

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### VOTE ON BARRETT NOMINATION

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 255 Ex.]

#### YEAS—55

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

#### NAYS—43

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

#### NOT VOTING—2

McCaskill	Menendez
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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 be notified of the Senate's action.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Mitch McConnell, Steve Daines, Tom Cotton, Pat Roberts, John Boozman, Mike Rounds, Patrick J. Toomey, John Barrasso, Cory Gardner, Richard Burr, Thom Tillis, Roger F. Wicker, James E. Risch, John Cornyn, Lamar Alexander, Dan Sullivan, Chuck Grassley.

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

The question is, Is it the sense of the Senate that debate on the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

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

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote No. 256 Ex.]

#### YEAS—60

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

#### NAYS—38

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

#### NOT VOTING—2

McCaskill	Menendez
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The PRESIDING OFFICER. On this vote, the yeas 60, the nays 38.

The motion is agreed to.

#### EXECUTIVE CALENDAR

##### WASTEFUL GOVERNMENT SPENDING AND ECONOMIC GROWTH

Mr. PERDUE. Mr. President, since 2001, the Federal Government has exploded in constant dollars from \$2.4 trillion in 2000 to last year almost \$3.9 trillion in costs. Those are constant dollars. In September of this year, just a few weeks ago, our national debt surpassed \$20 trillion for the first time, and no one in Washington blinked an eye. If that is not enough of a wakeup call, this debt is projected to increase over the next 10 years, according to the budget we are operating under now, by another \$11 trillion. If that is not enough, over the next 30 years alone, it is projected that over \$100 trillion of future unfunded liabilities—Social Security, Medicare, Medicaid, pension benefits for Federal employees, and the interest-only debt—are coming at us like a freight train. These are unfunded liabilities.

Today, with \$20 trillion in debt, we are only paying about \$270 billion every year in interest only. I say that because just in the last year, we have seen four increases in the Federal funds rate, which fundamentally increases our interest by 100 basis points. That 100 basis points over the next few years will grow our interest on the debt by more than \$200 billion on top of the \$270 billion. By the way, today that is almost 25 percent of our discretionary budget, already, just at the \$270 billion. If it doubles, it will be almost half of our discretionary budget. If interest rates just go back to their 30-year norm—between 4 percent and 5 percent—we could be paying as much as \$1 trillion on our Federal debt. That is almost equal to today's discretionary budget.

It is going to take a long-term fix. We can't tax our way out of this problem. We can't cut our way out of this problem, and we can't just simply grow our way out. It is going to take a multifaceted approach. There are five interwoven imperatives that are at work in solving this problem. It is one thing to call the crisis, but it is another to call out the ways to fix it, and they are all within our grasp today.

No. 1, we need to fix Washington's broken budget process.

No. 2, we need to root out all the wasteful spending in the Federal Government today.

No. 3, we have to grow the economy by repealing and pulling back on a lot of regulations that are unnecessary, by revamping our tax structure and by unleashing our energy potential.

No. 4, we have to save Social Security and Medicare, of which both trust funds go to zero in 14 short years.

Lastly, we finally have to get after the real drivers of spiraling healthcare costs.

As we are working to change our archaic tax system to become competitive with the rest of the world and to get our economy rolling again, I want to talk about two things today. One is

this wasteful spending, and two is economic growth. These are two of the five imperatives that I just outlined.

According to the General Accountability Office, today and also every single year, this Federal Government wastes hundreds of billions of dollars. It is estimated today—and this bipartisan organization has identified this—that we are overspending about \$700 billion a year.

Let's put that in perspective. As I just said, we spent \$3.9 trillion running the entire Federal Government. That is about \$1 trillion for discretionary spending and about \$3 trillion for mandatory spending—so almost \$4 trillion. Of that, over \$700 billion has been identified as wasteful spending. I will describe those in a second, but to put it in perspective, that is almost 20 percent of everything we spend as a Federal Government. It is a larger number than what we spend on the national security of our country. Let me say that again. The number identified by the General Accountability Office of wasteful spending is larger than what we spend on our military.

There are three facets to this as they outlined. No. 1 is redundant agencies. These are agencies targeted to do exactly the same thing that one administration or another has come in and added and that basically do the same things. That costs about \$135 billion every year.

Just since 2003, we spent \$1.2 trillion in improper payments. That is about \$144 billion every year. These are overpayments—improper payments. This is not fraud. This is not anything like that. It is basically an administrative error, where the Federal Government has made a mistake and made improper payments—Social Security Disability, SNAP overpayments, unemployment insurance, and others. This is outrageous.

The third item is that it is estimated that we have a net tax gap of \$406 billion. This is a 17-percent error rate in the IRS Tax Code. That means that people are underpaying or not paying what is calculated, according to the General Accountability Office. The Federal Government last year took in almost \$3.5 trillion of taxes. Yet we had this \$400 billion. That is a 17-percent error rate. I don't know what else to say. Those three things add up to about \$700 billion of wasted spending. We have to get to the bottom of this. Let me also put it in perspective another way. That \$700 billion every year is \$7 trillion over the next 10 years.

This tax package we are talking about has an initial cost of about \$1.5 trillion, as identified by both sides, before you get to the economic growth that more than pays for it. A 0.4 percent of growth pays for this tax package that we are working on. But this \$7 trillion of wasted spending is overspending by the Federal Government, unnecessarily. Nobody in this body—no Democrat, Republican, or Independent—has voted on this spending.

This is spending in error. These are just common mistakes made by an oversized bureaucracy. It is not a partisan talking point. Both sides bear responsibility in this debacle.

Again, these are numbers from the nonpartisan Government Accountability Office. I am apoplectic that I even have to be here bringing this to the attention of my colleagues. Washington knows about these problems and has known for years—decades. Yet nothing is done. A former Member, Senator Tom Coburn, actually worked hard on this. There are others who are beginning to pick up this mantle here, as I am.

But as we talk about the tax package changes—the tax changes that will get this economy growing again—I wanted us to reflect on the opportunity we have right here that can more than pay for what we need to do to give the middle class a tax break and get our economy growing again. There are things identified in this report by the Government Accountability Office. There are recommendations that can get at most of this \$700 billion of wasted spending.

Let me give you a couple of examples. If the Department of Defense just manages commissaries more effectively, there is a \$2 billion opportunity there over the next 5 years. If the Department of Defense weapon acquisition programs were more effective, it is estimated that tens of billions of dollars over the next 10 years could be saved in terms of purchasing the same level of equipment and machinery. If the Department of Defense simply completed an audit, we believe it would identify further opportunities for wise spending of our taxpayers' money.

But since coming to the United States Senate, I was shocked to understand that the largest line item on our budget has never been audited. It is high time that we complete that audit. By the way, there is a law that was passed in this body in 1991 requiring the Department of Defense to submit an audit. Here we are in 2017, and we still don't have that audit.

In my opinion, as hard as it is for the American people to earn their salaries and to pay their taxes, it is unconscionable that I am standing before the U.S. Senate tonight reminding us all that there is \$700 billion a year that we spend in error—just bureaucratic error. Because of that and because of this financial intransigence, we have built up a debt that has created a crisis in our country. Because of these years of fiscal intransigence, we are losing the ability to fund our government the way it should be funded.

We are losing the right to do the right thing when it comes to funding things like emergencies and disaster relief efforts. Just a couple of weeks ago, we passed a \$15 billion relief package for two hurricanes. Last week, we passed a \$36 billion supplemental, as if nothing had happened. Every time we do that, it is borrowed money. We can wait no longer to solve this debt crisis.

It is going to take tough decisions to solve the debt crisis, and we are going to have to be making these very quickly, but eliminating redundant spending, improper payments, and eliminating this tax gap are at the top of the list.

Along with reducing our spending by almost 20 percent each year, we need to grow the economy to solve this debt crisis. The single most important thing that we can do to grow the economy this next year is to change this Tax Code.

Let me remind this body that so far this year, under this President's guidance, we eliminated over 860 rules. These were rules made by the Federal Government that were choking the very life out of our free enterprise system. The result of that this year alone is that in the third quarter we have now achieved a 3-percent growth again. This is not the Holy Grail.

Who knows what this economy should be growing at right now if we just get Washington out of the way? Part of the way to do that is to correct this archaic tax policy. Changing the Tax Code will mean more jobs and higher wages for the American worker. For example, if we eliminate the repatriation tax on our corporations—again, we are the last country in the world to have a double tax on U.S. profits made overseas—it is estimated by independent, nonpartisan groups, that this would mean \$4,000 to \$9,000 of annual income for the average worker in the United States.

I don't know what else to tell you, except that we are not competitive today. We have to become more competitive. What we are talking about here should not be partisan issues. America needs to be competitive. We all know that.

The idea that bigger government will create more jobs has been proven not to work. Look at the last 8 years. We have had the lowest economic growth in the history of the United States.

As we debate how to fix this archaic tax system and become competitive with the rest of the world, I am reminding us tonight that we also need to get serious about cutting this wasteful spending. This spending is not benefiting anybody. It is not providing for national security. It is not taking care of people who need help. These are just simply overpayments, mispayments, and they are creating problems that should not have been created. Changing the Tax Code, as I said, is a historic opportunity to generate growth and make us more competitive. Eliminating this spending, which amounts to 20 percent of what we spend as a Federal Government, is absolutely mandatory. People back home should be demanding that.

There is a lot of heavy lifting to dig out of this debt crisis, but these two things I am reminding us of tonight should be at the top of the list. We simply cannot fail the American people to get this done. I am committed to that.

I urge my colleagues to take seriously this opportunity we have of changing our Tax Code. It is historic. At the same time, we have to get serious about eliminating our redundant, outrageous, and unnecessary spending.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the pending nomination.

The senior assistant legislative clerk read the nomination of Joan Louise Larsen, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. President. I agree with my colleague from Georgia that we need to simplify our Tax Code. We need real tax reform. We have seen a lot of junk built up in the Tax Code over many years, put there by special interests that seek special deals for themselves—deals that are not enjoyed by the American public. We should do tax reform.

What we should not do is increase our national debt and our national deficits, and we all know that the budget plan that passed this Senate—and just recently passed the House—has written right into it an increase in the national debt of \$1.5 trillion over the next 10 years. In other words, it is engineered right into that bill. So I hope our colleagues who really do care about reducing our national debt will make sure that, as we discuss this tax proposal, we do not increase our national debt.

We should, of course, eliminate unnecessary and wasteful expenditures, but we should not have a tax proposal that increases our debt by \$1.5 trillion and possibly more. As it appears now, that would primarily be done to provide big tax breaks to very wealthy people and big corporations, at the expense of everybody and everything else in the country.

But we will have a fuller debate starting tomorrow when the House Ways and Means Committee unveils its proposal.

#### TEMPORARY PROTECTED STATUS IMMIGRANTS

Mr. President, we have also had a pretty vigorous discussion in this body and around the country about the Dreamers. These are young people who were brought to the United States as kids. They have grown up knowing only America as their home. They pledge allegiance to our flag, and it is really important that in the coming months, we ensure that they have a secure home and place in the country. It is imperative that we address that issue soon because, of course, President Trump has started the clock ticking on their deportation early next year.

But I come to the floor today to talk about another group of people who have not gotten much news coverage but really demand the attention of the country. That is the future of about 300,000 immigrants who came to the United States legally.

They came here escaping horrific conditions in their home country—conditions brought about by war, by earthquakes, and by other natural disasters. They came to the United States under a program called Temporary Protected Status or TPS. It is a humanitarian program that says, if you are fleeing a country because of one of these horrific conditions, during that short period of time, you can legally come to the United States.

For example, Liberia was granted TPS status because of the Ebola crisis. Some Liberians came to the United States to seek refuge and were granted legal status here under that humanitarian program. Haiti was granted TPS status after the 2010 earthquake, which killed over 300,000 Haitians. El Salvador was also granted TPS status because of a devastating earthquake that took place in El Salvador. So these are individuals who came to the country legally under this program to grant protection to people who are fleeing devastating situations. Many of these TPS individuals have been in the United States for over 20 years now. They are small business men and women. They are homeowners. They are contributing to our communities and to our economy.

The reason I am raising this issue today is that 5 days from now, next week, the Department of Homeland Security will announce whether they will continue to allow these individuals to stay in this country, individuals who came here with this protected status, individuals who came here legally, individuals who, in many cases, have been here 20 years or more. In 5 days the Department of Homeland Security will decide whether individuals who came here from El Salvador and Honduras and then made their home here—whether they can stay or whether they will be subject to deportation early next year. The decision by DHS on Haitians who came here under the protected status program is due on November 23.

I think we can all see that while this matter has not hit the headlines yet, it will soon be grabbing more attention around the country.

I come to the floor today to call upon President Trump and to call upon Acting Secretary Duke to make the right call and to make the humane call to allow these individuals to stay in the United States. They are hard-working people who have been playing by the rules.

Let me share the story of Norma Herrera and Miguel Espinal, who fled Honduras back in 1998. Seeking a better life, they fled after Hurricane Mitch. The United States decided that the hurricane was so severe and that it had such catastrophic humanitarian consequences that we should create that little window of time when people could come here legally. They applied, and they were granted protected status. They have worked very hard to build and create the American dream

in Riverdale, MD. They have a 14-year-old son, Miguel Junior. He is a freshman at Don Bosco Cristo Rey High School in Takoma Park. Unfortunately, their son now lives in fear that if the Trump administration doesn't extend that protected status next month, his parents could be deported to Honduras early next year. In other words, if TPS is not extended for Hondurans and others from those other countries, they will be in the same position.

Jose Ramos is a TPS resident who owns his own freight company and has his own home. He is actually a job creator. He employs other people in our community. The question is whether he will be allowed to stay.

I want to emphasize that in order to continue under the TPS status, these individuals have to be vetted every 6 to 18 months to make sure that they are here working and that they are law-abiding. The statistics overwhelmingly show that these are exactly the kinds of people we want to have in the United States helping in our communities and helping build jobs. For example, 94 percent of the men and 82 percent of the women are working, and they have provided community services as well. In fact, many of these individuals are helping provide hurricane relief down in Texas.

So I come to the floor today simply to urge our colleagues to call upon the President and the Trump administration to make the right decision with respect to these individuals who, No. 1, came to the United States legally, under a humanitarian program; No. 2, go through a periodic vetting process to ensure that they are playing by all the rules; and No. 3, in many cases they have been here as long as 20 years, have built small businesses, are living in our communities, and have children who are American citizens.

I call upon all of us to ask the administration to make the right decision next week so that these people who have contributed to our communities and to our country are allowed to stay and not be subject to deportation early next year.

Let's do the right thing for our country. Let's make sure that we continue to allow these individuals who have played by the rules and who have come here legally to stay and continue to contribute to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

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

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

#### TAX REFORM

Mr. RUBIO. Mr. President, tomorrow the House will announce its plan for tax reform as a starting point. I doubt everybody here will agree with everything that is in it, but I imagine we will find a lot of good in it, and it will be a good starting point for this debate. But it actually is about a broader

topic that I hope will be a part of our conversation about tax reform because it hasn't been enough of a part of our national discourse over the last 20 years.

When we think about the history of this country, one of the things that truly distinguishes us is not that we have rich people. Every country in the world has rich people. We have an extraordinary amount of success. We have earned success in this country, and we celebrate it; we don't criticize it. But every society in the world has rich people.

Sadly, we are also not the only country that has people who are poor, who are struggling. That is something that challenges our principles, as a nation founded on the idea of equal opportunity to life, liberty, and the pursuit of happiness. But the one thing that really distinguishes America is that, by and large, the overwhelming number of Americans do not consider themselves to be either rich or poor; they consider themselves to be hard-working people. We can come up with any term we want, whether it is middle class or working class, but these are basically people who work hard every single day to provide not just a better life for themselves—to be able to retire with dignity and leave their children better off than themselves. They take pride in that. What they value is not how much money they make or how many things they own; it isn't even the title of the job. They value the dignity that comes from the work they do, and, more importantly, they value what it allows them to do, and it is not complicated things. It allows them to own a home in a neighborhood that is safe—not a mansion, but a home. We see that every weekend. People spend countless hours to constantly keep up the home that they take great pride in, and they take great pride in their children and their churches and their synagogues and their religious organizations and the voluntary groups that they belong to. This has been the fundamental core of our country.

That does not mean that others who do not fit that profile are not important to the country, as well, but it is what distinguishes us because most countries in the world don't really have that. In most societies in human history, you are either rich or poor. There are a lot of poor people and a handful of people in whom all of the wealth is concentrated. That sort of dynamic is what has separated us from the rest of the nations on Earth and, to this day, in many ways still does.

This is something I talk about not because I read about it or because I saw a documentary about it last weekend, but because, in many ways, I lived it. My parents were that. Neither one had much of an advanced education. I don't know how far my dad went in school—probably not beyond third or fourth grade; my mom, perhaps not much more than that. They actually came to this country and barely spoke any

English when they arrived. They had to struggle to learn it, but they did. They ended up being a bartender and a maid. People who know me or who have heard me speak before know that story. It is one I tell not because I want you to know more about me but because I want you to understand what motivates me in public policy.

Even though my dad worked in the service sector his entire life and my mother did as well, they owned a home and they retired with dignity. All four of their kids went to college. That was possible through a combination of things: jobs that paid enough and the ability to have programs like Social Security and Medicare that allowed them to retire with dignity—programs they paid into all of the years they were working.

The reason I raise this is that people who fit that profile have been hurt more than anyone else over the last 15 to 20 years. It is not necessarily anyone's fault. The economy has changed. For example, the jobs my parents once did don't pay nearly enough to afford today what they could afford back then. As a bartender and a maid today—if my parents were doing that now, I am not sure what house they would buy in Miami-Dade County, where I live. I am not sure they would be able to buy one anywhere near where we live now, not because our neighborhood is some fancy place but because everything costs so much compared to how much those jobs paid then.

So everything costs more, the jobs aren't paying enough, and then they were hit with the recession. That is just the nature of changes in our economy. Many people lost their jobs altogether. The industry they were once in vanished. It went to another country or machines took their place or they just don't need as many people as they used to because they are able to do more with fewer employees.

Then they were hit with this recession, and it really hit them badly. Maybe it wiped out their retirement savings; it cut in half the value of their home, the most important investment they have, and to this day they haven't fully recovered.

Then you add to all of that the idea that in American politics today, we spend an extraordinary amount of time debating how we can help everyone else except for them. I don't think we do that on purpose or that people around here don't care about people like that. I don't know why it happens; I am just telling you that it has.

The result is somewhat of a little bit of resentment, but certainly there is a sense of isolation and the notion and the belief that they have been left behind. They are upset about it, and they have a right to be. It is not just about money, and it is not just about economics; it is about the values of hard work and dignity and responsibility and doing what you need to do to be a good citizen of this country and con-

tribute to its future but also doing what you need to do to raise your family and instill in them the values you think are important.

I think it would be a terrible mistake to enter into tax reform—perhaps one of the most meaningful public policy debates we will have had in this city, certainly in the time I have been here and perhaps for the better part of two to three decades in terms of our economy—without in any way talking about what tax reform means for the millions of Americans I just described. The one thing it should mean is that for those jobs that have left, some of them should be able to come back because, frankly, our own policies have forced some of those jobs to go somewhere else. When other countries are making it easier to open up factories and create jobs over there instead of over here, we are going to lose some of those jobs. I am not saying all of them were a result of that, but a lot of them were. If we have tax policies, as we do, that do not allow us to compete and create those jobs here, we have to reverse that.

Tax reform should be about that, but it also has to be about working Americans—not Americans who are rich and can hire fancy accountants and lawyers and even lobbyists to help them create special tax statuses. I am not talking about Americans who are depending on government programs. I am not talking about disability or Medicare or Social Security—programs they have paid into; I am not talking about programs that assist anti-poverty programs—a whole other topic that we should talk about one day because some of them aren't working the way we hoped they would in terms of helping people escape poverty. I am talking about people who work and they make just enough to not qualify for any of that stuff but not nearly enough to afford the cost of living. That is just them. You add to that the cost of raising those children. It is more expensive to raise kids today than ever before, and the costs keep going up, and the paychecks are not keeping pace.

There is nothing we can do in tax reform by itself that solves all of those problems, but there is no way we can do tax reform without addressing the millions of Americans who feel as though every time there is a debate in Washington, it is about helping everyone else except for them.

Take, for example, the issue of the child tax credit, which is called the child tax credit, but it really is about helping families—parents and children. Take, for example, a married couple with two children. Let's say one of them works in a warehouse and the other one is a home health aide. These are not unusual jobs to find in the economy.

Let's say, based on the Bureau of Labor Statistics, their annual income combined is going to be around \$55,000 a year. Depending on where you live—that is not a lot of money probably

anywhere in the country, and it certainly isn't a lot of money where I am standing now or where I am living now in Miami. If we do the whole framework on tax reform but do nothing on the child tax credit and leave it as it is, that couple making \$55,000 with two children—if we do nothing—they are going to have a tax increase of \$738. I cannot imagine a single person here voting for a tax reform package that does nothing on the child tax credit and thereby raises taxes on a couple making \$55,000 a year with two children by a penny, not to mention \$700 a year.

What if we do a little less, as some people are suggesting? Let's just raise the tax credit to \$500, but let's not make it refundable against payroll tax. They will get a tax cut of about \$263. When you compare that to some of the tax cuts we are going to see in other parts of this tax reform, I would say that is not nearly enough, certainly not enough to make a difference.

But what if you do this: What if we double the value of the tax credit from \$1,000 to \$2,000 and make it refundable toward payroll tax? That couple with those two children will have a tax cut of \$1,263. That doesn't solve all of their problems, but it makes a difference.

I can give other examples. Others we will get to in the weeks to come and the days to come, but let's just take a family like the one I grew up in—a bartender and a maid. The median income of the bartender and the maid is about \$42,000, \$43,000 a year. They have three children. Without anything in the child tax credit—we just leave it the way it is and do the framework—they are going to pay \$1,276 more in taxes. Can you imagine a tax reform plan that raises taxes on a bartender and a maid with three children, making \$43,000 a year, and it raises their taxes by almost \$1,300 a year? Who here is going to vote for that? I dare you. You won't. Actually, I don't dare you. I don't want you to vote for that. That is not what we are going to do.

So let's just do this symbolic thing: Raise it by \$500 and make it nonrefundable. They will get a tax cut of about the same—\$233. You might as well keep it because it won't make any difference. But what if we doubled the value of the child tax credit and made it refundable toward payroll tax. Then, their tax cut is \$1,733. That is a tax cut. That is the direction we have to go.

I have heard some people say we shouldn't make it refundable to payroll tax because that is just more people who aren't paying anything in taxes. They are talking about the income tax. That is the way people here talk and think. That is the way economists think and the way accountants might think. But for the people who work and get a paycheck every week or every two weeks, when they get that paycheck, it shows that money came out of their paycheck. It doesn't matter if that money went into income tax or payroll tax; that is money they earned

that you took away, using the power of government. They are paying taxes. Whether they are paying income tax or payroll tax, they are paying taxes. If you want to help people who are working but who don't make enough, then the only way—and they are trying to raise a family—the child tax credit is the best way to do it.

So as we move forward, I truly hope that some of these voices I hear, treating the child tax credit as some sort of welfare program or giveaway or gimmick, well, reconsider that attitude. Reconsider that attitude because the child tax credit applies only to families who are working, who make less than a certain amount of money, and who are raising children, our future taxpayers.

I am going to ask this: If our Tax Code does not help working families, given all the other challenges they face, how—that is inexcusable. How can we pass tax reform that is loaded up on how we are going to help the business sector—and it should, because it creates jobs and it will have higher pay down the road and billions upon billions of dollars to help the poor—but do nothing for the backbone of our economy, the one thing we all say that we take extraordinary pride in, the working class, the working people of this country? There is no way we can have a tax plan that doesn't do those things—no way. If we do head in that direction, that will convince millions of Americans that they were right all along, that the people in charge of this country, in both parties, and the people who advise them don't care about, look down on, and have no idea about what life is like for people like them, who work hard every day, who seek nothing from the government other than a fair chance. That is all they want.

All I am advocating for is that we allow them to keep more of their own money so that they can provide for their families and a better future and rebuild those working-class values and that working-class backbone that I believe are what has made America so great.

I look forward to continuing to work in this direction. We better do something real, and we better do it right; otherwise, I don't know how we pass tax reform. I am hopeful that is where we are headed. I know we still have some work to do, and I know tomorrow is only a starting point. But I will repeat, once again, any tax plan that doesn't cut taxes for working families with children is not one worth supporting. I hope that is the direction in which we will move.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, the American people depend on the Federal judiciary to be fair and unbiased. A judge should decide a case based on the facts at hand and the law, not in service of a particular ideology.

Over the past 9 months, I have been deeply concerned that President Trump

is nominating judges to lifetime appointments on the Federal bench, people who share his ideology rather than judges who apply the law fairly and follow precedent. President Trump has made his ideology very clear during his first months in office: He is anti-immigrant, anti-union, anti-worker, and anti-woman. He prioritizes the interests of corporations over the rights of individuals. I am not often given to hyperbole, but in this case I am so alarmed by Donald Trump's nominees to the Federal bench that calling them extreme is not extreme.

Congress has a constitutional obligation, through advice and consent, to fight back against these types of appointments. This is particularly important for circuit court judges, but under Republican leadership, the Senate is shirking its responsibilities. Too often, we are forced to consider too many judges at one hearing.

The Judiciary Committee has already had nearly as many hearings with two circuit court nominees on the hearing agenda in 9 months as the Obama administration had in 8 years. Sometimes they even add district court and Department of Justice nominees to an already crammed hearing agenda. That is not right. Each circuit court nominee should be considered in a separate hearing.

There was a time when there was consensus that controversial nominees needed more scrutiny. Apparently, this President is sending us who he deems the best and the greatest nominees, and we are supposed to trust him that they will safeguard our rights and treat all Americans fairly. In short, this I cannot do.

The Senate Judiciary Committee has an obligation to vigorously vet and question these nominees, and we expect them to be honest, candid, and complete in their replies. We have had a number of very frustrating exchanges so far at these nomination hearings.

On several occasions, nominees have disavowed direct quotes of their past writings and comments, even when members of the committee repeat them word-for-word and follow up with specifics to the contrary. Sometimes the nominees will acknowledge their past statements, but they think we are naive enough to believe them when they say that, if confirmed, they will "follow precedent."

Give me a break. As circuit court judges, they will be involved in setting or rewriting precedent if the judge goes in that direction—which a judge could very well do. Some have even written that they think that is what lower court judges are permitted to do. I am talking about district court judges.

CONFIRMATION OF AMY BARRETT

Just a short time ago, the Senate narrowly voted to confirm a nominee who would apply her own ideology to the decisions she makes rather than the law or precedent, and this nominee is Amy Coney Barrett.

As a professor at the University of Notre Dame Law School, Ms. Barrett's

scholarly writings reveal a nominee who questions the need to follow precedent and who outlines specific conditions under which a judge does not have an obligation to follow precedent.

In a Texas Law Review article entitled “Precedent and Jurisprudential Disagreement” she wrote: “I tend to agree with those who say that a justice’s duty is to the Constitution and that it is thus more legitimate for her to enforce her best understanding of the Constitution rather than a precedent she thinks clearly in conflict with it.”

In a University of Colorado Law Review article, “Stare Decisis and Due Process,” she wrote that the “rigid application” of stare decisis “unconstitutionally deprives the litigant of the right to a hearing on the merits of her claim.”

In a third piece, “Statutory Stare Decisis” in the Courts of Appeal, published in the George Washington Law Review, she goes further, saying: “Whatever the merits of statutory stare decisis in the Supreme Court, the inferior courts have no sound basis for following the Supreme Court’s practice.”

Her lack of respect for stare decisis is deeply disconcerting and raises serious concerns about her future conduct on the court, if confirmed.

Professor Barrett has also expressed a number of highly controversial political positions that could influence her ability to fairly hear and decide the cases that come before her.

In criticizing the Supreme Court’s ruling upholding the Affordable Care Act, for example, she wrote that Chief Justice Roberts had “pushed the Affordable Care Act beyond its plausible meaning to save the statute.”

Her views on the rights of detainees are similarly disconcerting. In 2008, the Supreme Court held that non-U.S. citizens held at Guantanamo Bay were entitled to file habeas corpus petitions to challenge their detentions. She argued in turn that the Court’s decision in that case was “contrary to precedent and unsupported by the Constitution’s text” and that the dissenters “had the better of the argument.”

During her confirmation hearing, Professor Barrett ignored or deflected with nonanswers the concerns I and my colleagues raised about her past statements, beliefs, and judicial philosophy. Instead of addressing what she wrote head-on, Professor Barrett denied she was trying to overturn precedent and insisted she would follow the law. Her writings raise serious concerns to the contrary.

Unfortunately, Professor Barrett’s nomination is not the only one we will consider this week.

Before I vote in favor of a lifetime appointment to a Federal court, I should be able to conclude that the nominee in question would rule without bias or obvious ideology. Amy Barrett’s answers and record made it impossible for me to draw such a conclusion regarding her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

BUILDING AND SUSTAINING A LARGER NAVY

Mr. WICKER. Mr. President, over the past year, our Navy has had four serious mishaps at sea, including fatal collisions involving the USS Fitzgerald on one occasion and the USS John S. McCain on another. In the McCain and Fitzgerald accidents, 17 of our sailors were killed.

In response to these serious incidents, the Chief of Naval Operations, ADM John Richardson, directed the comprehensive review take place. Today, the Senate Armed Services Committee was briefed on the results of this comprehensive review. The results will be made public either tomorrow or the next day, and Americans will be able to see the serious situation we are in.

There are various reasons for these collisions and these fatalities, including, regrettably, human error and unfortunate circumstances, but, also, the review makes it clear that we are not doing right by our sailors, we are not doing right by the Navy, and we are not doing right by the taxpayers, in terms of making sure these brave men and women have what they need.

We need to work quickly with the Navy here in Congress to implement the recommendations that will be coming forward later this week. We need to enhance training and readiness, and we need to recognize—and I think the majority of this Senate does recognize—that the size of the fleet has contributed to the problems.

Simply put, we need to acknowledge that the Navy has a supply-and-demand problem. We have a demand for more naval action than the supply of our ships can produce. Our ship force has declined recently by some 20 percent. We are asking too few ships to do too many things for American security, and that needs to be rectified.

The consequences of this supply-and-demand mismatch were summed up by naval analysts Robert C. O’Brien and Jerry Hendrix in a recent National Review online article. They argue that the Navy is on the precipice of a “death spiral,” wherein more over-worked and damaged ships place an increasingly greater strain on the remaining operational ships, thus eroding readiness across the fleet.

I agree with Mr. O’Brien and Mr. Hendrix that this situation will result in “more collisions, more injuries, and more deaths in the fleet.” To avoid this death spiral, we need to commit to growing the Navy and meeting its minimum requirement of 355 ships.

I have the privilege of chairing the Seapower Subcommittee, which has held a series of oversight activities, both classified and unclassified, on the Navy’s 355 ship requirement. We have examined the security environment that drives the requirement to add about 80 more ships to the fleet. We have listened to Navy leadership, out-

side experts, and industry on options, capabilities, and considerations. We received perspective from the key players behind President Reagan’s naval buildup in the 1980s.

As the Fitzgerald and McCain collisions have demonstrated, the short-term costs of “doing more with less” are simply unacceptable. The long-term implications will prove devastating to American power and the global order it underpins.

The U.S. military’s commanders have identified 18 maritime regions where the Navy must secure American interests. Our current naval strategy is designed to command the seas in those regions. The Navy needs a minimum of 355 ships to get this done.

If the Navy cannot get the bare minimum it needs, then our naval strategy must change—and, I can assure you, it would be a change for the worse. Instead of a global command of the seas, what we would get would be a new, weaker strategy.

What would this look like? In the National Review article I previously mentioned, authors O’Brien and Hendrix lay out two alternatives. Neither one of them are pretty.

First, the Navy could strategically withdraw from certain maritime regions and hope our allies and partners will pick up the slack. Let Norway, Denmark, and Canada patrol the Arctic; let the Baltic States, Poland and Germany, patrol the Baltic Sea; let Turkey, Romania, and Bulgaria patrol the Black Sea. Really? Let Taiwan, the Philippines, and Malaysia patrol the South Sea China—and hope for the best or we could return to the pre-World War II unacceptable surge and exercise model. This strategy involved consolidating a smaller fleet into a few strategic hubs, deploying occasionally for exercises, and greatly reducing the number of missions the Navy could perform in peacetime and in crisis.

In their article, O’Brien and Hendrix note that these two strategies “make the past eight years of ‘lead from behind’ look like an assertive foreign policy.” These two strategies would create dangerous power vacuums and shifting allegiances. Our adversaries would use the Navy’s absence to rewrite the rules of global commons. Our allies would accommodate challengers to the American-led order. Abandoned by America, in some cases, they would have no choice but to cut deals with Beijing, Moscow, and Tehran.

I know my colleagues in Congress want a different future. In fact, I am hopeful we can take the first steps this year toward building up the fleet. As former Navy Secretary John Lehman told our subcommittee this year, President Reagan “reaped 90 percent of the benefits of his rebuilding program . . . in the first year.” This took place in the early 1980s and made clear that President Reagan, Congress, and the Pentagon were serious about rebuilding the fleet. It sent a signal to our allies and to the Soviets that America and



our Navy was coming back in a big way, which makes 2017 and 2018 so important. I am confident Congress can establish a firm foundation in the coming months for a fleet buildup.

To that end, I would note that both the House and Senate Defense authorization bills contain the Wicker-Wittman SHIPS Act, which would establish a 355-ship requirement as our national policy. Both bills also contain multiyear procurement authority for Virginia-class attack submarines and Arleigh Burke-class destroyers. Multiyear procurement will stabilize the industrial base for those ships and generate billions in savings, which would be plowed into more shipbuilding. Both bills contain cost-control measures to protect taxpayers. Although negotiations are ongoing, the final NDAA conference report should include the SHIPS Act, multiyear procurement, and acquisition cost controls.

The Defense authorization bill is a good start, but Congress also needs to add funding for shipbuilding in upcoming appropriations legislation. We need an agreement that eliminates the Budget Control Act with regard to defense spending or at least provides relief.

The bottom line is that a buildup will require more funding. President Reagan's first defense budget included a 35-percent increase for the Navy compared to President Carter's last proposed budget, and it was well worth it. More resources are needed to accelerate shipbuilding. It is time to end the two decades of low-rate shipbuilding that has brought us to this point. Compared to its earlier planned levels, the Navy's Accelerated Fleet Plan concludes that the shipyards can produce 29 more ships over the next 7 years. Investment is needed—particularly in submarine facilities—but the yards are up to the challenge, especially those with hot production lines.

I was disappointed to hear that Acting Under Secretary Thomas Dee, an Obama holdover still in the Department of the Navy, said last week that 355 ships is probably out of reach until the 2050s. Mr. Dee's pessimism about the Navy's own requirement is perplexing, when it is incumbent on the Navy to develop fleet buildup options within budget constraints. Those current and likely future physical environments were accounted for in the Navy's 2016 Force Structure Assessment of 355 ships. So we can do it, and the leadership of the Navy, with the exception of Under Secretary Dee, knows we can do it.

CNO Richardson's white paper on the future Navy notes that we ought to achieve a 355-ship fleet in the 2020s—not the 2040s, not the 2050s, but the 2020s. Thank goodness for the foresight and positive attitude of the Chief of Naval Operations. He is right—a 355-ship fleet should be our goal for the next decade. Regrettably, Acting Under Secretary Dee must have been asleep

for the last 9 months while Congress was talking about this and while we were on the verge of enacting legislation making a 355-ship Navy the official policy of the United States of America.

Shipbuilding is indeed a long process, and a 355-ship fleet will not happen overnight. New ship construction is critical to achieve this objective, but the Navy should also examine service life extension programs for older ships and perhaps even reactivating ships in the Ready Reserve. It is irresponsible to retire ships early if they have useful life. Such ships may have to be reassigned to less stressing missions, but they should not be prematurely sold overseas or sunk as target practice. It is equally irresponsible to miss opportunities to reactivate retired ships if the benefits exceed the cost. Let's at least look at that.

The Senate Defense authorization bill includes my amendment directing the Navy to look at service life extension and reactivation. The Navy needs to go ship by ship through the inventory and provide Congress with a thorough analysis of these options, and that is what the Navy is doing.

As O'Brien and Hendrix write, "Navies and international influence go hand in hand." A smaller Navy means a smaller role for America, and we can't afford that. We must cultivate the national will to avoid this fate.

I urge my colleagues to help me, to help the Armed Services Committees in both Houses in an effort to begin rebuilding our naval power at once.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Oregon.

Mr. MERKLEY. Mr. President, there are few things we do here in the Senate that matter more or have longer lasting impacts on our Nation than confirming individuals to lifetime appointments in district courts, circuit courts, and the Supreme Court.

It is the Senate's duty, as Alexander Hamilton laid out in the Federalist Papers, to "prevent the appointment of unfit characters." Hamilton thought that this power would be used rarely because a President would seek to make sure that he or she sent qualified individuals to the Senate for confirmation, but we are seeing something quite different today. We are seeing the President engaged in a zeal to pack the court with extreme rightwing ideologues and to ram them through this confirmation process without due review.

Just yesterday, the American Bar Association sent a letter to the Judiciary Committee saying that Leonard Gras, President Trump's nominee to the Eighth Circuit Court of Appeals, is not qualified to serve as a Federal judge. Yet his confirmation hearing is scheduled for this week.

Putting extreme and unqualified people on the court is a disservice to America's judiciary. It will impact the protection of fundamental American

rights for generations to come. It is critical for us, therefore, to have a conversation about what is going on at this moment.

Just this week, we have four nominees for the court of appeals coming to the floor. Amy Barrett was confirmed just hours ago. There is another vote scheduled for tomorrow. These individuals, as I will go through in a moment, don't come here with the types of qualifications that really should allow them to be considered for lifetime appointments.

Time and time again, we have heard from our Republican leadership that Democrats are engaged in a massive, "often-mindless partisan obstruction," in the words of the majority leader. From where comes this evaluation? Well, he wants to move judiciary nominees faster, without due consideration. And certainly he does know something about obstructing judicial nominations since he spent the entire 8 years of the Obama administration leading the effort to obstruct consideration of nominees here in this Chamber.

Eighty percent of President Obama's nominees waited 181 days or longer. That is certainly far more than under President George Bush, President Clinton, the first President Bush, or President Reagan—obstruction taken to the maximum, 6 months or longer to work their way through the confirmation process.

Throughout President Obama's entire 8 years in office, just 55 circuit court judges were confirmed. That is the lowest number for any President. And by this point in the previous administration—in the Obama administration—just one nominee had been confirmed for a spot on the circuit court. But here we are taking a look at how in this time period just one had been confirmed for Obama, but we will have, at the end of this week—assuming each individual gets the full majority—eight circuit court nominees confirmed. That is one for Obama and eight for President Trump. That number wasn't reached substantially into President Obama's second year in office.

We can look at the average number of days that it has taken from committee report to confirmation for the first seven nominees. President Trump's first seven circuit and district court nominees waited 37 days for confirmation once they were reported out of the Judiciary Committee. Let's compare that to President Obama, where the Judiciary Committee held them up for 75 days. So once again Democrats in the minority are moving far, far faster to date than did our colleagues when President Obama was in office. Certainly by comparison, President Trump's nominees are sailing through at a rapid pace.

So let's not hear any more about the preposterous false news coming from the majority side about things being slowed down when the facts are quite the opposite. But why this emphasis on

creating this false narrative? Perhaps it is because right now there is a lot of pressure on the majority to show that they are getting something done, and not much is happening that will help anyone in this country. They tried to get something done by trying to strip healthcare from 20 to 30 million Americans in 5 different versions of the TrumpCare monster. They didn't quite get it done, thankfully. And I doubt that the American people—in fact, I know that they certainly would not have been appreciative of the bill in which my Republican colleagues said: Let's strip all this healthcare away from 20 to 30 million people so we can give massive, multitrillion-dollar tax benefits, tax giveaways to the very richest Americans.

Wow. That is certainly not a way to win the hearts and minds of Americans—attack working Americans time after time in order to deliver the National Treasury to the very richest Americans. Perhaps my colleagues will be glad they didn't succeed in that effort.

Now there is a tax plan on the floor—a tax plan being considered that will once again take \$1.5 trillion out of healthcare to deliver several trillion dollars to the richest 1 percent of Americans. We see it time and time again—attack working Americans to deliver incredible gifts from the National Treasury—really a raid on Fort Knox. Has ever such an audacious theft been considered previously in U.S. history than the theft that my colleagues are trying to perpetuate both through the healthcare strategy and now through this tax strategy?

But there is a bigger purpose at work here, and that is a goal to rewrite the vision of our Constitution. Our Constitution has this incredibly powerful, meaningful vision of government of, by, and for the people, but my colleagues don't like that vision, and they decided that the best way to change it is to put people onto the court who like a different vision—government of, by, and for the privileged and the powerful. We saw it in their healthcare bill, we see it in their tax bill, and now we are seeing it in their nomination strategy to the court—a GOP agenda that will tip the scales of justice to favor the powerful and privileged over working Americans; judges who want to legislate from the bench on behalf of the powerful; judges who want to legislate from the bench on behalf of the privileged, who want to support predatory consumer practices, who want to strip away individual rights of women to determine their own healthcare, who want to deny a fair day in court by allowing binding arbitration where the seller of the services gets to pick and pay for the judge. Judges, rather than pursuing neutrality, are pursuing government for the powerful—that is the radical rightwing agenda attack on working America.

We should do all that we can to stop it, including having opposition in this Chamber.

#### NOMINATION OF STEPHANOS BIBAS

This week, we will have Stephanos Bibas, President Trump's nominee to the Third Circuit Court of Appeals, who believes that overincarceration in our jails has nothing to do with race or with mandatory minimums despite all of the research and data that show otherwise.

He takes on and disagrees with the experts on medical care, who understand the fundamentals of addiction. He says, simply, though drug addiction is painted as a disease that requires medical intervention, all of that is unnecessary. Drug addicts can just stop using drugs. If only it were that easy. He has such a profound misunderstanding of the basic healthcare issue. Person after person after person on both sides of this aisle has come to say that opioid addiction is an addiction that needs medical treatment; yet he is a nominee who does not understand any of that.

He also believes that when it comes to legal sentences, corporal punishment should be applied that is “public, shameful, and painful.” Perhaps the understanding of rare and unusual punishment was something missing in his legal education.

Let's look at his 2 years as a prosecutor in the Southern District of New York—the notable case of *United States v. Williams*, which the *New York Times* described at the time as a “legal legend in the making.” They did not say that because of its being a wise or insightful decision. He was working as a prosecutor, and he wanted to really go after the little guy.

He used his position to marshal prosecutorial, law enforcement, and court resources to bring charges against a cashier at a veterans hospital who had been accused of stealing \$7—not \$7,000, not \$700,000, and not the \$700 million or \$1 billion being laundered by a big bank but the accusation of a cashier who had stolen \$7. Stealing is never acceptable and never appropriate, but it did not matter that the cashier maintained that she had given the seven crinkled \$1 bills that she had straightened out or that the security cameras did not show her pocketing them or that the customer who was right there saw it and stated that she was innocent. It did not matter. None of those facts mattered. He wanted to go after the little guy rather than go after the big folks who steal us blind.

The morning of the trial comes around, and a detective testifies that he found those seven \$1 bills in the cash register, just as the customer had stated. Meanwhile, this nominee saw fit to spend huge amounts of Federal resources in going after an individual who, by every form of testimony, had not committed a crime in the first place. It is easy to go after the little people, and if you believe in government by and for the powerful and the privileged, as these nominees do, then that is your mission in life—to go after the little people. Yet she lost out be-

cause, even though she was innocent, she lost her job due to her prosecution.

Then there is Joan Larsen, who is the President's nominee for the Sixth Circuit Court of Appeals, a nominee who was added at the last moment to another circuit court nominee's confirmation hearing, which was against the Senate's practices and against minority opposition. Why do you add someone at the last moment? It is to ensure that the committee does not have enough time to adequately review her record. That is always a cause for suspicion—someone is changing the procedure so that a person's record cannot be reviewed before the committee sits down to the hearing.

This is probably fitting with Ms. Larsen's long-held disdain for the legislative branch. She coauthored a law review article that stressed the importance of protecting the President from Congress, she said, “the most dangerous branch of government.”

She goes on to denigrate the use of committees in Congress. She says that Congress has maintained an extensive, costly, extra-constitutional network of committees that watch over the work of Cabinet departments because “the ambition and love of power of our Senators and Representatives caused them to lust after the patronage and media glory that a committee post could bring.”

Is there any deeper or more profound misunderstanding of the committee process here in Congress? Does she have any idea that the reason we have committees is that there are complex topics? As President Trump said: Who knew healthcare could be so complicated? So you have a committee of members that specializes in that effort, that learns the details so that it can fairly consider the ideas for legislation. It has very little to do with ambition and a love of power and a lust after patronage. There really is not patronage on a committee. We, the members, do not hire the staff.

With her being someone with such a profound misunderstanding of the branches of government, why do my colleagues say that they want her in there? Is it because of this vision of a government that is by and for the powerful that takes on the little people, beats them up, squeezes them dry, and delivers the benefits to the richest in our society on every single issue—on healthcare, on taxes, on judicial appointments?

#### NOMINATION OF ALLISON EID

Then we have Allison Eid, President Trump's nominee for the Tenth Circuit Court of Appeals. She holds the seat that was previously held by Neil Gorsuch before a seat was stolen from one administration and delivered to the next for the first time in U.S. history—a complete denigration of the integrity of this body and the legitimacy of the Court, a mar in the record of this Chamber that knows no equal in decades. Yet there she is in that seat, adhering to an extraordinary degree of



ultraconservative, partisan, we-the-powerful-and-privileged philosophy.

She opposes the use of eminent domain to seize properties to be used for a public purpose—public parks and highways—as is the purpose of eminent domain. Yet she supports the use of eminent domain to rip away a piece of property from individuals—private property owners—in order to give it to a for-profit corporation, which is the opposite of the purpose of eminent domain—once again, an individual hating, if you will, of public purpose and a ripping away of individual rights—destroying them—on behalf of a for-profit corporation.

She has advocated for narrowing the scope of the Federal Government's legislative powers to such a degree that it would be virtually impossible to protect clean air, clean water, and civil rights. She has attacked the increasing of funding for public schools while she has supported sending public funds to private religious schools.

This path of using legislation like the healthcare bill and legislation like this tax bill to crush working America on behalf of the very wealthy is simply wrong, and it is wrong to do it by trying to pack the court, and we need to do everything that we can to stop it.

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Executive Calendar Nos. 443 through 454 and all nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

##### IN THE AIR FORCE

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

##### *To be lieutenant general*

Lt. Gen. Stayce D. Harris

##### IN THE ARMY

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

##### *To be lieutenant general*

Maj. Gen. Paul J. LaCamera

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

##### *To be brigadier general*

Col. Twanda E. Young

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

##### *To be brigadier general*

Col. Roger D. Murdock

##### IN THE AIR FORCE

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

##### *To be lieutenant general*

Maj. Gen. David D. Thompson

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

##### *To be brigadier general*

Col. Ralph L. Schwader

##### IN THE ARMY

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

##### *To be brigadier general*

Col. Donald B. Absher

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

##### *To be brigadier general*

Col. Richard E. Angle  
Col. Milford H. Beagle, Jr.  
Col. Sean C. Bernabe  
Col. Maria A. Biank  
Col. James P. Bienlien  
Col. Brian R. Bisacre  
Col. William M. Boruff  
Col. Richard R. Coffman  
Col. Charles D. Costanza  
Col. Joy L. Curriera  
Col. Johnny K. Davis  
Col. Robert B. Davis  
Col. Thomas R. Drew  
Col. Michael R. Eastman  
Col. Brian S. Eifler  
Col. Christopher L. Eubank  
Col. Omuso D. George  
Col. William J. Hartman  
Col. Darien P. Helmlinger  
Col. David M. Hodne  
Col. Jonathan E. Howerton  
Col. Heidi J. Hoyle  
Col. Thomas L. James  
Col. Christopher C. Laneve  
Col. Otto K. Liller  
Col. Vincent F. Malone, II  
Col. Charles R. Miller  
Col. James S. Moore, Jr.  
Col. Michael T. Morrissey  
Col. Antonio V. Munera  
Col. Frederick M. O'Donnell  
Col. Paul E. Owen  
Col. Walter T. Rugen  
Col. Michelle A. Schmidt  
Col. Mark T. Simerly  
Col. Michael E. Sloane  
Col. William D. Taylor  
Col. William L. Thigpen  
Col. Thomas J. Tickner  
Col. Matthew J. Vanwagenen  
Col. Darren L. Werner

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

##### *To be major general*

Brig. Gen. Keith Y. Tamashiro

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

##### *To be lieutenant general*

Maj. Gen. Eric P. Wendt

##### IN THE NAVY

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

##### *To be vice admiral*

Vice Adm. Christopher W. Grady

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

##### *To be vice admiral*

Rear Adm. Bruce H. Lindsey

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

##### IN THE AIR FORCE

PN1125 AIR FORCE nominations (2) beginning JAMES A. FANT, and ending DUSTIN D. HARLIN, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1126 AIR FORCE nomination of Erik M. Mudrinich, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1127 AIR FORCE nominations (152) beginning SCOTT M. ABBOTT, and ending KRISTINA M. ZUCCARELLI, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

##### IN THE ARMY

PN642 ARMY nomination of Adrian L. Nelson, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN654 ARMY nomination of Todd M. Chard, which was received by the Senate and appeared in the Congressional Record of June 15, 2017.

PN957 ARMY nomination of Tristan D. Harrington, which was received by the Senate and appeared in the Congressional Record of September 5, 2017.

PN1128 ARMY nomination of David S. Lyle, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1129 ARMY nomination of George B. Inabinet, which was received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1130 ARMY nominations (13) beginning BENJAMIN A. BARBEAU, and ending BLAIR D. TIGHE, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1131 ARMY nominations (3) beginning GARRETT K. ANDERSON, and ending ROGER D. PLASTER, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1132 ARMY nominations (77) beginning JOSHUA A. AKERS, and ending D013005, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1133 ARMY nominations (325) beginning JONATHAN L. ABBOTT, and ending BOVEY Z. ZHU, which nominations were received by the Senate and appeared in the Congressional Record of October 16, 2017.

PN1134 ARMY nominations (6) beginning JANETTA R. BLACKMORE, and ending JEFFREY E. OLIVER, which nominations