

## NAYS—16

Blumenthal	Hirono	Stabenow
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warren
Feinstein	Murphy	Wyden
Gillibrand	Sanders	
Harris	Schatz	

## NOT VOTING—5

Booker	Heinrich	Whitehouse
Graham	Menendez	

The nomination was confirmed.

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

## 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 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 Trevor N. McFadden, of Virginia, to be United States District Judge for the District of Columbia.

Lamar Alexander, Susan M. Collins, John Boozman, Chuck Grassley, Orrin G. Hatch, Steve Daines, Dean Heller, Bill Cassidy, Cory Gardner, Michael B. Enzi, Thom Tillis, John Thune, John Kennedy, John Cornyn, David Perdue, Joni Ernst, Mitch McConnell.

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 Trevor N. McFadden, of Virginia, to be United States District Judge for the District of Columbia, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 85, nays 12, as follows:

[Rollcall Vote No. 252 Ex.]

## YEAS—85

Alexander	Coons	Flake
Baldwin	Corker	Franken
Barrasso	Cornyn	Gardner
Bennet	Cortez Masto	Graham
Blumenthal	Cotton	Grassley
Blunt	Crapo	Hassan
Boozman	Cruz	Hatch
Burr	Daines	Heitkamp
Capito	Donnelly	Heller
Cardin	Duckworth	Hirono
Carper	Durbin	Hoeven
Casey	Enzi	Inhofe
Cassidy	Ernst	Isakson
Cochran	Feinstein	Johnson
Collins	Fischer	Kaine

Kennedy	Paul	Stabenow
King	Perdue	Strange
Klobuchar	Portman	Sullivan
Lankford	Reed	Tester
Leahy	Risch	Thune
Lee	Roberts	Tillis
Manchin	Rounds	Toomey
McCain	Rubio	Udall
McCaskill	Sasse	Van Hollen
McConnell	Schatz	Warner
Moran	Schumer	Wicker
Murkowski	Scott	Young
Murphy	Shaheen	
Nelson	Shelby	

## NAYS—12

Booker	Harris	Peters
Brown	Markey	Sanders
Cantwell	Merkley	Warren
Gillibrand	Murray	Wyden

## NOT VOTING—3

Heinrich	Menendez	Whitehouse
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The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 12.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Trevor N. McFadden, of Virginia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Madam President, I rise to discuss an issue that is extremely important to me and to many of my colleagues on this side of the aisle—the issue of judicial vacancies. I came here to work and am honored to serve on behalf of the people of the State of Nevada who sent me to Washington. One of the most pressing issues I have found since being here is, all too often Members of Congress go home before their work is finished.

Many of you here know the first piece of legislation I have introduced for the past two Congresses is my No Budget, No Pay Act. The concept is simple. If Congress can't pass a budget and all of its spending bills on time, then Congress itself shouldn't get paid.

The Senate should apply the same concepts, in my opinion, to confirming judges. I commend our majority leader for bringing two more judges to the floor this week, but there is a lot more work to do. We need to work day and night to confirm those judges who are already on our calendar and have moved out of the Senate Judiciary Committee. The Senate has an incredible opportunity right now to confirm Federal judges who will uphold the Constitution. We should be here every day, for as long as we need, to ensure all judicial vacancies are filled.

Our conference must be willing to work together in order to get the business of the Senate done. Right now, there are 149 judicial vacancies. Let me repeat that. There are 149 judicial vacancies, and the Senate has only confirmed 8 judges this session—149 vacancies, 8 judges confirmed. That means, in 9 months, with well over 100 vacancies and over 60 judicial emergencies, we have only managed to confirm 8 judges.

The minority party has undercut the confirmation process of the administration's nominees and judicial appointments. When new Presidents are elected, they have always been given an opportunity to put their team in place in short order. Historically, this is not just common courtesy, it is an expectation of the American people to have a seamless transition of power, resulting in a functional Federal Government.

One of the eight judges confirmed was Neil Gorsuch, who I am thankful now serves on the Supreme Court. Justice Gorsuch is an example of the type of judge we have the chance to put in place. As with Justice Gorsuch's confirmation, we need to do all that is necessary to fill these vacancies with great judges like him.

President Trump has nominated many judges and has more to nominate. For those he has already nominated, it is our duty to carefully review these nominations and ensure that these judges are confirmed in a timely manner. We must be willing to put in as much time as needed, whether that means working weekends, canceling State work periods, or working all through the night to get these Constitution-loving judges confirmed.

I know this is important to all of us, but we need to do better. Last week, I was a proud partner with Senator PERDUE and several of my other colleagues in calling on the Senate to work 24/7 until we get our work done. We have a substantial list of important work to complete, including confirming the judicial nominees the President has sent us, passing tax reform, fixing our broken healthcare system, and funding the government. The American people elected us to complete these critical tasks. They elected us to deliver a simpler, fairer tax code and to make sure our Federal judiciary is fully occupied with judges whose sole purpose is to uphold the Constitution as it was written.

To my fellow Senators, I am calling on all of us to do what the people have sent us to do and not let a light schedule stop us from fulfilling our duties. The American people don't go to work 4 days a week, and neither should we. This isn't France. We need to work a full workweek. We must make it clear to our constituents that we are fighting for the hard-working Americans every single day. Americans do what it takes to get the job done, and we should do the same.

I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

## REPUBLICAN TAX PLAN

Mr. WYDEN. Madam President, I don't often come to the floor of the Senate to give a speech like the one I am going to give now, but today I plan to start sounding the alarm, both from the standpoint of the process and the substance of what is known about the Republican tax plan as of this afternoon.

This morning, the House passed the budget so now it is on to tax. The debate, if the Republicans have their way, will happen at the speed of light. If they have their way, this all could be wrapped up before most Americans have even been able to put a dent in their holiday shopping.

That is exactly what the majority of Republicans is counting on. The Republicans are rushing to drive the tax giveaway to the superwealthy and the powerful corporations and to do it so quickly that most of America will really have no idea what will be going on. Their hope is simple—to do it in a way so that nobody catches on. So this afternoon, as the ranking Democrat on the Finance Committee, I am going to look at this from a few different angles—first, as to the process and, then, as to the policy that is on offer from the Republicans as of right now.

Right off the top, I am sure that Senators have heard that, here in the Senate and Congress, there is going to be a real debate that is going to play out in a careful and deliberate way and that there is going to be plenty of give and take. As of right now, my message to the American people is this: You have been fooled. Don't buy that. Here is what is going to happen. Anybody who expects a repeat of the kind of bipartisan, deliberate process that took place in 1986, when the Democrats and Ronald Reagan got together, is in line for some very disappointing times.

Our former colleague Senator Bradley, who served on the Finance Committee with such distinction and was a key author of the 1986 reform bill, called a couple of days ago, and I explained to him what was going on. He was just incredulous. He could not believe that this was going to be the process—that it would all be over in a matter of weeks and that it would not even be like healthcare, with the debate moving in fits and starts and stretching out over months.

If Republicans have their way, as my family used to say, this is going to be over lickety-split, and it is coming up quickly. The House plans to offer up a bill in about a week, and the Ways and Means Committee is going to jump into action. The Senate bill could come out in a matter of days later, and then it would be the Finance Committee's turn.

As most people in the Senate know, there is a normal process for these debates in committee. You usually put out draft legislation. You refine your ideas. You update your work. You share with both sides of the aisle the ideas that would make sense—those that get both sides to say: Hey, bipartisanship is about taking each other's good ideas, and politics is about taking each other's bad ideas. In this case, it is not about trying to make any bipartisan efforts at all. The normal process involves exercising a little patience, giving the officials at the Joint Committee on Taxation and in the Congressional Budget Office time to really make sense of what the numbers mean.

This is not Washington lingo. What do the numbers mean for middle-class people—the folks who are really hurting now, who are walking on an economic tightrope in trying to pay bills? We ought to make sure that people who are knowledgeable about this have the time to really look at the numbers and give us some general sense of what this means, particularly for America's hard-working middle class. Yet for this partisan tax cut and a process that will be hyperpartisan—it is designed to be an off-ramp to partisanship only—the Republicans are just blowing right by those steps that constitute the normal process that I have described.

The Congress is headed for a debate on legislation that has the potential to reshape our entire economy at a crucial time when we understand the challenge from global competition and change, but the Republicans, as of now, are not going to wait to see the facts and figures, never mind that the bill is going to affect every taxpayer in the country in one way or another. The Republicans have said that we are going to do some leaping without looking. They may not even have legislative hearings to examine the Republican tax cut bill and what the impact of it could be, which was what Senator Bradley was just stunned about because he and others worked for months with the Reagan administration in trying to do what was normal and, as of now, is not going to happen.

What is even more ominous is that, if the bill clears the Finance Committee, the debate on the Senate floor will happen in a flash. That is because, since day one of this administration, the Republicans have said—and Leader McConnell has said this repeatedly—that they want to use the most partisan process around to move the tax cut. It is another round of what is called budget reconciliation.

What this comes down to is a rejection of the kind of bipartisanship that has been proven to work on tax reform. Ronald Reagan worked hand in hand with Democrats on tax reform in 1986. The two sides brought forward their best ideas. They worked for months and months and, as Senator Bradley told me, for several years. There were dozens of hearings that dug into the specifics and carefully examined the issues. After the bill came out, the committee met over 18 days to debate and vote on the amendments. There was committee consideration—what is called a markup—that lasted a total of more than 45 hours. Then the bill came to the floor of the Senate, and, as is fitting for a piece of legislation that can reshape the whole American economy, the debate took almost a month. That is the textbook of how you successfully write bipartisan tax reform legislation. By the way, that is the model by which our former colleague Dan Coats—now a member of the Trump administration—worked with me to produce a bipartisan Federal income tax reform bill.

Yet we are not going to see any of that kind of work this time around.

The road that the majority is taking us down in 2017 makes a mockery out of the bipartisan process that brought Ronald Reagan and the Democrats together. As of now, there will be 20 hours of debate—20 hours. That is it—on a bill that will transform the bottom line for every American family and will affect the hopes and aspirations of our middle class, which will drive 70 percent of the economic activity in our country for years and years. Then the debate will be over, and it will be time to vote.

What I am going to try to do here—and we will be talking often in the days ahead—is to lay out what this really means for hard-working middle-class people, because, so far, what we have seen is kind of one hand giveth and the other hand taketh away. The details for the top of the top, the megawealthy, are spelled out, but we do not see exactly how the middle class is not going to go into the hole. As of now, the numbers suggest, particularly if you have a couple of children and are in a place with high State and local taxes, that you really could fall behind. If we do not spell out what is actually at stake here and give the American people the opportunity to tune in and be heard, this process is just going to race by before anybody notices, and that is what the Republicans are counting on.

The bottom line is that, when the middle class and the American people find out what is in the Republican tax plan as it is known today, the less they are going to like it. There have been sort of two versions of it. The first came out, I believe it was, late in the spring. It was a page long—shorter than the typical drug store receipt. We got a bit more information a few weeks ago, but in both instances, as I have described, it looks like the middle class is going to get hurt, and folks who are successful and those who are at the top of the top are, basically, going to get even more.

We want all Americans to be successful. We want to give everybody the chance to get ahead, but we do not want tax breaks skewed to the very top. As of right now, the Republican tax plan is a feast for the very wealthy, and the middle class is on the menu. Even the President's top campaign adviser on taxes said that the Republicans have made \$4 trillion worth of promises in this tax proposal, perhaps even more, but because of budget rules, that pricetag has to come down to \$1.5 trillion for the bill to get through the Senate. That means that somebody has to pay for a whole lot of that \$4 trillion of corporate goodies and handouts to the wealthy.

The Republicans seem almost allergic to raising revenue by asking those at the top to pay their fair share. Every proposal that the Republicans have put forward to pay for this tax giveaway to the top has reached right into the pockets of the middle class. Take the elimination of the State and

local deduction. It will cause pain for millions of Americans across the country, not just in the West—in places like California and Oregon—and the Northeast but for those in scarlet red areas who voted for the President on election day—places like North Carolina, Georgia, Wisconsin, and Texas. Then there is the plan to double the standard deduction while simultaneously getting rid of personal and dependent exemptions.

When you cut out all of the tax lingo—as I have said, one hand giveth and the other hand taketh away—what it means, based on the information that is out now, is that a family of six in Medford, OR, could see its taxes increase by thousands of dollars per year. That is a holiday surprise. My guess is that people are going to say that it is the nightmare before Christmas if this plan becomes law.

Even more middle-class Americans who checked on the news over the last few days probably had the wind knocked out of them when they read that their 401(k)s may be on the ropes under the Republican plan. A few days ago, the President said: No, do not touch the 401(k). But it seems to me like Republicans just cannot help themselves. When the President was asked about it again, the new Trump position was that middle-class retirements are a bargaining chip to get this lopsided tax handout through the Congress.

Let me repeat that last part. The President of the United States said that middle-class retirements are a bargaining chip in this crusade to cut taxes for the most fortunate. Nothing illustrates more clearly how this process has gone horribly wrong, and I want to make clear to the American people to watch the details. Watch the details because every time a new detail leaks out, the middle class loses.

So my bottom line, colleagues, is real tax reform ought to be about putting more dollars back in middle-class pockets, but right now the majority is taking a different tack. It amounts to a hunt for ways to force the middle class to pay for the tax breaks for those at the top.

This scheme will explode the deficit. It is a con job on the middle class. It is failed economic policy, but it could rocket in the Congress in the weeks ahead before the American people catch on.

So my counsel is, everybody ought to strap in and get ready for what is coming. Every step of the way in the Finance Committee and here on the floor, I will continue working with my Democratic colleagues to fight for middle-class priorities and tax reform, and I hope we will have some from the other side of the aisle join us. We intend to keep sounding the alarm on a Republican plan that as of now gives trillions of dollars of handouts to those at the top while hiking taxes on millions of middle-class families.

Now that the House has passed its budget, this is kicking off the debate,

and the idea that we would have a bunch of fake promises to the middle class, very specific gifts to folks at the top, and somehow unicorn theories of growth that will justify this, while really creating deficits that hurt Medicare, Medicaid, Social Security, and our safety net—those are the issues the American people deserve to know more about. We are going to tell them a lot more about the details in the days ahead because we believe in tax reform that puts the middle-class first, doesn't give gifts to the people in the very top 1 percent, doesn't clobber Medicare, Social Security, and Medicaid, and, as Bill Bradley said earlier this week in a conversation with me, is based on the kind of bipartisanship that a hugely important issue like tax reform warrants.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. McCONNELL. Madam President, I ask unanimous consent that notwithstanding rule XXII, that at 5:30 p.m., Monday, October 30, all postcloture time on the McFadden nomination be considered expired and the Senate vote on confirmation of the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action; further, that it be in order to proceed to the following nominations during today's session of the Senate: Calendar Nos. 368, 369, 432, and 433.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 368, Amy Barrett.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Amy Coney Barrett, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

#### CLOTURE MOTION

Mr. McCONNELL. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The 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 Amy Coney Barrett, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

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

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. McCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 369, Joan Larsen.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

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

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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.

#### LEGISLATIVE SESSION

Mr. McCONNELL. Madam President, I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.