

But the rules are different for the powerful and the well connected. At their disposal are huge armies of lawyers and accountants who specialize in tax games. They specialize in tax tricks. With the right advice, the most fortunate individuals and corporations in the country can decide how much tax to pay and when to pay it. If anybody wonders why people in America feel the tax system is rigged and the rules are stacked against them, this is a big part of the answer. I intend to talk more about that, but I want to come back to highlight the difference between the welder in Portland and the nurse in Louisiana.

When those hard-working Americans are out there working for a wage and once or twice a month have their taxes taken right out of their paycheck, they know they aren't getting anything special. It is compulsory. It is mandatory. They see it on their paychecks. Yet they get lots of news coverage and articles and the like, and they will see that for those who are fortunate, instead of paying taxes in a mandatory and compulsory way, they pretty much get to decide what they are going to pay, when they are going to pay it, and maybe nothing at all. It seems to me that as we look at the nominee for Treasury Secretary, we get a pretty good example of how it does play out in terms of taxes for those fortunate few and how his taxes stand in sharp contrast to that welder in Portland or that nurse in Louisiana.

Not long after ending a 17-year run at Goldman Sachs, Mr. Mnuchin opened a hedge fund called Dune Capital in 2004. He set up an outpost in Anguilla and the Cayman Islands. That is not a move you make for the infrastructure or the ease of the commute. It is about a zero-percent tax rate.

During Mr. Mnuchin's hearing, he claimed that having those overseas funds benefited American nonprofits. When he testified in front of the Finance Committee, he said: You know, the main thing we are doing with these overseas funds is we are helping churches and pension funds. But documents from the Securities and Exchange Commission show something quite different. In some cases, 100 percent of his investors were from outside of the United States, and setting up overseas allowed Mr. Mnuchin to help them avoid paying taxes. What was the end effect? Dune Capital was heavily invested in movies. So millions of dollars in profits from Hollywood exports, like the movie "Avatar," were funneled to an offshore web of entities and investors, giving him the chance to skirt a U.S. tax bill.

At a more recent point in his career, Mr. Mnuchin's bank was up for a merger. The deal had the potential to be a personal windfall for him and a small circle of others. A foundation Mr. Mnuchin chaired reportedly used tax-exempt dollars to fund a write-in campaign pushing for the deal's approval. During the public comment period on a

potential merger, this is pretty much the equivalent of stuffing the ballot box.

Now, as a nominee for a Cabinet position, Mr. Mnuchin could be in line for a special elective Federal tax deferral on money made by selling stocks and bonds. That is the very definition of getting to pay what you want, when you want. We hear a frequent and common defense when these kinds of tax tricks are brought into public view. It is true that the people who use them are following the laws on the books, but the outrage in our tax system, as I have said on this Senate floor, is what is legal. That is the real outrage with the American tax system, and it is outrageous that the Senate has allowed obvious gamesmanship to stay legal. It is outrageous that the administration and its chosen nominee for Treasury have shown no interest in changing it.

When you are the Treasury Secretary, one of your paramount obligations is overseeing taxes. The last time the United States overhauled its Tax Code—this was in 1986—the Reagan Treasury Department played a huge role in that effort, and one of the core principles of that reform was treating wages and wealth the same way. Democrats and Republicans came together to pass a tax reform bill based on fairness. It said that the wage earner—that nurse in Louisiana or welder in Portland—their income and the income of those who made their money in finance and on Wall Street and the like would be treated the same. I see no indication that this administration is prepared to repeat that formula.

The campaign promise to fix the broken, dysfunctional Tax Code—Donald Trump's campaign promise—lured in a lot of voters. When I heard that Mnuchin rule the first time, I said that sounds pretty good—no net tax break for those who are the most fortunate. That sounds pretty appealing. The tax plans that the administration and Republicans in Congress have on offer now will not undo the disgusting unfairness that is right at the heart of the American Tax Code. In fact, it is only going to get worse.

This issue has to be at the center of the debate on Mr. Mnuchin's nomination. I am particularly troubled by the fact that the evidence shows that the Mnuchin rule is already on the ropes.

I intend to oppose this nominee. I urge my colleagues to do the same.

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.

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

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

NOMINATION OF DAVID SHULKIN

Ms. COLLINS. Mr. President, I rise to express my strong support for the nomination of Dr. David Shulkin to be the next Secretary of Veterans Affairs.

I believe his impressive record of service in both the public and private health care sectors as well as his firm grasp of VA health care issues make him extraordinarily well qualified to lead the Department through the coming period of major reforms and continuing transformation.

Dr. Shulkin has served in numerous executive roles at hospitals across the country, including Beth Israel Medical Center in New York City, the University of Pennsylvania Health System, and the Atlantic Rehabilitation Institute. In fact, he has been named one of the top 100 Physician Leaders of Hospitals and Health Systems and one of the 50 Most Influential Physician Executives in the country.

In 2015, Dr. Shulkin brought his extensive experience in the private sector to the Department of Veterans Affairs and served as the VA Under Secretary for Health. Last year, I had the opportunity to host Dr. Shulkin in my hometown of Caribou, ME, as he toured the community-based outpatient clinic and our local hospital, Cary Medical Center, to see the innovative work being done there to provide veterans with top-quality health care closer to where they live.

Cary Medical Center partners with the VA through the Access Received Closer to Home or ARCH Program to provide veterans in Northern Maine with high-quality care, including specialty care close to home and close to their families, rather than forcing them to drive 250 or more miles to receive their care at the Togus VA Medical Center in Augusta, the location of Maine's only VA hospital.

This partnership between Cary Medical Center and the VA has been a huge success, with an approval rating from our veterans exceeding 90 percent. Last spring, when we were faced with the potential expiration of the ARCH Program, Dr. Shulkin, at my invitation, came to Maine and announced his commitment to ensure that veterans using this innovative program in our State would maintain seamless community care. He has kept his word.

During his visit to Maine, Dr. Shulkin also toured the Togus VA Medical Center, the oldest VA facility in the Nation and the community-based outpatient clinic in Bangor. I would note that he drove the 4 hours from Augusta, where the VA hospital is located, to Caribou to get a better sense of the distances in our State. Right now, when we are in the midst of a fierce blizzard, you can imagine how important it is for veterans in need of care to be able to access that care close to home in an emergency.

I was truly impressed, and remain truly impressed, with Dr. Shulkin's understanding of the needs of rural veterans and the challenges of providing health care in rural settings. While in Maine, Dr. Shulkin listened to veterans health care providers, VSO advocates, and the VA staff alike to ensure that our veterans received the care they

have earned through their service to our Nation.

In fact, he remained in Caribou and had a town meeting in which he heard from people representing a variety of views but all of whom encouraged him to continue this wonderful program. Dr. Shulkin's nomination to be VA Secretary has drawn support from our veterans service organizations throughout the country, including the American Legion, the VFW, the Disabled American Veterans, the Paralyzed Veterans of America, AMVETS, and the Vietnam Veterans of America.

That does not surprise me because he has demonstrated, in very concrete ways, his commitment to the veterans we are serving. At a time when bipartisan consensus, unfortunately, has been all too rare in this Chamber, Dr. Shulkin's nomination has been one of the few areas where Republicans and Democrats have found common ground. His nomination was approved unanimously by the Senate Veterans' Affairs Committee.

During this time, when crucial reforms and organizational changes are necessary to ensure consistent, high-quality care for our Nation's veterans, it is critical that the VA have a talented, experienced, and committed leader to spearhead the Department's transformation as we seek to improve the quality and timeliness of health care for our veterans.

Dr. Shulkin is an excellent nominee and I urge all of my colleagues to support his confirmation.

Seeing no one seeking recognition, I suggest the absent of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HIRONO. 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. HIRONO. Mr. President, it is observed that we are being asked to confirm a Treasury Secretary who helped bring about the 2008 financial crisis and profited off the misery that followed.

During his campaign, President Trump promised to crack down on Wall Street abuses. In one of his campaign ads, the President said that the CEO of Goldman Sachs was part of a "global elite" that was "robbing our working class." He said that on Wall Street, "It's the powerful protecting only the powerful."

Given his campaign promises, it is astounding that President Trump nominated Steve Mnuchin, someone whose business record embodies the worst abuses from the financial crisis, to serve as Secretary of the Treasury.

In the fall of 2008, when I served in the U.S. House, then-Treasury Secretary Hank Paulson came to Capitol Hill and painted a dire picture. He told us that without drastic intervention by Congress and the White House, the entire global financial system would col-

lapse. The situation was so dire, he argued, that we could not even pause to provide additional, meaningful relief to the millions of families across the country facing home foreclosures.

In the years that followed, we learned a lot more about just how bad things were. Many banks sold mortgages to people who couldn't afford them, packaged those mortgages into complex financial instruments, colluded with ratings agencies, and sold those "products" as solid investments.

The American people stepped in with hundreds of billions of dollars to bail out Wall Street. But without effective, broad laws in place before the financial crisis to prevent predatory lending, millions of people lost their homes and trillions of dollars in household wealth. Many of those victims have yet to recover.

That was bad enough as it was unfolding, but in the years that followed, we learned more and more about the numerous abuses these banks perpetrated on the American people.

After years of pushing subprime loans on minority homeowners who couldn't afford them, foreclosures devastated minority communities across the country. According to a 2010 study by the Center for Responsible Lending, minority homeowners were 70 percent more likely to lose their homes in foreclosure proceedings.

Many banks also violated judicial foreclosure proceedings when they signed hundreds of thousands of foreclosure documents without reviewing them, also known as robo-signing.

Some of my colleagues might argue that it isn't worth rehashing this devastating economic history, but I disagree because today we will be asked to vote for a Treasury nominee whose questionable business practices earned him the title of "Foreclosure King."

As a senior executive at Goldman Sachs for 17 years, Steve Mnuchin was an evangelist for the types of financial transactions—credit default swaps and collateralized debt obligations—that crashed the economy in 2008. He said these instruments were "an extremely positive development in terms of being able to finance different parts of the economy and different businesses effectively." What was essentially just business to him devastated the economy and the lives of millions of people.

As the CEO of OneWest, Mnuchin was deeply involved in subprime lending and was responsible for tens of thousands of foreclosures across the country. Under Mr. Mnuchin's leadership, OneWest was among the worst offenders in robo-signing foreclosure documents. While he denied this fact during his confirmation hearing, a vice president at OneWest admitted to signing 750 documents per week while spending less than 30 seconds on each one. In other words, he was very busy robo-signing these documents.

Under Mr. Mnuchin's leadership, a OneWest subsidiary, Financial Free-

dom, foreclosed on more than 16,000 seniors who were living on fixed incomes and who had reverse mortgages with that company. In one case, the company foreclosed on a 90-year-old woman's home over a 27-cent debt.

Hundreds of families across Hawaii who had mortgages with OneWest felt the impact of Steve Mnuchin's business practices personally.

In 2013, I received a letter from Suzanne on the Big Island. Suzanne is a retired Navy civilian. She depends on her disability and retirement income to afford her modest home in Hilo. She had her mortgage through OneWest. When she wrote to me, her home was in court-ordered mediation pending foreclosure. Suzanne went into mediation in good faith, assuming that OneWest would assist her with a loan modification. Well, she was wrong. Suzanne and OneWest agreed that before she signed any modification, she would receive a written offer that included the full terms of the agreement. But during their second mediation meeting, in violation of the agreement, OneWest told Suzanne that she owed \$30,000 more than her records showed and made a unilateral offer without disclosing any of the terms, contrary to what they had agreed to.

Suzanne wisely refused to accept the so-called offer. At the time that she wrote to me, OneWest was pushing a judge to proceed with her foreclosure. "I can afford my home," she wrote. "I want to keep my home, but the difference between \$1,300 and \$1,500 a month is huge."

OneWest has billions and is considering going public this year.

She went on to say: "They have made unreasonable offers, lost paperwork, ignored requests. All the nightmares you hear about on the news, well, consider me a poster child."

Suzanne asked us to write to Steve Mnuchin on her behalf, even though she knew that OneWest had a record of hanging homeowners like her out to dry. She said: "It seems to me that Mr. Mnuchin was one of the architects of our meltdown." She is right.

There are tens of thousands of stories from OneWest customers like Suzanne across the country, and Mr. Mnuchin is responsible for each one of them as CEO of OneWest. Now President Trump is asking us to confirm Mr. Mnuchin to serve as Treasury Secretary.

Throughout his campaign, President Trump made it clear that he wants to dismantle Dodd-Frank, eliminate the Consumer Financial Protection Bureau, and roll back financial regulations that would prevent another financial crisis. As Treasury Secretary, Mr. Mnuchin would be charged with implementing this agenda.

Credible economists have warned that we could end up in another financial crisis. My question is, Who would a Secretary Mnuchin try to save—Wall Street or the millions of people who will be adversely impacted? His record shows which path Steve Mnuchin

would choose. That is why I call on my colleagues to oppose this nomination.

I yield the floor.

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

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

RECOGNITION OF THE MAJORITY LEADER

The majority leader is recognized.

WELCOMING THE PRIME MINISTER OF CANADA

Mr. McCONNELL. Mr. President, later today we will welcome Prime Minister Justin Trudeau to the Capitol. Canada is more than just our neighbor. Canada is our ally. I am looking forward to a productive discussion with him.

CABINET NOMINATIONS

Mr. President, after much unnecessary delay from Senate Democrats, we will finally confirm two more key Cabinet nominees this evening—Steve Mnuchin as Treasury Secretary and David Shulkin as Veterans Affairs Secretary. The President has selected two well qualified candidates to lead the charge on strengthening our economy and providing veterans with more of the care they deserve. I will have more to say on Mr. Mnuchin and Dr. Shulkin tomorrow, but for now I look forward to their confirmation this evening.

After we work with these nominees, we will continue to put the rest of President Trump's Cabinet in place.

It has been really disappointing to see the historic level of obstruction by Senate Democrats. I would like to remind our colleagues across the aisle of the very real consequences their actions have on our country and on the men and women forced to work grueling hours to keep the Senate running overnight last week.

There are so many who worked around the clock to keep the Senate operating and I would like to offer some words of thanks now.

First, I would like to start with our floor staff led by Laura Dove on the Republican side and Gary Myrick on the Democratic side. They, along with the cloakroom staff and floor teams, worked nonstop to allow us to keep the floor running smoothly. So I want to thank them for their hard work and dedication.

I would also like to recognize the Senate pages, who didn't miss a beat just 2 weeks into their new job. They are Hailey Maggelet, Cameron Mabry, Shelby Hogan, Elizabeth Flachbart, Chris An, Sammy Potter, Sydney Jones, Cynthia Yue, Avery Beard, Wade Quigley, Eddie Owens, Hannah Seawell, Chloe Smith, Bryant Reynolds, Taylor Ball, Mitchell Heiman, Drew Beussink, Harrison Bushnell, Lauren Cavigiano, Mitchell Durbin,

Allie Glassman, Pablo Gomez Garcia, Julia Graham, Savannah Hampton, Argenis Herrera, Riley Johnson, Holly Newman, Colin Solomon, Katrina Turner, and Kayla Zhu. I know we are all impressed by these young men and women, and we all appreciate the role they play in our Nation's government.

There are so many others, like Sergeant at Arms Frank Larkin and his Deputy, Jim Morhard, who work tirelessly behind the scenes to keep the Capitol running smoothly. I would like to thank their team: the doorkeepers, the Senate recording and television studio, the Press Galleries, the IT and technical support, and the help desk, the security and operations teams, the executive office, and the Capitol exchange operators, who oversee the many calls that come into Senate offices. Many of these teams provided support literally around the clock, and we are thankful.

Of course, none of this would have been possible without the Capitol Police, headed by Chief of Police Matthew Verderosa. These men and women worked overtime to ensure the safety of the Senate Chamber and the entire Capitol as Members and their staffs worked through the night. We thank them for their service and for keeping us safe every day.

I would also like to thank the Secretary of the Senate, Julie Adams, Assistant Secretary Mary Suit Jones, and their entire team.

Specifically, I would like to thank the following offices and staffers, many of whom who worked for more than 50 straight hours: the Official Reporters of Debates, which include Patrick Renzi, Susie Nguyen, Julia Jones, Mary Carpenter, Patrice Boyd, Octavio Colominas, Alice Haddow, Andrea Huston, Carol Darche, Desirae Jura, Megan McKenzie, Wendy Caswell, Diane Dorhamer, Mark Stuart, and Julie Bryan; the Captioning Services team, which includes Sandra Schumm, Brenda Jamerson, Doreen Chendorain, Jennifer Smolka, and Laurie Harris.

In addition to the offices I just named, I would also like to recognize the following legislative offices: The Bill Clerk, the Enrolling Clerk, the Executive Clerk, the Journal Clerk, the Legislative Clerk, the Daily Digest, and, of course, the Parliamentarians.

Lastly, I would like to thank our subway drivers and the Government Publishing Office, which worked tirelessly to get the RECORD printed.

We are also grateful for the long hours and sacrifice that each of these offices and staffers made last week. Of course, it was completely unnecessary but, nevertheless, they were here through the night.

NOMINATION OF NEIL GORSUCH

Mr. President, now, one final matter. When President Clinton took office in 1993, he named his first nominee to the Supreme Court, Ruth Bader Ginsburg. Ginsburg's nomination was not without controversy. She had argued for positions that are still quite controversial

today. For example, she had questioned the constitutionality of laws against bigamy because they implicated private relationships. For the same reason, she had opined that there might be a constitutional right to prostitution. She always advocated for coeducational prisons and juvenile facilities. She even proposed abolishing Mother's Day.

So you can understand why Senators wanted to get her views on issues that might come before her as a Justice, but when pressed at her confirmation hearing, here is what she had to say:

You are well aware that I came to this proceeding to be judged as a judge, not as an advocate. Because I am and hope to continue to be a judge, it would be wrong for me to say or preview in this legislative chamber how I would cast my vote on questions the Supreme Court may be called upon to decide. Were I to rehearse here what I would say and how I would reason on such questions, I would act injudiciously. Judges in our system are bound to decide concrete cases, not abstract issues.

She went on:

A judge sworn to decide impartially can offer no forecasts, no hints, for that would show not only disregard for the specifics of a particular case, it would display disdain for the entire judicial process.

So summing it up, she said: No hints, no forecasts, no previews, and that is what has become known as the Ginsburg standard. Supreme Court nominees of Presidents of both parties have adhered to it.

For example, President Clinton's second nominee, Stephen Breyer, noted that "there is nothing more important to a judge than to have an open mind and to listen carefully to arguments," and so he told the Judiciary Committee he did "not want to predict or commit myself on an open issue that I feel is going to come up in the Court." That meant, he said, not discussing "how" a "right applies, where it applies, under what circumstances" it applies.

When his nomination to be Chief Justice was pending, John Roberts said that adhering to the principle embodied in the Ginsburg standard is "of great importance not only to potential Justices but to judges, which most nominees to the Supreme Court already are."

"We're sensitive," he said, "to the need to maintain the independence and integrity of the Court."

Let me repeat that. The Chief Justice said this principle was necessary "to maintain the independence and integrity of the Court."

He then explained how the Ginsburg standard helps maintain that independence. Nominees, he said, "go on the Court not as a delegate from [the Judiciary] Committee with certain commitments laid out and how they're going to approach cases."

Rather, "[T]hey go on the Court as Justices who will approach cases with an open mind and decide those cases in light of the arguments presented, the record presented, and the rule of law.