

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 432, Allison Eid.

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 Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth 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 Allison H. Eid, of Colorado, to be United States Circuit Judge for the Tenth 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Madam President, I move to proceed to executive session to consider Calendar No. 433, Stephanos Bibas.

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 Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third 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 Stephanos Bibas, of Pennsylvania, to be United States Circuit Judge for the Third 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.

Mr. MCCONNELL. I ask unanimous consent that the mandatory quorum calls for the cloture motions be waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I ask unanimous consent that notwithstanding rule XXII, the pending cloture motions ripen following the disposition of the McFadden nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, in my opening remarks today, I commended President Trump once again for the outstanding judicial nominations he has made, and I reiterated the Senate's determination once more to continue confirming them regardless of the often mindless partisan obstruction we have been seeing across the aisle.

This pointless obstruction is designed simply to waste time, not to change an outcome, and it will not. It didn't stop the Senate from confirming Scott Palk, it will not stop the Senate from confirming Trevor McFadden, and it will not stop the Senate from confirming even more outstanding nominees next week. You can count on it.

I have filed cloture on four more well-qualified nominees for our Nation's circuit courts: Notre Dame law professor Amy Barrett, a nominee for the Seventh Circuit; Michigan Supreme Court Justice Joan Larsen, a nominee for the Sixth Circuit; Colorado Supreme Court Justice Allison Eid, a nominee for the Tenth Circuit; and University of Pennsylvania law professor Stephanos Bibas, a nominee for the Third Circuit.

By confirming these nominees, we can take a big step toward restoring our Nation's courts to their proper role, interpreting and applying the law based upon what it actually says, not what a judge might wish it to say. It is quite a departure from the last administration's philosophy when it came to selecting judicial nominees.

For the last 8 years, we had a President who said a criterion for lifetime positions was the ability to empathize with certain groups over others. It came to be known as the "empathy standard." That is a great standard if you are the party in the case for whom the judge has empathy, not so great if you are the other person. It also is not in keeping with the longstanding American legal traditions of applying the law equally to all, giving every litigant a fair shake, and ruling based on the actual meaning of our Constitution

and laws, not what a judge or some preferred political constituency might wish they meant. That, I believe, is the view of the American people.

President Trump has done a terrific job of nominating judges who are already helping to restore the courts to their intended function in our system of government. The nominees we will consider next week are sure to do the same.

We will continue our efforts with consideration of the Barrett nomination on Monday. Amy Barrett is a professor of law at one of our Nation's premier law schools. Notre Dame happens to be a Catholic University. Amy Barrett happens to be a nominee who is a Catholic and who speaks freely and openly about her faith and its importance to her. For some on the left, that seems to be a disqualifying factor for her nomination.

I would remind colleagues that we do not have religious tests for office in this country. There is no religious test for office in the United States of America.

Amy Barrett's nomination has received outstanding reviews. She is clearly well qualified for the office to which she has been nominated. As the president of Notre Dame recently wrote, "Her experience as a clerk for Judge Laurence Silberman of the U.S. Court of Appeals and Supreme Court Justice Antonin Scalia is of the highest order. So, too, is her scholarship in the areas of federal courts, constitutional law, and statutory interpretation."

Amy Barrett is going to make an outstanding Federal Circuit Court judge. So, too, will Ms. Larsen, Ms. Eid, and Mr. Bibas. I look forward to the Senate confirming all of them next week.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

GUN VIOLENCE

Mr. CARDIN. Madam President, I rise to address the latest mass shooting in our country. This one took place last week in my own State of Maryland, in the city of Edgewood, in Harford County, which is northeast of Baltimore.

In this case, the suspect gathered coworkers at his place of business, Advanced Granite Solutions, and began shooting. He killed three coworkers

and critically wounded two others who remain in critical condition at the Maryland Shock Trauma Center. The suspect then fled to Delaware.

According to an article in the Baltimore Sun, he shot an acquaintance in the head at a car dealership. The victim was in stable condition and later identified his attacker to police. The suspect was finally arrested after a brief foot chase, and police said the suspect threw a gun at them after spotting law enforcement approaching.

This terrible shooting in Maryland came a few weeks after the worst mass shooting in modern U.S. history, which occurred in Las Vegas, NV, on October 1. This mass shooting from a hotel room targeting concertgoers at an outdoor music festival left 58 dead and more than 500 people wounded, with dozens of victims still in the hospital today, some of whom are in critical condition. These are just staggering numbers. But I want to put a human face on this for my colleagues and talk about one Marylander who was injured in the Las Vegas attack.

The Baltimore Sun shared the story of Tina Frost. Tina is a native of Crofton in Anne Arundel County, MD. She is a 2008 graduate of Arundel High School in Gambrills. She was a star soccer player in school, and she now lives in California and works at the accounting firm of Ernst and Young.

The story begins:

Before a bullet from 32 stories above cut through her face, Crofton native Tina Frost drove from San Diego with her boyfriend to see one of her favorite country artists in Las Vegas. . . . Becky Frost said her 27-year-old sister had lost her right eye and was in a Las Vegas intensive care unit after a two-hour surgery. [She] said her bubbly and charismatic older sister was in a coma that the family expected to last about a week. Another sister wrote on Facebook that the family was waiting to see the extent of the brain damage. "We're sticking together and praying," Becky Frost said.

Tina Frost did wake up from the coma and was recently transferred to Maryland for additional surgery at Johns Hopkins Hospital in Baltimore. According to family members, she underwent a second successful surgery last week. The family's website update said: "We are thankful Tina is still being a true fighter and warrior!"

Today, I want Tina and the entire Frost family to know that they are in our thoughts and prayers. I understand that their community has already been raising funds to help defray Tina's medical expenses for her recovery.

This is just one example of hundreds who were victimized in Las Vegas. I am just heartbroken by the terror in Las Vegas. With the entire country, I am grieving for the senseless loss of life and praying for the victims, their families, and all those who were injured like Tina Frost, whether by gunshots or the chaos that ensued.

Much thanks also goes to the first responders, including our police, fire, ambulance, and emergency medical workers, who saved countless lives by

helping those around them and running toward danger instead of running away from it.

Thoughts and prayers console victims and their families, but actions speak much louder. We must be outraged at this latest shooting, and we must act. Congress must act. States must act. Weapons of war should not be in the hands of civilians. We see the deadly results in Las Vegas just as we have seen before in Orlando, Blacksburg, San Bernardino, Aurora, Sandy Hook, the streets of Baltimore, and elsewhere across this great country. We need to do everything in our power to stop the carnage of these shootings. How high does the death toll have to get before we enact real, bipartisan reforms that will make the American public safer and reduce the risks that come from allowing such easy access to dangerous weapons primarily designed for the battlefield? Assault weapons are not needed to hunt deer or ducks; they are only meant to kill people, and they do far too often in this country.

I urge my colleagues to be bold and fight to break the cycle of what could only be described as a callous disregard for the victims of gun violence. More talk will not save lives; only action and real change and Federal and State laws can.

This attack and others like it in recent years tear at the heart and leave us angry, frustrated, and confused. We as a nation must resolve to stop those who wish to do harm to Americans from committing, encouraging, and abetting acts of terror. We as a nation, as a community, and as an American family must take action to change minds, hearts, and finally change policies. We can stop others and save lives by taking immediate action.

I was disappointed that Congress missed yet another opportunity to enact commonsense, reasonable gun safety measures after the June 2016 shooting at the Pulse nightclub in Orlando, FL, which killed 49 people and injured 53 others. The mass shooting in Las Vegas has now sadly surpassed those numbers.

In the Las Vegas massacre, Stephen Paddock used a bump fire stock device, which allowed a semiautomatic rifle to fire at a rate similar to that of a fully automatic weapon—a rate of about nine bullets a second. Fully automatic weapons are generally illegal under current law. Paddock also stockpiled a virtual arsenal in his hotel room, as police found 23 firearms in the room. Police also found a large quantity of ammunition, including numerous high-capacity magazines capable of holding up to 100 rounds apiece.

The preliminary assessment—with the understanding that the investigation is still ongoing—from the Bureau of Alcohol, Tobacco, Firearms and Explosives is that the shooter legally purchased all these guns, bump stocks, and ammunition. It is outrageous that a mass shooter was legally able to pur-

chase a device designed to convert his gun into a military-style weapon with no legitimate civilian use. It is outrageous that a mass shooter was legally able to purchase high-capacity magazine clips with no legitimate civilian use. These are weapons of war. You don't need them for hunting, and you don't need them for self-defense.

Earlier this month, I convened a roundtable meeting with law enforcement officials at the First Baptist Church of Highland Park in Prince George's County, MD. The group included officials from the local, State, and Federal levels, including the sheriff, police chief of Prince George's County, State delegates, the State attorney general of Maryland, and representatives of the U.S. attorney's office.

Maryland has progressive laws on gun safety and has taken steps to ban weapons of war and high-capacity magazines that have no legitimate civil purpose. The group echoed the concern to me that if Maryland has strict laws relating to gun safety that protect both the public and police officers, what is to stop someone from driving over the border to one of our neighboring States in order to procure guns? That is why we need a strong national law to protect all Americans, and Congress should act on commonsense gun safety measures.

What can we do in Congress? I have cosponsored the Automatic Gunfire Prevention Act, which Senator FEINSTEIN introduced. In the Las Vegas shooting, the gunman was able to unleash hundreds of rounds of gunfire on the crowd, likely by using the bump stock device.

Fully automatic guns or machine guns are already banned for civilian use under the National Firearms Act, but a loophole exists that allows for these bump stock devices, as well as similar accessories, to convert semiautomatic weapons to emulate automatic weapons. Senator FEINSTEIN's legislation would close the loophole in current law that allows conversion devices and accessories to be available to the public. The bill bans the sale, transfer, importation, manufacturing, or possession of bump stocks, trigger cranks, or anything that accelerates a semiautomatic rifle's rate of fire. Semiautomatic rifles typically have a rate of fire of 45 to 60 rounds per minute; a bump stock could increase the semiautomatic rifle rate of fire to 700 rounds per minute or 9 per second.

I have also cosponsored the Large Capacity Ammunition Feeding Device Act, also known as the Keeping Americans Safe Act, introduced by Senator MENENDEZ. It prohibits the possession or transfer of large-capacity ammunition magazines—more than 10 rounds per magazine—with limited exceptions for law enforcement personnel. Senator MENENDEZ's bill authorizes a buyback program for high-capacity magazines using Byrne JAG grants.

To me, these two bills represent a practical, commonsense approach to

promoting gun safety and reducing the threat of gun violence without impinging on the rights of legitimate owners.

As NBC News recently reported, more Americans have died from gunshots in the last 50 years than in all the wars in America's history. Since 1968, more than 1.5 million Americans have died in gun-related incidents, according to data from the U.S. Centers for Disease Control and Prevention.

I have also cosponsored the Background Check Expansion Act, introduced by Senator MURPHY. This bill would expand Federal background checks to cover the sale and transfer of all firearms by private sellers, just as licensed dealers are required to do so under the existing Brady law, with certain limited exceptions.

Under current law, unlicensed or private sellers are not required to conduct a background check prior to transferring a firearm. This is outrageous, and Congress should act right now to close this dangerous loophole. It should not matter whether you buy a gun at a local gun store or a gun show or the internet—you should have to pass a basic background check to make sure the guns are kept out of the hands of people who should never have one.

Congress has an obligation to act. As I have indicated before, we need to act. Inaction is not an option. Many of our States have acted as well, including my own State of Maryland, but we need a national law that applies to all 50 States to ban bump stocks, prohibit the sale or transfer of high-capacity magazine clips, eliminate the private ownership of assault-type weapons, and require universal background checks for all purchasers.

The time for action is now. We cannot wait. Congress should come together and address the real problem, which is lax gun safety laws, and should pass commonsense gun safety measures to protect all Americans. Let's not wait for the next mass shooting, when we send our thoughts and prayers to victims and then stand by and pretend we are helpless and powerless to prevent another tragedy. Let's take action now.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). The Senator from North Dakota.

TAX REFORM

Mr. HOEVEN. Mr. President, I rise once again today to talk about how we are working to reform our outdated Tax Code and to provide much needed tax relief to our Nation's small businesses and to hard-working families and ranchers. We are working to not only provide hard-working taxpayers with tax relief but also to strengthen our economy and to stimulate job creation.

Along with the regulatory relief we have already provided and are working to continue to provide, this tax relief is all about a growing economy, more

jobs, and higher wages for hard-working Americans and then making sure that they not only keep more of their earnings after tax but that they see growing wages due to a stronger economy that is so important after the last decade of stagnant wages and income. It is important to understand that this tax relief is both. It is absolutely about lowering the tax burden, but it is also about moving wages and incomes higher. That is the rising tide that lifts all boats in our country.

Today, the House of Representatives passed a budget resolution that the Senate sent them last week, so now we have completed the first step in terms of enacting pro-growth tax reform that, as I said, will provide tax relief to millions of middle-class families who have been struggling to get ahead over the past decade.

Today, I want to focus on how our tax proposal will reduce the tax burden on small businesses. Small businesses make up 96 percent of all employers in my State and over 90 percent of the businesses in the country. Over 90 percent of the businesses in this country are small businesses.

Earlier this week, we had a very productive meeting with the President to talk about our priorities for tax relief, and I specifically highlighted to him the importance of ensuring that tax reform works for our small businesses. When you talk about small businesses, you are talking about farmers and ranchers. As I said, 90 percent of all the businesses in this country are small businesses. So we are working with the administration and with the House to enact tax reforms that will enable American families to keep more of their hard-earned money and, as I said, empower our small businesses to invest and grow.

Our effort is about growing our economy and regaining our economic competitiveness in a global economy. Our Tax Code needs to ensure that our small business owners and entrepreneurs can compete in that global economy.

Small businesses, as I said, are the engine that drives our economy. They are the backbone of our economy. Small businesses create more jobs and employ more people than major corporations. They are the heart and soul of Main Streets across America. These businesses earn the majority of all business income in the United States and employ over half the private sector workforce in 49 out of 50 States. They employ over half of the private sector workforce in 49 of our 50 States.

Over the past month, I have hosted tax reform roundtables across North Dakota to hear directly from our job creators—from our State's small businesses, from our ag leaders, from our farmers, and from our ranchers. What are their priorities when we talk about tax relief and tax reform?

Our tax blueprint supports those small businesses throughout the country by promoting job creation, eco-

nomie growth, and, as I said earlier, global competitiveness. We propose to do this in a number of ways, but the biggest and most impactful thing is that we are lowering the tax burden. It needs to be tax relief.

Right now, for our small businesses, the marginal tax rate can reach as high as 44.6 percent. Think about that. Almost half of their income is going to Federal income tax. That is nearly twice the average rate of the rest of the industrialized world. So here we are trying to compete with that high tax rate—almost double compared to the average rate of the rest of the industrialized world.

By reducing the maximum tax rate for sole proprietorships, partnerships, and S corporations to 25 percent, we are creating greater economic growth and opportunity as small businesses reinvest in their businesses, in their employees, in their communities, and generate job growth.

Additionally, many small businesses, including farmers and ranchers, do not have access to the equity they need to operate, instead relying heavily on debt financing to fund their businesses. They go to the bank and borrow. This is particularly true for new and beginning enterprises, including new startups in technology—not just farming and ranching and traditional businesses but businesses across the board.

Our Tax Code needs to incentivize our Nation's entrepreneurs to start their business, and we need to make sure they can get access to capital. They need to be able to get access to that capital, but when they do, by and large, they are going to the bank and borrowing. That means they have to pay interest on that debt. So it is very important for small businesses that the interest on that debt be deductible. That is a huge cost, particularly for our farmers and ranchers. They don't have opportunities to float equity. They don't raise equity for their farming operation when they need to buy a tractor or a combine or you name it. They have to go to the bank and borrow.

So the deductibility of that interest expense to them is absolutely vital in their interests. That is true with small businesses across the board. When you look at small businesses in your community, they go to the bank and they borrow, and that interest cost is a big part of their business expense. They need to be able to continue to deduct it.

In the framework that we have proposed, another very important issue is being able to expense investments. If you really want to trigger growth, you encourage that investment. So the tax reform framework or proposal that we have put forward allows, in the first 5 years, full expensing of new investments. That is very stimulative to our economy. It is very pro-growth.

The other piece that I think is very important here is that we keep the section 179 expensing longer term. I think,