in the eighth year of a Presidency.

The consummation of that theft was completed when this body voted to confirm the nomination of Neil Gorsuch last April—basically, an incredible act of irresponsibility, a failure to honor our advice and consent responsibility, an act which denigrated the legitimacy of the Supreme Court and certainly diminished the reputation of the Senate in honoring our pledge to honor the Constitution, including the constitutional responsibility to provide advice and consent—all in order to keep billionaires' money in campaigns throughout this country. If that is not the powerful over the people in 2017, what is?

That is not the end of it. In 2017, the Republican leadership of this body brought us five different efforts to wipe out healthcare for 20 to 30 million people. Now, I didn't hear the Senators who were supporting this say they wanted to give up healthcare for themselves—oh, no. They wanted to keep that, but they were very comfortable in advocating for a bill to wipe out healthcare for 20 to 30 million Americans. There you have it—the powerful against the people.

Then we have the tax heist—the most recent of the powerful over the people. Add up the provisions for the wealthy. Now, remember, this tax bill was advertised as a middle-class tax cut for the middle class, but what did we have? We had the provision to eliminate the dynasty loophole, which allows the richest Americans to pass on their dynasties to the next generation without their ever paying capital gains, at a cost of $83 billion. We had a change in the tax brackets for the wealthiest Americans in the hundreds of billions of dollars. We had the eliminating of the alternative minimum tax—$40 billion or so—for the wealthiest Americans. We had the reducing of corporate taxes, the benefits of which largely go to the big stockholders—the richest Americans. We had the sweetheart rate for passthrough corporations that bolstered the value of that, helping out the richest Americans.

If you add it up, one after another after another of the provisions, all told, probably about $2 trillion has been given to the richest Americans by the so-called middle-class tax cuts—not $2 trillion for the middle class, not $2 trillion for the struggling bottom third of America's families, not $2 trillion for helping to diminish the size of our classrooms in K–12 and to improve teacher training, not $2 trillion dedicated to wiping out the high cost of college, not $2 trillion dedicated to

healthcare and our clinics, not $2 trillion dedicated to infrastructure, creating jobs, and building a better economy for the future. No. This is $2 trillion to the richest Americans to increase wealth inequality, to increase income inequality.

How much is $2 trillion? Can you even get your hands around that number? Divide it by the number of Americans—men, women, and children. That is $6,000 for every man, woman, and child in America that this body, under this Republican leadership, decided to give to the wealthiest Americans rather than to make available for the foundation for our families—education, healthcare, good jobs, improved infrastructure.

That kind of wraps up 10 items from throughout 2017. This body constantly ignored the mission of our Constitution—our ''we the people'' mission—and chose instead to be the government of, by, and for the powerful.

How about we have a new year's resolution for 2018 in which we decide to actually honor the Constitution, the vision of the Constitution, and address the needs of America and the foundation under which families may thrive, that of good jobs, education, and healthcare in 2018. Then we would be doing our job, and then we would be honoring our Constitution.

I thank the Presiding Officer.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Pennsylvania.

TAX REFORM

Mr. TOOMEY. Mr. President, I rise this afternoon to speak about what our tax reform and tax relief legislation actually does.

I want to start by welcoming in advance the President of the United States to Pennsylvania. The President is going to Pittsburgh, PA, to talk about the specifics of our tax reform and the effect it is having. I really wish I could be there with him, but we don't know when we are going to finish up here, as the President knows very well. We might be here well into the evening, and I have multiple obligations to which I have long been committed in addition to juggling that. Unfortunately, I will not be able to get to Pittsburgh with the President, but I hope to have another opportunity to celebrate this victory for Pennsylvanians and Americans because that is what it is.

When we set out to accomplish the biggest tax reform in at least 31 years, we had two big goals.

The first was to make sure we implemented a direct tax cut for working families, for middle-income families, and for the overwhelming majority of families and individuals whom we all represent. That was goal No. 1—to make sure we cut taxes for the people who are working every day, living paycheck to paycheck, working hard, and making America what it is. That was item No. 1.

The second thing we wanted to do was to reform what was a completely archaic, unbelievably complicated, inefficient, and really terrible business tax code that had become arguably one of the very worst in the world and one that was systematically discouraging investment in the United States.

So those were the two goals—direct tax relief for ordinary Americans and making the business tax code competitive. I am thrilled to be able to say that I believe we achieved both goals.

First of all, it is a simple, straightforward, factual matter that we cut taxes on the vast, overwhelming majority of taxpayers—the families and individuals who pay taxes. That is just a factual matter. That is easy to confirm. Of course, that has the effect of increasing the take-home pay for anybody who is working. You can increase your take-home pay by either getting a raise from your employer or by paying fewer taxes on what you earn or both, and we knew for sure that we were cutting taxes and that there was going to be a take-home pay increase.

I predicted at the time that we would also be creating an environment in which there would be upward pressure on wages, where over time we would start to see people getting bonuses, pay rate increases, and wage increases because we would be creating a dynamic in which employers would be competing more and more for workers so that, in effect, they would be bidding up the compensation for the workers. That is what I predicted, and I was confident that would happen within some number of months or a year or so. So I had to come down to the floor today and confess that I was wrong—very wrong—about the timing of that. You see, we didn't have to wait 3 or 6 or 12 months for our constituents—the people whom we represent—to see the benefits in the form of higher wages. They started happening immediately—I mean, within days. It has actually been stunning.

It has been about 1 month since we passed this sweeping tax reform, and many hundreds of businesses—those cumulatively employing well over 2 million workers—have announced bonuses, wage increases, expanded benefits, and increased contributions to pension accounts. They have cited the tax reform as the mechanism that has enabled them to do this for their workers.

What is so exciting about this is that this is happening even before the wave of new investments has even been able to begin. This is happening because companies know that with lower tax rates, they are going to have more free cash flow. They are going to use some of that to invest in growing their business, but they have already announced that they are using some of that to enhance the compensation of their employees.

Let me give you some examples. These are just Pennsylvania-related companies, a handful of the ones I am aware of. It is typical of companies across the country. Comcast, a big employer based in Philadelphia, announced specifically that as a result of the tax reform, they would make a $1,000 bonus payment to 100,000 frontline nonexecutive employees, and they committed to $50 billion of capital expenditure over the next 5 years. How many tens of thousands of jobs is all of that capital expenditure going to support? It is a big number.

That is not all. Out in Pittsburgh, PNC Financial Services, a substantial large bank in Pittsburgh, announced right after the tax reform that they would pay $1,000 to 47,500 of their employees, and, in addition, they would contribute $1,500 to each of their employees for participating in their pension savings plans. They are also raising their base wage. Their minimum wage for employees at PNC goes up to $15 an hour. No Federal Government edict is forcing them to do it. This is what they want to do. It is so that they can attract more and competitive employees. They have also increased their contribution to their charitable foundation—$200 million to a charitable foundation that supports early childhood education. That is PNC.

Navient has 900 or so employees in Wilkes-Barre, PA, and they announced that they are giving a $1,000 bonus to their non-officer employees—98 percent of their employees. That is not the top brass, but everybody else is going to get a $1,000 bonus.

Customers Bank in Wyomissing, Berks County, PA, announced that as a result of the tax reform and the tax relief they are getting, they are going to be able to offer people who have a checking account with them a higher rate on their deposits. In another benefit for consumers, they are going to increase their charitable giving.

NexTier Bank in Butler County, in Western Pennsylvania, is giving a $1,000 bonus to all their employees.

As to Walmart, I think we all saw that. There are Walmart employees in every State of the Union, and there certainly are in Pennsylvania. There are over 160 Walmart locations in Pennsylvania. They are giving a bonus of up to $1,000, raising their starting wage, expanding their paid leave policy, and their adoption assistance program for their employees, all in response to the tax relief and reform that they know is going to be good for their business, and they already decided to make it good for their employees as well.

That is just a small handful of the companies that I know of in Pennsylvania that have made public announcements about this. How many more are there across the country? It is a huge number, and it is growing rapidly, and it is fantastic.

I think it is fantastic. I think it is fantastic when the people I represent are able to earn more to support their family, get a bigger bonus and get a bonus they might not otherwise have gotten at all.

I know this view is not universally shared. The House Minority Leader

PELOSI doesn't think very much of this. In fact, she said: ''In terms of the bonus that corporate America received versus the crumbs that they are giving to workers to kind of put a schmooze on—it's so pathetic . . . I think it's insignificant.''

I have to state that I don't think it is pathetic, and I don't think it is insignificant. I think to a family that is struggling, a family that is working hard, a family that may be living paycheck-to-paycheck, as most families do, these are not crumbs. This makes a difference. For the people who wonder, because they heard so much from our colleagues on the other side that this is not going to help middle-class families, any mystery that people may think surrounds this will be resolved very soon because the IRS has already released new withholding guidelines. The Treasury has done their evaluation, and they have concluded as the Joint Tax Committee concluded, that over 90 percent of all individuals and families filing and paying taxes will see a tax cut. So they are adjusting the withholding table so that the take-home pay goes up and so that the money that workers pay to Uncle Sam goes down.

Honestly, I have to state that I am convinced that the best in all of this is yet to come. The best is yet to come because it is too early for us to have yet benefitted from the wave of new capital investment. We have made it more affordable for businesses to invest in their workers, to invest in their businesses, and to invest here in America rather than overseas. We have made that more affordable so more is going to happen, and when it happens, people are going to get the benefits from the jobs they have to provide those capital goods. Other people are going to benefits from jobs that are necessary to operate that capital equipment. Wages will rise because workers will become more productive. This is what is in store for us, and this is what is so exciting.

It is not just my theorizing on this. Last week the CEO of PNC, Bill Demchak, was quoted in the Wall Street Journal. He said:

> For all the investment decisions that companies make, the U.S. just got that much more attractive. . . . It's going to win more than it won before in terms of where people choose to do business activity and invest.

I couldn't agree more. This is clearly going to be the result. We are allowing American businesses to compete and to win in a competitive global economy. This is going to increase the supply of capital. It is going to increase the productive capacity of the American economy. It is going to provide better tools for workers when they have that capital that they can work with that makes them more productive. That enables them to earn higher wages, and with all the need for more workers that this is going to generate, it is going to continue to put upward pressure on wages, because that is what companies are going to have to do in order to attract and retain the employees they need.

So I would say that I think we are well on our way to seeing the fruits of this reform. I think it is going to be extremely constructive. I am thrilled that our legislation has already begun to have tangible benefits for the people we represent, and I am convinced that the best is yet to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, it is of the highest importance that we reauthorize title VII of the Foreign Intelligence Surveillance Act, especially section 702. It is one of the best tools we have for detecting and preventing terrorist attacks against our country, and it has a long track record of success.

It is one reason that Najibullah Zazi today is not a household name, but yet just another bin Laden wannabe sitting behind bars. He was planning to blow up the New York subway system, but he never got the chance because our intelligence community and law enforcement professionals stopped him in his tracks by using information collected under section 702. That is how vital this program is, and that is why I will be voting yes on this legislation.

That being said, the bill we are voting on today is not my ideal legislation. If I had my way, we would be voting on a permanent reauthorization with no changes. That was the White House's position when I worked together with the administration and introduced a section 702 extension bill earlier this past summer, and the administration has said all along that they wanted a clean and permanent reauthorization.

The people who rely on this program and know better than anyone just how valuable it is believed it was good as is. The way I see it, if the threats against our country will not sunset in 6 years, why would we sunset this vital program? But I understand we usually have to compromise around here. I am glad to see a provision I offered to increase the maximum penalty for the misuse of classified information included in this bill. So while I worry this bill might make it harder for our intelligence community and law enforcement professionals to protect our country, I am going to vote yes.

As a result, you can imagine my surprise as I listened to the program's critics. There is a lot of misinformation out there. I want to take this opportunity to set a few things straight.

First off, there is nothing unconstitutional about this program. Section 702 targets foreigners on foreign soil—not Americans—and it is specifically designed to protect Americans against unreasonable searches. You don't have to take my word for it, though. Every district court that has looked at this question has found section 702 to be constitutional.

That includes, by the way, the so-called ''about'' collection. If you are trying to collect information about a foreign target, and an American citizen mentions that target in an email, I would suggest that we would want our intelligence community to know about that. Does that mean that they incidentally picked up information about American citizens? Yes. But let's be frank here. The only way to prevent this kind of incidental collection is to prohibit any collection at all. If our intelligence community couldn't track an email address or phone number simply because they theoretically might pick up information about an American citizen, they simply could not do their jobs.

It is difficult, if not impossible, to tell if many email addresses belong to a foreigner just by looking at it. For example, is 5675309@gmail.com an American email address or not? Who knows? Did the National Security Agency discontinue its ''about'' collection at one point recently? Yes, but to me that is evidence that this program works. Contrary to what its critics believe, the NSA voluntarily ceased collecting information in the name of protecting privacy. The NSA respected the minimization standard imposed by the Foreign Intelligence Surveillance Court. The safeguards worked just like they were supposed to. This bill says that the NSA can continue so-called ''about'' collection only once it gets approval from the FISA Court and from Congress.

Yes, section 702 has a whole host of safeguards built in to protect Americans' privacy, and this bill adds more still. If the FBI wants to review information collected under 702 on a U.S. person for a criminal investigation that is not related to national security or foreign intelligence, it has to get a court order based on probable cause, even though the Constitution does not require it. Or if the FBI wants to query 702 information, it can do so only under FISA Court-approved guidelines. Finally, just to make sure the FBI is following the law, this bill requires the DOJ inspector general to check up on the FBI's compliance and report back to Congress.

Finally, the critics say the Attorney General can just sneak past all these safeguards by designating an investigation as a domestic crime related to national security or a transnational crime. That ignores the layers upon layers of oversight we have in place to prevent just that kind of abuse. Not only the DOJ inspector general but the FISA court and Congress will continue watching the FBI's use of this program, keeping guard against such misuse.

So I find the critics' arguments to be wholly without foundation. Section 702 is constitutional and strikes a pretty good balance between security and privacy. There is no good reason to let this program expire and no good reason to hold this reauthorization up any longer. Let's remember, after all, that last year there were two terrorist attacks against New York City within 6

weeks, not to mention a Christmas Eve plot against Pier 39 in San Francisco that was disrupted. Also, Admiral Rogers, the Director of the National Security Agency, has testified that the intelligence community would not have been able to put together its intelligence assessment about Russia's interference in our 2016 Presidential campaign without this vital program.

We face a lot of threats. Terrorism, spying, and nuclear proliferation are just a few. They are not going away any time soon, and neither is the Russian threat of meddling in our politics, either. It is past time we gave this tool back to our intelligence community so they can continue the hard work of keeping our country safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

TAX REFORM

Mr. WICKER. Mr. President, when we passed tax reform late last year, we knew it would be a win for American workers and for the American economy. This win for our workers and families was long overdue after so many years of sluggish wage growth.

Americans will see tax cuts very soon. They will be reflected in their paychecks next month. But tax reform is already making a positive difference. The response from our job creators—both small and large job creators—has been overwhelming. Some 164 companies so far, spanning industry sectors and geographical boundaries, have announced employee bonuses, higher minimum wages, better benefits, new jobs, charitable deductions, charitable donations, and new investments. According to Americans for Tax Reform, well more than 2 million Americans will benefit from these bonuses. The National Federation of Independent Business says that the tax cuts for our small businesses—the bread and butter of our economy—will amount to hundreds of millions of dollars.

I want to take a moment today to highlight how some of these job creators are giving back to the hard-working citizens of my State. They include Mississippi's single largest private employer, Walmart, which has announced that it is raising its starting wage rate for hourly employees to $11. Walmart is also expanding its maternity and parental leave benefits, as well as giving employee bonuses, as a result of the new tax bill. BancorpSouth, headquartered in my hometown of Tupelo, MS, has announced that it will give back to employees through pay raises or bonuses. In fact, BancorpSouth says it plans to invest more than $10 million into the employees who work in its 234 locations across Mississippi and seven other Southern States. Another bank based in Tupelo, MS, Renasant, has announced that it will invest its tax savings in its 2,000 employees.

Nationally, AT&T is giving $1,000 bonuses to 200,000 employees. So are Bank of America, American Airlines, Boeing, and Comcast. And I could go on and on and on with bonuses benefiting hundreds of thousands of employees.

Other Americans will get new jobs. Last month, television station WLOX on the gulf coast of Mississippi reported that the Half Shell Oyster House plans to use its tax savings to open new restaurants and hire more employees. Isn't this what we want? Isn't this what we predicted? And isn't it wonderful to see this come to fruition? Kevin Fish, a co-owner, told the news station: ''We've passed up on opportunities in the past that we wouldn't have passed up on had we had this tax structure.''

Millions of Americans might also see lower energy bills from investor-owned utilities. Utility companies across the country, including in Mississippi, are discussing how the law can help them lower energy costs for our consumers.

The message is clear across my State, across every State, and across this country: The more money our job creators can save and the more money they don't have to send to Washington in the first place, the more they can invest in the future of their businesses and the well-being of their employees. And this is proving true every day and will continue. These are the opportunities we do not want our job creators to pass up. With every bonus, every pay raise, every expanded benefit, every lower energy bill, American families will have more money in their budgets to spend on the things they need most.

Thank you to the leadership of the President and the leadership of the House and Senate for giving this outstanding benefit to the families, the workers, and the job creators of the United States of America.

Thank you, Mr. President.

I yield the floor, and 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. HEINRICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HEINRICH. Mr. President, the Senate will be voting soon on a bill to reauthorize the FISA Amendments Act. Most Americans likely do not recognize the name of the bill, but they probably know what this bill addresses—our government's surveillance of communications.

As a member of the Senate Intelligence Committee, I have learned a great deal about our post-9/11 surveillance laws and how they have been implemented, and I have determined that there are reforms that need to be made to the FISA Amendments Act—specifically section 702—before we renew this law.

The single biggest flaw in section 702 is how it has been interpreted. The language of the law—the collection of foreign intelligence of U.S. persons reasonably believed to be located outside the United States—anticipates that incidental or accidental collection of Americans' emails or even phone calls could occur, but under the FISA Amendments Act as written, there is nothing to prohibit the intelligence community from searching through a pile of communications collected under this statute to deliberately search for the phone calls or the emails of specific Americans. This is not what Congress intended when the law was written, and now we are being asked to vote on this law at the last minute with not a single amendment allowed.

Many of us have called this the backdoor search loophole since it allows the government to search for Americans' communications without a warrant—let me repeat that—without a warrant. The USA Rights Act, of which I am a cosponsor, includes a fix to this loophole. It also includes other key reforms to the statute that I support. But that commonsense bill is not the one on the floor today. The bill before us today would actually take us backward. It doesn't require a warrant to search for Americans' communications. It makes it quite easy to resume the ''about'' collections on Americans—a practice that the government has literally abandoned. It grants new authorities to allow section 702 data to be used in domestic criminal prosecutions of American citizens.

I strongly believe that the Federal Government needs a way to monitor foreign communications to ensure that we remain a step ahead of the terrorists and those who would threaten our national security. The FISA Amendments Act has been beneficial to the protection of our national security. I don't question the value of the foreign intelligence that this law provides. I have seen it with my own eyes. But I also strongly believe that we need to balance the civil liberties embodied in our Constitution with our national security imperatives. It is the responsibility of Congress to find that balance. The bill that is before us today could come closer to that standard if we improve it through the adoption of amendments that I and my colleagues would offer if we had the opportunity. But this bill is being fast-tracked, and we are left with only the choice of an up-or-down vote.

The American people deserve better than the legislation before us today. The American people deserve better than warrantless wiretapping.

I urge my colleagues to consider the gravity of the issues at hand and to oppose reauthorization until we can have a real opportunity for debate and reform.

Thank you, Mr. President.

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. 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.

Mr. WYDEN. Mr. President, I believe the American people should be deeply concerned about the vote the Senate took yesterday to invoke cloture; in effect, ending real debate and preventing the Senate from considering any amendments to the Foreign Intelligence Surveillance Act reauthorization.

This isn't what is called regular order. This isn't how the Senate ought to operate. In fact, it is not even how the Senate has handled surveillance bills in the past. Even in the weeks after the horrendous attacks of 9/11, the Senate considered amendments to the PATRIOT Act. In 2008, when the Senate first considered section 702, the Foreign Intelligence Surveillance Act, there were, in fact, amendments.

Now debate has been cut off, and no Senator—neither a Democrat nor a Republican—is going to be allowed to offer an amendment. What the country is going to be left with is a deeply flawed bill that, in a number of ways, is actually worse than current law.

I want to talk first about whose rights are at stake. We are talking primarily, at this part of my address, about Americans who talk to foreigners overseas—law-abiding Americans whose communications can get swept up under this law. They could be, for example, American businesspeople—perhaps somebody working for a tech company in Colorado or Oregon or perhaps somebody working for a steel company in the Midwest. These are American businesspeople—law-abiding people—talking to a foreign contact. They could be swept up under this law or we could be talking about first-, second-, or third-generation Americans talking to family and friends still overseas. Maybe they are catching up. Maybe they are talking about kids and grandkids. Maybe they are just talking about their hopes and aspirations, but they are still law-abiding Americans who could get swept up in this bill. We could be talking about American journalists covering foreign stories. We could be talking about U.S. servicemembers talking to foreign friends they made while deployed. Try to get your arms around that one.

I think it is particularly unfortunate because one of the things I am proudest of is I was able to ensure that Americans overseas—servicemembers—would have their privacy rights protected. We have a law passed to do that.

I remember George W. Bush had reservations about that proposal I made to protect the privacy rights of our law-abiding servicemembers overseas. He originally said he might veto the bill. In the end, it was in his press release saying how great it was, and I think it was because nobody had really talked about the rights of these wonderful men and women who wear the uniform in the United States.

We did it right back when George W. Bush was President. We protected the privacy rights of our servicemembers overseas. Now we are talking about walking back the rights of those U.S. servicemembers if they are talking to foreign friends they made while deployed, and we could be talking about American teachers and researchers seeking information from foreigners.

Now this body isn't going to have a chance to even consider reforms that might protect the constitutional rights of these Americans—the businessperson, the servicemember, the first-, second-, or third-generation American immigrant—because what has happened is the Senate is being forced to vote on a reauthorization bill without any public discussion about any kind of alternatives. The one committee consideration—what is called a markup—occurred entirely in secret. That is public law being debated in secret.

Yesterday, the Senate discussed whether to cut off debate on a bill that authorizes vast, unchecked surveillance powers in less time than it takes to shop for the week's groceries. So now, with no amendments possible, there is not going to be a single opportunity for the public to see its representatives explain why they are supporting or why they are rejecting these key reforms.

You can only conclude from this that opponents of reforms were just scared. They were frightened. They just didn't want to have them debated in the open. They must be worried that the more Americans understand about the program—and the more they hear about commonsense, bipartisan proposals to fix it—the more the public is going to say we can do better. We can do better than the status quo because the public, once they have the benefit of a little transparency and a little open debate, what I have seen—and I just finished my 865th open-to-all town meeting at home in Oregon. Once you talk to folks at home about these issues, they understand that security and liberty aren't mutually exclusive; that sensible policies get you both and not-so-sensible policies and failure to look at the issues really get less of both.

My view is the Senate let down the American people yesterday. In my view, we have a solemn obligation to deliberate, to consider amendments, and to vote up or down. I think that is really what the Senate is all about.

One of the worst arguments for jamming this bill through without amendments was that somehow this law was going away. It just wouldn't be around. It was expiring.

First, Members who wanted to debate reforms were prepared to go to this floor many months ago. Nothing stood in the way of a floor debate last year. Even today, there is no reason to rush all this through. Absolutely nothing prevents the Congress from extending 702 authorities for a week or two to allow us to carry out our constitutional responsibilities. By the way, the Director of National Intelligence has said publicly and on the record that its authorities continue until April. I was stunned.

I had Senators on both sides of the aisle whom I like very much—good, dedicated Senators—saying: Oh, my goodness, we have to act. If we don't act in the next few days, oh, my goodness, powerful tools we need to stop the terrorists—and I will not take a backseat to anybody in terms of stopping the terrorists—they are going to be gone. That is just not true.

Mr. President, I ask unanimous consent to have printed in the RECORD an article with the statement from the Office of National Intelligence, where the Director said on the record that its authorities would continue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Dec. 6, 2017]

WARRANTLESS SURVEILLANCE CAN CONTINUE EVEN IF LAW EXPIRES, OFFICIALS SAY

(By Charlie Savage)

WASHINGTON.—The Trump administration has decided that the National Security Agency and the F.B.I. can lawfully keep operating their warrantless surveillance program even if Congress fails to extend the law authorizing it before an expiration date of New Year's Eve, according to American officials.

National security officials have implored Congress for the past year and a half to extend the legal basis for the program, Section 702 of the FISA Amendments Act, before it lapses at the end of the month. They portrayed such a bill as the ''top legislative priority'' for keeping the country safe.

But with Congress focused on passing a major tax cut and divided over what changes, if any, to make to the surveillance program, lawmakers may miss that deadline. Hedging against that risk, executive branch lawyers have now concluded that the government could lawfully continue to spy under the program through late April without new legislation.

Intelligence officials nonetheless remain intent on getting lawmakers to pass a durable extension of Section 702 by the end of the month—warning that even a stopgap short-term extension of several months, as some lawmakers have proposed, would risk throwing the program into a crisis in the spring.

''We fully expect Congress to reauthorize this critical statute by the end of the year,'' said Brian Hale, a spokesman for the Office of the Director of National Intelligence. ''Not doing so would be unthinkable in light of the considerable value Section 702 provides in protecting the nation.''

The expiring law grew out of the Bush administration's once-secret Stellarwind warrantless surveillance program after the Sept. 11 attacks. After it came to light, Congress enacted the FISA Amendments Act of 2008 to legalize a form of the program.

Under Section 702, the N.S.A. and the F.B.I. may collect from domestic companies like AT&T and Google the phone calls, emails, texts and other electronic messages of foreigners abroad without a warrant—even when they talk with Americans. The program has expanded to a broad array of foreign intelligence purposes, not just counterterrorism.

If Congress fails to reauthorize the law this month, Mr. Hale acknowledged that the government believes it can keep the program going for months. Its reasoning centers on a legal complexity in how the program works: Under the law, about once a year, the secretive Foreign Intelligence Surveillance Court

sets rules for the program and authorizes it to operate for 12 months.

The court last issued a one-year certification on April 26. That matters because a little-noticed section of the FISA Amendments Act says that orders issued under Section 702 ''shall continue in effect until the date of the expiration.''

Mr. Hale said the provision, which is recorded in federal statute books as a ''transition procedures'' note accompanying the main text of the law, makes it ''very clear'' that ''any existing order will continue in effect for a short time even if Congress doesn't act to reauthorize the law in a timely fashion.''

Given that conclusion, the government is making no plans to immediately turn off the program on New Year's Day, no matter what happens in Congress, according to a United States official familiar with the Section 702 program who spoke on the condition of anonymity to discuss a sensitive topic.

The disclosure has significant ramifications for the debate over the program.

Congressional leaders have discussed including an extension of the program in other must-pass legislation, like a spending bill to keep the government from shutting down. But lawmakers will face less pressure to jam through such a move, short-circuiting a full and open debate over reform proposals, if the alternative is not an immediate termination of the collecting of intelligence authorized by the law.

Little consensus exists in Congress about what, if any, changes to make to the law as part of extending it. Lawmakers have submitted legislation spanning the gamut from making the law permanent without changes to imposing significant new limits to safeguard the privacy rights of Americans whose communications get swept up in the program, as well as a range of intermediary proposals.

One key disagreement centers on what limits, if any, to impose on how government officials may search for, gain access to or use in court information about Americans that gets swept into the warrantless surveillance program. Some lawmakers want to impose a broad provision forcing officials to get a warrant before they may query the repository about an American. Some want a more limited requirement that officials get a court's permission to gain access to the results of such a query if it is for a criminal investigation but not a national security one. Some want to impose no new constraints.

Another major issue confronting lawmakers is what to say, if anything, about the N.S.A.'s old practice of collecting, from network switches on the internet's backbone, international emails and other such messages that mention a foreigner who is a target of surveillance but are neither to nor from that person. The N.S.A. recently halted that practice but wants to retain the flexibility to turn it back on; some bills would codify a ban on it, and some would not.

The question of a Section 702 overhaul, and trade-offs between national security powers and privacy protections, has scrambled the usual party lines. Representative Robert W. Goodlatte of Virginia, the Republican chairman of the Judiciary Committee, has warned that legislation whose changes fall short of a compromise bill that he worked out with Democrats on his committee is unlikely to pass the House.

In an interview, Senator Ron Wyden, an Oregon Democrat, declined to comment on the government's theory, but said he was open to making it possible to have a full and open debate over the proposed changes to the surveillance law early next year if time runs out this month.

''We've seen this movie before: wait until the last minute, and then say, 'crowded congressional calendar, dangerous world, we've just got to go along with it,'' Mr. Wyden said. ''Anything now that creates an opportunity for several months of real debate, I'll listen to.''

Either way, the United States official said the executive branch and the courts would still need a durable new version of the law well before the late-April deadline. The problem, the official said, is that it will take a significant amount of time to develop new procedures based on the new law, submit them to the Foreign Intelligence Surveillance Court, make changes the court wants and then work with communications companies to implement the new certifications.

Mr. Hale declined to comment on those specifics, but said that a gap in the surveillance program's legal authorization would generate uncertainty.

''So while the orders would be in effect for a short time after the end of the year, the fact is that we would need to be planning for the end of the program,'' Mr. Hale said, ''and that cannot be done in a matter of days—to effect that takes some time, and is not like turning on or off a light switch.''

Planning to turn off the Section 702 program, the other official said, would include steps to mitigate that change as much as possible, including by systematically going through the list of more than 100,000 foreigners abroad who are being targeted under the program and triaging which are the most critical, then developing lengthy packages of information to submit to the surveillance court to seek individualized orders to wiretap them.

But because of the resources such an effort would require and the higher legal standard the government would need to be able to meet, surveillance would ultimately cease on most of the Section 702 targets, the official added.

Mr. WYDEN. Thank you, Mr. President.

Despite yesterday's vote, I regret to have to say I am going to have to oppose this legislation's final passage. My view is, if this bill does not go forward now, it is possible to get Democrats and Republicans back to work together to ensure there is a meaningful debate on the floor of the U.S. Senate and that this is done with ample time to meet this window that the Office of National Intelligence has talked about publicly, but if that doesn't happen, the Senate has denied itself the opportunity to even attempt to fix this badly flawed bill.

This surveillance authority allows the government to sweep up some untold amount of law-abiding Americans' communications. The government says, of course, that its targets are terrorists, and this is about keeping Americans safe from terrorism. I don't take a backseat to anybody in terms of fighting terrorist threats.

Having served on the Intelligence Committee for some time now, I can tell all Members and the public there is no question that the terrorist threat is real and that there are significant numbers of people who represent a very real threat to the well-being of our country.

Now, if somebody says, We have to keep Americans safe from terrorism, I am all in. I would submit that I don't know of a single U.S. Senator—not 1 out of 100—who is not all in on this fight against terrorism, but that is not what the law says. The law says that, under section 702, the government can collect, without a warrant, the communications of foreigners ''to acquire foreign intelligence information.''

Here is how the law defines ''foreign intelligence information.'' It is information that relates to the conduct of the ''foreign affairs of the United States.'' That is just about any piece of information about a foreign country.

Who can the government target to get all of this information? Anybody ''expected to possess, receive, and/or is likely to communicate'' that information. So if you unpack that, you don't have to be a terrorist suspect or any kind of threat to the United States to be a target under section 702 of the Foreign Intelligence Surveillance Act. The government just has to think you know something the government wants to know.

That is why so many Americans—Democrats, Republicans, and Independents—are worried about getting their private communications swept up. They are law-abiding people, as I have been saying—servicemembers, businesspeople, Americans who, on a regular basis, talk to friends, families, and contacts overseas. They are worried because, based on what the law says, which I have just read, those foreigners could be the targets, and Americans' communications could be collected by the government.

Now, for years, I and other Members of the Congress—both Houses, both parties—tried to at least get an estimate of how many law-abiding Americans' communications have been getting swept up. As recently as April 2017, the Director of National Intelligence said the public was going to get some kind of estimate, but in June, the Director suddenly changed course and told the public and the Congress: You are not getting anything. What that means is no one knows the size of the database. Nobody knows how many Americans' private communications are sitting there, waiting to be searched and possibly used against those Americans.

Just yesterday, the Privacy and Civil Liberties Oversight Board was invoked by those opposing reforms, but what that Board had to say about the sheer volume of Americans' communications being swept up is actually, in their words, ''too much expansion in the collection of U.S. persons' communications or the uses to which those communications are put may push the program over the [constitutional] line.''

So here they were being cited, in effect, as supporters for the status quo when I just read you their concern about the status quo.

This is why today section 702 of the Foreign Intelligence Surveillance Act is an end-run on the Constitution, and it is what the Presiding Officer and other Members of this body—both Democrats and Republicans—have wanted to change.

This end-run is not just about the collection. It is that, after all the communications of our people are swept up, the government can go searching for individual Americans through all that data. They don't have to be suspected of anything. The government just has to decide on its own that your private communications might reveal some intelligence or some evidence of a crime, and like the collection of the communications, that search can take place without a warrant—no warrant on the collection of Americans' communications, no warrant on searching for individual Americans. This is a case of two wrongs certainly not making a right.

What the Senate did last night was prevent any debate on this basic constitutional question. The USA Rights Act, introduced by 15 Senators of both parties, would have required a warrant for those searches of Americans.

Our colleagues Senator LEAHY and Senator LEE have legislation requiring a warrant—a Democrat and a Republican. Other Members have had their own proposals. None of them are going to get heard by the Senate.

We had a chance to consider amendments. We could have fixed the underlying bill, which doesn't require any warrants for any searches for Americans. Let me just repeat that. The underlying bill does not require any warrants for any searches for Americans—none, not in intelligence cases, not in criminal cases. Warrantless fishing expeditions for Americans can just go on and on and on.

The bill's so-called reform only applies to the government's access to the results of the searches, but it really doesn't even do that. It only kicks in if the government is already well down the road of investigating somebody.

This means the bill provides more rights to criminal suspects than to innocent Americans. Think about what that is going to mean in Texas or Oregon or North Carolina or anywhere else in the country. As I have described it, this bill provides more rights to criminal suspects than to innocent Americans.

It gets worse because the bill is even narrower than that. It imposes no limitations at all if the government determines the search relates to national security or to a criminal matter that has anything at all to do with national security. Why are opponents of reform happy now? Because their bill does nothing.

I went and read the Director of National Intelligence's statistics for 2016. The CIA and the National Security Agency conducted over 5,000 warrantless searches for Americans, according to this material. It doesn't include the FBI, whose searches are supposedly too numerous to even count. It doesn't include communications records, which number in the tens of thousands.

How many times does the government encounter a situation in which, under this bill, there would even be the possibility of needing a warrant? Exactly one—that is right—one among the thousands and thousands of warrantless searches for Americans. Even that is an overstatement because that one instance in 2016 could have occurred prior to a predicated investigation; in which case, it, too, would be exempt from warrant requirements.

Basically, this bill we will vote on provides an easy-to-read roadmap to the government to make sure it never has to get a warrant for anything. Meanwhile, the thousands of Americans subject to warrantless backdoor searches each year have no protections at all.

Had there been amendments, I think there would have been the familiar argument against requiring a warrant for searches of Americans' private communications. We would have heard that section 702 of the Foreign Intelligence Surveillance Act is necessary to connect the dots between suspects and terrorists.

Here is why that is misleading. Opponents of reform like to talk about a tip to the government that somebody is acting strange on a bridge. They say this is a situation where the government needs to go directly to reading the private communications of this person. That is just not how the Constitution works.

Think about it. Would you want the content of your private communications searched, accessed, and read just because somebody has a slight suspicion about you?

Here is the misleading part. Opponents of reform say that, unless the government searches for and reads the emails, it just can't connect the dots to the terrorists. That is just false. The government already has the authority to get this information and in a less intrusive way.

Some may remember just a few years ago there was a debate about ending metadata—the bulk collection of millions of phone records of law-abiding Americans. What remained at the end of that debate was the authority of the government to go get the phone and email records of anyone as long as the records were relevant to an investigation. If it is an emergency, the government can get those records immediately without having to go to the court first.

I want to emphasize that because it is something I have felt very strongly about. I wrote that section, section 102 of the USA Freedom Act, because I wanted to make sure it was clear in this debate about finding policies where security and liberty are mutually exclusive, where we have both, that the strongest possible message was sent; that if the government believes there is an emergency, the government can move immediately—immediately—to get the information it needs and then come back later and settle up with the court.

When I have the opportunity to be in the Oval Office, which I have had several times—it is a wonderful honor and privilege given by the people of Oregon to pursue these issues—I will say what I say to the President, not what the President says back because I think those are private communications of the President. At one point in this debate, I said to President Obama: If you and your staff feel the current emergency provisions are not adequate, if you think they are not strong enough, I want to know about it because I will work with you to make sure they do the job.

That is because when there is an emergency and the security and well-being of the American people is on the line, the government gets a chance to move quickly, come back, and settle later with the court. I have included that in essentially all the legislation that I have authored. This provision of the Foreign Intelligence Surveillance Act is what allows the government to connect the dots without going directly to the content of private communications. That is how our system is supposed to work. The government gets less intrusive information on Americans, using a lower standard, first.

But what if the government needs the content of communications urgently? What if the government sees an immediate threat and believes it has no choice but to read those communications right away? As I said, that is why we had the amendment that I have described in USA Freedom Act, and it is why we said in our amendment to section 702—in this proposal—that we would also have an emergency exception. Again, the USA Freedom Act has an emergency exception, and our reform to section 702 of the Foreign Intelligence Surveillance Act has an emergency exception. In this case, under our proposal, in an emergency, the government can search for and read those communications immediately and seek a warrant later. Our proposal also includes other exceptions to the warrant requirement, such as a hostage situation, where a search might help save someone.

I bring this up only by way of saying that reformers have been very clear. When the government has an emergency that is defined by the government—not by somebody else who might conceivably not have all the information—what we did in the USA Freedom Act is what we are doing in section 702 of the Foreign Intelligence Surveillance Act, which is protecting the American people in an emergency.

Now, there are other facts about warrantless backdoor searches that opponents of a warrant requirement omit from public argument. For years after the original passage of section 702 of the Foreign Intelligence Surveillance Act, the CIA and the National Security Agency didn't have the authority to conduct these searches. What is more, the Bush administration never asked the FISA Court, or the Foreign Intelligence Surveillance Act Court, for those authorities. The Bush administration didn't think it was a problem

that the CIA and the NSA couldn't conduct warrantless backdoor searches of Americans. But now people act like the warrantless searches are somehow inseparable from the broader program. They pretend that we really can't have an effective foreign intelligence collection program unless you just make sure you are violating the rights of Americans.

This week should have been an opportunity to discuss the facts of how this bill could have been improved. It should have been an opportunity to clarify that Americans don't have to choose between security and liberty. It should have been the Senate's chance to push back against scare tactics and fearmongering and to lay out for the public what the government does and doesn't need to protect us. Instead, we get a bill that isn't necessary for our security and does nothing to protect our liberty.

There are other important amendments that are not going to be considered. One relates to what is known as ''abouts'' collection, a process in which two innocent Americans could have their communications swept up if they just write an email referencing a foreign target. We are talking communications entirely among individuals who themselves are not targets and are, potentially, all Americans. The whole concept is just contrary to the Fourth Amendment. As the privacy board concluded, there was ''nothing comparable'' in the law.

''From a legal standpoint, under the 4th Amendment, the government may not, without a warrant, open and read letters sent through the mail in order to acquire those that contain particular information. Likewise, the government cannot listen to telephone conversations, without probable cause about one of the callers or about the telephone, in order to keep recordings of those conversations that contain particular content.''

That is the quote from the privacy board, and we sure heard on the floor sponsors of the status quo, in my view, suggest that the privacy board had a different view of what they were up to.

From a practical standpoint, this form of collection was so problematic that the government itself was forced to shut it down. Now, the underlying bill says: Go ahead and start it up, as long as you tell Congress. Congress has to be told anyway.

Based on the bill before us, if Congress does what it does best—which is nothing—the government can just go ahead.

Again, I don't think that is what the public thinks the Senate should be about. If the government ever wants to get back into the business of this collection, it can come to the Congress and get it authorized. If their argument wins the day, so be it, but preemptively writing into black letter law this form of collection, sight unseen, means that this Senate is surrendering our constitutional responsibilities.

This is one of the examples, the ''abouts'' collection, which I mentioned, of why this bill actually is a retreat from current law. Congress has never approved ''abouts'' collection. It wasn't in the 2008 bill creating the law or the first reauthorization of section 702. It happened because of a secret interpretation of law, and most of Congress knew nothing about it. But now, for the first time, when the government itself has suspended it—largely because they know it had been abused—what we are doing is essentially setting up what amounts to a fast-track process to write it back into the law. It defines ''abouts'' collection broadly—broader even than the government—and it invites its resumption.

The Senate also is not going to get to consider an amendment limiting how information on Americans can be used against Americans. The bill allows unlimited secret use of section 702 information—all collected without a warrant—in any investigation or in any administrative or civil procedures against Americans. Now, Americans understand how the government can thoroughly disrupt their lives without ever charging them with a crime, particularly if they are doing it based on secret information.

But even when it comes to using 702 information as evidence in criminal proceedings against Americans, the bill provides no real protections. All the government needs is for the Attorney General to determine that the criminal proceedings relate to national security or involve a set of crimes that have nothing at all to do with national security. There is a catch-all category called ''transnational crime.'' Now, I have tried for some time to get the government to tell me what this ''transnational crime'' is. I haven't gotten much of a response. In any case, the underlying bill here specifically says that the Attorney General's decisions cannot be challenged in court.

So there you are. If the Attorney General decides that the crime you are being charged with somehow relates to national security or is a ''transnational crime,'' that decision by the Attorney General is really pretty much sacred. You can go to jail without ever being allowed to challenge the government's use of section 702 information against you—information obtained without a warrant and potentially uncovered as a result of warrantless searches specifically conducted to find your communications and communications about you.

The ways in which the government could potentially use this information, collected without a warrant to investigate and prosecute Americans and those in the United States, are limitless—immigration status, recreational drugs, back taxes. The list goes on and on. I don't think Americans think that is how the system is supposed to work. Is that what a warrantless foreign intelligence surveillance bill is supposed to do? I don't think so—immigration status, recreational drugs, back taxes—but this bill allows it.

The bill leaves in place other problems that affect our rights. One of them is the issue of what is called parallel construction. That is a lot of fancy legalese that says that, even if information against an American originally comes from section 702, if the government subsequently constructs a case from other collection, it never has to tell that American that it used section 702. My bill, with Senator PAUL and 13 other Senators, would have fixed that.

The bill we are voting on shortly, without any debate on amendments, also leaves in place a big catch-22 that prevents anybody from ever challenging section 702 in court. Section 702 collection is secret, so almost no one can prove definitively that they personally were swept up. That means it is also almost impossible to get standing to go to court to challenge section 702. I am sure it pleases opponents of reform, but it means that section 702 isn't going to be part of any court review process where both sides of the adversarial system get heard.

Fixing this problem is not, as so many in the House misleadingly said, giving rights to terrorists. That was part of the fear-mongering that went on. This is simply saying that section 702 is not exempt from constitutional challenges that apply to every single Federal statute—by the way, the hallmark of our constitutional system.

There are other problems that could have been fixed with amendments. I am particularly troubled by the fact that the underlying bill doesn't fix the problem of reverse targeting. This is where the government targets a foreigner overseas when it is really interested in collecting the communications of an American without a warrant. Right now, the law as written allows this collection to continue without a warrant, unless, in effect, the only purpose of the collection is to obtain the American's communications. My concern is that, if the government has even the slightest interest in the foreign target, it is not going to seek a warrant, regardless of the intensity of the government's interest in the American on the other end of the phone or the email. This could mean, again, frequent, ongoing searches of the American's communications. It could mean the use of the American's communications in investigations and criminal proceedings. There is a solution to this, and we proposed it; that is, if a significant purpose for targeting a foreigner is to get an American's communications, the government would need a warrant—pretty simple. I note that the Presiding Officer of the Senate is supportive of reforms and our bipartisan coalition. I very much appreciate that.

Just think about that. We had a solution to the fact that reverse targeting had been abused. We simply said, if a significant purpose of the government for targeting a foreigner is to get an

American's communications, the government would need a warrant—and, of course, we have an emergency exception in the bill as well.

The bill also doesn't prevent the government from directing service providers to modify or weaken encryption without any court oversight. I am telling you that this problem has been underappreciated. As we all know, there is an ongoing debate about whether the government should be able to mandate backdoor weaknesses in encryption. I believe this kind of authority is just a loser all around. I think Americans, if you weaken strong encryption, will be less safe. Certainly, parents who are concerned about a youngster don't want to weaken the protection in their smartphone for the tracker so they can keep tabs on their kids. If the government is allowed to mandate backdoor weaknesses in our products, I believe we will be less safe, we will have less liberty, and it will be a big loser for many of our high-skilled, high-wage companies.

I have already announced that, if there is any effort to weaken strong encryption, I will do everything in my power to block that legislation because it is a loser from a security standpoint, it is a loser from a liberty standpoint, and it will be bad news for a lot of our companies that pay good wages for the high skills of Americans, but even those who argue that the government should be able to mandate backdoor weaknesses in encryption assure us it is only going to happen if the court orders it. But under section 702, the government could direct a service provider to do that without any court awareness at all. And, of course, Congress might not know either.

Again, we would have liked to have fixed this here on the floor. The bipartisan legislation I have with Senator PAUL requires that the FISA Court approve the kind of technical assistance the government is seeking from providers, which would also result in the Congress finding out. This bill we will be voting on soon doesn't do that. As a result, the court and the Congress could end up totally in the dark about an issue that I think is absolutely central to the security and well-being of our people in the 21st century.

The bill also provides no clarification on the question of whether section 702 of the Foreign Intelligence Surveillance Act can be used to collect communications the government knows are entirely domestic. Put your arms around that. This law is called the Foreign Intelligence Surveillance Act, and we can't even get a straight answer from the government's Director of National Intelligence about whether the law can be used to collect communications the government knows are entirely domestic.

When I first asked the head of national intelligence whether 702 provided this authority, he said in a public hearing: No. That would be against the law.

Then, apparently, he told folks in the news media that he was answering a different question than the one I asked.

Once again, I asked the Director of National Intelligence to answer the question I had asked, at which point he then wrote and said that the whole thing was classified.

This is the essence of what is secret law. I believe it is the kind of thing that erodes trust in the government and in the intelligence community specifically.

Had we been able to have a real debate, I would have offered an amendment that would, in effect, write in the black letter law what the head of national intelligence told me at first when I asked him ''Could FISA be used to collect wholly domestic communications?'' before all this George Orwell stuff. The head of national intelligence said: No, FISA could not be used to collect wholly personal communications. That answer would have reassured the American people.

After all of this back-and-forth and the bizarre situation where the Director of National Intelligence says the whole thing is classified after he has already given an answer in public, now the public isn't going to have an opportunity to see its representatives address this issue or take a position.

Supporters of the bill point to provisions related to oversight of section 702. Here is how inadequate those are. Yesterday, we again heard about the privacy board. Right now, the privacy board is restricted to reviewing counterterrorism programs. Most intelligence programs aren't neatly categorized that way. They are broader than that. And, of course, the effect on Americans' privacy has nothing to do with whether a collection program is about terrorism or anything else. This bill leaves in place completely arbitrary limits on the privacy board and their ability to oversee the country's intelligence programs.

The bill does not meaningfully strengthen the FISA Court in a way that I think is very basic. There are people with top security clearances who appear before the court and provide the only alternative view in what is otherwise basically the government's show. The FISA Court has often gone years without addressing serious legal and constitutional questions. Sometimes, the court never gets to them. Right now, these sort of friends of the court are only heard from when the court invites them. But imagine if these folks who have top security clearances were informed about what was going on and could raise issues with the court whenever they felt it was important. This would not hinder the FISA Court, but it would greatly improve the chance that the court would consider serious issues earlier. Once again, no reform.

There are also basic principles of transparency that are ignored in the bill. Right now, the CIA and the NSA are obligated to inform the public how many searches of Americans they conduct. The FBI is not. I don't see a good argument why Congress shouldn't change that. The American people deserve to know how often the CIA and the NSA conduct warrantless searches looking for information on them. They deserve to know how often the FBI does so, particularly because the FBI conducts searches for evidence of a crime as well as for intelligence.

I believe I have outlined the faults of the bill. This is not reform. It is not even business as usual; it is a retreat. It is, in fact, worse than just extending the program's business as usual because, for the first time, it writes into black letter law the problematic practices that I have outlined. There is not real oversight. There is not transparency. That is what the public demands. That is what I heard people asking for at the townhall meetings I held last weekend in Oregon. Americans still have a lot of unanswered questions about the program.

There are certainly many Members of Congress who share my concerns who have devoted much of their career to ensuring that Americans have security and liberty. I want to especially express my appreciation to Senators PAUL and LEE. They have been tireless champions. Chairman LEAHY has led on this critical matter for decades. Senator HEINRICH, my seatmate on the Intelligence Committee, is one of this body's rising stars because he is willing to dig deeply into the issues. In the House, 183 Members voted for the most comprehensive section 702 reform bill, the House version of the USA RIGHTS Act. As we saw last night—and the President of the Senate and I were involved in a lot of those deliberations down here in the well of the Senate—this was a very close vote.

A lot of people say: Well, the reformers are going to say their piece, and they are going to get 6, 8, 10 votes and the like.

I think, last night, we really brought home what I hear Americans say, Democrats, Republicans—by the way, many Independents—who have questions about the way the government works and want to see their liberties protected in a way that also keeps them safe, and a big group of Members in the other body. And last night, a big group of Senators said: What a quaint idea. Let's have the U.S. Senate be the U.S. Senate. Let's have a few amendments.

It was communicated to the leaders. I want to thank Senator SCHUMER for making it clear that he thought that some amendments would make this a better, fuller, and more complete debate. I think it is very unfortunate, with the fact that there are so many important issues here—it is an important bill. I hope people have seen that—having spent a lot of time on these issues over the years, I think we really need to have more time spent on this floor getting a chance to debate these issues, having Senators of both

parties work in good faith, work toward constructive solutions.

I think support for what we sought last night, which is a real debate and real solutions and actual amendments—I think more and more Americans are coming around to see that is the way to proceed because Americans aren't going to buy the idea that, well, we will just say you have to give up some of your liberty to have security. Ben Franklin said it very well: Anybody who gives up their liberty to have security doesn't really deserve either.

What we need are smart policies. That is why I talked about encryption. Strong encryption makes us safer. It also protects our liberty. That is why I outlined some of the deep flaws in this bill. I think this bill puts on fast track going back to ''abouts'' collection, where somebody is barely mentioned and, all of a sudden, the government is collecting the communication.

I will oppose final passage of this legislation. Nothing is preventing the Congress from getting this right. As I mentioned, the office of national intelligence—the Director of the relevant agency has said there is plenty of time for us to take this bill, have a few amendments, a real debate, and come up with a bill that better ensures that Americans are both safe and free.

With that, I yield the floor.

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

The PRESIDING OFFICER (Mr. CRUZ). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LANKFORD. Mr. President, I ask unanimous consent that notwithstanding rule XXII, all postcloture time on the House message to accompany S. 139 expire at 12:15 p.m. on Thursday, January 18.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for approximately 15 minutes as in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, now, for the 193rd time, I will give my ''Time to Wake Up'' speech, and as I do so, we are coming up on President Trump's anniversary in office. Unfortunately, this occasion does not offer the American people much to celebrate. Behind the persistent tweets and the dog whistles, the Trump Presidency has been a spectacle of special interests and self-dealing. Billionaire donors have endless access installing their operatives and pursuing their special interest goals throughout the executive branch. They are literally writing the rules in an unambiguous effort to enrich themselves evermore at the expense of everyone else.

Fossil fuel barons are the new American dark money emperors. Carl Icahn, early on, got himself installed as a special adviser to the President on regulatory reform and began pushing for a change to the renewable fuel standard that would net one of his companies, CVR Energy, hundreds of millions of dollars. Icahn's insider campaign came to an end in August of last year right around the time a New Yorker article outlined the potential legal claims that could arise from his murky status and self-dealing. Federal investigators have since opened a probe into Icahn's time at the White House.

Then came Murray Energy Corporation CEO and big Trump donor Bob Murray with his policy wish list for Trump officials. He called it his action plan. Murray had donated $300,000 to the President's inauguration, and he donated hundreds of thousands of dollars to political action committees affiliated with the EPA Administrator and fossil fuel operative, Scott Pruitt. In a ''Frontline'' documentary, Bob Murray bragged about giving the administration this action plan and that the first page was already done.

Well, I was curious to see the Bob Murray action plan for the Trump administration, so I joined Senator CARPER, our ranking member on the Environment and Public Works Committee, and asked the White House for a copy of the Bob Murray action plan. The White House ignored our request and to this date has never responded.

I guess the White House was busy organizing Trump's nominee for second in command at the EPA: a lobbyist for, guess who—Bob Murray and Murray Energy. During the Murray Energy lobbyist's EPA confirmation hearing, he claimed he did not have the Bob Murray action plan. He admitted he had seen the Bob Murray action plan at a meeting between Bob Murray and Energy Secretary Rick Perry last March, but he could not recall details of what was in the action plan or what was discussed in the meeting. Lobbyists for energy companies who get one-on-one meetings with the Secretary of Energy often little note nor long remember what went on at the meeting.

Anyway, I asked the Department of Energy whether they had a copy of the elusive Bob Murray action plan. Shortly after my request, and before we heard anything from the Department of Energy, the magazine In These Times released photos of that March meeting that the Murray lobbyist had mentioned between Secretary Perry and Bob Murray.

This photo shows Bob Murray and Secretary Perry. It looks like Bob Murray received a pretty cozy reception from the Energy Secretary. This gentleman, I believe, is another lobbyist for Bob Murray and Murray Energy. After they got through the hugging, they got down to business. There is the Secretary, there is the CEO Bob Murray, there is his other lobbyist, and this is the Bob Murray lobbyist who is now teed up to be the No. 2 at EPA. Right there in the picture is the Bob Murray action plan. This is a closeup of it, and the Presiding Officer can't see from there and nobody on the camera can see, but if you look right here, it talks about power grid reliability in the cover letter signed by Bob Murray, which may have cooked up, since this was a meeting with Secretary Perry, Secretary Perry's power grid reliability proposal to the Federal Energy Regulatory Commission, which included huge subsidies to coal plants.

So we have a coal company CEO bringing his action plan in to Secretary Perry on whose cover letter it talks about power grid reliability, and before you know it, Secretary Perry is proposing a power grid reliability project to the Federal Energy Regulatory Commission that just happens to give the coal industry enormous subsidies. What could possibly be wrong with that?

Well, with this photographic evidence in hand, I renewed my request that the Energy Department produce this Bob Murray action plan. They were no longer able to pretend they didn't have it because they had a picture of it, with the Secretary, on his desk. They nevertheless continued to stonewall me, saying they would provide me the document after responding to FOIA requests from the public.

So, memo to my Senate colleagues, when in the exercise of your oversight authority and the oversight authority of Congress and the Senate you request documents from the Trump administration, you might want to consider putting in a parallel FOIA request as that may be the only way you get a response.

Despite the administration's best efforts to stonewall the Bob Murray action plan, however, my office was able to obtain a copy from an independent source. This version is addressed to Vice President PENCE.

The New York Times has now published the Bob Murray action plan.

Mr. President, I ask unanimous consent to have printed in the RECORD the article they wrote, ''How a Coal Baron's Wish List Became President Trump's To-Do List,'' and the Bob Murray action plan that was the subject of that story at the conclusion of my remarks.

The article details demands made by Murray that have already been checked off by the President and the administration, including the repeal of the Clean Power Plan, withdrawal from the Paris climate agreement, the installation of mining industry operatives at the Mine Safety and Health Administration, and even, believe it or not, the appointment of a fossil fuel-friendly U.S. Supreme Court Justice.

Several more of Bob Murray's action plan requests are underway. At the

Mine Safety and Health Administration, now led by a former coal mine executive, Murray Energy and trade associations are working to undo Obama-era rules to protect miners. The 2010 coal mine dust rule is also on the chopping block. Over at EPA, Bob Murray's political money beneficiary, Scott Pruitt, has begun a review of the Agency's 2015 ozone standards.

Let me just drop in, as a Senator from Rhode Island, we have had days when you drive into work and the skies are clear and the weather is nice and the radio says: Little children, infants and elderly folks and people who have a breathing difficulty should stay indoors in the air-conditioning. They should not go outdoors and enjoy the beautiful day. Why? Because of ozone which is being bombarded in on Rhode Island from—guess what—coal plants in the Midwest. We are in the downstream receiving end of ozone, which is the product of those coal plant emissions. So, obviously, loosening the ozone standards is good for coal companies.

On a new topic, EPA continues to cut and to drive away its staff—all items on Bob Murray's action plan.

Since it appears that Bob Murray has tailored his action plan for individual agencies, I have sent additional requests last week to the Department of Labor, the Environmental Protection Agency, the Federal Energy Regulatory Commission, and the Tennessee Valley Authority, all of which are named in the Bob Murray action plan to see what specific action plans they have from Bob Murray.

The fossil fuel industry may be able to boss Cabinet Secretaries around and may be able to bring the majority party in Congress smartly to heel, but, fortunately, there are still some venues where their demands run smack up against the rule of law. In our courts and in administrative proceedings, decisions must have substantial support in the evidence, and lying and misleading can be exposed and even punished—unlike in Congress, where lying and misleading have been sickeningly successful fossil fuel tactics for decades.

Last week, the independent Federal Energy Regulatory Commission—even one stuffed with Trump appointees—rejected Secretary Perry's proposed power grid reliability rule to subsidize coal and nuclear plants. The FERC Commissioners found that the proposal failed to meet ''clear and fundamental'' legal requirements, like that the result will be ''just and reasonable'' under the Federal Power Act.

As an aside here, the theory of the coal industry was that their units provide more reliability than renewables. Well, tell that to Iowa's electric grid operators, which have baked Iowa's abundant wind energy not just into their flow but into their reliability modeling. Tell that to New England's ISO, which has allowed renewables into its capacity auctions to be paid, for meeting baseload capacity requirements. And, of course, tell that to anyone who has had to deal with scheduled and unscheduled outages at coal plants.

When I went on one of my climate visits to, in this case, Tennessee, I heard about a coal plant that had to be shut down because climate change had warmed the river and shrunk the flow so that the river used to cool the plant was no longer adequate to cool the plant, and they had to go into an unscheduled outage. Wind and solar are very reliable, and the ISOs have baked the algorithms that quantify their reliability into their grid reliability planning.

The ''coal is reliable and renewables aren't'' argument may pass muster on talk shows, but in the real world of grid operators, it is nonsense. FERC, as a rule-of-law agency, is required to face that fact.

America's courts also stand in the way of the Bob Murray action plan agenda. Murray, for instance, has demanded that the EPA overturn its 2009 endangerment finding—the administrative finding that greenhouse gas emissions, like carbon dioxide and methane and so forth, threaten the public health and welfare of current and future generations. That is their finding, that those greenhouse gas emissions threaten the health and welfare of current and future generations. That is why it is called an endangerment finding, because of the danger to the public. Well, good luck challenging that determination in a court of law. In fact, the U.S. Court of Appeals for the DC Circuit has already upheld the endangerment finding back in 2012.

Even the fossil fuel flunky running the EPA now knows better than to challenge that endangerment finding. If he thought he could, he would in a heartbeat, but he is clever enough to know that an avalanche of climate evidence would fall in on his head if he tried. Witnesses from virtually every leading State university in the industry, from Alaska to Oklahoma to Georgia to Maine; expert scientists from our National Laboratories, from Idaho to Tennessee; our national security agencies and our military; America's government watchdog agencies, like the GAO and the GSA; and even the Trump administration's own recent climate report, all, would pile on the conclusive evidence of climate change. And on the other side would be what? Pathetic Kathleen Hartnett White, who gave one of the worst performances in Senate history at her confirmation hearings? The secretly fossil-fuel-funded Willie Soon? Some coal company lobbyist? Or perhaps the Heartland Institute, with its proud history of comparing climate scientists to the Unabomber?

It would be a rout. It would be a rout, and even Pruitt knows it. The reason it would be a rout is because of the rule of law—the rule of law requirements of the Administrative Procedures Act, the rule of law specter of judicial review, and the rule of law sanctions that courts impose for false evidence.

Certainly, Bob Murray and his surrounding crowd of bad-acting fossil fuel billionaires know how to throw their political weight around. We see everywhere the phony science denial apparatus they have created. We see their false and toxic messages even in outlets like the Wall Street Journal editorial page. We see their lobbying front groups like the U.S. Chamber of Commerce, continuing adamantly to oppose any serious climate legislation despite the contrary position of companies on their board of directors. American elections stink with their dark money and promises and threats. Their flunkies have now been moved into positions of authority in government, and the Trump's administration eagerness to carry out industry marching orders is humiliatingly servile.

Ultimately, the polluters' drive to put profit first above the health and safety of Americans will face strict scrutiny in the truth-based arena of Federal courts. Ultimately, it will also face the harsh test of time, as the fact that they knew and the fact that they lied becomes ever more obvious and ever more odious. Ultimately, the American voter will have her say about whether this great Republic should be under the dominion and control of the fossil fuel industry or free to address the problem of climate change as a rational world leader must.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The New York Times, Jan. 9, 2018]

HOW A COAL BARON'S WISH LIST BECAME PRESIDENT TRUMP'S TO-DO LIST

(By Lisa Friedman)

WASHINGTON.—President Trump's first year in office has been a boon for the coal industry, with the Trump administration rolling back regulations on coal-fired power plants and withdrawing the United States from the Paris climate change agreement.

Environmentalists have expressed alarm at the new direction, and have complained that Mr. Trump was following a blueprint from the coal industry. A confidential memo written by the head of the country's largest coal mining company suggests they might not be wrong.

The memo was written by Robert E. Murray, a longtime Trump supporter who donated $300,000 to the president's inauguration. In it, Mr. Murray, the head of Murray Energy, presented Mr. Trump with a wish list of environmental rollbacks just weeks after the inauguration.

Nearly a year later, the White House and federal agencies have completed or are on track to fulfill most of the 16 detailed requests, even with Monday's decision by federal regulators to reject a proposal by Energy Secretary Rick Perry to subsidize struggling coal and nuclear plants.

The March 1 memo, which was obtained by Senator Sheldon Whitehouse of Rhode Island and shared with The New York Times, is addressed to Vice President Mike Pence. The sweeping wish list of regulatory overhauls includes ending regulations on greenhouse gas emissions and ozone and mine safety, as well as cutting the staff of the Environmental Protection Agency ''at least in half''

and overhauling the Labor Department's office of mine safety.

''I give President Trump and his administration credit for being bold, being passionate and being correct in addressing a lot of these issues that were on my list here,'' Mr. Murray said in an interview Tuesday.

Photographs of portions of a different memo, dated March 23 and addressed to Rick Perry, the secretary of the Department of Energy, were obtained by the magazine In These Times last year. They were taken during a meeting Mr. Murray held on March 29 with Mr. Perry and others at the Energy Department, according to the magazine.

Mr. Murray on Tuesday described the memos as very similar.

The March 1 ''Action Plan for the Administration of President Donald J. Trump'' is aimed, Mr. Murray wrote in the memo, at ''getting America's coal miners back to work.'' He also asks the federal government to cut funding for carbon capture and sequestration technology—which Mr. Murray called ''a pseudonym for 'no coal' ''—and eliminate a 2009 E.P.A. ruling known as the endangerment finding that was the legal justification for much of the Obama administration's climate change policy.

''This list was to remain private, a list of things that needed to be done for reliable, low-cost electricity in America. That was my number one goal here, was to give guidance to the administration in an area that I have observed over 60 years,'' Mr. Murray said.

Critics say Mr. Murray's list and the apparent ease with which he was able to get it in front of cabinet officials and others illustrates the open-door access the Trump administration has offered energy and other industries as it moves to redirect and weaken federal regulations.

''The astonishing presumption of this list,'' Mr. Whitehouse, a Democrat, said. ''It's an extraordinary arrogance of the fossil fuel industry based on the power they wield in Washington, D.C.'' He said even though Mr. Murray had bragged about the action plan on a Frontline documentary last year, the Energy Department had declined his requests to immediately release the memo.

''The power of the fossil fuel industry around here is so great I think the industry feels they can count on simply not complying with requests,'' Mr. Whitehouse said.

The Energy Department did not respond to a request to discuss the memos from Mr. Murray.

The Trump administration has had an unusually close relationship with Mr. Murray. He and 10 of his miners were invited to watch the president sign an executive order to rollback President Obama's climate change regulations. He has met with Mr. Perry to discuss the needs of coal producers. His longtime attorney, Andrew Wheeler, is awaiting Senate confirmation to the No. 2 slot at the E.P.A., and David Zatezalo, the nation's new top mine safety and health regulator and previously the president of a coal mining company, told his hometown paper that Mr. Murray had encouraged him to put his hat in the ring for the job.

Jeffrey Holmstead, a lawyer with the firm Bracewell and a deputy administrator of the E.P.A. in the George W. Bush administration, called Mr. Murray's action plan ''an ambitious list.'' While interest groups always try to influence policy in a new administration, Mr. Holmstead said Mr. Murray's status with the administration set him apart.

''I really don't think it's at all unusual that Murray would have this wish list or a set of recommendations. What makes it different is that it's pretty clear that he has a personal relationship with the president,'' Mr. Holmstead said. ''It seems like given Mr. Murray's relationship with the president that he had more of an expectation that these things were going to be accepted or implemented.''

One item not on the list yet important to Mr. Murray was an order the Federal Energy Regulatory Commission rejected Monday to subsidize struggling coal and nuclear power plants. Mr. Murray railed against that decision saying it would lead to the decommissioning of coal and nuclear power plants.

Environmental groups have accused Mr. Murray of directly asking Mr. Perry for a proposed rule to reward coal and nuclear power plants for providing ''grid resiliency.'' The March 1 memo does not mention the grid, though photographs of the cover page of the March 23 document to Mr. Perry obtained by In These Times shows its focus is ''a plan for achieving reliable and low cost electricity.''

Soon after Mr. Murray's meeting at D.O.E., Mr. Perry ordered the agency to prepare a study on the country's electric grid reliability, a precursor to ordering the federal government to subsidize struggling coal and nuclear plants.

Mr. Murray and a spokesman, Gary Broadbent, said the difference between the two memos was that the one provided to Mr. Perry asked the Energy Department to study the security of the nation's power grid.

''I suggested that the study be made,'' Mr. Murray said. ''What they did from there, the administration did. I did not have involvement in it.''

One of the items on the 16-point list was an overhaul of FERC regulators, and the Trump administration accomplished that. But those Trump-appointed commissioners voted against the plan to bail out coal and nuclear.

''Obviously they forgot who appointed them right out of the box,'' Mr. Murray said.

Correction: January 16, 2018

An earlier version of this article misstated the number of suggested actions in a memo that Robert E. Murray submitted to the Trump administration. It had 16 suggestions, not 14.

MURRAY ENERGY CORPORATION,
St. Clairsville, OH, March 1, 2017.

Hon. MICHAEL R. PENCE,
Vice President of the United States of America, The White House, Washington, DC.

DEAR VICE PRESIDENT PENCE: Enclosed is an Action Plan for the Administration of President Donald J. Trump, which will help in getting America's coal miners back to work. We have listed our suggested actions in order of priority.

We are available to assist you and your Administration in any way that you request.

Sincerely,

ROBERT E. MURRAY,
Chairman, President & Chief Executive Officer.

ACTION PLAN FOR THE ADMINISTRATION OF PRESIDENT DONALD J. TRUMP

CLEAN POWER PLAN

The so-called Clean Power Plan must be eliminated. Murray Energy Corporation obtained a stay of this rule before the Supreme Court of the United States on February 3, 2016. This illegal rule will close au additional fifty-six (56) coal-fired electric generating plants, totaling 53,000 megawatts, on top of the 101,000 megawatts (411 coal-fired plants) that President Barack Obama and his Democrat supporters have already closed.

''ENDANGERMENT FINDING'' FOR GREENHOUSE GASES

With the overturning of the Clean Power Plan, there must be a withdrawal and suspension of the implementation of the so-called ''endangerment finding'' for greenhouse gases.

EPA's ''endangerment finding'' under the Clean Air Act serves as the foundation for the agency's far reaching regulation of the economy in the form of emission limitations for greenhouse gases, including carbon dioxide. The high degree of uncertainty in the range of data relied upon by EPA combined with the enormous regulatory costs without concomitant benefits merit revisiting the ''endangerment finding''.

According to EPA's finding, the ''root cause'' of recently observed climate change is ''likely'' the increase in anthropogenic greenhouse gas emissions. EPA relied upon computer-based-climate-model simulations and a ''synthesis'' of major findings from scientific assessment reports with a significant range of uncertainty related to temperatures over 25 years. The climate model failures are well documented in their inability to emulate real-world climate behavior. Models that are unable to simulate known climate behavior cannot provide reliable projections of future climate behavior. As for the scientific assessments underlying the ''synthesis'' of findings used by EPA, many were not peer reviewed, and there are multiple instances where portions of peer reviewed literature germane to the ''endangerment finding'' were omitted, ignored or unfairly dismissed.

ELIMINATE THE THIRTY (30) PER CENT PRODUCTION TAX CREDIT FOR WINDMILLS AND SOLAR PANELS IN ELECTRICITY GENERATION

Electricity generated by windmills and solar panels costs twenty-six (26) cents per kilowatt hour with a four (4) cent per kilowatt hour subsidy from the American taxpayers. These energy sources are unreliable and only available if the wind blows or the sun shines. Coal-fired electricity costs only four (4) cents per kilowatt hour. Low cost electricity is a staple of life, and we must have a level playing field in electric power generation without the government picking winners and losers by subsidizing wind and solar power.

WITHDRAW FROM THE ILLEGAL UNITED NATIONS COP 21 PARIS CLIMATE ACCORD

The United Nation's COP 21 Paris Climate Accord, to which Barack Obama has already committed one (1) billion dollars of America's money, is an attempt by the rest of the world to obtain funding from our Country. It is an illegal treaty never approved by Congress, and it will have no effect on the environment.

END THE ELECTRIC UTILITY MAXIMUM ACHIEVABLE TECHNOLOGY AND OZONE REGULATIONS

We have won these issues in the United States Supreme Court, and these rules must be completely overturned.

FUND THE DEVELOPMENT OF CERTAIN CLEAN COAL TECHNOLOGIES

The Federal government, must support the development of some Clean Coal Technologies, including: ultra super critical combustion; high efficiency, low emission coal firing; combined cycle coal combustion; and others. It should not fund so-called carbon capture and sequestration (''CCS''), as it does not work, practically or economically. Democrats and some Republicans use COS as a political cover to insincerely show that they are proposing something for coal. But, carbon capture and sequestration is a pseudonym for ''no coal''.

OVERHAUL THE BLOATED AND POLITICALIZED MINE SAFETY AND HEALTH ADMINISTRATION OF THE U. S. DEPARTMENT OF LABOR

This Federal agency, over the past eight (8) years, has not been focused on the coal

miner safety, but on politics, bureaucracy, waste, and violation quotas. While coal mine employment has been cut in half, the Federal Mine Safety and Health Administration has continued to hire inspectors every year. But, the government has nowhere to put them. Murray Energy Corporation received an average of 532 Federal inspectors per month in 2016. We must send a Company manager with every one of these inspectors, taking us away from our employee safety inspections and safety training.

CUT THE STAFF OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN AT LEAST HALF

Tens of thousands of government bureaucrats have issued over 82,000 pages of regulations under Obama, many of them regarding coal mining and utilization. The Obama EPA, alone, wrote over 25,000 pages of rules, thirty-eight (38) times the words in our Holy Bible.

OVERTURN THE RECENTLY ENACTED CROSS-STATE AIR POLLUTION RULE

This regulation particularly punishes states in which coal mining takes place to the benefit of other wealthier east coast states.

REVISE THE ARBITRARY COAL MINE DUST REGULATION OF THE MINE SAFETY AND HEALTH ADMINISTRATION OF THE DEPARTMENT OF LABOR

This regulation provides no health benefit to our coal miners, and threatens the destruction of thousands of coal mining jobs.

OBTAIN LEGISLATION TO FUND BOTH THE RETIREE MEDICAL CARE AND PENSIONS FOR ALL OF AMERICA'S UNITED MINE WORKERS OF AMERICA (UMWA)—REPRESENTED, RETIRED COAL MINERS

For four (4) years, Senate Majority Leader Mitch McConnell has refused to address this issue. Some say that this is because the UMWA wrongly opposed him in his recent election. This must be taken care of. And the legislation enacted must address not just those recently orphaned through company bankruptcies and mine closures, but the medical benefits and pensions that were promised to all retired miners by the Federal government itself.

OVERTURN THE NINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR, PATTERN OF VIOLATIONS RULE

This rule is a punitive action of the Mine Safety and Health Administration under its Director for the past eight (8) years, the former Safety Director of a labor union.

APPOINT JUSTICES TO THE SUPREME COURT OF THE UNITED STATES WHO WILL FOLLOW OUR UNITED STATES CONSTITUTION AND OUR LAWS

We must offset the liberal appointees who want to redefine our Constitution and our laws.

MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION MUST BE REPLACED

The current Federal Energy Regulatory Commission has a record of favoring actions of the Obama Administration that have destroyed the reliability of America's electric power grid and which have led to skyrocketing electric power costs, as Mr. Obama, who appointed them, stated would occur in 2008.

MEMBERS OF THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS MUST BE REPLACED

The Board of Directors of this government agency has followed the mandates of the Obama Administration, rather than assure reliable, low cost electricity for the Tennessee Valley Authority's rate payers, whom they are mandated to serve in this manner.

REPLACE THE MEMBERS OF THE NATIONAL LABOR RELATIONS BOARD (''NLRB'')

Eliminate the antiemployer bias of the NLRB by appointing members and staff, particularly in the General Counsel's office, who will fairly consider the employer's position and needs and not automatically accede to the unions or unionized employees in every matter considered.

Mr. WHITEHOUSE. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

CONFRONTING ISSUES THE RIGHT WAY

Mr. LANKFORD. Mr. President, a few days ago, our Nation stopped and remembered Dr. Martin Luther King, Jr. It is entirely appropriate for us to do so. It is a holiday set aside to be able not only to remember but to reflect and try to figure out: Where are we now?

This year is especially significant. Fifty years ago this year, Dr. King was assassinated in April 1968. A lot of things have changed in that time period. Quite frankly, as a nation, we have learned a lot about race. We no longer as a nation talk about three-fifths of a man anymore—rightfully so, and we are appalled by our history in that. We no longer have separate water fountains set up in restaurants or tell certain people because of their background, their family, or their skin color that they can take food to go but they can't come in and sit down.

We have come a long way in hiring. We have come a long way in just our communities and our schools. The work is not done. We still have a long way to go, quite frankly.

Dr. Martin Luther King, Jr., was bold enough to be able to challenge the church first, then the Nation, and then the world that we have an issue around the issue of race. He was going to challenge us to confront it—rightfully so. He challenged us on the issue of racial justice, on poverty, on education, but he also challenged us on the way that we speak out on issues, and I think we lose track of that as a culture.

Quite frankly, as a Senate and as a Nation, we are losing track of one of the things Dr. Martin Luther King challenged us on: There is a right way to confront issues and a wrong way to confront issues. Dr. King did something revolutionary. He pushed a community to confront injustice the right way, and he won.

He made radical statements like this:

Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.

Dr. King said:

I have decided to stick with love. Hate is too great a burden to bear. Love is the only force capable of transforming an enemy into a friend.

For whatever reason, we lose track of Dr. King's statements about ''love is a powerful thing.'' We start as a culture responding with hate to respond to hate. When someone says something hateful, we respond back with something more hateful back at them. It doesn't actually solve anything, and we lose the great model that he really set for us in that.

If we want to make enemies friends, only love can do that, only relationships can do that, only pressing a friend to do the right thing can do that. Now, is that happening in our culture? No. It is in spots, but it is not hard to go on any of our social media sites at any moment and be able to see the challenge in our social media sites, where it is not love driving out hate. It is hate attacking hate.

It is remarkable to me. I just glanced at some of the things just of late as I was preparing for this conversation. I look backward at a few of the posts that are on my own social media sites—controversial statements that I made, like, on the 1st when I did a post that just said ''Happy New Year.'' It was a stinging controversial post that was responded to by someone saying: Loser. Liar. Traitor. How much money did you take from Russia, comrade?

That was to my statement of ''Happy New Year.''

I made a statement about how kids who came in under DACA should be treated differently. These are kids who didn't break the law. These are kids who are like the 4-year old riding in the backseat of the car when their parent was speeding. When the parent is pulled over, they don't give the kid a ticket. I made just a quick post about that, and the response to that, among many, was this: What is with his hair color? Dude, get it done professionally. You look terrible.

I just have to say to you: Dude, this is done by a professional. God gave me this hair color, and so there is no bottle involved in this one. It is His work, and I would call Him a pro.

There is all of this talk back and forth about where we are going to go as a culture, and we are losing Dr. King's legacy that hate doesn't drive out hate, that only love does that.

Now, there is a lot of conversation in this body, as well, saying things have never been worse in the Senate and in Congress. I would disagree. Just after Vice President Burr left office, he challenged the Secretary of the Treasury to a duel where he shot the Secretary of the Treasury dead in a duel. In 1850, in the Chamber just right down the hallway here, in what is called the Old Senate Chamber, they were working on a compromise and Senator Foote and Senator Benton were in an argument, and so Senator Foote reached into his desk in the middle of the argument and pulled out his pistol while screaming at Senator Benton, to which Senator Benton jumped on one of the desks that is in this room still today. He jumped on the desk and pulled open his coat, revealing: I don't have a weapon. Shoot me. Shoot me. That was on the Senate floor, and they wrestled Senator Foote to the floor and took his gun away from him.

People can say it has never been worse. I can assure you it has been worse. But what we do have responsibility for is in our time and setting the tone for difficult debate in this moment.

The arguments that happen on the Senate floor and the violence on this

Senator floor, including Senator Sumner being almost beaten to death with a cane just before the Civil War, set a path into the Civil War for the Nation. What is the path we are taking the Nation on right now in our debate?

As a nation, I have a simple reminder that is not mine. It is from a powerful American leader named Dr. King, who said: ''Hate does not drive out hate.'' For anyone who is looking at what is happening in our culture and in politics right now saying ''if only I say something more hateful than the last guy, this will get better,'' you have missed his point.

Dr. King was deeply moved by Scripture, and there are multiple examples of it in his writings and in his speeches. He quoted passages over and over again, like from 1 John, Chapter 4: ''Dear friends, since God so loved us, we also ought to love one another''; Psalm 34: ''Taste and see that the Lord is good.'' Over and over again, he came back to Scripture as just a simple reminder that things can be different for us.

He challenged the church at moments, like in his letter from Birmingham jail, and he challenged culture. In fact, we lose track of the fact that during the civil rights movement, Dr. King was working with both parties to establish platforms for both parties that would respect the dignity of all Americans. It is a good path that has been set for us. In the middle of our conversation about Dr. King, I would hope that we would remember it.

Let me make one quick side note, as well. It is kind of a fun note for those of us from Oklahoma. The story of Dr. King, as many people may know, almost didn't happen the way that it did. In 1953, just finishing up seminary and in the middle of his doctoral work, when he was just Martin Luther King, not Dr. Martin Luther King yet—he was still doing his doctoral work at Boston University. He came to a small church in Oklahoma City that was well respected in the civil rights movement—Calvary Baptist Church. In fact, in 1952, Calvary Baptist Church hosted the national conference of the NAACP and had Thurgood Marshall there as a speaker. In 1953, Dr. King was interviewed there to be one of the pastors at Calvary Baptist Church. The elders in the church heard him, read about him, met him, and then turned him down. This is my favorite quote from one of the elders of the church. They said they didn't think he had enough gravy on him yet. He was too young, not experienced enough. That was in 1953. Ten years later, he was standing on the Mall right down the street saying ''I have a dream,'' leading the entire country.

I say that to say that sometimes we have this assumption that we are in control. We are not. God is in control. He has a path and a plan. Sometimes when we hear no and when we hear hard things, we find out He has a path and plan that may look different from ours.

I would only challenge us as a body to do the right thing the right way and to see where that takes us. As it says in Psalm 34, ''Taste and see that the Lord is good.'' Do it the right way, and let's see how this works out together.

It is a simple reminder and a simple admonition to a body that could use some words from Dr. King and see if we can put them into practice together.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

HAWAII EMERGENCY MANAGEMENT AGENCY ALERT SYSTEM

Ms. HIRONO. Mr. President, when the Sun rose last Saturday in Hawaii, nothing seemed out of the ordinary. People on Kauai were getting ready to participate in the local march to commemorate Dr. Martin Luther King Jr. Day. Families were sitting around the table eating breakfast. Others were sleeping in after a long week of work.

At 8:07, everything changed. Mobile phones throughout Hawaii received an emergency alert in all capital letters informing them of a ballistic missile threat inbound to Hawaii and that this was not a drill. The terror and panic were real, and people's reactions reflected that. Parents passed their children through manhole covers into the sewers, seeking safety for them. Separated family members took to the highways, driving as fast as 100 miles per hour to get home. Some had to decide whether to rush to be with their spouse or their children.

Then 38 minutes later, an emergency alert came through saying that there was no missile threat—false alarm. The relief was palpable. This relief gave way to real, visceral anger. Anger that there was a false alarm. Anger that it took 38 minutes to alert the public. Anger that we faced a missile threat at all.

This incident has undermined the public's faith in our State government's ability to provide timely and accurate information about a potential crisis. At a time when we face heightened tensions around the world—and particularly with regard to North Korea—it is crucial that the people of Hawaii have confidence in the government to provide accurate information. That is why I am calling for a thorough, transparent investigation into what occurred. We need a full accounting of the human and system failures that occurred, and we need to identify and put in place specific steps to make sure nothing like this ever happens again.

What we do know is that the incident was a result of human error. An operator mistakenly triggered the alert. Although the error was discovered quickly, we need to better understand the circumstances that led up to the incident. We need to understand how the operator was trained. We need to identify and understand any other potential issues that resulted in this specific human error.

The State has appointed an investigator to get to the bottom of this, and the State legislature is scheduled to be briefed on preliminary findings this Friday. Once the circumstances that precipitated this error are identified, we, of course, need to correct them as quickly as possible.

Concurrently, we need to understand the system failures that resulted both in the false alert and in the 38-minute delay before the Hawaii Emergency Management Agency, or Hawaii EMA, issued a correction. Why did Hawaii EMA officials believe they needed approval from the Federal Emergency Management Agency, FEMA, to issue a correction? The Secretary of Homeland Security told me at a hearing yesterday that no such permission was necessary, pointing to a need for clarity regarding Agency responsibilities.

State governments oversee and operate local emergency management alert systems, but the Federal Communications Commission, FCC, and the Department of Homeland Security, through FEMA, have a role to play to make sure that these systems are operating properly.

During yesterday's hearing in the Judiciary Committee, Secretary of Homeland Security Kirstjen Nielsen committed to working with me to strengthen the Federal-State cooperation on emergency alerts, assess potential failures, and improve overall readiness in Hawaii and across our country.

The FCC is also conducting an investigation into what happened.

The entire Nation will benefit if these key Federal agencies work with States to close gaps in training and communication, institute best practices, and ensure that our States and local governments have the appropriate resources to prevent this kind of occurrence from happening again.

This false alert also clarified the importance of strong coordination between the State government and our military. Over the weekend, I also spoke with Admiral Harris of Pacific Command about ways to strengthen this coordination, particularly during a period of heightened tensions with North Korea. The fact that the people in Hawaii immediately assumed that the missile originated from North Korea speaks to the broad concern about the potential for conflict and the threat that North Korea poses to our State and the rest of the country.

We need to support and strengthen diplomatic efforts regarding North Korea because at a time, as I mentioned, of heightened tension between the United States and North Korea, the potential for miscalculations increases.

The President, rather than engaging in a tit-for-tat with Kim Jong Un, should be supporting Secretary of State Rex Tillerson's efforts to engage in meaningful diplomacy and marshal the support of our allies to diffuse tensions with North Korea.

I spoke earlier with Secretary of Defense James Mattis to emphasize the urgency of resolving this situation peacefully, knowing that he had just

returned from a multinational meeting with a number of key allies, including Japan and South Korea. This meeting was to focus on North Korean provocations. This meeting was cosponsored by the Secretary of State, Rex Tillerson, in Vancouver. Secretary Mattis was at that meeting to provide a military perspective. In our conversation, he reiterated to me the importance of strong diplomatic efforts to resolve tensions with North Korea.

I call on the President to support these kinds of initiatives and to give Secretary Tillerson all the resources he needs to succeed in his diplomatic endeavors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

TRIBUTE TO ROBERT DOLE

Mr. MORAN. Mr. President, we had a very special day in the Capitol this afternoon, and I am grateful that we as a nation were able to honor Senator Robert Dole by presenting him with the Congressional Gold Medal. It is the highest civilian honor the United States can bestow.

Senator Dole joins a list of very esteemed Americans going back to 1776, with President George Washington as the first recipient of this award. The Gold Medal shows our highest expression of national appreciation for distinguished achievements and contributions, and Senator Dole is such a deserving recipient of this award. It was a real honor and pleasure for me to be there to see this take place.

Senator Dole is known, obviously, as a former Member of the Senate, a majority leader, and a Presidential candidate, but I would put at the top of my list of the attributes that I admire and respect Senator Dole's service in our military.

Senator Dole joined the Army shortly after the attack on Pearl Harbor. He was 21 years old and left Russell, KS, and ended up on a battlefield in the hills and mountains of Italy. He suffered for 9 hours after being hit by a Nazi bullet that did tremendous damage to his body and to his life. But that wasn't the end, as it could be for some people—even if people continued to live after these traumatic injuries. This was a recovery process that began that day for Senator Dole.

I once heard a story about Bob Dole's commitment to our country, and it stuck with me. There are lots of Dole stories, particularly in Kansas. Bob Dole used his injuries to learn about caring—not for himself but for others. His service in World War II—again, what I greatly admire and esteem—also resulted in his effort to raise money, with no taxpayer dollars involved, to build the World War II Memorial that is now on the National Mall. Senator Dole took that task on and made certain that happened for his soldiers and fellow colleagues who served in World War II. He went out and raised money across the country. He was out in Hollywood, CA, and he was visiting with one of those people who have lots of money. Senator Dole asked for that person's support for this project, and he was told by that wealthy person that he was not interested. ''I have other priorities.'' Senator Dole responded to that mogul: ''When I was 22, I had other priorities, too. I went to war.'' That is the Bob Dole who every day since then has gone to battle on behalf of Americans, other Kansans, and people across our country.

His service in many ways began with his military service but has continued every day since his days in the 10th Mountain Division. During his nearly 36 years on Capitol Hill, Senator Dole became known as the leader who worked relentlessly to forge alliances and to pass significant legislation. Today, he serves as a role model for those of us involved in this legislative process. We ought to be fully engaged in the kind of public service that Senator Dole represented. Senator Dole has used his experiences to be a champion every day for those individuals with disabilities and for veterans.

Coming from Kansas, he had an appreciation for those who were in need of food. Senator Dole grew up in the Depression and knew tough times, but it became a goal for him to see that people who were hungry were fed. It is one of the reasons I continue to chair and work in the Senate Hunger Caucus. Kansas is a place where we raise a lot of food but recognize there are a lot of people who are still hungry. We have a role that we can play, and Senator Dole provided the leadership to accomplish that.

I now occupy this desk. It is kind of an amazing development, but this is the desk that Senator Dole had on the Senate floor during his time here, and this desk allows me to be reminded of the type of public service that too often we think is a thing of the past. It doesn't have to be a thing of the past; it could be a thing of the present. And each of us can use that role model to make certain that in our day, we do the things necessary to bring people together and to find solutions to common problems.

There probably is no one living from Kansas more admired and respected than Senator Bob Dole. For three decades, he was our Congressman and our Senator.

He grew up just down the road in Russell, KS, just a few miles from my hometown. I have seen what continues today to be the love and respect of Kansans—particularly those from small towns and particularly those from his hometown of Russell—and their regard for him. We ought to work every day to honor his legacy.

I think there is something about growing up in smalltown America. There are differences of opinions in small towns. There are Republicans and Democrats in communities across Kansas, and there are people who go to this church and that church, but when you are in a small town, you have no choice but to figure out how to get along and how to solve problems and how to work together. Bob Dole brought that Kansas common sense and good will and desire to have achievements instead of a fight to the U.S. Senate.

I honor Senator Dole for his military service and for his public service as an elected official of our government. I thank him for his efforts on behalf of veterans, on behalf of people with disabilities, and on behalf of people who are hungry.

I ask my colleagues, in honoring Senator Dole by presenting him a medal today, that that is not all we do; that we honor his work by doing ours better.

I have been with Senator Dole at the World War II Memorial. When Honor Flights come to Washington, DC, he is there. He is there almost every time a Kansas group comes to the World War II Memorial, but he is there when almost any group of World War II veterans come to visit the World War II Memorial. I have watched the way they respond to him, and the mutual respect between him and fellow veterans is inspiring and unparalleled.

I am a firm believer that we change the world one person at a time and one soul at a time, and Bob Dole has been making that difference—changing lives for 94 years.

Thank you, Senator Dole, for your distinguished service to our country and especially to our home State of Kansas. The world is a better place because you are in it, and we hope you take great satisfaction by knowing that your colleagues in Congress today honor you with the Congressional Gold Medal because it reflects the truth of what a high-quality person of character you are.

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. 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.

MORNING BUSINESS

REMEMBERING JAMES WILLIAM MEEKS

Mr. DURBIN. Mr. President, it is with a heavy heart that I share the news that Deacon James William Meeks passed away last Christmas Eve at his home in South Holland, IL. A longtime resident of the Chicagoland area, he was 90 years old.

James William Meeks was born and raised in the Mississippi Delta town of Carrolton. Before moving to Chicago, James worked as a short-order cook at a hotel in Mississippi. One day, he met a young lady by the name of Esther