



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 115<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, THURSDAY, DECEMBER 14, 2017

No. 204

## Senate

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

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

The senior assistant legislative clerk read the nomination of James C. Ho, of Texas, to be United States Circuit Judge for the Fifth Circuit.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. McCONNELL. Mr. President, today the Senate will continue another historic week confirming more of President Trump's impressive judicial nominees to the Federal bench—Steven Grasz, confirmed; Don Willett, confirmed. And soon we will add James Ho to the list by confirming him to serve on the Fifth Circuit Court of Appeals.

He is an exceptionally well-qualified nominee whose career in both public service and the private sector has garnered respect from both sides of the aisle. The former Democratic mayor of Dallas supported his nomination, calling him "among the most brilliant appellate lawyers in the United States."

When we vote to confirm Mr. Ho, we will be adding another fair and impartial judge to the Federal bench, and by doing so, the Senate will take another important step to ensure that the Federal judiciary fulfills its proper role in our constitutional system. Each of them will be an asset to our Nation's courts.

Under Chairman GRASSLEY's leadership, the Senate Judiciary Committee has done outstanding work to move these judicial nominees to the floor. I am grateful for his efforts, and I urge all of my colleagues to join me in voting to confirm Mr. Ho soon.

#### FUNDING OUR MILITARY

Mr. President, on another matter, our Nation faces a myriad of threats

from around the globe, and it is the Senate's responsibility to provide the service chiefs with the resources to train and equip our warfighters and to provide them with the resources they need to keep us safe.

The diverse challenges posed by Iran, China, Russia, North Korea, ISIL, al-Qaida, and its affiliates span the spectrum of warfighting, and our force must be trained and prepared to operate on sea, air, land, and in cyber space. These challenges were only compounded by the Obama administration's focus on reducing the size of our conventional force, withdrawing our forward presence, and placing an unrealistic reliance upon allies and Special Operations forces.

In stark contrast to the previous administration, this Republican-led Congress and the Trump administration have taken the initial steps to rebuild our military. We are working to ensure that the needs of the force are met and our servicemembers have the tools and training necessary to fulfill their missions.

In our ongoing discussions surrounding government funding, we must continue to prioritize our Nation's men and women in uniform. It is illogical for this Senate to repeatedly vote to pass National Defense Authorization Acts at one level of authority and not meet that commitment with the necessary appropriations act; and this funding cannot be held hostage to the Obama-era demand that increases in defense funding be matched by equal increases in nondefense spending. Congress ignored that demand earlier this year, and we must do it again now.

The reason is simple: Under the Budget Control Act, the Department of Defense has received a disproportionate funding cut—and will again if Congress fails to come to an agreement. That type of blow would unacceptably diminish our military's readiness and damage our national security.

I hope that Members can work together to provide the necessary funds

#### PRAYER

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

Let us pray.

O Lord our God, we are grateful for Your marvelous works and power. Keep us from becoming weary in doing what is right, as You remind us that a harvest of blessings is certain. Give strength to our lawmakers and bless them with Your peace. We praise You that You are the strength of our lives and we need not fear for the future. As You guide our Senators with Your wisdom, create in them a hunger and thirst for righteousness, preparing them to be filled with Your Divine nourishment. Lord, thank You for not withholding blessings from those who walk upright.

We pray in Your great Name. Amen.

#### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

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

#### RESERVATION OF LEADER TIME

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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



Printed on recycled paper.

S8017

to our military—and to all parts of our government—so that the men and women of our all-volunteer force can continue to keep our country safe.

TAX CUTS AND JOBS BILL

Now, on a final matter, Mr. President, yesterday, Congress moved closer to delivering much-needed tax relief to American families and small businesses as Members of the House and the Senate held a public meeting of the Tax Cuts and Jobs Act conference committee. The conferees discussed the best way to provide tax reform to families and small businesses across our country. Throughout this process, we have focused on the middle class and on those left behind by the Obama economy—like many of the families in Kentucky who I represent.

By overhauling our broken and outdated Tax Code, we are working to seize this once-in-a-generation opportunity to grow paychecks, create more jobs, and help our economy reach its full potential. The plan before the conference committee will also end many of the perverse incentives for corporations to ship American jobs overseas. We want to bring those jobs and investments home and keep them here.

Once the committee completes its work to reconcile the differences between each Chamber's bill, every Member of Congress will have the opportunity to cast a vote to provide meaningful tax relief to middle-class Americans. That should be something we all can support. And when Congress does, this bill will go to the President's desk to become law.

I would like to thank every Member who has contributed to making tax reform a reality, following years of hearings and proposals and a multitude of amendments as this legislation proceeded through regular order.

This is a chance to work together to get the economy going again and lift up the families that the Obama Administration's policies left behind. I hope that we can take this opportunity to move beyond partisanship to deliver real tax reform for the middle class. Many of the provisions of this bill are based on ideas that our friends across the aisle used to say they supported. I hope our friends will support them again.

I would like to once again commend the conferees for their work, and I look forward to voting on the committee report soon.

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

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

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. MORAN. Mr. President, I come to the floor to speak about business that is important to Kansas and impor-

tant to the country but especially important to the providers of healthcare for children, the children, and their families who receive that coverage and care; that is, the Medicaid CHIP program. It was established in 1997.

I call to the attention of my colleagues the importance of us acting in the next several days in regard to the reauthorization extension of the CHIP program. It has helped provide coverage to children of low-income families in my State and those individuals who would otherwise be left without any insurance and most likely, in every case, the funds necessary to cover healthcare costs for the well-being of those young men and women.

This program is funded through a multiyear authorization that requires Congress to take action each time the program reaches the end of that authorization. The end of that authorization occurred on September 30, now several months ago. While I have been assured in my State that there are sufficient funds to get us through the end of the year, I am concerned. In fact, the belief is, we may have enough funds to pay for our insurance program through March. That certainly is probably not the case across the United States, and we need to act within a few short days. I hope this is an issue that is addressed, as the continuing resolution that funds the Federal Government expires on December 22. As we respond to that circumstance, we ought to respond to the expiration of the CHIP program that occurred on September 30.

Waiting to reauthorize that program has already created an unnecessary burden, but if we waited any longer, it would create even more unnecessary burdens for families of more than 9 million children who are currently receiving healthcare through that program.

Temporary funding measures have kept the program solvent since the program expired, but now is the time to act, to provide some certainty and make sure the funds continue to be available. In Kansas, it would leave about 79,000 children without coverage or other good options.

Many of our Nation's best children's hospitals serve a great deal of patients through that CHIP program. We are fortunate in our area to have Children's Mercy Hospital in Kansas City, and those hospitals and other providers rely upon the CHIP program to pay their bills as well. With all the costs associated with healthcare and with the inability of people to pay, the burden then falls upon hospitals and others to figure out how they survive. In Kansas, almost every hospital—127 of them in our State—continues to hang on by a thread, and some may not survive. This is another opportunity for us to strengthen and provide certainty that a mechanism will be in place so that when they provide care to children of Medicaid families, they will be reimbursed. That benefits all of us in

our healthcare delivery system and provides more stability and more certainty in these challenging times for healthcare providers across Kansas.

I am happy the House of Representatives has passed reauthorization. They did their bill. It is now time for the Senate to act. The Finance Committee has taken its action, but this bill is still pending on the floor of the U.S. Senate. During this Christmas season, this holiday time, parents should not have to wonder what they will do in the absence of this insurance program that allows their children to receive routine care and, in many instances, lifesaving care.

Continuing to delay action on this bill is not in the best interest of the American people. It would be nice, it would be appreciated by Americans to see the U.S. Senate work on a program that has broad bipartisan support but still, for some reason, can't get it across the finish line. That finish line, I suppose, was September 30, but I would say that finish line is now the end of the year, and specifically December 22, with the CR expiring at that point in time. It is time for Congress to take action in that regard.

My plea on the Senate floor this morning is for the U.S. Senate to take legislative action and reauthorize this program, provide certainty, and care for our country's children who are, without this program, in significant jeopardy of having an absence of healthcare.

I appreciate the opportunity to address the U.S. Senate.

I yield back.

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

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

FUNDING THE GOVERNMENT

Mr. SCHUMER. Mr. President, on the year-end negotiations, they are making headway—that is good—but many issues still remain to be resolved.

We need to provide funding for community health centers, CHIP, and areas that have been hit by disasters. We need to pass a bipartisan deal to pair the Dream Act with border security and pass a budget deal that fully funds both our national security and our economic security, in the common parlance known as “parity.”

If we don't lift the spending caps for defense and also urgent domestic priorities—jobs, the economy—both will come under the specter of sequestration. Lifting those spending caps in equal measure has been the basis of successful budget agreements going back several years.

There has been parity between defense and nondefense for the last three

budget negotiations. That is how it ought to stay. That is what brought us to good agreements. That is what averted shutdowns. Unfortunately, it appears that the Freedom Caucus in the House, which doesn't represent the mainstream of America or even the mainstream of Republicans, is trying to derail another successful parity agreement. Unfortunately, Speaker RYAN, as he is doing far too often, to the detriment of the country and his party, is just following its lead.

Last night, the House posted what is called a CRomnibus—a very short-term extension of funding for jobs and economic development that will lead to cuts in those areas but a long-term extension and a large increase of funding for defense. This is merely a ruse that is designed to slash funding for education, healthcare, infrastructure, and scientific research—all things the Freedom Caucus doesn't want the government to fund—against the will of the overwhelming majority of Americans.

At this late hour, it is also an unfortunate waste of precious time. Earlier this week, 44 Senate Democrats sent a letter to our Republican colleagues that explicitly warned them that Democrats could not support such an approach. Because 60 votes are needed to advance a spending bill here in the Senate, House Republicans should have known not to waste everyone's time with a partisan spending bill that could never pass in the Senate.

The CRomnibus is nothing but a spectacle—a charade, a sop—to some militant, hard-right people who don't want the government to spend money on almost anything. It is a perilous waste of time as the clock ticks closer and closer to the end of the year.

It is time for our Republican colleagues—especially in the House, where the Freedom Caucus is like the tail wagging the dog—to get serious about working with Democrats toward a real parity agreement. Every hour that the House spends on the CRomnibus is an hour that could be spent on our working on a deal to avert a shutdown and solve the many pressing issues that Congress must grapple with before the end of the year.

If Speaker RYAN decides to press forward with a CRomnibus, it will quickly fail in the Senate, and we can get back to negotiating a real bipartisan agreement that will provide certainty and full funding to both our national defense and the middle class. Speaker RYAN has gone along with this approach three times in a row—or the House Republicans have. I think RYAN was the Speaker for two of those three and was the chairman of the Ways and Means Committee for the third. Right now, Speaker RYAN is pursuing a dead-end strategy. Instead, we urge him to continue working with Democrats on a bipartisan, long-term agreement that will keep the government open and fund our major priorities—defense, with jobs and the economy on the other side.

By the way, even on the other side of the ledger, the things that affect our security, like the border and the FBI, are funded on the nondefense side, and you have to have security in every way in this terrorism-ridden world in which we live.

#### REPUBLICAN TAX BILL

Mr. President, a word on the Republican tax bill. On both process and substance, it appears that the Republicans' conference committee is making all the mistakes that the Republicans made when they passed their bill in the first place. Even though there is still not a final agreement on the text of the tax bill, Republican leaders promise a vote on the committee report as early as Monday of next week. I am not sure that my colleagues will have had enough time to have read and digested the bill that passed this Chamber a few weeks ago, let alone an entirely new conference report that will include many changes. It is the same rushed, awful process as before, and it can only result in mistakes and unintended consequences that could wreak havoc on the economy. Why are our Republican colleagues rushing this bill through? I think that they are ashamed of it.

Every day, the more people know about the bill, the more they don't like it. Just in the polling data today, it shows that the popularity of the bill continues to plummet, and a poll out today said it is not just that the people do not like the bill but that those who vote for it will be affected at election time. The poll today asked people if they were more or less likely to vote for a Congressman who would vote for this bill or to vote for a Senator who would vote for this bill. Many in the public said that they were less likely to vote for a Congressman who would vote for this awful bill. The public knows that it is awful. Why? They know that Republicans are doubling down in this new proposal on the core mistake of their bill by tilting it even further in favor of the wealthy.

I saw on TV this morning a guy from the Club for Growth and a guy from—I forgot the name—another group. These are narrow, narrow groups that have very little support and that are funded by the hard-right group of billionaires who want to see their taxes cut. They don't even talk about what is in the bill. They try to talk about its being a job creator, but they dare don't say, like so many of my Republican colleagues, how disproportionately it goes to those in the upper incomes and not to the middle class.

Amazingly enough, behind closed doors, they have made a bad bill even worse. One of the most significant changes that have been made by the conference committee will be to lower the top tax rate 2 percentage points more than in the original bill. Let's help those millionaires get an even lower tax rate than they have now, for they are doing so poorly. This is crazy. There are a lot of wealthy people in

America. God bless them. I don't resent their wealth, but they don't need a tax break. On the other hand, there are hundreds of millions of struggling middle-class people, and they could use that kind of money. Yet millions of people in this bill who are middle class, upper middle class, and who are struggling to be middle class get a tax increase. Instead of lowering the rate on the highest income people, why not use the money to help those in the middle?

Despite all of the concerns about raising middle-class taxes, which makes the bill as unpopular as I just mentioned, the one big thing that Republicans go back and change is the rate paid by the wealthiest of Americans. They lower it. When it comes down to a choice between the middle class and the wealthy and the middle class and big corporations, the Republicans just instinctively, atavistically—in a knee-jerk way—choose the wealthy and the powerful over the middle class. That is why they are struggling.

I believe that is why President Trump's numbers are as low as they have ever been. People are getting a feel—a smell—in that President Trump talks about the middle class, but when he acts, like in this tax bill, it is to help the wealthiest and the most powerful. That happens with issue after issue.

I see that my colleague DICK BLUMENTHAL, the Senator from Connecticut, has come to the floor. He is going to talk about net neutrality, I believe. Again, help the big cable companies and the corporations, and make it harder for the middle class when it comes to cable service and the cost of cable.

Republicans claim that lowering the top rate is an attempt to address tax hikes that would result from their plan to gut the State and local deduction, but reducing the top rate only helps the very wealthy—couples who make over \$1 million in the last draft that we heard about—but they are already the prime beneficiaries of this tax plan.

I have a feeling that President Trump was hearing from his handful of wealthy friends who pay a lot in State and local taxes, many from my home State of New York. He decided, well, I will lower their taxes even more. But 99 percent of State and local deductions are taken by Americans with incomes under \$1 million. More than half of the taxpayers who take the SAL/T deduction make less than \$100,000. Reducing the top rate does nothing to help the 99 percent of taxpayers who take SAL/T. It only helps the top 1 percent, who make over \$1 million. But this is what, it seems, the President and our Republican colleagues in the House and the Senate keep doing.

As I have said from the start, eliminating or cutting the State and local deduction would hurt the middle class across the country. It would raise taxes on millions, lower home values for millions more, and gut our State and local

programs—education, law enforcement, infrastructure. None of those programs were addressed in the conference. Instead, the richest Americans will likely get an even bigger tax break.

There is no reason to rush the bill through the Senate.

Tuesday night, as our Presiding Officer knows, we had an election in Alabama. This Chamber is waiting for the seating of a new Senator. Shouldn't the people of Alabama have their voices in the Senate present for a vote on the tax bill?

Again I would say to my friend the majority leader, slow down and wait for Senator-Elect Jones to arrive before taking any more votes on the tax bill. Democrats waited for Republican Senator Scott Brown in 2010, but now that the shoe is on the other foot, Republicans don't seem to want to do the same. It is the right thing to do, and it will give every Senator and the American people more time to consider the legislation.

#### NET NEUTRALITY

Finally, Mr. President, a word on the FCC's vote today on net neutrality. We depend on a free and open internet to spur innovation and job creation. Our economy works best when innovators and entrepreneurs and businesses of all sizes compete on a level playing field. Net neutrality, very simply, says that everyone deserves the same, fair access to the internet. Consumers, small businesses, students, everyone from the elderly couple using Skype to talk to their grandchildren who are half a country away, to the startup company operating out of its founder's basement—everyone deserves the same access to and quality of internet as the big corporations.

When I was growing up in Brooklyn, my father owned a small exterminating business. If his competitor down the street had received a preferred electricity rate, he would have rightly been outraged, and the law would have protected him from unfair treatment. We don't reserve certain highways for a single trucking company, and we don't limit phone service to handpicked stores. We shouldn't reserve high-speed internet for a favored few corporations either. Yet now President Trump's appointed Chairman of the FCC, Ajit Pai, is on the verge of eliminating net neutrality, which will bring to an end the free and open internet that has enabled so many successful companies and has created so many jobs.

Our internet is the envy of the world. Why are we changing it in a way that could harm it? If net neutrality is eliminated, the internet may resemble a toll road, with the highest bidders cruising along private fast lanes while the rest of us inch along on a single, traffic-choked public lane. We could be forced to purchase internet packages, much like cable packages, and pay for more popular sites. It is hard to imagine an entrepreneur building the world's next revolutionary, billion-dollar company while she sits in bumper-

to-bumper traffic online. It is hard to imagine that average consumers are going to get a good deal if internet service providers are unshackled and offer premium service to premium customers.

Again, President Trump talks one way and acts another. He talks like he is helping the middle class. He is fully supportive of the FCC and his hand-picked Chairman while he hurts the middle class and helps the big interests when it comes to the internet.

By ending net neutrality, Chairman Pai and the Trump administration are once again siding with corporate interests against consumers and small business. Once again, the Trump administration is picking CEOs over citizens—just as in the tax bill and now on net neutrality—and thwarting the comments of millions of Americans who have sent comments to the FCC asking them to save net neutrality and to keep the internet free and open to everyone.

The American people have spoken. I hope Chairman Pai and President Trump are listening.

Before I yield the floor, I want to thank my friend, the senior Senator from Connecticut, for his valiant and strong struggle to keep the internet free, open, and available to the little guy and gal equally as it is to the big shots.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to thank the senior Senator from New York, our minority leader, for his very powerful and eloquent remarks on net neutrality. He has been a leader in protecting consumers in so many areas, and this one is preeminently important.

We are here on a day when the FCC may well repeal the net neutrality order. I spoke at length about it yesterday, and I am struck by the mockery that the FCC will make of consumer protection if it proceeds with this very misguided and mistaken course. It is a course that will be reversed, I believe, in the courts if it is followed, and it should be reversed in this body as well. It is profoundly important to the future of the internet to have access and affordability to innovation, to our economy, and to job creation. The open and accessible internet is part of our lifeblood economically and culturally in this country. Part of what makes America great is the freedom of access and innovation.

#### FIFTH ANNIVERSARY OF THE SANDY HOOK MASS SHOOTING

Mr. President, I want to talk today on the occasion of the fifth anniversary of the Sandy Hook massacre in my State of Connecticut. It was one of the saddest days of my life and one of the worst days of my public career when I went to the elementary school in Newtown, CT, along with a number of my colleagues who will be speaking today as well, Congresswoman ESTY and Senator MURPHY.

In the Judiciary Committee, just moments ago, Senator FEINSTEIN circulated a framed copy of the front page of the Daily News of Wednesday, December 15, 2012—5 years ago, almost to the day. That front page has photographs of the 20 beautiful children who were lost in that unspeakable act of terror and horror. They are 20 wonderful human beings who would be 11 years old today. Their great teachers were killed as well.

Having valued and known their parents as friends and fellow advocates in the effort to achieve commonsense legislation against gun violence, I know how deeply that pain is still felt. The healing is far from over. The grief never ends. The prayers and thoughts of mine go every day to the loved ones who lost those children and educators.

Prayers and thoughts are not enough. It never has been after any of these massacres, and it never will be after the mass killings or for the one-by-one deaths in our communities—90 every day in this great country. Gun violence kills 90 people every day, and 150,000 have perished since Sandy Hook.

So as we commemorate this awful day, 5 years ago, let us rededicate ourselves to act to honor those victims with action, to honor all those with action. It is never too soon to honor the victims with action.

On that front page of the Daily News, there is a line that says "New York's Hometown Newspaper." New York wasn't the hometown to those Sandy Hook victims, but America felt that Sandy Hook was every town in America, and it is indeed quintessentially an American town, filled with wonderful people who hugged and grieved together that day.

That night, in the St. Rose of Lima Church, and in the days following, when there were calling hours and funerals, one after the other, it seemed like they would never end. In some ways they have never ended, because those families' losses are still real and urgent. For us the task of honoring those 20 beautiful children and the 6 educators ought to be real and urgent, even more so today than it was then.

That day we prayed in the St. Rose of Lima Church. I said to the congregation that the whole world is watching. The whole world was watching. The world is watching America to see whether we will act.

We are not the only country with mental health problems. Our rate of mental illness is no greater than any other developed industrial country, but our rate of gun violence is off the charts compared to other countries. There is no excuse for it. There is no rational explanation for it.

As we prayed and grieved then, in the wake of that senseless, horrific tragedy, Congress turned its back. It turned its back on those courageous and strong families who came here in

the weeks following, talking to our colleagues, across the aisle and on this side, asking for commonsense measures, background checks. There was a bipartisan measure then to extend background checks and achieve other gun violence prevention measures, which unfortunately failed on this floor to gain enough votes. We had 55, but we needed 60. From the Gallery on that day, someone shouted: "Shame."

December 14, 2012, will be forever a stain on our Nation's history. That day will forever be a black mark on the United States of America, but so will the day that those commonsense measures were rejected in this Chamber. That shame was richly deserved on that day.

Congress saw the photos of those innocent babies, those wonderful children. It saw their grieving parents. It saw the lines of terrified and traumatized children that day being led to safety out of their elementary school. It saw the war zone that the school became when that mass killing turned it into something that no teacher, no educator ever could have foreseen. Those educators helped save lives.

Congress saw and heard the stories of how brave educators sought to shield their children from the bullets coming from that assault weapon on that day. Unfortunately, the vice-like grip of the gun lobby and, principally, the NRA—let's be blunt about who is leading that lobby—prevailed. In the 1,825 days since the Sandy Hook tragedy, despite the 150,000 people who have perished from gun violence since then, Congress has chosen inaction. It has disregarded public safety and the clear will of the American people. It has heeded instead the campaign contributions of the gun lobby, and it has failed to act. It has been complicit in the continuing scourge of gun violence by its inaction. It has been complicit in those deaths. It has been an aider and abettor, in fact, to the 90 killings each day as a result of gun violence. Shame on Congress if it fails to act now.

Today I am not just heartbroken; I am furious. I am angry beyond words about Congress's complicity, about the inaction we have seen, about Congress's abject failure to take commonsense steps that will protect the American people, about its failure to meet this public health crisis with the kind of action that the American people deserve and need. If 90 people every day were perishing from Ebola or some contagious disease—even the flu—there would be an outcry, an outrage, and we would be clamoring to do something.

Here, the solutions are self-evident. None of them is a panacea. None is a single, magic solution to this problem. The trap raised by the gun lobby that none will necessarily deal with the mass killing that just happened is, indeed, a trap we should reject.

The ban on bump stocks might have prevented Las Vegas but not Charleston. The closing of the 72-hour loophole that permits purchasers to buy a gun if

the background check has not been completed in 72 hours might not have prevented Las Vegas, but it would have prevented Charleston. Dylann Roof purchased the gun only because he was able to circumvent the background check as a result of that 72-hour loophole.

The ban on certain kinds of high capacity magazines might not have prevented San Bernardino or Orlando, but it would have helped to prevent Sandy Hook.

We will never know whether any of these measures would prevent every one of the killings that we cite, but each of them can save lives, and if we save one life, we will have saved the world.

Shame on Congress for allowing this tragic anniversary to be followed by so many more—Sutherland Springs, Las Vegas, Orlando, Charleston, and each and every day in the news. Every day, none of our communities is immune from this scourge. It is truly a public health crisis.

I am hopeful that there may well be a crack in the united partisan front emerging. I am proud to be part of a very powerful bipartisan alliance involving our colleagues, Senators Scott and Cornyn, across the aisle, as well as Senator MURPHY and other Senators on this side of the aisle. I hope we can make modest and crucial improvements to the National Instant Criminal Background Check system.

The NICS system should be fixed. The Fix NICS Act will provide incentives and encourage States to do better reporting. Right now there are immense gaps in reporting in the States and even in the Federal Government, which is why, in fact, perhaps, Sutherland Springs occurred, because of a failure to report by the Air Force a domestic violence conviction by court-martial that would have barred the shooter from lawfully obtaining a weapon, had it been reported accurately.

The Fix NICS bill would ensure that Federal and State authorities comply with existing law and accurately report relevant criminal history records to the background check system. This step is the least we can do, not the most, but it is the bare minimum.

While there is broad support for this modest but significant measure, the Republican leadership in the House is already attempting to sabotage it by linking it and pairing it with the truly dangerous Concealed Carry Reciprocity Act. That act would sabotage the laws of States like Connecticut that seek to protect our citizens. It would, in effect, provide that permits from other States be treated like driver's licenses, no matter how lenient or even nonexistent the provisions may be for obtaining permits in those other States. It would eviscerate rights of States like Connecticut to protect our citizens with higher standards.

These basic measures to prevent gun violence have no threat whatsoever to

gun ownership. They ensure that people who are a danger to themselves or others and convicted criminals and others already barred from buying weapons will not be permitted to carry a lethal firearm.

I respect the Second Amendment. It is the law of the land. No firearm should be taken away from law-abiding citizens. But the idea that there is nothing Congress can do to make a difference and save American lives is unacceptable and false. It is a political copout resoundingly rejected by the vast majority of Americans.

Ninety-five percent of Americans want background checks applied to all purchases. They overwhelmingly favor fixes to the present background check system that make the oversight of purchases more accurate, and they favor commonsense measures that will protect innocent human beings like the 20 beautiful children and sixth grade educators lost that day in Sandy Hook.

When I feel most discouraged and disgusted, I think of those families. I think of the parents of Olivia Engel, and I think of the parents of all of those beautiful children and wonder, as I am sure they often do, what lives they would be leading today. What would Olivia Engel be doing on this day filled with Sun and beauty? In Connecticut, this morning, it snowed. At 6 or 11, snow would still be a wonderful thing, never to be taken for granted by any child. This holiday—all of the wonder and beauty of this holiday—is never taken for granted by a 6-year-old or an 11-year old. The possibilities, opportunities, dreams, and hopes were shattered on that day and lost forever.

I was at the calling hours for one of the children killed at Sandy Hook, and it was a gut-wrenching moment—every one of them. I spoke to the mother of one of those children, and I said: When you are ready, we should do something about gun violence.

She said, without hesitation, through reddened eyes and cracking voice: I am ready now. I am ready now.

America should be ready. America is ready. This body should follow America's lead—honor with action. If nothing else is remembered of that day 5 years ago, let us honor with action those strong and courageous families who have suffered this unspeakable horror, this unimaginable grief, and who have come here in years past to ask us to honor with action the victims, survivors, and loved ones of Sandy Hook and of all gun violence horrors in this country.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the senior Senator from Connecticut for his words. The Senator from Connecticut is a former prosecutor who knows law enforcement backward and forward. I can only imagine the grief felt in his State. As a neighboring New England State, I recall the vigils, the

people coming to pray, and the sadness from what happened in our neighboring State of Connecticut. But as so many have said, we can express grief—and we should—but we have to do what the Senator from Connecticut and others have suggested, which is actually take some steps that might stop these things. So I applaud him for what he said.

Let me speak on another issue. This week, we voted on three circuit court nominees, just one step below the Supreme Court. All three of these nominees are extreme. One is objectively unqualified. The fact that we are so quickly casting floor votes on these troubling nominations, all of whom were reported out of the Judiciary Committee just last week, is a symptom of the Republicans' willingness to abandon decades of Senate tradition so that this body can serve as a rubberstamp for President Trump's nominees. The Senate will not be the conscience of the Nation or the check and balance it was always designed to be, but instead, a rubberstamp for the President.

Let me just cover a couple of things. Don Willett is a sitting justice on the Texas Supreme Court. That should mean something. Sitting judges have an obligation to exercise good judgment; to not say anything that would lead individuals to question their impartiality. A question I ask nominees all the time is: Can someone who comes into your court—whether they are Republican or Democrat, plaintiff, defendant, rich, poor, whatever—look at you and say: Well, at least this judge is going to show impartiality. Maybe I will win or maybe I will lose, but it will not be because the judge wasn't impartial. When you look at this sitting justice, Don Willett, he fails the standard of impartiality.

A few weeks ago, I questioned him about his tweet telling a young transgender woman, who was interested in playing softball to "Go away, A-Rod." Justice Willett claimed that this tweet was in jest. But, let me say it again—a sitting justice telling a transgender teen to "go away" sends an unmistakable message to marginalized, vulnerable communities: Not all are welcome in my courtroom. Well, that is not a laughing matter.

This was not the first time that Justice Willett has worn his bias on his sleeve. As an aide to George W. Bush while he was Governor of Texas, he objected to then-Governor Bush declaring a "Business Women's Week." He opposed the proclamation's mention of "glass ceilings, pay equity . . . [and] sexual discrimination/harassment." He dismissed these very real barriers to women in the workforce as "hype." For these and other reasons, I seriously question his judgment or that he would be seen by people coming into his courtroom as impartial.

Then we have James Ho, who is another troubling nominee. His views on social issues are, not surprisingly, ex-

treme. He has even offered effusive praise for Jeff Mateer, another Trump nominee who has publicly proclaimed that transgender children are part of "Satan's plan." Even as a judge, he has complained about the Supreme Court. Remember, these judges are supposed to follow the precedent of the Supreme Court. He has complained about the Supreme Court's Obergefell decision. He said that it is going to lead to "people marrying their pets." I don't think any legal scholar anywhere from the right to the left would agree with that interpretation. Mr. Ho praised Mateer for "protecting and enforcing the . . . civil liberties of every Texan." Well, it is not every Texan—just those he agrees with.

Of course, this race to confirm Mr. Ho that is zipping through here means that we will not have fully vetted him for this lifetime appointment. When he served in the Justice Department's Office of Legal Counsel, he authored a memorandum that was cited in one of the shameful "torture memos." These torture memos have turned out to be a blot on the conscience of the United States. Mr. Ho has refused to answer questions about his involvement, despite the fact that the torture memos are now very much in the public domain. Unfortunately, these kinds of non-answers are considered sufficient as of late, since Republicans are more interested in rubberstamping President Trump's judicial nominees than asking serious questions of them as a coequal branch of government. I cannot believe that any Republican leadership would allow a nominee of a Democrat who would have been involved in the drafting of a key and controversial memorandum to be confirmed unless they are willing to answer questions about it.

Then we have Steven Grasz, whom the American Bar Association unanimously rated him as unqualified for the Federal bench. In the past 40 years, I recall seeing a unanimously unqualified rating only a few times, and those people never made it through. After an exhaustive review including more than 200 interviews about Mr. Grasz, the ABA concluded he could not separate his personal beliefs from his duties as a judge—a fundamental obligation of a judge. This is almost unprecedented to have a rating like this.

To have at least a qualified rating from the ABA is a basic qualification for a nominee to the Federal bench. Certainly, Republicans would insist on it if it was a Democrat's nominee. The Republicans made it very clear that if a Democrat nominated somebody who got a "not qualified" rating—I don't recall it happening, but if they did—they made it very clear that person would never be considered. Well, here is somebody who is declared "not qualified," and yet they whipped him through. You would think "qualified" would at least be the bottom line for a nomination. You would think whoever is President, they are at least nomi-

nating somebody who could hit the threshold of being considered qualified.

Republicans are now casting aside the ABA as a biased institution; some have accused the ABA of opposing Mr. Grasz simply because of his opposition to abortion. Well, that is absurd. The ABA has rated 46 of President Trump's 50 nominees as "qualified." Let's not delude ourselves, does anyone think that any of the 46 Trump nominees that the ABA rated as qualified support abortion rights? They would never get out of the White House if they did. So that argument—like so many others used to support these extreme nominees—does not pass the laugh test.

As the longest serving member of the United States Senate and a former chairman of the Judiciary Committee, I have spoken up about the steady erosion of the Committee's norms and traditions. The Committee has processed un-vetted, extreme nominees at an unprecedented rate. President Trump will have four times as many circuit court nominees confirmed in his first year than did President Obama. The reason President Trump has four times as many circuit court nominees confirmed in his first year than did President Obama is because Republicans removed any and all guardrails on our confirmation process—the guardrails they insisted on when there was a Democratic President. No matter how careful the Democratic President was in picking that person, they had to have these guardrails. I thought, actually, the guardrails made sense.

The second you have a President who nominates extreme judges, they decided we don't need those guardrails anymore because President Trump would never make a mistake. Nominees have had hearings scheduled before we even had the ABA ratings. Multiple circuit court nominees are regularly stacked on single panels. That is something Republicans insisted should not be done when there was a Democratic President. Now, unfortunately, the chairman—who is a friend of mine and a man I respect—has reversed his own blue-slip policy. He has begun to advance nominees without favorable blue strips from both home State Senators. That is the first time this has been done in the last two Presidents.

I fear we are doing lasting damage to our nomination process. I fear we are making the advice and consent process a completely laughable exercise. The three nominees who are set forth this week are evidence of that.

I am going to vote no on each of them because they are not qualified. I have voted for many Republican nominees. I might disagree with them philosophically, but they were qualified, just as I voted for many Democratic nominees. Some I disagreed with, but they were qualified. These nominees aren't qualified. They are extreme. I want the standard I always asked for; that whoever you are, when you come into a courtroom, you can look at the

judge and say: OK, whether I am a plaintiff or defendant, rich or poor, facing the State as the respondent, no matter my political background, I am going to be treated fairly. I will win or lose my case on the merits, not on the judge's bias.

We are closing our door to that. We are closing our door to it when the President of the United States turns the selection process over to an extreme political, partisan group and then asks Republicans to rubberstamp it. I respect my Republican colleagues, but I can't imagine many of them ever standing for a Democratic President doing anything like this. I wouldn't.

I wish they would bring the Senate back to where we should be, where we can be, and where the country is better off when we are.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN. Mr. President, 2 days ago, the GOP-controlled Senate confirmed Leonard Steven Grasz to a Federal appeals court. This is a man who is so aggressively ideological that he earned a rating of "not qualified" from the American Bar Association.

The ABA reached that conclusion, in part, after speaking with many of Mr. Grasz's peers who expressed concerns "that Mr. Grasz' strongly held social views and/or his deeply rooted political allegiances would make it impossible for him to have an unbiased and open mind on critical issues."

Those individuals have ample reason to be concerned. Among his many appalling views, Mr. Grasz believes discrimination against LGBTQ individuals is A-OK. He supports the harmful and discredited practice of conversion therapy and he opposes reproductive rights and the Republicans just confirmed him to a lifetime appointment as a Federal judge who will make life-changing decisions for millions of Americans.

The other judicial nominee the GOP-controlled Senate confirmed this week, Donny Willett, doesn't fall very far from that tree either. Mr. Willett, a current justice on the Texas Supreme Court, isn't shy about his radical right-wing views. He has bragged about being the most conservative justice on the Texas Supreme Court, and he has a record to show for it.

Mr. Willett believes judges should be able to easily overturn State and local laws that protect workers, including minimum wage laws and laws that allow workers to unionize. This view is so out of the mainstream that other conservative judges, including Chief Justice John Roberts and Judge Robert Bork, have rejected him.

Mr. Willett's radical views don't stop there. He has ruled to limit the rights of same-sex couples. He has mocked transgender individuals. He has demonstrated hostility to issues that affect working women, including pay equity, discrimination, and sexual harassment. Mr. Willett has ruled against efforts to help remedy discrimination in Texas schools. On issue after issue, Mr. Willett's record shows a stunning disregard of the issues that impact millions of Americans.

The truth is, Mr. Grasz and Mr. Willett are not unique. They are just a few of the many nominees whose records show they cannot fairly and impartially dispense equal justice under the law.

Right now, the GOP-controlled Senate is executing a breathtaking plan to fill our courts with rightwing, radical nominees like Mr. Grasz and Mr. Willett. It is a plan that has been long in the making. For years, Republicans have worked hand in hand with billionaire-funded, rightwing groups to ensure that our courts advance the interests of the wealthy and the powerful over everyone else.

First, after President Obama was elected, Republicans abused the filibuster to stop reasonable mainstream judges from filling vacancies on Federal courts. They didn't stop those nominees because of their qualifications. They didn't stop them because of their records. The Republicans stopped those nominees because they didn't want judges who cared more about justice than about protecting the powerful.

Then, once the filibuster was gone and Republicans had gained the majority in the Senate, they slowed the judicial nominations process to a crawl. Vacancies stacked up, and the courts became overloaded with cases.

Finally, last year, Republicans took their assault on our judicial system to new heights, refusing to consider any nominee put forward by the President to fill a Supreme Court vacancy. They threw the Constitution and Senate precedent right out the window to advance their radical agenda. It was shocking, and it was shameful.

Now that there is a Republican President who is committed to tilting our courts further in favor of the rich and the powerful, Republicans are looking to fill our courts with judges who share that commitment, no matter how unqualified they may be.

This week, the Senate will vote on one more of those judicial nominees, James Ho, a man who, like Mr. Grasz and Mr. Willett, will work to hand our courts over to powerful, pro-corporate interests. When it comes to money and politics, Mr. Ho's view is the more the better. He has argued that there should be no limits on campaign contributions, none—democracy for sale. According to Mr. Ho, the reason government is so corrupt isn't because there is too much secret money slithering through our political system but be-

cause government makes it too hard for those big donors to succeed in the private sector.

Tell that to the working families, the students, the teachers, and the small businesses that will be paying higher taxes to give those fat cat donors giant tax cuts.

Mr. Ho has also defended discrimination against LGBTQ individuals. While he was solicitor general of Texas, Mr. Ho defended Texas's ban on same-sex marriage. More recently, he has heaped praise on a Federal district court nominee who, among other disgusting statements, said that transgender children are part of "Satan's plan."

Here is another troubling aspect of Mr. Ho's record: his view on whether torture is illegal. While Mr. Ho worked in the Justice Department, he authored a memo relating to the treatment of prisoners of war. That memo is cited in one of the torture memos that became the basis for the Bush administration's illegal and immoral practice of torturing terrorism suspects. That memo was not provided to the Judiciary Committee, and Mr. Ho has refused to fully answer questions regarding his involvement in what ultimately became the Bush administration's policy on torture—information that every Senator should demand to see before we vote on his nomination.

Grasz, Willett, and Ho—just about all of Trump's judicial nominees—have a lot in common. They will put powerful interests before the rights of workers, before the rights of women, before the rights of LGBTQ individuals, people of color, religious minorities, and pretty much everyone else. Their radical, rightwing views mean that in their courts, it will be easier for giant corporations and wealthy individuals to get relief and harder for everyone else to find justice. That is the perverted, upside-down justice system that every Member of this Congress should be working to fix.

Now more than ever, we need judges who will stand up for equal justice for all, not just for the rich and the powerful. The records of the nominees before us this week show that they cannot meet that standard. That is why I voted no on the nominations of Mr. Grasz and Mr. Willett, and that is why I will be voting no on Mr. Ho. I urge my colleagues to do the same.

Mr. President, I yield.

Mrs. FEINSTEIN. Mr. President, I come to the floor today to discuss the three judicial nominations we are considering this week: Steven Grasz, for the Eighth Circuit Court of Appeals, and James Ho and Don Willett, both for the Fifth Circuit Court of Appeals.

Before I talk about those nominees, I would like to offer some background on the importance of circuit courts and remind my colleagues why we have so many judicial vacancies.

The Supreme Court hears between 100 and 150 cases each year out of the more than 7,000 it is asked to review. But in 2015 alone, more than 55,000 cases were filed in Federal appeals courts.

These cases range from crime and terrorism to bankruptcy and civil matters, and the judges who hear these cases will affect millions of Americans.

So it is extremely important who is confirmed to these lifetime positions. Federal judges have a tremendous impact on individuals, businesses, and the law. In a way, circuit courts serve as the de facto Supreme Court to the vast majority of individuals who bring cases. They are the last word.

These nominations are very important. That is why it is so concerning that Republicans for years refused to allow judgeships to be filled.

The simple fact is the rush to fill judicial vacancies is the direct result of Senate Republicans' historic obstruction of judicial nominees during President Obama's administration.

During President Obama's last 2 years in office, just 22 judicial nominees were confirmed. That is the fewest in a Congress since Harry Truman was President. In contrast, during the last 2 years of the George W. Bush administration, Senate Democrats confirmed 68 judicial nominees.

At the end of last year, three circuit court nominees and 20 district court nominees had been approved by the Judiciary Committee and were waiting for votes on the Senate floor. Republicans refused to schedule votes for those nominees, many of whom Republicans themselves voted for, so they could hold those seats open. Four more circuit court nominees and 52 district court nominees were pending in committee and never even received a hearing.

Now, 1 year later, the Senate is voting this week to confirm the 10th, 11th, and 12th circuit court nominees this year. Republicans went from delaying all nominees to cramming them through at a breakneck pace.

The 11 circuit court nominees who have already been confirmed are more than any President in the first year of office since Richard Nixon.

Two nominees we are considering this week, James Ho and Don Willett, lay out the Republican playbook.

These seats on the Fifth Circuit have been vacant since 2012 and 2013, even though the Obama White House tried to work with my colleagues from Texas to fill these seats with consensus nominees.

But once President Trump entered the White House, they wasted no time in rushing to put conservative judges in those seats.

Don Willett was nominated on October 3, James Ho on October 16.

Just a month later, on November 15, the Judiciary Committee held a hearing for both circuit court nominees on the same day, and cloture was filed immediately on both nominations after the committee advanced them.

The speed at which these judges are being rammed through the process is stunning.

In fact, on four occasions in the last 6 months our committee has held hear-

ings for two circuit court nominees at the same time. This happened only three times in all 8 years of the Obama administration.

This is a problem because it gives Senators less time to review each nominee's record and less time to ask each nominee questions. Candidly, it makes it very difficult for us to exercise our constitutional duty to "advise and consent."

We are already seeing the ramifications. Just yesterday, the White House announced that two of its nominees would not be moving forward. One nominee, Brett Talley, had already been voted out of the Judiciary Committee, but we learned of troubling undisclosed information while he was pending on the floor. This may not have happened if we had sufficient time and cooperation to fully review these nominees.

In the month of November, the Judiciary Committee had hearings for five circuit court nominees. I have served on this committee since 1993, and we have never held hearings for five circuit court nominees in a single month before. That is during a month when we spent a week at home for Thanksgiving.

Republicans refused to advance seven circuit court nominees last year, but now we are speeding through the process to fill those seats with conservative judges. Fairness aside, we should all be concerned that we are giving lifetime appointments to potentially unqualified nominees.

Now, I would like to talk about the three nominees we're considering this week. This week, Steven Grasz was confirmed to the Eighth Circuit.

The American Bar Association has rated 1,755 judicial nominees since 1989, and only two of those have been unanimously rated "not qualified" based on concerns over their impartiality.

One was a nominee for the Fifth Circuit in 2006 who was never confirmed. The other is Steven Grasz.

Let me repeat that. This week, for the first time since at least 1989, the Senate voted to confirm a nominee who was unanimously rated as "not qualified" by the American Bar Association.

The ABA doesn't rate nominees based on what the evaluators think. Rather, they review a nominee's written record, talk to the nominee, and interview many people who have direct personal and professional knowledge about the nominee.

Here are just two direct quotes from the ABA's review:

"Mr. Grasz's professional peers expressed concerns about his views of stare decisis, and questioned his commitment to it."

"[A] number of Mr. Grasz's professional colleagues expressed the view that, in terms of judicial temperament . . . Mr. Grasz is not 'free from bias.' Specifically, they expressed the view that he would be unable to separate his role as an advocate from that of a judge."

These are stunning indictments of a man who was confirmed to a lifetime seat on a circuit court.

Some of my Republican colleagues argue that the ABA is biased. The numbers just don't bear that out.

Over the last 30 years, during both Republican and Democratic Administrations, the ABA has rated nearly 1,800 nominees and rated only two "not qualified" based on their temperament.

I voted against Mr. Grasz's nomination and am very concerned that he was confirmed on Tuesday. He did not have the support of a single Democratic Senator.

Next I would like to talk about James Ho, nominated to the Fifth Circuit.

During his time at the Office of Legal Counsel, Mr. Ho wrote a legal analysis of the scope of the term "cruel, inhuman, and degrading treatment," which is prohibited under Common Article 3 of the Geneva Conventions.

Unfortunately, this memo remains classified, and we haven't seen it.

The reason we know this memo exists is because Jay Bybee cited it in one of the so-called torture memos, which were used to justify torture and have since been widely discredited.

The Bybee memo also appears to have relied on Mr. Ho's analysis to argue that because the term "cruel, inhuman, and degrading treatment" "appears to . . . have a rather limitless reach," conduct that qualifies as torture should be defined more narrowly than what is prohibited under international law.

It is this kind of flawed legal reasoning that allowed the U.S. Government to torture people, and I have argued that no vote should have taken place on Mr. Ho's nomination until we had access to that memo.

The Justice Department has provided us access to similar memos written by nominees for judgeships, so there is no reason to deny us access to the memo James Ho authored.

I can't possibly vote in favor of a nominee to a lifetime appointment who may have helped provide the legal basis for torture, and it is a shame we are voting on this nominee this week.

Finally, I would like to speak about Don Willett's nomination to the Fifth Circuit.

At his hearing, my first question was about his 1998 comments on a draft proclamation for then-Governor George W. Bush to honor the Texas Federation of Business and Professional Women in 1998.

Let me quote from them: "I resist the proclamation's talk of 'glass ceilings,' pay equity (an allegation that some studies debunk), the need to place kids in the care of rented strangers, sexual discrimination/harassment, and the need generally for better "working conditions" for women (read: more government)."

I asked Justice Willett if these were still his beliefs, and he refused to answer. I asked again, and again, he refused to answer. Senator DURBIN asked

the same question, and Justice Willett refused to disavow these beliefs.

As the National Women's Law Center wrote, "Mr. Willett's skepticism of the existence of sex discrimination should disqualify him from the bench. Litigants coming before Mr. Willett . . . would have reason to question whether their claims of discrimination, including sexual harassment and pay discrimination, would be fairly and impartially heard or, instead, treated as 'hype' to 'debunk.'"

I could not support Justice Willett's nomination.

Ms. WARREN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. CORNYN pertaining to the submission of S. Res. 361 are printed in today's RECORD under "Submitted Resolutions.")

Mr. CORNYN. Mr. President, on a separate and happier note, today is a great day for our Nation's Federal judiciary. Yesterday afternoon, we confirmed Justice Don Willett, who currently serves on the Texas Supreme Court, who has been nominated by President Trump to the United States Court of Appeals for the Fifth Circuit. Soon we will be voting on Jim Ho, the former solicitor general of the State of Texas, who has also been nominated to the Fifth Circuit Court of Appeals.

These are two outstanding nominees, and they reflect the best of Texas. They are each fathers, lawyers, scholars, public servants, and active participants in their communities. I wish to take just a few minutes to discuss each of their unique stories, as well as their sterling records of professional accomplishment.

Don Willett was raised in Talty, a small town outside of Dallas, TX. He was adopted at a young age and raised by a single mom for most of his life. She must have been one heck of a lady because her son went on to achieve great things from those humble beginnings.

He attended Baylor for undergraduate and Duke Law School. He clerked on the same court to which he has been nominated and now confirmed, the Fifth Circuit Court of Appeals. He worked in private practice and served Governor, and then President, George W. Bush.

That is not all, though. He went on to work at the Department of Justice's Office of Legal Policy and later served as deputy attorney general of Texas before his appointment to the Texas Supreme Court. He was elected to his first full term in 2006 and reelected in 2012.

While serving on my State's highest court, Justice Willett was recognized for his excellence by the Texas Review

of Law and Politics, which named him as its "Distinguished Jurist of the Year" in 2014.

Justice Willett's confirmation now is good news, and, perhaps, the best news for him personally is that he will no longer have to run for election, as he has had to do as a member of the Texas Supreme Court, because, of course, his appointment now is for life tenure.

Jim Ho's story is no less remarkable. Jim was born in Taiwan, and his parents immigrated to New York when he was a toddler. Jim learned English by watching Sesame Street.

When he was young, his parents moved to California, where Jim later attended Stanford before moving on to law school at the University of Chicago. As an adult, in his professional life, Jim clerked for Judge Jerry Smith on the Fifth Circuit, the court to which he has now been nominated and will be confirmed, and he later clerked for Justice Clarence Thomas on the U.S. Supreme Court.

Jim has worked in a variety of legal capacities in the private sector. He has also served at the Civil Rights Division and the Office of Legal Counsel at the Department of Justice.

It is when he was at the Civil Rights Division that I first met Jim and I offered him a job on my Judiciary Committee staff, where he served as my chief counsel. Later, serving as solicitor general, he had the highest win rate before the U.S. Supreme Court of any person who has served in that role. When I was attorney general of Texas, we created this position of solicitor general because we had line lawyers who would, literally, handle cases for State agencies and who would handle those cases all the way to the Supreme Court, but really they didn't have the experience or training as an appellate advocate that we needed to speak with a single voice for the entire State before the Federal courts. Jim held that role and performed with distinction. As I said, he was enormously successful in his appellate advocacy.

Jim also bears the distinction as the first Asian-American solicitor general of Texas, and he has taught as an adjunct professor at the University of Texas and is published in numerous scholarly journals.

Simply put, Jim Ho and Don Willett are two stars in the Texas legal firmament. They were extensively vetted by the bipartisan Texas Federal Judicial Evaluation Committee, appointed by Senator CRUZ and myself, as well as the Office of White House Counsel and the Department of Justice. I am glad we are now elevating them to the Federal bench.

I wish to commend the President on these excellent nominations, and I thank my colleagues for their votes to support these two exceptionally qualified men.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### REPUBLICAN TAX BILL

Mr. REED. Madam President, as Republicans in both Chambers rush to conclude their secret negotiations on the final details of their tax bill, I want to make clear to my colleagues what should be obvious about this legislation. We may not yet know the results of all of their horse-trading leading up to the final legislation, but the American people are watching this process. It is plain to see that, should this Republican bill become law, Republicans will have knowingly and deliberately made worse the most dangerous threats that we face to our economic and national security. Worse yet, they will have drained the public coffers that our children and our children's children will need to take up these challenges.

We all know what these challenges are. We face unprecedented income and wealth inequality that threatens to stifle the social mobility that is the hallmark of the American Dream. There is also declining productivity, which has kept middle-class wages stagnant, and bred economic anxiety for too many parents wondering if their children will attain a higher standard of living—much higher, they hope—than they have achieved. We have a surging deficit from decades of trickle-down economics and unpaid-for wars that, if left unaddressed, could apply huge pressure to our ability to keep our most basic promises to the American people, not to mention meeting our obligations as a world power.

To the families watching what is going on in Washington right now, the Republican end game appears to be to invite fiscal crisis due to irresponsible tax cuts for the wealthy and corporations, and then, because we have already given trillions of dollars away in tax cuts, to demand that Congress shred Social Security, Medicare, Medicaid, and other vital programs in order to pay our bills. We know this is the road that this bill sets us upon, and the American people certainly see this coming. So let no one who votes for this bill say that they did not know the consequences of their actions. This will not be remembered as tax reform, but rather as a serious mistake to be corrected in the future.

How do middle-class Americans know that Republicans did not write this bill for them? Because they have watched Republican economics rig the tax system in favor of the wealthy and corporations for years, even as wealth and income inequality have reached historic levels. They took the Republicans at their word when Republicans promised that the Bush tax cuts of 2001 and 2003, which skewed tax relief to the top

1 percent over the bottom 20 percent of Americans by more than 6 to 1, would eventually trickle down. That is what they thought, but on the eve of the great recession, aftertax income for the richest 1 percent had soared while middle-class wages continued to stagnate. We are still waiting for the Bush tax cuts to trickle down and to pay for themselves. They likely never will.

These Republican proposals make matters even worse by financing tax giveaways for big business and the rich on the backs of those just trying to get by. Economists, relying on the Federal Survey of Consumer Finances, recently determined that the top 1 percent of American households now hold about 40 percent of the Nation's wealth, which is a 50-year high. This legislation overwhelmingly benefits them while raising taxes on 48 percent of American taxpayers by 2027.

Many of the families whose taxes will go up have already been through tough economic times during the Great Recession. Productivity in the American workforce has been declining, and wages have grown at an even slower pace than that. These families don't need numbers from the Bureau of Labor Statistics to know our Nation's recovery was historically slow. But our middle-class weathered the Great Recession as Americans have always done. Now, because of the lopsidedness and deficit-busting features of the Republican tax bill, Moody's Analytics has warned that this "fiscal policy mistake" could very well take us prematurely into an economic bust. Middle-class families have just emerged from the last crisis of Republican economics, still battered and bruised, and they know that, if Republicans force a plan like this on the Nation again, it will be their children who are on the hook to pay for it.

Make no mistake, there are times when running a deficit is advisable or even economically necessary—particularly when times are tough and families need help to stay in the working class and get back on their feet. But regressive tax cuts just sit on our credit card with little to show for all that red ink, and the tab we are leaving the next generation is still running from 16 years ago.

Like many of my colleagues, I was here to take the tough votes and make the hard choices that led to the Clinton-era surplus. The failed experiments of supply-side economics turned that surplus into a CBO-projected deficit of over \$10 trillion over the next decade. And even if we accept all of the rosy assumptions of dynamic scoring and take it on faith, yet again, that wealth will trickle down and that no recession will come in the next decade—all of which are assumptions on which I wouldn't wager anything—the Joint Committee on Taxation calculates that this bill would still increase the deficit by over \$1 trillion. Facts do not go away simply because we ignore them, and if Republicans continue to ignore

the budget hole their policies create, then this massive deficit and the budget pressures that follow it will be their legacy for future generations.

More importantly, however, I must ask: What national priorities will our colleagues on the other side deem too expensive after we have given 1 trillion more borrowed dollars to the wealthy? What choices will Republicans try to force on the American people when they decide there simply isn't enough for the Armed Forces, the jobless, the sick, and the elderly? Republican leadership is already vowing to take up "entitlement reform" next year, which is Washington-speak for giving the top 1 percent everything they want and then forcing practically everyone else to choose who loses their Social Security, Medicare, or Medicaid to plug the budget hole. Therefore, before Republicans blow apart the Federal budget yet again, it is worth reviewing the massive costs the American people are already committed to pay.

First, as I have discussed before, this bill essentially guarantees that we will struggle to meet the needs of our national defense. Our war deficits from the past 16 years alone are projected to add over \$1 trillion to the national debt by 2023 and over \$8 trillion by 2056. We all know we must modernize the nuclear triad, which will cost \$1.2 trillion in 2017 dollars over the next 30 years. A 355-ship Navy would cost, on average, \$102 billion per year through 2047. Necessary additions to the end strengths of the Army, Air Force, and Marine Corps will cost an additional \$18 billion, \$6 billion, and \$3.6 billion, respectively. Where will this money come from, since we have already given it away to the wealthiest Americans?

This chart shows what happens to the defense budget when large-scale tax reductions are put into effect, starting in the Reagan era of the 1980s. One of President Reagan's first initiatives was to build up defense. This chart shows the percentage of GDP devoted to defense spending. President Reagan promised to make America strong. To actualize his feeling and view of peace through strength, he built up the defense budget significantly—going from a little over 5 percent of GDP when he took office up to almost 7 percent. But in the mid-1980s, he also engineered tax cuts that lowered taxes on the wealthy in proportion to lower income Americans, and eventually, those tax cuts and the deficit caught up with defense spending. As we notice, through the later 1980s and all the way into the 1990s, except for one respite, we had a declining defense budget. In the first year of the George Herbert Walker Bush administration, there was another attempt to decrease defense spending. So the line went up a bit, but after that, of course, with deficits increasing, with other pressures mounting on the budget, defense spending plummeted.

Then, within the Clinton administration, there was a conscious effort to re-

duce defense spending. The so-called Cold War peace dividend took place. At the same time, though, because of the tough votes on tax reform that we took, we were building up a significant surplus.

We saw again here, with the beginning of the George W. Bush administration, an increase in defense spending. Once again, that was a product of the desire of the President to lower taxes, which he did, but more importantly, was the unexpected and catastrophic attack on the United States on September 11, 2001. That, together with the later decisions to go into Iraq and maintain our presence in Afghanistan, led us to increase defense spending, but, once again—once again—a growing deficit with tax cuts, with no increases to pay for wartime operations, saw the defense budget peak and then begin to decline, and we are in that decline right now.

If history is any judge, when we pass these tax cuts, I think we will see a further decline as defense spending is squeezed by an already-acknowledged increased deficit and by the difficulty of cutting other programs to relieve budget pressures. We are not positioning ourselves well. As I previously mentioned, we are already looking ahead at necessary expenditures totaling trillions of dollars over the future, and if we don't make them, it will leave our Armed Forces, and indeed our position in the world, in a very precarious position.

The irony will be that many of my colleagues will come down here and vote one day soon on a huge tax reduction for the wealthiest, including a \$1.5 trillion deficit increase, and on the next day say: "We need more money for our military, that is the most important thing." If our military were the most important thing, we would be voting on a bill to provide that type of financial support and relief to the military today, and letting the tax cuts for the wealthy wait.

This is one of the remarkable periods in our history; probably the first time in our history, that we have conducted a war for 16 years, and have yet to ask the American people, in any significant way, to participate by paying their fair share for the national defense. In fact, throughout this period, with rare exceptions, we have cut taxes, and the cuts have basically benefited the wealthiest Americans. That is why all of this together has caused former Secretaries of Defense Leon Panetta, Ash Carter, and Chuck Hagel to indicate that this tax bill is ill-advised. Following 16 years of debt-financed war, providing even bigger deficit-busting tax cuts doesn't make any sense for our national security.

My previous comments, along with the comments of former Secretaries of Defense and others seem to have touched a nerve with Speaker RYAN because, when asked specifically, he took some umbrage at these comments. In an interview with NPR, he said he simply could not understand where our

concerns were coming from. To put it bluntly, I am comfortable siding with three former Secretaries of Defense over the Speaker when it comes to budgeting for the men and women of our Armed Forces, for the reasons I outlined in my discussion of the history of defense spending and tax cuts over the last 30-plus years. Inevitably, the tax cuts to the wealthy and corporations, because of the way this bill is structured, will put pressure on defense spending. What I don't want to happen is to have people down here 2 months from now pounding the desks about how we are not responding to the needs of our troops, saying that we haven't made them the most important thing in our lives, or that we are neglecting our national defense. Frankly, they have ignored this whole topic by committing to give tax cuts and increase the deficit. That is the wrong priority, in my view.

As the chart clearly demonstrates, these tax cuts eventually catch up with us. They produced defense cuts—maybe not immediately, but we are not working on a situation like we had in 2001. When President George W. Bush instituted his tax cuts, we had a \$5 trillion surplus on the books. That was because we took those tough votes in the 1990s to increase taxes and to build up a surplus.

We don't have that pad any longer. We are already \$10 trillion in the hole, so the effect of these cuts will be much quicker and much more dramatic when it comes to the situation we will face not only in terms of supporting our military, but actually taking major steps to upgrade the platforms, the technology, the training, the readiness, and the quality of life of the Armed Forces. We don't have a \$5 trillion surplus to dip into to pay off the wealthiest while we try to fix defense. We are in a situation where advocacy for this tax cut, in my view, totally and deliberately ignores the costs we are going to have to pay to protect ourselves. For the first time in our history, we have conducted almost 20 years of war, and we have asked our troops and their families to serve, but we haven't asked any other American to stand up, at least with their financial support, and help us deal with the crises we face across the globe.

It is not just our Armed Forces that will be squeezed and crowded out of the Federal budget because of these Republican proposals; the middle class and the working poor will also have to do a lot more with a lot less.

Many of my colleagues have already pointed out that the CBO has estimated that 13 million Americans will lose their health insurance because Republicans will repeal the individual mandate to pay for tax cuts. They can try to spin this as an expansion of choices, but the bottom line is that more people will be sick, and fewer of them will get the care they need.

Other middle-class American families can expect to lose access to critical tax

advantages that allow them to remain self-sufficient during hard times. This approach promises to crush families on two fronts. It will force more families who are down on their luck to slip out of the working class, and then, because of massive deficits, the social safety net will be weakened when these families need it the most. This legislation will likely trigger a \$25 billion cut to Medicare in 2018 alone, and with the Republicans' entitlement reform on the docket for next year—publically announced by Speaker RYAN—this may just be the tip of the iceberg. If we pass this tax bill, under our pay-go rules, we are in a position where we will be facing a \$25 billion cut to Medicare just next year, in 2018. Indeed, for many Americans, this vote is not about taxes, it is about Medicare—what they thought they had earned and are entitled to, what their children believe they need in order to withstand the obvious health problems as one ages.

This does not even begin to cover the struggles facing working-class Americans every day. We are in the midst of a historic decline in labor force participation that economists are struggling to explain, and many States that are experiencing deep declines in labor force participation are among those hardest hit by the opioid epidemic. A few weeks ago, President Trump declared a public health emergency on opioids. Where are the resources coming from to face that national emergency? There will not be that much left after this tax cut.

What we are beginning to see—this is not cause and effect, but it is a correlation—is that a lot of individuals are leaving the workforce because they feel displaced by new technology or because they are noncompetitive or for a number of reasons, and this seems to correlate very highly in those States with large losses with this opioid epidemic. In my home State of Rhode Island, this epidemic is real. It is taking the lives of individuals. On a national scale, it is something that has already been proclaimed a public health emergency by the President. Again, where will the money come from after these tax cuts? Will the problem just go away? I doubt it. The money is going away, but not the problem.

We have to ask ourselves: If we are in a national public health emergency, why aren't we standing up and providing the resources to help Americans face this problem? It goes back to the same logic: If we are in our 16th or 17th year of war, why aren't we standing up and saying that we better put up some money for the troops, their equipment, and their families?

No—what my colleagues are saying is: We had better cut taxes for the wealthiest Americans, for corporations. We have to create loopholes for passthrough entities that give advantages to private equity concerns, legal firms, accountants, and others.

As we look at these problems, millions of Americans are sitting around

their dinner tables, and they don't believe we need to give trillion-dollar tax cuts to corporations that have international operations. They are more likely thinking about more mundane things closer to their lives, such as, what about the roads and bridges in my community? Why does this country have an investment backlog in transportation of \$836 billion for highways and bridges and \$122 billion for transit? Why aren't we doing the big infrastructure bill that the President indicated during the campaign—which is going to cost real money? Instead, we are giving real money away.

This makes a huge difference—because pursuing tax cuts first doesn't just neglect infrastructure, it neglects jobs. The jobs infrastructure projects create are middle-class jobs. These are not the private equity analysts. These are not the sophisticated financial engineers. These are the laborers, the structural engineers, and the men and women who pour the concrete. They are not going to get much out of this tax bill. At the family dinner table, they are probably wondering how they can afford to send their children to college.

How can they even continue to send their children to elementary and secondary schools that are in a horrendous state of repair? The Department of Education has estimated it would cost \$197 billion to bring all public schools in the United States to good condition, and there is a \$30 billion funding gap in annual capital construction and new facility funding. This is not just a Rhode Island problem; this is a problem in every State of the Union. Public school buildings are decrepit, and we are sending children to those schools. If this legislation passes, where will we find the money to help State and local communities deal with these issues so that children can go to schools that are modern, up-to-date places where they can learn?

Once you get past the elementary and secondary education levels, today everyone insists the jobs of the future all require more than a high school education. We have a generation that has racked up about \$1.3 trillion in student loans and is facing a job market that provides few opportunities and not enough opportunities to pay them off. They are worried. People are worried that their children—many of whom are still living with them after college—will never be able to pay off these loans. Where is the multibillion-dollar package of assistance, aid, and loan forgiveness that will allow this generation of Americans to have the same benefits that my generation had? That is not the situation today. Everyone in this Chamber knows this because, when they go home, they hear from parents who are wondering when their child will ever get out from underneath the significant debt they have.

These are all real problems that working families face. There is another

problem that is looming and will exacerbate these problems even more dramatically. According to the McKinsey Global Institute, up to 30 percent of the work done by 60 percent of occupations today is vulnerable to automation. By 2030, 75 million to 375 million—up to 14 percent—of the global workforce will need to change jobs. These advances in artificial intelligence could cause a huge erosion in human jobs.

What are families doing? What should we be doing? Frankly, we should be thinking of ways we can help people make the transition, and prepare them for what we know is coming. We know there is going to be a huge loss of jobs. We know that, when people drop out of the workforce, when companies get smaller, their pension obligations don't get that much smaller. We are also facing huge shortages in terms of pensions.

One of the ironies I suggest will happen—"irony" is too gentle of a word—is that these corporations that are getting huge tax benefits are not going to raise wages. They are not going to turn it over to the people who work for them. They will buy back their stock, and some of these companies will buy back their stock even though their pension plans are not fully funded. That is not only an irony but an additional problem with the approach we are taking to this legislation.

The jobs in danger are not all entry-level positions. This is not about somebody who has a pick and a shovel and is displaced by a machine. We are talking about jobs, for example, in radiology. With computers and artificial intelligence today, doctors will admit they can read x-rays better than many technicians. They can do it in such a way that you don't need as many radiologists to review the records. They can be much more efficient. We are talking about jobs that are not core, entry-level jobs done by people who can easily do something else. We are talking about people who have master's degrees, who have years of training. This is going to come very quickly. What do they do? How do they compensate? Where do they get a job?

We know that this is going to happen, and we are weakening ourselves financially from being able to respond. Yet the legislation that is being proposed is oblivious to what we know is going to happen.

People will come here and say: "We need more money for national defense." Why don't we do that now, instead of giving a big tax cut and raising the deficit?

In a few years or few months, people will say: "This opioid crisis is out of control; it is even worse than it was when the President declared it an emergency." Let's do something.

We don't have the money. In a very few years, when people say, "We are losing hundreds of thousands of good jobs; let's do something," the answer will be "Sorry, we can't."

By the way, we don't have much of a safety net for those people who are

being displaced by these machines because we have eroded that too. We have huge challenges before us. The American people are watching us. They know these things. They are seeing in their workplace machines gradually replacing human beings. If you are a driver for UPS and you haven't figured out yet that these big companies are buying autonomous vehicles, they are using drones to deliver packages, et cetera—they understand what is coming. They see their children with huge debt living at home because they can't afford to buy a home, given their school loans. They sense the fragility of not only their own job but also the support for their parents on Medicare and Medicaid.

One of the things I thought was interesting when I heard we were going on to entitlement reform is the fact that the biggest amount of money spent in Medicaid go to nursing homes, and it goes to individuals who are not the poorest of poor. They are middle-class people, seniors, or people with long-term disabilities who have exhausted most of their funds. They have sold their house or mortgaged their house, et cetera, and they are the ones who are taking the bulk of the Medicaid money and funding. If we cut Medicaid, what we are going to do is tell a lot of middle-class people: You are out; you are out of this nursing home. Or we are going to tell their sons and daughters: You thought you had a problem paying off your children's tuition; you thought you had a problem at work because you haven't had a raise in several years. Guess what. Unless you come up with \$1,000 extra a month, your mother is out of that nursing home.

That is the reality. That is what Americans around their kitchen tables and coffee shops are talking about. They are not talking about big tax cuts for the wealthiest corporations and individuals. It is no surprise that, if you look at any of the polling with respect to this tax bill, the American people are against it. My colleagues, particularly on the other side, are committed to getting something through that the American people don't want. They have said it. The polling has been extensive: We don't want this; we have real problems at home.

I am here to say that I believe this is a great mistake. I don't think any of us going forward should be in a position to say: Someone should have told me; someone should have told me that we need trillions of dollars to improve our defense above and beyond the current money we are spending. Somebody should have told me that hundreds of thousands—if not millions—of good jobs are going away because of artificial intelligence. Someone should have told me that young people are drowning under college debt, and we should fix that. Someone should have told me that we are in a situation where working conditions and the prospect of work is so fragile for so many people.

I think this is a great mistake. I hope my colleagues will reflect on what we are about to do and reject it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Madam President, I ask unanimous consent that notwithstanding rule XXII, at 1:45 p.m. today, all postcloture time be yielded back and the Senate vote on the confirmation of the Ho nomination and that, if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

NAFTA

Mr. FLAKE. Madam President, I rise today because I believe that some here in Washington are under the illusion about what would happen if we were to withdraw from the North American Free Trade Agreement, or NAFTA.

Some people still, inexplicably, believe that this would be a good thing. They believe the relationship between the United States and Mexico and Canada is somehow a raw deal for Americans. Let's talk about Mexico for a while.

In reality, Mexico spends 26 percent of its GDP in its purchasing of goods from the United States, while we spend less than 1 percent of our GDP—I think it is 0.2 percent—in our purchasing of goods from them. Again, for those who obsess over trade deficits with Mexico, Mexico spends 26 percent of its GDP in its purchasing of goods from the United States while we spend less than 1 percent of our GDP in our purchasing of goods from them. Prior to NAFTA, our total trade with Mexico was under \$80 billion. Now that trade approaches \$600 billion. That is a good thing. That is good for us, and it is good for Mexico. Trade is not a zero-sum game.

These folks also seem to think that terminating NAFTA will have no lasting impact on this Nation or its economy. In reality, pulling out of NAFTA would have sweeping negative consequences for Americans all over the country. Let me briefly describe what America would look like without NAFTA.

It would be an America with fewer jobs and higher unemployment. Some of these jobs that would be lost would not return for decades, maybe even for a generation. Other jobs would never return. It would be a poorer America without NAFTA. The gross domestic product would drop. Much of the positive growth that we have seen recently may be erased. In the last year, we have seen impressive GDP numbers. We have achieved great growth through strong, conservative policies—in our having a better regulatory environment, in particular. I hope the days of 1-percent growth are behind us, but if we scrap NAFTA, that may not be the case. An America without NAFTA would be one crippled by subsidies.

I agree with my colleague from Kansas and the Senate Agriculture, Nutrition, and Forestry Committee chairman, Senator ROBERTS. He recently explained that the withdrawal from NAFTA would add to farmers' demands for increased farm subsidies at a time when Congress simply cannot afford that. These farmers would prefer to sell their crops at reasonable prices, but in our exiting NAFTA, they will certainly ask for economic protection through increased farm subsidies. I believe that many of these subsidies are automatically added and that these subsidies would substantially grow the national debt and dramatically curtail any ability to rein in government spending.

Without NAFTA, we will likely find ourselves in a less secure America. The withdrawal from NAFTA will destabilize the Mexican economy and create a crisis on our southern border. Terminating this agreement will seriously undercut the important progress that has been made over the past several decades—that of improving drug enforcement and stabilizing the Mexican economy. Efforts toward privatization, criminal justice reform, and modernization have been good for the Mexican economy. In turn, it has been good for our economy as well.

According to the Department of Homeland Security, the number of people trying to cross illegally into the United States from Mexico has fallen to the lowest level in 46 years. That is largely due to there being a better economy in Mexico. If we pull out of NAFTA and allow Mexico to plunge into economic chaos and uncertainty, it will, certainly, drive up the number of those who want to come to the United States.

These are the real ramifications of terminating NAFTA—an America with higher unemployment, a lower GDP, more Federal subsidies, particularly for agriculture, and increased illegal immigration.

All of this—exiting NAFTA—would come before we would face the ultimate challenge of negotiating a new trade agreement to replace NAFTA. Anyone who suggests that this process is quick or easy is sadly mistaken. In today's global economy, people and nations have more choices than ever.

For evidence of this, look no further than to the disastrous decision to withdraw from the Trans-Pacific Partnership. Canada and Mexico, like other TPP nations, could decide to move ahead without the United States. These countries have more choices than ever. It used to be that we were the only game in town. That is not the case anymore. These countries have and will move on without us. They could simply refocus their efforts on alternative markets and explore new trade partners. It is a dangerous game when we in America are no longer seen as a reliable trade partner. We will have countries that will be reluctant to enter into agreements with us and that will simply not want to renegotiate.

Let's not be swayed by those who would have us believe that the impact of exiting this trade agreement would somehow be minor or short-lived. There are some who say that we have to exit the agreement in order to negotiate a better agreement. As I have explained, just exiting the agreement will have real ramifications—canceled contracts, particularly for those in agriculture when you are dealing with commodities. Let's not be misled by those who are under the illusion that negotiating an entirely new trade agreement, as I have said, will be simple or painless. It will not be.

In closing, we have seen the limits to the philosophy of ethno-nationalism and economic nationalism. We have seen those limits politically, gratefully, this week in Alabama. Let's not follow those who believe in that philosophy or who are advocating an ethnocentric, or an extreme, nationalistic trade policy. That would be disastrous for the economy of the United States in its moving forward.

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.

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

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

#### TAX REFORM BILL

Mrs. CAPITO. Madam President, I come here today to again speak in support of comprehensive tax reform. For weeks, I have worked to highlight the enormous benefits that our tax reform efforts will have for the economy. I am very excited about the point where I think we are now because I know this will help our middle-income families, workers, and businesses of all sizes.

I think it should not be lost that the tax reform bill doubles the standard deduction. In my small State of West Virginia, 83 percent of the people living there don't itemize. They are going to use the standard deduction, and that is going to be doubled. It also significantly increases the child tax credit, which is great for families and great for young families with children trying to make ends meet.

It will make America's businesses more competitive around the world, which I think will lead to higher wages and more opportunities for our workers.

I encouraged my colleagues to join these efforts as the Senate proposal worked its way through the Senate Finance Committee and again as it came to the Senate floor for debate. Next week, we hope to see the conference committee report on the Senate floor.

Last week, I explained why I was proud to cast my vote for this critical legislation. I expressed my optimism that the Senate and the House would come together, reconcile the differences between the two bills, and set-

tle on an agreement that would provide real relief and real opportunity for the American people.

Today, we are closer than ever to getting comprehensive, pro-growth tax reform across the finish line, and that is why I am standing here to explain why it is so important that we move it all the way through this process and pass these reforms.

I asked you to take my word, and I have for the last several weeks and months, but now, today, I ask you to not simply take my word on this. Throughout the process, when I have been back at home in West Virginia, I have heard from constituents, friends, and even strangers who are really rooting for this effort. They are rooting for it because they understand what a difference it will make in their lives. Whether I am at a roundtable discussion or at the grocery store, so many West Virginians have shared with me what tax reform would mean for them and their families. They have encouraged me and they have encouraged us to get this done because they know what tax reform would do for our State in terms of jump-starting the economy.

One West Virginian I recently heard from, Donald from Beckley, recently wrote to me on behalf of his sons and grandchildren, who he said will "reap the rewards" of the tax reform bill. He wrote:

There are too many minimum wage jobs in West Virginia and not enough higher-paying jobs for advancement. There is no ladder for the young people to climb anymore.

Donald added that he would be very surprised if the tax bill doesn't help solve this problem. If we don't see higher wages, which we believe we will, Donald said that he would be surprised. I know we are going to see higher wages. He said: "I really hope that the Senate and House get this bill to the President's desk before Christmas so he can sign it."

This week, similar support was echoed by a number of groups and organizations in West Virginia. The National Federation of Independent Business said that both the House- and Senate-passed tax reform proposals "recognize the need for small business tax relief, which means businesses could reinvest in their businesses and employees, create local jobs in rural and urban areas of West Virginia."

I had to kind of laugh when they said "urban" areas in West Virginia. I am not sure we truly have urban areas. We have many rural areas. But we have great towns in West Virginia.

The NFIB went on to say: "We can't afford to miss this once-in-a-generation opportunity to help Main Street businesses grow and create jobs."

The West Virginia Chamber of Commerce, which represents businesses small and large in the State, also expressed support for the tax reform effort this week by calling it a "real win-win" and noting that "by making tax rates more competitive, small businesses will be able to reinvest in growing their operations and creating more

jobs, and individuals will be able to determine how best to spend their hard-earned money, further stimulating economic growth.” The chamber also pointed out that this effort is expected to grow jobs in our State by roughly 5,000 new jobs. To some States, 5,000 might not sound like a lot, but in a State such as ours, 5,000 jobs would be welcomed and welcomed heartily. They also highlighted that West Virginians are expected to see an average reduction of nearly \$2,000 in their Federal taxes that they pay. That is a significant amount of money for hard-working families across our State, to be able to determine how they want to spend their money.

Additionally, the State director of the West Virginia chapter of Americans for Prosperity recently said:

This is a huge step for taxpayers. This is going to make American businesses competitive again. It's going to put more money in the pockets of West Virginians.

Finally, our West Virginia manufacturers—we have a great manufacturing sector—weighed in by saying:

Manufacturers large and small know this reform will mean more jobs in America, more investment in America, and more men and women making things in America. . . . Our elected leaders now need to seize this opportunity, get tax reform across the finish line, and send it to President Donald Trump's desk.

I couldn't agree more.

Many of the folks I have quoted represent numerous businesses and numerous people who work in and for those businesses.

To get this economy growing is incredibly important, and that is what we are going to do. It is time to seize this once-in-a-generation opportunity. It is time to get tax reform across the finish line. It is time to send this pro-growth legislation to President Trump's desk. Families, workers, and small businesses in West Virginia and across this country are counting on us. They are counting on us to do the right thing, to be big and bold, to get this economy moving. That will result in more jobs, higher wages, more investment, and more opportunity and optimism about the future of our country.

I thank the Presiding Officer, and I look forward to voting for this bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

DACA

Mr. CASEY. Madam President, I want to cover two topics. There is so much to cover between now and the end of the year, but I want to focus today on two issues. One is the Children's Health Insurance Program, and the second is the so-called Deferred Action for Childhood Arrivals, the so-called DACA Program, and in particular the individuals affected by this policy, the Dreamers. I will start with that issue.

The Dreamers, of course, are something on the order of 800,000 young people who were promised that if they came forward and made disclosures, their government would protect them. That is the basic promise that our government made. This is a significant moment in their lives and in the life of the Nation as to whether we are going to keep what I would argue is a sacred promise to 800,000 young people and in my home State of Pennsylvania, at last count, thousands, as many as 5,900, approximately.

In this case, we are talking about this issue because a promise was made, and then in the transition from one administration to the other, a different approach was taken. In September, President Trump decided to end the Deferred Action for Childhood Arrivals Program. This announcement required those whose DACA waivers would expire within 6 months to submit a renewal application in just 1 month—not a lot of time to get that done.

Unfortunately, many DACA recipients were unable to meet this short deadline, and others who managed to get their applications in time were still rejected due to postal delays—not because of something that young person did but due to postal delays. While the administration has said these individuals may be able to resubmit, many are immediately at risk of deportation.

Just imagine that. In fact, it is impossible for me to imagine it, and maybe it is impossible for anyone in this building to imagine that you are an individual who came forward because of this program, because of a promise your government made to you that you would be protected if you came forward. You came forward after years of living in this country—many years wouldn't add up to a long life because these individuals are obviously very young. Some of them came when they were just a couple years old or a couple of months old, and they know no other country. In fact, one individual whom I met with around a big conference table of about 15 to 20 DACA recipients said to me in this meeting a couple of months ago, she said: The only country that I know, doesn't want us. That was her assessment of what the ending of this program should mean to her.

So that is what they are at risk of. They are not just at risk of some theoretical consequence. They are literally at risk of deportation after living here all these years and not knowing any other country because of their circumstances.

It is estimated that 12,000 DACA recipients have already lost their protection—12,000 young people—and that number will grow to some 20,000 by March. Why would our country break a promise to 12,000 individuals and then 20,000 and then potentially much, much higher numbers? So we can't wait one more day, in my judgment, to help these Dreamers.

Dreamers across Pennsylvania and the Nation already are living in fear

and feeling the consequences of this horrific decision.

ICE, Immigration and Customs Enforcement, has already picked up a young Dreamer during a routine traffic stop whose DACA waiver had expired. This Dreamer had been waiting to reapply for protection after his initial application was rejected due to—I will say it again—postal delays. While the administration has said they would allow these applications that were rejected due to postal delays the chance to reapply, the administration has been silent on what these individuals should do in the interim. For many Dreamers, this means they must choose between risking deportation and continuing to work and provide for their children and their families, depending on the circumstance.

These Dreamers have done everything right, and their applications were rejected, not due to any action they did not take, but they were rejected for other reasons—due to a failure of our government. Yet, now, they are paying the price.

Risking ICE detention and deportation to countries within which they have never lived as adults is totally contrary to our values. Dreamers are young people who have lived in this country since they were children. They are law-abiding residents who have learned English, paid taxes, gone to school, secured jobs that support themselves and their families.

This program has enabled almost 800,000 young people to grow and thrive in America. These impressive young people provide enormous contributions to our society, including paying an estimated \$2 billion every year in State and local taxes. The economic loss to Pennsylvania is estimated to be in the hundreds of millions. To be exact, by one estimate, it is a \$357.1 million loss to the State's GDP. How about the Nation overall? By one estimate, if this were to go forward and these young people were to be deported in the numbers some are talking about, it is a national number that is in the hundreds of billions of dollars—by one estimate, north of \$400 billion. That is the impact.

So we have to get this done one way or the other. It would be a terrible failure of our government; worse than that, it would be an insult to our country, and it would be breaking a sacred promise.

CHILDREN'S HEALTH INSURANCE PROGRAM

Madam President, just a few remarks rather quickly about a major program we are also debating; that is, the Children's Health Insurance Program. We know CHIP expired on September 30. It is a total failure of the government to allow that to happen. It is hard to comprehend that even as some are debating about the size of a corporate tax break, which will be permanent, there is uncertainty, and any uncertainty about the Children's Health Insurance Program is also an insult to the country. Nine million children and their

healthcare and the security of their families is on the line. So we need to get the Children's Health Insurance Program passed.

The tragic irony is, the Finance Committee, of which I am a member, passed a bipartisan bill: The Keep Kids' Insurance Dependable and Secure Act, the so-called KIDS Act of 2017, reauthorizes the CHIP program for 5 years. There is no reason why—no reason whatsoever—that KIDS Act could not be voted on and passed on the floor of the Senate this afternoon or tomorrow or Monday without any impediment to getting that done, but it is being held up, I guess, as a negotiation tactic or as a way to get a deal on something else.

Children's healthcare should not be subject to any deal or any leverage or any engagement on other issues. We should get it done. If people can spend hours and hours and days and now weeks giving big corporations a permanent tax cut that exceeds \$1 trillion, we ought to make sure an existing, effective, bipartisan program for children gets reauthorized.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I want to speak for a few minutes on two subjects. I don't have prepared remarks so I am going to speak from the heart.

Let me talk first about the CHIP program. One of my favorite people in the U.S. Senate is my colleague from Pennsylvania, Senator CASEY, and he just spoke very eloquently about a program called the Children's Health Insurance Program, which is part of our Medicaid Program. It provides health insurance for the children of America who are too poor to be sick.

That bill will pass. The Children's Health Insurance Program will be renewed. I want to look the American people in the eye right now and tell them: Do not worry. Do not worry.

This is an extraordinarily able program that has served the people of this country and our country well, and I don't want anybody to be unnecessarily frightened at Christmas. If you are a mom or a dad or a child or concerned citizen out there today and you hear that CHIP is in danger, with all the respect I can muster, I want to say it is not. Don't believe it. The CHIP program will be renewed.

#### TAX REFORM BILL

Mr. President, now, let me just talk a second about taxes. In a few days, we are going to vote on a tax system, and that vote will be a vote, as much as anything, on people's opinion about the current tax system. No reasonable person can look at America's current tax system and be impressed. For one thing, it is enormously complicated. It is 10 million words. You can stand on it and paint this ceiling.

I don't want to just talk about technicalities here because most Americans don't have time to worry about section 106(a) or section 807(b). They are too busy getting up every day and going to

work and obeying the law and paying their taxes. They just want to know what the bottom line is.

So let me tell them what the bottom line is. We are going to pass a tax bill that is going to cut about \$1.4 billion in taxes for the American people and the American businesswomen and the American businessmen over 10 years.

Let me talk, first, about the impact on people—ordinary people, Mr. President, like you and I. We are going to double the standard deduction. Why is that important? Right now, about 70 percent of Americans take the standard deduction. After we double it, probably about 90 percent will. The President is right. You will be able to file your taxes on a postcard if you want to. For Americans who have children, we are going to double the children's tax credit. We are going to lower every marginal tax rate. I know you have been told we are only going to help the wealthy. That is just not true. We are lowering every single tax rate. I am very proud of the fact that this bill starts—it doesn't end, but it starts with helping our middle class.

In my State, a mom and dad working hard, making \$75,000 a year—mom makes 30-plus thousand and dad makes 30-plus thousand, and they have two children—right now, they pay about \$3,500, \$3,700 in Federal income taxes. Now, of course, that is not all they pay. They pay payroll taxes, they pay State taxes, and they pay local taxes. In fact, government taxes everything now at all levels. Government now taxes the food we eat, the clothes we wear, the cars we drive, the homes we live in. Government started thinking it owns all our money. Government taxes us when we work. Government taxes us when we die. So when I tell you that a couple making \$73,000, \$75,000 in my State is paying \$3,750, roughly, in Federal income tax, I don't want you to think that is all.

The point I am trying to make is, after we pass this bill, that couple is going to pay about \$1,500, \$1,700, \$1,400 in Federal income taxes. That mom and dad who, as I said before, get up every day and go to work and obey the law and try to do the right thing by their kids and try to save a little money for retirement and try to teach their children values is going to have an extra couple thousand dollars in their paycheck, and that is a lot of money. It is to me, and I know it is to you, and it is going to be a lot of money for that mom and dad.

This bill is also going to help every businesswoman and businessman in America. Yes, it is going to help our large corporations. Right now, we tax them at a rate of 35 percent. This bill is going to reduce that to 21 percent, but it is not just going to help large businesses, it is going to help small businesses as well. I am talking about the subchapter S corporations and the LLCs and the LLPs and the sole proprietorships. I am talking about the fam-

ily farms. I am talking about the American who decided to take a risk to create some jobs, start a small business, went and took a second mortgage on her home, maybe employs four or five people. If she fails in her business, government is not going to be there to bail her out. She is going to lose her home, but she wants to take a risk, to be her own boss, to create jobs in America. We are going to cut her taxes too.

The passthrough rate, the top marginal tax rate, by my calculations after this bill is passed, is going to be about 29.6 percent. Right now, the top marginal tax rate for that businesswoman would be about 43 percent. And you say: Well, the small businesses get a 26-percent rate. Why do the big corporations get 21 percent?

Because the big corporations pay taxes twice. Saying they are going to pay 21 percent in our bill isn't the only part of it. When they declare dividends, they have to pay taxes again. So that is the reason for the disparity.

Let me tell you why this is important. So many of my colleagues—in fact, every one of my colleagues in the Senate says that they are for jobs. We are all for jobs, but you can't be for jobs if you are against business. You can't.

Businessmen and businesswomen need four things from government. They need reasonable regulation—not no regulation, reasonable regulation; they need a decent infrastructure; they need a skilled workforce; and they need low taxes. That is what government is supposed to provide. And then, in a free enterprise system like ours, government needs to get out of its way and let the free enterprise system work, which has lifted more people out of poverty than all the social programs put together.

Our bill is going to provide lower taxes. We have a lot of differences of opinion in this body. Some of my colleagues—most of whom happen to be Democrats—believe that it is possible to tax this country into prosperity. Once again, I say this with all the respect I can muster: They are in good faith in believing that. This is America. You can believe what you want. But if they believe that, then they were in the quad throwing a frisbee during economics 101. And that is just a fact.

Some of the opponents of this bill have suggested that tax policy has absolutely nothing to do with our economy, with economic growth. Once again, with all the respect I can muster, I would ask them very respectfully: What planet did you just parachute in from? Average Americans understand, ordinary Americans understand, people who work for a living understand that when you tax something, you get less of it, and when you tax it less, you get more of it.

This is a solid bill. It is not perfect. If I were king for a day—I am not, and I don't want to be—I would make some

changes. But reasonable people disagree sometimes, and I believe this body will come together.

I hope we get some Democratic votes because I think that in their hearts, some of our Democratic friends want to vote for this bill. They do. We will see whether or not they do, but I believe they do. But we are going to pass this legislation, and the American people are going to be better off. It is not going to add to the deficit. I would not vote for this legislation if I thought it would hurt us long term in terms of our deficit.

Thank you, Mr. President.

I yield to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

FIFTH ANNIVERSARY OF THE SANDY HOOK MASS SHOOTING

Mr. MURPHY. Mr. President, I am on the floor this afternoon to mark 5 years since the unthinkable—since 20 6-year-olds and 7-year-olds and 6 of their educators were killed in an elementary school in Connecticut. It changed the town of Newtown. It changed this country in the way that we think about gun violence. And it certainly changed me. I want to offer a few thoughts today as we once again memorialize those beautiful children whose lives were cut far, far too short.

It is easy to spend today—especially those of us who come from Connecticut, who are very intimately connected to the tragedy and to those families—drowning in sadness. There is really no way to conceive of what it is like as a parent to lose a child that young, in that manner, in 5 short minutes in a hail of bullets emanating from a tactical assault weapon. Twenty kids who had just walked into their classroom, bright and cheery, were gone.

It is easy to hang your head, thinking of all of the things that haven't happened. I have been down to this floor over 50 times, often at my wit's end, raising my voice at my colleagues in frustration at our quiet and unintentional endorsement of the slaughter that happens in this country because we haven't passed a single piece of legislation trying to make sense of our Nation's gun laws. In fact, to the extent we have made changes in gun laws, it has compounded the problem, not remedied it.

But I want to spend my brief time here today not focusing on the sadness of today—it is there; it is inescapable—and not focusing on what we haven't done but focusing on so many miracles, big ones and small ones, that have occurred in and around the lives of those who have been affected in Newtown, CT, over the last 5 years.

First, there are these individual miracles that have happened within these families. Again, very few people understand the kind of crippling pain that comes with this loss. While these families will never be the same, they have found ways to rebound. They have

found ways to still capture joy in their lives. Some have added to their numbers by welcoming new children into their family since then. They have re-discovered passions. They have made sure that the surviving children—the siblings—have been able to live lives of optimism rather than live lives of perpetual fear.

I have gotten to know so many of these families. The parents and the kids are now close, personal friends of mine. Watching the rebirth of these families instills a sense of faith in the human spirit that is hard to explain. Those are small miracles, but they are important ones to remember on this 5-year anniversary.

The miracles also come in ways that lives have been changed and saved through the efforts that have sprung forth out of this tragedy. So many of the families joined together with their friends and started up small charitable organizations in the wake of the Sandy Hook shooting, trying to find a way to take the beauty of these kids and transfer it to others. They are almost too numerable to mention.

The Ana Grace Project gives out a scholarship every year at Western Connecticut State University for incoming freshmen who are interested in studying music because for her whole life, Ana Grace was surrounded by music.

The Vicki Soto Memorial Fund donates five books every year to every K-6 classroom in her hometown of Stratford. She was one of the teachers—heroes of that day. Kids have the opportunity to read and to learn to love reading—which is what she taught to these kindergarten kids—because of her foundation.

The Charlotte Helen Bacon Foundation pays for therapy dogs for kids and families in need, reflecting Charlotte's love of dogs.

The Catherine Violet Hubbard Foundation opened an animal sanctuary on 32 acres in Newtown to help animals that had been rescued from abusive or neglectful environments because of Catherine's love of animals.

The list goes on and on. These are small, beautiful miracles that are happening all across Connecticut and all across the country in trying to honor the memory of these kids and their educators.

Then there are miracles that have happened in the context of public policy. A year ago this week, I sat at the White House with a few of the Sandy Hook parents, quietly in the back of an auditorium, as President Obama signed into law the 2016 Mental Health Reform Act, which would not have become law without the input and activism of the Sandy Hook parents and many other survivors of gun violence.

Our gun violence problem is not a mental health problem, per se. There is no inherent connection between mental illness and gun violence. But there is no mistaking that the shooter in Newtown—as has been the case in so many other of these mass slaughters—had

deep mental health problems that went untreated. There have been public policy victories.

So today, on the 5-year anniversary, I hope that my friends here will celebrate these small but meaningful miracles that have happened over the last 5 years, and I hope that you will be reminded that we cannot take one day or one moment for granted. Those moms and dads who sent their kids to school that morning never imagined that would be the last time they would be able to interact with their children. So none of us should think that we will have another chance to say what we want to say to somebody we care about. None of us should think we can put off saying "I love you" for another moment. Those small things that we do for each other matter desperately.

I think about one story that I will leave you with from that morning. Daniel Barden is one of the young boys killed in that elementary school. His older brother went to school at a different time than he did. He would get up earlier and go down to the bus stop earlier than Daniel would, so they normally wouldn't really see each other in the morning. For some reason, the morning of the shooting at Sandy Hook, Daniel got up earlier than he normally did. He saw that his brother was at the end of the driveway waiting for the bus. He ran out of the house and down the driveway to say goodbye to his brother—goodbye for the day. It was just a small, tiny act of kindness that Daniel thought probably would be forgotten by his brother by the end of that day, but it has meant the world to that family, the idea that Daniel got the chance to walk down the driveway and say goodbye to his brother before he went to school that day and never came back.

Don't ever think you will have another chance to say what you want to say to a loved one, to someone who means something in your life.

A few months ago, one of the Sandy Hook parents arrived unexpectedly in my office. I got word from the front desk that she was there. She just wanted to stop in for a few minutes. I said: Of course, send her back. This mom had lost her child. I have come to know her very well. She burst into my office and she flung her arms around me and she whispered into my ear: Keep going. She unclasped her arms and looked at me and said: That is all I wanted to come and tell you. After a few pleasantries, she walked out the door.

Keep going. That is what Newtown has done over the last 5 years. That is what those families have found the courage to do over the last half a decade.

For those of us who believe the laws of this country must change in order to protect kids like those who lost their lives in Sandy Hook, it is what we do. As we mark 5 years since the violence at Sandy Hook Elementary School, we keep going.

I yield the floor.

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

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

Under the previous order, all postcloture time is yielded back.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 317 Ex.]

YEAS—53

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

NAYS—43

Baldwin	Gillibrand	Reed
Bennet	Harris	Sanders
Blumenthal	Hassan	Schatz
Booker	Heinrich	Schumer
Brown	Hirono	Shaheen
Cantwell	Kaine	Stabenow
Cardin	King	Tester
Carper	Klobuchar	Udall
Casey	Leahy	Van Hollen
Coons	Markey	Warner
Cortez Masto	Menendez	Warren
Duckworth	Merkley	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Nelson	
Franken	Peters	

NOT VOTING—4

Cochran	McCain
Manchin	Murray

The nomination was confirmed.

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

The Senator from Utah.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LEE. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NET NEUTRALITY

Mr. LEE. Mr. President, earlier today, the FCC voted to reverse a major impediment to a free and open internet—the title II internet regulations that were imposed under President Obama in 2015. These regulations are commonly referred to as net neutrality. For the sake of convenience, that is what I will call it.

I want to congratulate FCC Chairman Ajit Pai for his brave accomplishment today. He has fought for what he knows is right, and he has done so in the face of tremendous pressure and, at times, overwhelming opposition. I also want to use this opportunity to correct the record about what it is that the FCC has actually accomplished.

There is an astonishing amount of misinformation about this issue, and there is a lot of hyperbole surrounding it. If you believe the passionate voices defending these regulations, then you may believe that the FCC just jeopardized the entire internet as we know and love it and sometimes loathe it. These activists tend to paint a scary vision of America without net neutrality—a vision in which large internet service providers prey on ordinary consumers and startup businesses, a vision in which internet access would be rationed or bundled up in very expensive, unaffordable packages. One viral tweet even suggested that Google would start charging two bucks apiece for internet searches.

These are falsehoods, every one of them, and they will be exposed as such in the coming days, weeks, and months, when the internet hums right along just like usual and skyscrapers in all of our major cities remain standing. In the wake of that, we are going to look back at these dire predictions, these mere hysterics, like the Y2K bug or the Mayan apocalypse of 2012. In the present, these exaggerations have real-world consequences that go far above and beyond scaring the public.

In the last 6 months, Chairman Pai and his family have been attacked in the grossest and most unacceptable terms. Even his children have been singled out for intimidation. These kinds of attacks have absolutely no place in our public discourse. Why don't we tone down the rhetoric and see if we can get to the truth about net neutrality. We can start with a little background.

In 2015, the Democratic-controlled FCC issued the so-called open internet

order. This order made dramatic changes to how the internet is classified for purposes of Federal regulation.

Until 2015, broadband internet was classified as an information service. As such, it was subject to light-touch regulations that allowed innovators to build without seeking permission from the Federal Government. This classification reflected common sense, and it reflected the intent of Congress.

The internet is a fast-moving information superhighway. If slow-moving government regulators had gotten involved decades ago, it could have inhibited innovation—the same kind of innovation that keeps service fast and keeps prices low for all Americans.

Not only was this a commonsense arrangement, it facilitated a virtual renaissance of innovation and discovery in this increasingly important part of our economy. This renaissance gave us things like smartphones, ridesharing, and super-fast fiberoptic internet services. It gave us 3G, 4G, and then, soon, 5G wireless service. This period also gave us Twitter. One could argue that maybe this wasn't all good but mostly good.

Overall, the light-touch regulatory arrangement works pretty well for ordinary users, big companies, and entrepreneurs who are just starting out in their garages. Contrary to net neutrality's most aggressive defenders, the internet of 2014 was not some sort of hopeless hellscape; it was actually pretty awesome.

The FCC threatened all of that in the early weeks of 2015 when it reclassified broadband internet as a "telecommunications service." This innocuous-sounding change subjected the internet to a whole host of regulations that were originally meant for New Deal-era telephone monopolies like Ma Bell. In essence, the government imposed 1930s-style regulations on 21st-century technology. This outdated arrangement has worked about as well as one might expect. Broadband internet investment has fallen significantly since the net neutrality regulations were proposed in 2011. Dr. George Ford of the Phoenix Center estimates that between 2011 and 2015, just the threat of internet regulation scared off \$200 billion in investment.

Since the regulations were imposed in 2015, broadband internet investment has declined by 5.6 percent. That is billions of lost dollars over just 2 years. As Chairman Pai has noted, this is the first ever decline in broadband investment outside of a recession, and this recession just happens to be self-imposed. It may not seem like a big deal to you that government is squeezing out billions in internet investment, but it hurts you and it hurts your fellow citizens in material ways, in ways that might not always be obvious. Less investment means less fiber optic cable, fewer towers, and fewer wi-fi hotspots. This translates into spottier coverage and slower speeds for Americans, especially those living on the periphery of