

Senate will proceed to executive session and resume consideration of the McFadden nomination, which the clerk will report.

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

The ACTING PRESIDENT pro tempore. The Senator from Texas.

TAX REFORM

Mr. CORNYN. Mr. President, I came to the floor to talk about judges, and I will in just a moment because the majority leader has now filed for cloture—that is a process that will end up in an up-or-down vote—on four distinguished nominees for the circuit court of appeals.

Coming on the tail end of the remarks of the Democratic leader, I must say that sometimes I feel like Washington, DC, is a parallel universe that bears very little relation to the rest of the country or the rest of the world because to hear the Democratic leader talk about some tax plan being written in secret defies the facts. The facts are, this is going to be done in a very public sort of way.

I expect that as soon as Wednesday, the House of Representatives will release their proposal and then, shortly thereafter, the Senate will likewise release its proposal that will then be amended and debated in the Senate Finance Committee just like the House bill will be debated and amended in the House Ways and Means Committee. These will be very public, and indeed they should be because they are going to touch on the ways that I believe we can unleash this sleeping giant of an economy, get the economy growing again, get businesses invested here in the United States, and higher wages and jobs for American families, from which all Americans will benefit, regardless of their tax bracket.

I have read that some of our Democratic colleagues—we heard a little bit of this when the President invited the bipartisan Senate Finance Committee members over to the White House just a week or so ago. Some of our Democratic colleagues said: Well, we haven't been included in the process.

Well, they made it clear that they don't want to be included, but I hope they will change their mind, and they will have that opportunity during the course of the Senate Finance Committee debate and amendment process. No one will be prohibited from offering an idea or debating an idea as we work through the process of a tax reform package that will, as I said, hopefully bring down the taxes for hard-working American families, let them keep more of what they earn, and, in the process, improve their standard of living.

As we reform our business Tax Code—which, as President Obama pointed out in 2011, is literally a self-inflicted wound because we have the highest business tax rate in the world, which makes it more likely that businesses will want to invest abroad in

jobs and their infrastructure, rather than invest here in America—we want to bring all of that back here so that investors will invest in jobs in America and so that manufacturers can proudly stamp what they make here in America: “Made in America.” That is what we are striving for.

Again, I know our Democratic colleague, my friend, the Senator from New York, has a job to do on behalf of the Democrats. But it is, as I described at the outset, a parallel universe from what is actually happening. It does not bear any relationship to the reality that we have offered our Democratic colleagues to participate with us in growing the economy and giving hard-working American families the opportunity to keep more of what they earn and, thus, improve their standard of living.

Mr. President, at times this Chamber is marked by a spirit of hard work, cordiality, and bipartisanship. Unfortunately, this is not one of those times. Since President Trump's inauguration, our Democratic colleagues have been needlessly obstructing the confirmation of extremely qualified nominees, and lately their focus has been on obstructing nominees for our Nation's Federal courts. But, certainly, their obstruction has been across the spectrum of nominees—slowing down nominees, forcing us to burn time, and then finally confirming nominees which they, by and large, will vote in favor of. This is done for no other purpose than to make it harder for the President, now that he has been elected, to get his team on the field and to serve the interests of the American people and the President's administration.

Lately, as I pointed out, their focus has been on the Federal courts. The majority leader filed four nominations last Thursday, and we hope our Democratic colleagues will think better of dragging out the clock on what is already a certain outcome, which is confirmation of these four nominees. If they do, no one will be surprised.

This year, the Democrats have thrown up every obstacle they can, requiring procedural votes, needless debates, and a lot of time burned here on the Senate clock, with no one on the floor talking about anything one way or the other. It is what we call quorum calls here, when America tunes into what is happening on the Senate floor and there is nothing happening, other than the clerk calling the roll from time to time. That is time we could be using for bipartisan legislation. But the goal here for our friends across the aisle is to cause us to burn the time, keep us from doing the people's work, and obstruct the President's nominees to the Federal bench and beyond.

The irony here is that our Democratic colleagues have even obstructed judges originally nominated by President Obama, so they are not particularly picky in terms of the judges and the nominees they will obstruct. But all they have really accomplished so

far is wasting the Senate's time and trying the patience of the American people, who know that there is more productive work to be done than simply having endless quorum calls and silence on the Senate floor while we burn the time on the clock in order to get these nominees confirmed.

Our colleagues know that these tactics will not actually stop a nomination, but they insist on engaging in them anyway, to the detriment of everyone, including the American people. This year, they forced needless cloture votes on seven of eight district and circuit court nominees—more than in any other early Presidency—and they demanded that we use the full 30 hours of floor time per nominee, which Senate rules currently allow for. These are partisan roadblocks that never change the outcome. They are just dilly-dallying. They intend to grind this body's normal procedures to a snail's pace so that nothing much else gets done, and, oh, by the way, then they complain that not enough is being done. That is the tactic. That is the game plan.

By way of comparison, during the first year of President Obama's Presidency, only once did Senate Republicans require a cloture vote on one of the President's nominees. In this Trump administration, Senate Democrats have forced cloture votes on all of the President's nominees except for one. This is all a game to waste time—and maybe a little bit for show.

These tactics don't change the outcome—which is confirmation—ironically, because of the even more cynical ploy adopted by Democrats under President Obama. The Senate used to require 60 votes for confirmation of judges. This permitted the minority to block judges who were truly out of the mainstream or who did not enjoy the support of their home State Senators. Senator Harry Reid, when he was majority leader—just a few years ago—changed all that. But it seems as though it backfired on him. He tore up the rule book when he invoked the so-called nuclear option in November of 2013 and changed the Senate rules to jam through three nominees to the DC Circuit Court of Appeals, eliminating the so-called filibuster because Democrats were upset that the DC Circuit was blocking regulatory overreach by the Obama administration.

Now the filibuster is gone, and I hope that going forward, our Democratic colleagues will recall their previous actions as our caucus proceeds with filling these vacancies. It is good that these outcomes are not in doubt because these positions are too crucial to be left open any longer, even if it means we stay in session over the weekend or at night.

On appellate nominations, we are going to move forward with four—whether the Democrats cooperate or not—because these are nominees who are highly qualified, well-respected jurists and academics. They are the

Notre Dame law professor, Amy Barrett, nominated for the Seventh Circuit; Michigan Supreme Court Justice Joan Larsen, nominated for the Sixth Circuit; Colorado Supreme Court Justice Allison Eid, nominated to the Tenth Circuit—that is the seat vacated by Judge Neil Gorsuch, elevated now to the Supreme Court of the United States—and the University of Pennsylvania law professor, Stephanos Bibas, nominated for the Third Circuit.

I look forward to talking in more detail about the high intellectual caliber and remarkable qualifications of these four nominees in the coming days. This is going to occupy the rest of this week. It is worth noting at the outset that the four include three of the most accomplished female lawyers in the United States.

For now, the important thing to note is our determination to get this done. Under Republican leadership, we are working to deliver for the American people, and confirming judicial nominations is just one example.

Today, the Senate is scheduled to confirm Trevor McFadden to the U.S. District Court for the District of Columbia. Mr. McFadden was voted out of the Senate Judiciary Committee—on which I serve—unanimously in July. He is Deputy Assistant Attorney General in the Criminal Division of the Department of Justice. He graduated from the University of Virginia School of Law and has extensive experience in law enforcement. This is someone who was voted unanimously out of the Senate Judiciary Committee, yet Senate Democrats are denying him a voice vote or other expedited process—again, forcing us to burn the clock just to get his nomination voted on.

Last week, though, we confirmed Scott Palk of the U.S. District Court for the Western District of Oklahoma, despite the same sorts of games. Mr. Palk was originally nominated to the same seat by President Obama in 2015, so one would have thought that our Democratic colleagues would relent and ditch their procedural gimmicks. But no, they didn't, even for a judge originally nominated by President Obama. Fortunately, it didn't matter because Mr. Palk ultimately was confirmed by a substantial margin of 79 to 16. So why the delay? Why the obstruction? Why the foot-dragging if 79 Senators, on a bipartisan basis, are going to confirm the nomination?

I, for one, would like to commend the President on his sterling picks, not only of the recent district and circuit court nominees but also of a judge I mentioned a little bit earlier, now Supreme Court Justice Neil Gorsuch. To date, four of President Trump's appellate nominees have already been confirmed: two for the Sixth Circuit, one for the Eleventh, and one for the Eighth, respectively. This is an excellent addition to our Nation's Federal judiciary. All of them, I believe, will faithfully interpret the Constitution. They know their job is to say what the

law is, not what they believe that it ought to be.

The majority leader has been unyielding in his goal of moving forward a productive schedule for the good of the country here in the Senate and moving as swiftly as our rules allow. Stall tactics will not work. They will not prevent us from moving forward with these nominees and confirming them before the week's end. You can count on it.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RUSSIA INVESTIGATION

Mr. NELSON. Mr. President, everybody in Washington now knows that the special counsel has announced charges against two of President Trump's former campaign aides in connection with the ongoing investigation into whether Russia interfered with the 2016 election.

After painstaking investigations in the intelligence community, we now know that, in fact, Russia did interfere in the election. Since they have continued this pattern in other countries' elections, what many of us are concerned about is the fact that they will interfere in the next elections coming up. We have already seen attempts in the special election down in Alabama. They have been trying to increase the number of hits going to a Facebook or Twitter account. So they interfered.

We also learned this morning that a third former Trump campaign aide has pled guilty to lying to the FBI in January when he was asked about his interactions while he was with the Trump campaign.

These are very serious charges, and we should be united against any individual who helped further Russia's interference in our elections. Yet, sadly, the response to these indictments has been seemingly split along partisan lines. That doesn't make sense. Defending America isn't a partisan issue. In fact, everyone in the Senate—all of our Democrats, Republicans, our two Independents—has sworn an oath to do exactly that, to defend the Constitution against all enemies, both foreign and domestic. So charging these individuals shouldn't be seen as a victory for one party or another. It shouldn't be seen as a defeat for a party. These individuals are charged with crimes against the United States, crimes against all of us Americans.

The fact is that Russian President Vladimir Putin interfered in our election, and in so doing, he has attacked the very foundation of our constitutional democracy. We know that, and we also know that we are not the only

country he has attacked. According to the U.S. intelligence community, he will continue this type of behavior unless he is stopped, and that is why we have such a heavy responsibility to defend America from these kinds of attacks and to defend our American constitutional foundations that are built on a process of free and fair and unfettered elections.

It doesn't matter whether you are a Democrat or a Republican, it should be clear: If you help an enemy of the United States meddle in our democracy, you will be held accountable.

Here in this Senate and throughout the country as a whole, too often we find ourselves suddenly divided on issues because of party politics. That shouldn't be the case. There should be no disagreement when it comes to protecting America because we should be Americans first—not Democrats or Republicans first; we should be Americans first.

We must continue to be patient with the Mueller investigation and allow it to follow the facts wherever they may lead because finding out what happened is the only way we are going to be able to prevent this from happening again, and it is the only way we are going to be able to keep our country safe.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. ERNST). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. 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.

Under the previous order, all postcloture time is expired.

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

Mr. BARRASSO. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

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

The result was announced—yeas 84, nays 10, as follows: