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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the foundation of true wisdom, You extend Your powerful dominion over the universe. Stand by our lawmakers, and protect them with Your might. Lord, refresh them with Your wisdom as You prepare them not only for time but eternity. Lord, we praise You for ethically congruent lawmakers, who, in their inmost beings, are true and honest. Give us more Senators who are as true to duty as the needle to the pole. Give us more legislators who are not afraid to call sin by its right name. Lord, provide us with more patriots who will stand for right regardless of the consequences.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 25, 2017.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RAND PAUL, a Senator from the Commonwealth of Kentucky, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. PAUL thereupon assumed the CHAIR as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the Palk nomination, which the clerk will report.

The legislative clerk read the nomination of Scott L. Palk, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

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

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

TAX REFORM

Mr. McCONNELL. Mr. President, Senate Republicans had a productive discussion with President Trump yesterday about our shared agenda. We were particularly focused on how to bring tax relief, economic growth, and jobs to the middle class through tax reform.

It is clear we share a lot of the same goals. It is clear we are united in an ef-

fort to take more money out of Washington's pockets and put more in middle-class pockets. It is also clear we are all excited about this once-in-a-generation opportunity to get America going again and growing again.

So we are watching our friends in the House with anticipation as they consider the comprehensive, responsible budget that cleared the Senate last week. We anticipate they will pass it by the end of the week. Once they do, we will have important legislative tools to move tax reform forward. That is something everyone can look forward to. More importantly, that is something the American people deserve, especially after so many years of an economy that failed to reach its potential—an economy that, so often, failed them.

Tax reform represents the single most important thing we can do today to get the economy reaching for its full potential. We are looking forward to taking the next steps very soon to get it done.

Mr. President, on another matter, I would like to again commend President Trump for the outstanding judicial nominees he has sent us this year. So far, every nominee we have brought to the floor has been confirmed by a majority vote in the Senate. In some cases, those majority votes have been bipartisan and massive, like 95 to 1, like 97 to 0. Yet almost every time a judicial nominee is brought to the floor—even nominees with votes like these, nominees whom both parties support—Democrats throw up partisan procedural roadblocks. For what reason? Certainly, it is not to change the outcome. No. Like I said, in many cases, Democrats actually support the nominees. They are just wasting more of the Senate's time because they can. They are doing it again now. Let's take the two judicial nominees who are currently before the Senate.

First, there is Scott Palk. After nearly two decades as a State and Federal

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



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prosecutor, Mr. Palk has the legal skill and community support to excel as a U.S. district judge for the Western District of Oklahoma. The Senate Judiciary Committee approved his nomination by a large, bipartisan vote of 17 to 3.

Then there is Trevor McFadden. Mr. McFadden's sterling record of public service makes him an ideal candidate for the U.S. District Court for the District of Columbia. Not a single Member—not one—of either party opposed him.

These nominees should have sailed to confirmation yesterday. Instead, Democrats are forcing us to waste time so we can again arrive at the exact same conclusion, but simply later this week.

This really has to stop.

In President Obama's first year in office, Republicans forced this procedural hurdle for a single judicial nominee, and it was a controversial one.

Let me say that again. In President Obama's first year in office, Republicans forced the procedural hurdle we have had to endure many times for one nominee, and that nominee was controversial.

In President Trump's first year in office, Democrats have forced this procedural hurdle for every single judicial nominee except one, even if they actually supported him or her in the end. This is just the kind of partisan game that Americans are so sick of.

President Trump should be commended for his strong judicial picks. The Senate is going to keep working hard to confirm them, and we are going to succeed. The only question is whether the Democrats are going to keep wasting more of the Senate's time getting there. I hope they won't. I hope they will end these pointless games so that the Senate can keep its time and focus where it belongs.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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.

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, good morning.

COMMENDING SENATORS FLAKE AND CORKER

Yesterday we all learned that our colleague Senator FLAKE will be retiring at the end of his term. After Senator CORKER's announcement a few weeks ago, this was another blow to this body. Senators FLAKE and CORKER are both men of principle, decency, and conscience.

In his address here on the floor shortly after his announcement, Senator FLAKE alluded to the great figures of history who toiled at these desks to remind us that our time here is only

temporary. He is certainly right. It should comfort him, however, that history will judge Senator FLAKE and Senator CORKER as two men of the greatest conscience to have graced this Chamber on either side of the aisle in a long time. This Senate will be much poorer for their departures.

THE BUDGET AND REPUBLICAN TAX PLAN

Mr. President, last week the Senate passed one of the worst budgets in our Nation's history. It excuses one of the most massive expansions of the national debt ever—\$1.5 trillion. It directs the committees to take a sledgehammer to Medicaid and Medicare, again to the tune of \$1.5 trillion, and it sets up the same awful, partisan process that Republicans used to try to jam healthcare through for tax cuts.

The budget is now before the House. I hope every House Member is taking a close look at it, and Republican Members who come from States such as New York, New Jersey, Washington, California, Pennsylvania, Virginia, Illinois, and Minnesota should pay particular attention to the issue of State and local deductibility. There is no doubt the elimination of State and local affects States and congressional districts over the entire country.

For instance, one of the States that pays the highest rates and gets the highest tax break from State and local is Utah. Thirty-five percent of Utahns take it because it is such a large percentage tithe, and they don't use the standard deduction. It affects middle-class families in every State. In the State it has the lowest effect on, West Virginia, it will still affect 17 percent of families. I don't have the numbers in front of me, but my guess is that Kentucky, the home State of our Acting President pro tempore, is probably in the twenties. But in many States, the State and local deduction is claimed by over one-third of taxpayers and amounts to tens of thousands of dollars a year in deductions.

In California, 34 percent of taxpayers take the deduction for an average of \$18,400. In New Jersey, 41 percent of taxpayers claim State and local with an average deduction of \$17,850. Faced with this, some of our colleagues are looking for a compromise. They say: Well, let's just take away the deduction for the people who earn above \$200,000, \$300,000, or even \$400,000. Or they say: You can choose between taking the State and local deduction or the mortgage deduction. That is like saying: Taxpayer, we will chop off your left hand or your right hand, but we will give you the choice.

Even without the mortgage trade, a compromise doesn't work. It doesn't work for a few reasons. No. 1, it is double taxation. You are being taxed on paying tax. No. 2, for States like New York, particularly my upstate colleagues, it chases away businesses. Companies don't want to locate in a place where their top executives are going to pay a lot more, because they can't deduct their taxes. No. 3, it low-

ers State income so that whether or not you use the State and local deduction, your school board, your road building, your police, and your fire departments will be hurt as they will be creating a huge deficit.

So a compromise doesn't work here. I have named some of my Republican colleagues in New York. One of them got very mad yesterday. All I say is this: In 1986 there was a Democratic tax reform bill led by Senator Bradley and Congressman Gephardt. I had the same conviction and with the same strength and velocity opposed their taking away State and local, even though they were of my own party. We worked hard and we succeeded. Tax reform passed in 1986 with Ronald Reagan's blessing. I supported it. It was real tax reform. We closed loopholes and lowered rates. We did not just give massive tax breaks and let the deficit go up. But State and local was removed, and the bill still passed.

So I would simply ask my Republican colleagues to oppose their party leadership when it hurts their States and constituencies, as I did back in 1986 when I was a fourth-term Member of Congress.

Now a few Members of the New York and New Jersey delegation—a whole bunch in New York—have come out against the elimination of State and local deductibility. I salute them. They have done what they should do. In the eyes of the Founding Fathers, they have represented their States and their constituents. They have not represented these hard-right, corporate, wealthy interests that just want their taxes reduced. Are the remaining Members of the Republican delegation from New York and New Jersey, as well as Members from Washington State, California, Pennsylvania, Virginia, Minnesota, Illinois, and all the other States going to stand up now because they know this hurts middle-class constituents? This is not a tax break for the rich. The rich have lots of other big tax breaks, and the property taxes that they pay are not that much in terms of their income. I hope they will stand up as some of my courageous colleagues have in New York State and in New Jersey.

Here is another reason we don't want to eliminate the State and local deduction. A recent study by PricewaterhouseCoopers found that under the Republican tax plan, any homeowner with an income of between \$50,000 and \$200,000 would see an annual average increase of \$815.

Here is the amazing part of their study. They say that home prices would fall 10.2 percent in the short term. That makes sense. If you are a new homeowner or buying another home, you calculate: How much is my mortgage? How much are my property taxes? What deductions will I get? If you don't get the deduction, you have less money to pay the mortgage because you are paying higher taxes. So the demand for homes goes down, the

price new home buyers are willing to pay is less, and home prices go down.

So my Republican colleagues, particularly those in the House who have to vote on this bill tomorrow, are going to hit their middle-class and upper middle class constituents with a double whammy if they vote for this bill. They will pay more taxes, their home values will go down, and home values are the rock of the middle class. That is what people work for their whole lives. The happiness someone 45 or 50 years old has when they pay off their mortgage and their home is theirs is great. Why delay that? Why impede that? Why impugn that?

Are our Republican colleagues willing to go home and explain to their middle-class constituents why their taxes are going up and their home values are going down? Because if they are not willing to confront that, they shouldn't vote for this bill.

The budget is a betrayal of the middle-class men and women who sent House Members to Congress, who sent all of us to the Senate and the House. For many in the middle class, as I said, it raises taxes and erodes property values. And why? To lavish tax breaks on big corporations and the superrich. Its main focus is to give a tax cut to corporations and the top 1 percent.

I would say to the average American: Is your No. 1 goal reducing taxes on big corporations and the richest people in America? Well, that is the Republican Party's No. 1 goal. They say they must have tax reform. It is their No. 1 priority. And this bill, the core of it, the *raison d'être* for it, is to cut taxes on big corporations and the wealthiest people.

Again, to the American people: Is your No. 1 goal the same as the Republican Party's here in the Senate and in the House—to cut taxes on the richest corporations, to cut taxes on the wealthiest individuals? I don't think so. Do you, Mr. and Mrs. American, think that is what Congress should be gearing up to do when it has done so little? I don't think so. The Republican Party is making a huge mistake.

It is not that there shouldn't be tax reform. There should be—but real reform. Big corporations pay a real rate of 16 percent. If we were to lower those rates and close loopholes, we would be doing the economy a favor. As I said, I helped pass that in 1986 once they abandoned State and local deductibility. If it is simply to give a huge tax cut to the wealthiest people and biggest corporations, the recent polling data has shown that the vast majority of Americans are against it. A majority of Americans say: If it means a small tax break for me and a big tax break for the wealthiest, I am not for it.

So I am going to challenge my Republican colleagues: Go out there and speak plainly and honestly about your plan. Don't hide behind fake talking points and fake math. It is a massive tax cut for corporations and the wealthy. Defend it, why you think it is

a good idea. I know some of you truly believe—the Senator from Pennsylvania, a Republican, has spent his lifetime, when he was at the Club for Growth, advocating that cutting taxes on the biggest corporations and wealthiest individuals fuels the economy. Talk directly about it.

I hear the words “middle class” coming out of our Republican colleagues' mouths but not “wealthy” or “big corporations.” And let me just say it doesn't prove to be true.

The corporate tax rate was much lower than the official tax rate. According to Goldman Sachs, our big corporations have more money than they have ever had and are paying a lower tax rate than they ever have, and they are not creating jobs. Give me one reason why giving them a tax break will now have them starting to create jobs when they are already flush with cash.

How about the example of Kansas, and I say this particularly to my two friends. Both are my friends. When I see them both in the gym—I used to play basketball with one. I would say to my two friends, the Senators from Kansas, look at what happened to your own State, the home of Charles Koch. Big tax breaks, huge tax breaks will make Kansas the growth center of America. What happened? They gave huge tax breaks. They predicted that income would go up in the Kansas State treasury by \$300 million. It went down by \$700 million. They had to actually consider schools going from 5 to 4 days. And job growth, this great engine of job growth—Kansas grew last year by 0.2 percent. The American economy grew by 1.6 percent. It was a total flop. Kansas not only rejected the proposal by raising taxes after they had cut them so deeply, they also threw out a lot of the more conservative Republicans, and there was a rebellion within the Republican Party itself.

Trading middle-class deductions for a tax cut for the rich is not a fair trade. Raising taxes on so many middle-class people so you can pay for tax cuts for the rich makes no sense, and it makes no sense particularly now that the scales are tipped more in favor of the wealthy and powerful than ever before.

That is why the American people, now that they realize we are getting close here, despite all the distracting issues the President tweets about—by the way, I hear that in the Republican caucus, he talked about no details on the tax plan; he just said get it done. No details. I know why—they are afraid to talk about it. The President may not know the details, but our Republican colleagues do, and they are afraid to talk about the details in public.

The bottom line is that the American people are learning what this plan is about, and they don't like what they see. In a recent Reuters/Ipsos poll, fewer than one-third of all Americans supported it. And just like healthcare, I believe that the more Americans learn about the plan, the less they will

like it. The number—low enough as it is—in support of the Trump tax plan will get lower.

Listen to this: In the same poll, nearly two-thirds of Republicans said that deficit reduction was more important than tax cuts for corporations. Two-thirds of Republicans said that deficit reduction was more important than tax cuts for corporations. That is not what the bill says. The poll also showed that three-quarters of Republicans said that deficit reduction was more important than tax cuts for the wealthy. Again, the bill does the opposite.

The Republican plan balloons the deficit by \$1.5 trillion to do those two things—tax cuts for the wealthiest corporations and tax cuts for the rich. The more Republicans find out about the plan, the less they will like it.

In conclusion, as the House debates the Senate budget this week, I urge them to consider first and foremost what the plan would mean for their constituents. I would tell them, should they vote down this budget, there are a large number of Democrats, including the minority leader, who want to sit down with Republicans and come up with a nice, mainstream plan, not a plan to please the thousand wealthiest families in America who have so much say over the Republican Party and shouldn't. But we want to work with you on a real, bipartisan plan. Defeat this plan, and we will, just as we promised on healthcare, and we have.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The assistant Democratic leader.

Mr. DURBIN. Mr. President, I want to thank my colleague and the Democratic leader, Senator SCHUMER, for his statement on this Trump tax plan. I think he really has summarized in his statement the concerns many of us have.

We are concerned that the Trump tax plan will do several things. It will cut funds for education in America at a time when we need it now more than ever to prepare our people for the jobs of the future. It endangers Medicare, a program that for almost 50 million Americans is critical for the healthcare they receive. At the same time, it is going to dramatically increase the deficit. For so long, we have heard from the Republicans that their No. 1 issue was cutting the deficit, and now they come up with a tax plan that will increase the size of our deficit. Finally, of course, all of this is being done to create tax breaks for the wealthy and the biggest corporations in America.

Here are the simple facts: As a percentage of our gross domestic product, corporate profits in America have never been higher. Corporate profits have never been higher. As a percentage of the gross domestic product, corporate Federal taxes paid have never been lower. Profits never higher, taxes never lower, and the Trump tax plan says: Let's cut corporate taxes even more, and then let's cut taxes on the

wealthiest people even more. That is not a fair tax plan. It is not a fair tax reform.

The Trump tax plan sadly rewards the biggest corporations and the wealthiest individuals at the cost of cutting education, endangering Medicare, and unfortunately increasing the deficit, to be paid for by our children. The tax break for the wealthiest people in the Trump tax plan doesn't go to the rich. It doesn't even go to the very rich. It goes to the superrich—the superrich. Who am I talking about? The one-tenth of 1 percent. The highest incomes in America—way beyond the rich. It is not a person who drives a big limousine; it is a person who is never going to drive the rest of their lives and owns a big yacht. Those folks—the one-tenth of 1 percent—get 40 percent of all the tax breaks in the Trump tax plan. That may be good news for the President and his colleagues and friends and even his family; it is not good news for working Americans. To think that we would cut education, endanger Medicare, and increase the deficit to give that level of income, the wealthiest people in our country, such a tax break is hard to imagine.

Sadly, one of the provisions in the Trump tax plan creates an incentive for companies to move jobs overseas, because they will have a lower tax rate if they do. Think about that. A President who has told us over and over again that we want to “make America great again” creates a tax program to incentivize businesses to locate overseas and make their profits overseas. That makes no sense whatsoever, but that is the Trump tax plan. I am glad Senator SCHUMER brought that up.

DACA

Mr. President, let me address the issue of the Dreamers. It is one that I have spoken to many times before, and I would like to address it at this point.

On September 5, about 7 weeks ago today, Attorney General Jeff Sessions announced the Trump administration's repeal of the Deferred Action for Childhood Arrivals Program, better known as DACA.

DACA provided temporary legal status to immigrant students if they registered with the government, paid a fee, went through a criminal background check and a national security check, and did that on a renewable basis every 2 years.

The young people protected by that Executive order are known as Dreamers. They came to the United States as children, brought here by their parents. They grew up in our schools, singing our “Star-Spangled Banner,” pledging allegiance to the only flag they have ever known. Seven years ago, I asked President Obama, in a letter that I sent with then-Republican-Senator Dick Lugar, to create a program to protect these young people and give them a chance to earn their way into legal status. The President responded to our request, and almost 800,000 have signed up.

Now, with President Trump's announcement that he is going to eliminate this program, the clock is ticking. By March 5, 2018, every workday for the following 2 years, approximately 1,400 of these Dreamers protected by DACA will lose their work permits and will be subject to deportation. Mr. President, 1,400 a day who signed up for this program, as of March 5 next year, will hear the clock ticking. Teachers will be forced to leave their students, nurses to leave their patients, first responders to leave their posts, and soldiers who are willing to fight for their country will be forced to leave the Army if this happens. It is an outcome that none of us want to see, I hope.

It isn't just a looming humanitarian crisis; it is economic too. The non-partisan Institute on Taxation and Economic Policy says that DACA-eligible individuals contribute about \$2 billion a year to our economy. They are working. They are going to school. These are productive people who against the odds have succeeded in life and want to do more.

The Cato Institute—no liberal think tank—estimates that ending DACA and deporting DACA recipients would cost \$60 billion and result in a \$280 billion reduction in economic growth over the next 10 years.

Poll after poll shows overwhelming bipartisan support for the Dreamers. Even FOX News—no liberal media outlet—recently found that 79 percent of Americans support a path to citizenship for Dreamers—79 percent. What percentage of Republicans support it? According to the FOX poll, 63 percent of Donald Trump voters believe that Dreamers should be given a chance at citizenship.

The answer is clear: We need to pass the DREAM Act, and we need to do it before we leave Washington in the next few weeks. It was 16 years ago that I first introduced it. We have had our ups and downs. We have passed it at some time on the floor of the Senate and then again in the House of Representatives but never quite at the same moment so that it became the law of the land.

Over the years, I have told over 100 stories about the Dreamers. This is another one I want to share with you. This is a story about William Medeiros. William was 6 years old when his family moved to the United States from Brazil. He grew up in Boston and then moved to Florida. In high school, he was an honor student. He graduated with a 3.8 GPA. He was an athlete, playing high school soccer and football. He is now a student at the University of Central Florida. He has a 3.5 GPA. He will graduate in the spring of 2019 with a bachelor's degree in criminal justice.

He is working full time to support himself. Because he is a DACA recipient, he isn't eligible for any Federal financial assistance to go to college. He has to work his way through school, and he is doing it. His dream is that he

wants to be part of America's military. Then, after serving his country, he wants to be an officer with his local police department. Thanks to DACA, he is on his way.

Last year, he enlisted in the Army through the MAVNI Program. In this photo, he is shown with his recruiter from his enlistment ceremony. The MAVNI Program allows immigrants like him, who are vital to the national interest, to enlist in the Armed Forces. More than 800 DACA recipients with these critical skills have had their dream come true. They have volunteered to serve America in our military.

Some Trump administration officials have claimed that DACA recipients are taking jobs away from Americans. But William and hundreds more like him have vital skills that our military desperately needs, and they want him to serve our country. William, along with many Dreamers, is now waiting to ship to basic training. He continues his undergraduate studies and is working full time while waiting for his first chance to serve.

He wrote me a letter, and here is what he said: “My desire to serve this nation and help people, to pay back my dues for everything I have received from this great country, and to lead by example by showing my fellow DACA members that anything is possible with hard work, perseverance, and dedication.”

Is there any doubt in anyone's mind that this young man, William, desperate to serve our country and to be a law enforcement officer, will be an asset to the United States, a source of pride for all of us? Of course not. If DACA goes away and is not replaced, if this young man loses that opportunity, America will lose an important part of its future.

I was at the Phoenix Military Academy, one of six military academies within the Chicago public schools, just last week. I am proud to say that our Chicago public school system hosts the largest ROTC Program in America, with 10,000 cadets from school to school. It turns out that many of them are DACA Dreamers. They want to serve our country just like William. I was joined by COL Daniel Baggio, who runs the Junior ROTC Program. His grandfather was an immigrant who served in the U.S. Army during World War I. Colonel Baggio certainly understands the important role immigrants play in our Armed Forces.

William Medeiros and other Dreamers have so much to give America, but without the Dream Act, William and hundreds of other immigrants with skills that are vital to the national interest will literally be kicked out of the Army. Thousands of Junior ROTC cadets in Chicago will never realize their dream of volunteering to enlist in America's military. They want to serve. They are willing to risk their lives for our country. How can we let them down?

When we introduced the Dream Act, Senator LINDSEY GRAHAM, Republican of South Carolina, said: "The moment of reckoning is coming." It is coming in a manner of days and weeks. I implore my colleagues and both sides of the aisle: Don't let that young man down. Don't let down the hundreds of thousands who just want a chance to prove themselves and earn their way into legal status. We can do this.

Many people are skeptical as to whether Congress can get anything done on a bipartisan basis. I am not skeptical. I believe it can. I believe that we can work together. I have sat down with a lot of conservative Republican Senators in my office—Senators I never dreamed I would be sitting with, discussing this issue, and now we want to make sure we get this job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

PROVIDING FOR A CORRECTION IN THE
ENROLLMENT OF H.R. 2266

Mr. KENNEDY. Mr. President, I ask unanimous consent that, as in legislative session, the Senate proceed to the immediate consideration of H. Con. Res. 85, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 85) providing for a correction in the enrollment of H.R. 2266.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 85) was agreed to.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Louisiana.

TAX REFORM

Mr. KENNEDY. Mr. President, as the Senate irons out the details of our comprehensive tax reform plan to get the American economy back on track, I want to draw attention today to what I believe is one of the greatest obstacles in our path as we pursue 3-percent annual growth. That obstacle I am referring to is our aging national infrastructure: our roads, our bridges, our airports, our water systems, our sewage systems, and our waterways that desperately need dredging, especially in my State.

If our tax plan is going to be pro-growth, then we need to take advantage of this once-in-a-generation chance to use Federal revenues to invest meaningfully in our economy.

Allow me to explain what I mean by that. Federal investment in our roads, our bridges, our railways, and our waterways would be a shot in the arm for the American economy. It would pay dividends for decades. Companies need good roads and bridges and shipping channels to transport their products and to ensure that they aren't sitting in traffic for hours—sometimes it seems like days—which eats away at profits and raises costs for our people. But for too long, Washington's spending priorities have been to grow the Federal bureaucracy instead of growing our capacity for economic expansion and development through infrastructure upgrades. We know the result. Our Department of Transportation now estimates that we have a backlog of construction and repairs that would cost \$926 billion to clear. It would cost nearly a trillion dollars, and that is just the backlog.

I have a simple solution that I would respectfully suggest to get us back on track. According to the Congressional Research Service, \$2.6 trillion in corporate profits made by American companies are parked overseas, and some outside estimates say \$4 or \$5 trillion. This money is overseas, and it will not be brought back to America as long as our antiquated corporate tax system is going to charge those American companies 35 percent in tax just to bring them back.

Congress is already discussing repatriation as a part of the move to a territorial tax system, which would use a competitive tax rate to encourage companies to bring their dollars back to the United States and keep them here and invest them here in American products and American businesses and American employees.

When tax reform passes—and it will—and we get a one-time surge in tax revenue as a result of this \$3 to \$5 trillion being brought back to the United States, we are going to get only one chance to spend that money wisely. Instead of blowing those repatriated dollars on an already bloated Federal bureaucracy, we ought to invest that money solely and exclusively in desperately needed infrastructure upgrades. Even a one-time target investment in clearing the industrial backlog will create jobs and stimulate the economy for decades.

Let's face it, too many of American roads today are axle-breaking insults to the 21st century. They are holding our economy back.

Let me be clear. We are talking about hundreds of billions of dollars flowing into infrastructure if we just make good use of those repatriated dollars. For example, just in my State of Louisiana, this could mean building a new bridge through Lake Charles. It could mean widening the interstate in Baton Rouge. It could mean closing the gaps in I-49 between Lafayette and Shreveport and New Orleans. We have neglected our highways and bridges for far too long, and this is our chance to

use tax reform to catch up, to boost our international competitiveness, to lower costs for consumers, and to put our economy back on track to 3 percent-plus growth, which the American people expect and deserve.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

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

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Scott L. Palk, of Oklahoma, to be United States District Judge for the Western District of Oklahoma.

Mitch McConnell, Orrin G. Hatch, John Cornyn, Chuck Grassley, Thom Tillis, Pat Roberts, John Barrasso, Johnny Isakson, Roger F. Wicker, John Thune, Marco Rubio, James Lankford, Richard Burr, Steve Daines, Mike Crapo, John Boozman, James M. Inhofe.

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

The question is, Is it the sense of the Senate that debate on the nomination of Scott L. Palk, of Oklahoma, to be United States District Judge for the Western District of Oklahoma, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. HEINRICH), the Senator from Vermont (Mr. LEAHY), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The yeas and nays resulted—yeas 79, nays 18, as follows:

[Rollcall Vote No. 250 Ex.]

YEAS—79

Alexander	Crapo	Johnson
Baldwin	Cruz	Kaine
Barrasso	Daines	Kennedy
Bennet	Donnelly	King
Blunt	Durbin	Klobuchar
Boozman	Enzi	Lankford
Brown	Ernst	Lee
Burr	Fischer	Manchin
Cantwell	Flake	McCain
Capito	Franken	McCaskill
Cardin	Gardner	McConnell
Carper	Graham	Moran
Casey	Grassley	Murkowski
Cassidy	Hassan	Murray
Cochran	Hatch	Nelson
Collins	Heitkamp	Paul
Coons	Heller	Perdue
Corker	Hoeven	Peters
Cornyn	Inhofe	Portman
Cotton	Isakson	Reed