

failure. Just like Alexander-Murray proved, we can produce legislation on the thorniest of issues that will receive bipartisan support and improve the conditions of working and middle-class Americans.

Why don't we give this a try on tax reform as well—because the choices you are giving yourself now, you will regret.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TAX REFORM

Mr. COTTON. Mr. President, I say to the Presiding Officer, I am glad you are here to replace me as the Presiding Officer of the Senate. I spent the last hour of the Senate presiding, and for those of you in the Gallery who don't know these things, I will pull back the curtain a little bit. It is called Presiding Officer duty, not Presiding Officer privilege or honor, because it is reserved for the young Senators who are new to the Senate, such as Senator SULLIVAN and me. It also means that we actually have to listen to our colleagues' speeches, which doesn't happen very often around here anymore.

This morning I had the privilege of listening to the Democratic leader's speech about our tax bill and the fact that we are going to repeal the hated mandate of ObamaCare as part of this tax bill, and I just can't let stand what he said without correcting the record.

First, the Senator from New York said that we are "injecting healthcare into the tax bill." Injecting healthcare into the tax bill? I would remind him and all the other Democrats who have been denouncing this decision on the Senate Finance Committee that the individual mandate is a tax according not to me, not to Republicans, but to the Obama administration. That is what they argued in 2012 to the Supreme Court, even though they contended throughout the debate on ObamaCare in 2009 and 2010 that it wasn't a tax. In 2012, they argued to the Supreme Court that the ObamaCare mandate is a tax, and the Supreme Court upheld it as a tax.

I am willing to bet that the Democratic leader issued a statement in the summer of 2012 applauding that decision which held that the individual mandate is a tax. After all, it is collected on your 1040. It is collected by the IRS. It doesn't get more "taxy" than that.

My second point is on the claim that 13 million Americans will lose their insurance—lose their insurance—if we repeal the mandate. Well, two-thirds of the American people want us to repeal the mandate, so they must be up to

something. Secondly, let's think about what the mandate repeal does. It doesn't cut a single dime out of Medicaid, it doesn't cut a single dime out of insurance subsidies for people on the exchanges, and it doesn't change a single regulation of Obamacare. All it says is that the IRS cannot fine you for being unable to afford the insurance that ObamaCare made unaffordable in the first place. That is right. Today, if you cannot afford your insurance because ObamaCare made it unaffordable, the IRS will fine you and your family up to \$2,000 a year, and that number goes up every year. Let me tell you, more than five out of six households who pay that fine make less than the median income in this country. That is right. That is a direct tax on working families and poor people because they can't afford the insurance that ObamaCare made unaffordable. In Arkansas, there are over 55,000 families who already have to deal with the insecurity and financial hardship of not having health insurance and who then have to pay a fine to the IRS. That is why two-thirds of the American people have wanted us to repeal the individual mandate of ObamaCare since the very day that law was passed, and that is why we are about to finally repeal that mandate.

In the meantime, it is going to pay for more tax relief for working-class families. We are going to bring rates down for all of our families, preserve more popular or widely used deductions or credits that help people make ends meet, such as the home mortgage interest deduction credit. It will help them be a little more generous to their church or local charities through the charitable deduction. It will help them offset the cost of some of their property or State and local income taxes—all because we are going to repeal the hated ObamaCare mandate.

I know the Democrats are in high dudgeon these days. Turn on C-SPAN, if you have nothing better to do, and watch the Senate Finance Committee, and they will say: Oh, we are injecting healthcare into the tax bill. Oh, 13 million people are going to lose their insurance.

What we are doing is repealing the most hated tax of ObamaCare and giving the American people the freedom to choose insurance that is right for them without being threatened by a fine from the IRS if that insurance doesn't meet some Washington bureaucrat's definition of what is suitable. That is why two-thirds of the American people support the repeal of the individual mandate, and that is why, when we repeal it, the American people are going to have a big victory, notwithstanding what the Democratic leader or any other Democratic Senator has said.

Mr. President, I yield my time.

Have fun during Presiding Officer duty.

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

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

EXECUTIVE CALENDAR

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

The bill clerk read the nomination of Mark T. Esper, of Virginia, to be Secretary of the Army.

The PRESIDING OFFICER. Under the previous order, there will now be up to 10 minutes of debate on the nomination, equally divided in the usual form.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to discuss the nomination of Dr. Mark Esper to serve as the next Secretary of the Army. The Senate Armed Services Committee held a hearing on his nomination on November 2, and he was voted out of committee shortly thereafter.

Dr. Esper is a proud graduate of the U.S. Military Academy. Following his graduation from West Point, Dr. Esper served as a rifle platoon leader and subsequently deployed with the 101st Airborne Division during the 1991 Gulf war. He went on to command an airborne rifle company that supported a NATO rapid reaction force. As such, Dr. Esper has learned the trade of a soldier from the very basics, leading other young Americans in combat. To me, that is probably the best training one could have to be a Secretary of any service.

Following Dr. Esper's active duty service, he transferred to the Virginia National Guard. He ultimately retired with the rank of lieutenant colonel.

In addition to Dr. Esper's military career, he also has a wealth of public policy service, having worked on Capitol Hill as Majority Leader Bill Frist's national security adviser, as well as serving in the Department of Defense during President George W. Bush's administration.

Finally, for the past 7 years, Dr. Esper has worked at Raytheon, where he rose to the senior echelons of the company to serve as the vice president for Government Relations.

The U.S. Army is one of our greatest institutions, and if Dr. Esper is confirmed today, he will be leading an organization at a time in which it is facing many challenges. Most urgently, the Army must continue to improve full spectrum readiness while, at the same time, deploy soldiers around the world.

The Army also continues to grapple with modernizing the force, to include how best to make targeted investments in programs and canceling those efforts that are underperforming or are cost prohibitive.

Based on Dr. Esper's qualifications and experience, as well as his testimony before the Senate Armed Services Committee, I will vote in favor of his nomination to be the next Secretary of the Army.

Dr. Esper's unique perspective will enable him to tackle many challenges facing the Army head-on, and I trust that as the next Secretary of the Army, he will do his best to lead the men and women, and their families, who serve this Nation so ably and courageously.

Once again, I would like to say that with his experience as an infantry platoon leader at the front, with soldiers of the 101st Airborne Division, he knows—as few people do—the real cost of our national security and the real challenge of being in our Army. It is keeping faith with those men and women and it is doing everything they can and we can to protect this Nation. With that experience, I am very confident that he will be an extraordinary Secretary of the Army.

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.

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

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

NOMINATION OF DAVID ZATEZALO

Mrs. MURRAY. Mr. President, I wish to make a statement about the second vote we are going to have, and I urge my colleagues to vote against the nomination of David Zatezalo as the Mine Safety and Health Administrator.

MSHA is responsible for protecting the safety and health of miners in this country and for holding companies that put their workers' lives at risk accountable. So it really is disappointing to me that President Trump nominated one of the industry's worst health and safety offenders to lead this critically important agency.

This is, unfortunately, just another in a long list of decisions by President Trump that jeopardizes workers' health, safety, and financial security in order to prioritize corporations and special interests.

I really hope our colleagues will join me in rejecting President Trump's extreme agenda and this nominee.

Thank you.

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

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

Mr. McCAIN. Mr. President, I ask unanimous consent to speak on the

nomination of Dr. Mark Esper to be Secretary of the Army.

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

Mr. McCAIN. Mr. President, I rise today to support the nomination of Dr. Mark Esper to be Secretary of the Army. Perhaps more than any other service, our Army is experiencing the strain of 16 years of continuous conflict. From our troops on the ground in Afghanistan and Iraq to recent headlines about the tragic loss of four soldiers in Niger, there are constant reminders that we remain a nation at war. And with rising threats around the world, the operational tempo is not slowing down.

We owe our young men and women in uniform leadership that fits their service. I am confident that Dr. Esper will provide our Army with that leadership. His record of service in the Army, in the Pentagon, and on Capitol Hill provides the foundation for the leadership our soldiers deserve. I am also confident that he will call upon his experience in the private sector to bring a reform mindset to the many challenges facing our Army, such as the readiness crisis and the urgent gaps in capabilities and modernization.

Dr. Esper began his career as an Infantry officer in the 101st Airborne Division, serving with distinction in the first Gulf war. He later served on active duty in Europe, and on the Army staff in Washington, DC, before transitioning to the National Guard and retiring after 21 years of service. He was an Airborne Ranger and recipient of the Legion of Merit, Bronze Star, and Meritorious Service Medals, among other awards and qualifications.

Dr. Esper also worked national security issues on Capitol Hill with many of my colleagues here. He was a professional staff member on the Senate Foreign Relations Committee and the House Armed Services Committee. Later, he served as Deputy Assistant Secretary of Defense.

I will not hold it against him that he is a graduate of the U.S. Military Academy at West Point. He also holds degrees from Harvard University's John F. Kennedy School of Government and George Washington University.

Our soldiers continue to prove their commitment, courage, skill, and determination. In return, we owe them the same kind of leadership. I believe Dr. Esper will provide that leadership.

I am proud to support Dr. Esper's nomination, and I ask my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Esper nomination?

Mr. REED. 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 Texas (Mr. CRUZ) and the Senator from North Carolina (Mr. TILLIS).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from California (Mrs. FEINSTEIN) 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 result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 274 Ex.]

YEAS—89

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

NAYS—6

| | | |
|------------|---------|---------|
| Gillibrand | Markey | Sanders |
| Harris | Merkley | Warren |

NOT VOTING—5

| | | |
|--------|-----------|--------|
| Booker | Feinstein | Tillis |
| Cruz | Menendez | |

The nomination was confirmed.

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. Under the previous order, all postcloture time is considered expired.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

Mr. WICKER. 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 senior assistant legislative clerk called the roll.

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