

districts, that they vote for this compromise at the same peril as they voted for the bill that would totally eliminate State and local deductibility. The damage still remains, and don't think a small compromise—a small haircut—can let you escape from the political whirlwind you would reap if you vote for this bill.

The Republicans are also likely to unveil tomorrow what they plan to do with 401(k)s. We have heard reports that Republicans want to tax 401(k)s to get more revenue to pay for their tax giveaways to the rich. It is another clear example that this plan is not going to be for the middle class. The 401(k)s are one of the best tools we have to encourage Americans to start saving early for retirement. We know Americans aren't doing enough of that right now, at the same time that defined benefit plans are enjoyed by fewer Americans than in the past, as companies reduce or eliminate pensions. Why make it even harder for Americans to prepare for their retirement on their own by saving through 401(k)s? Why tax them so that you can give tax cuts to the very rich?

We Democrats have a better deal to offer the American people on 401(k)s. Rather than having Uncle Sam dip his hands into American retirement plans, we Democrats believe Americans deserve a helping hand when it comes to their retirement. In just a short time, we will release our 401(k) plan.

I yield the floor.

The PRESIDING OFFICER (Mr. STRANGE). The Senator from Connecticut.

GUN VIOLENCE

Mr. MURPHY. Mr. President, last week, we voted on a judge who felt it necessary to sign up for a lifetime membership with a political organization in order to get his nomination forwarded back before this body.

The judge we voted on last week became a lifetime member of the NRA in between his appointment by President Obama and, then, his appointment by President Trump—a signal, apparently, to the new Republican White House that he would align with their interests and views on issues related to the regulation of firearms in this country.

We are going to see a parade of very interesting choices for the Federal judiciary come through this body, and they are going to be moved in rapid succession, as they are this week. I have been told that never before have we taken four votes on appellate nominees in a single week. Of course, that stands in contrast with the Republican Senate that refused to give even a hearing to one Supreme Court Justice over the entirety of 2016. I think it is worth noting that this body can move fast when it wants to, and yet we watched a Supreme Court seat be stolen by this Senate from a Democratic President who, by constitutional right, had the ability to make that appointment.

I bring up the lifetime membership in the NRA because it is increasingly

clear that you have to signal a level of extremism on issues like firearms in order to get your name brought before this body. That signal is wildly out of step with where the American public is on many of these issues.

I have come to the floor over the course of the last 4 years every few weeks in order to talk about the fact that there is no other country in the world where 80 to 90 people every single day die from guns. The numbers are just absolutely stunning. Some 2,800 people a month die from guns, and 33,000 a year. The majority of those are suicides, but there are record numbers of homicides and accidental shootings in this country. Americans by and large don't accept this rate of slaughter. Americans want us to change our laws, and they don't want a judiciary that is going to stand in the way of Congress's ability to follow the wishes of our constituents.

I have been coming down to the floor to tell the story of the victims. My hope is that, although the data hasn't moved this Congress—90 percent of Americans want stronger gun laws—the data incontrovertibly shows that in places that have universal background checks or laws requiring you to get local permits before you buy a gun, there are less gun crimes.

Maybe if the data doesn't move my colleagues, the story of the victims will. Deon Rodney was shot on October 14 of this year, just a few weeks ago. He was working at Just Right Cutz, where he was a barber, in Bridgeport, CT. He was the 22nd homicide victim in Bridgeport this year.

He had just finished cutting a young boy's hair in a chair when a masked gunman chased somebody else into the barbershop. Police said Deon was protecting the young boy, shielding the young boy from this intruder who came running in. He jumped out of his chair to try to get in between the boy sitting in the barber's chair and the gunman, and the gunman shot him.

The owner of the barber shop said:

Deon had just finished his haircut and the boy was getting ready to go outside when the gunman came in. He saved everyone in the barbershop.

Deon was 31 years old. He left behind his wife, his mother, plenty of other family members, and an 8-year-old daughter.

Speaking about their daughter, Deon's wife said:

He loved her endlessly, unconditionally.

His mother said:

Deon is a part of me. He was my son, but he was also my friend.

His cousin said:

I know that everyone is recognizing his heroism now, but he was always like this. Always a role model and always willing to give. Always willing to go out of his way to help a stranger. Nothing has changed all these years. I guess I'm glad that the masses can now see this.

The owner of the barbershop went on to say of Deon:

He's dead because of these people running around with guns.

There are guns everywhere you look in cities like Bridgeport, New Haven, Hartford, New York or Chicago. People say: Why is that? Why are there all these guns—many of them, if not most of them, illegal guns—if you have strong gun laws in places like New York, Illinois, and Connecticut? The reason is that gun trafficking doesn't recognize State boundaries, and the guns used to commit crimes in places like Connecticut come from outside of Connecticut.

A comprehensive, groundbreaking survey of gun crimes in New York City found that 75 percent of the guns that are used to commit crimes in New York City come from outside of New York State. They come from States with looser gun laws, where you as a criminal can easily buy a gun without having to prove you are a responsible gun owner.

How do all these illegal guns get into Bridgeport such that somebody can turn a corner and walk into a barber-shop with a weapon in their hand? It is because criminals with criminal records go into gun shows in States that don't require background checks at those forums, buy up dozens of weapons, load them into their cars, and then drive up to States with tougher gun laws and sell them on the black market.

Congress willingly allows this to happen because we have not moved our mandatory system of background checks to the places in which gun purchases are made today. Data is a little bit hard to pin down, but anywhere from 25 to 40 percent of gun sales today don't involve a background check. You can understand why. Sales have migrated to online. They have migrated to gun shows. They have gone to places where background checks aren't required.

I mentioned what the data tells us when it comes to background checks. The data tells us background checks save lives. Here is one slice of the data. In States that have universal background check laws, 47 percent fewer women get shot by an intimate partner than States without universal background check laws. That is because, in the heat of passion, domestic abusers often go to get a weapon and use it to perpetuate a domestic violence crime. You can't do that if you have a domestic violence history in a State with a universal background check law because wherever you go, you are going to be prohibited from buying that weapon.

Since November of 1998, more than 2.4 million gun sales to prohibited purchasers have been prevented because of background checks; 2½ million people who were criminals or who were addicts or who were seriously mentally ill were stopped from buying guns because of our background check laws. Because we now have at least one-quarter of all sales happening without background checks, that means there are hundreds of thousands of criminals,

hundreds of thousands of people with serious mental illness who are able to buy guns. It is not surprising that 90 percent of Americans, 90 percent of gun owners, 90 percent of Democrats, and 90 percent of Republicans support expanded background checks.

I would argue there is not another issue out there in American politics today that enjoys 90 percent support amongst Republicans and Democrats. Senator DURBIN corrected me the other day and said the latest survey states that the number is actually 94 percent support from Republicans and Democrats. The only slice of the American electorate that you can get under 90 percent support of background checks is NRA members. NRA members support universal background checks at a 75-percent clip. Background checks save lives, they are supported by the vast majority of the American public, and yet we can't get it done.

This month, I, along with a couple dozen cosponsors, introduced a new version of legislation allowing for background checks to occur in every commercial sale that is conducted in this country, with commonsense exceptions, making sure that when you are gifting a firearm to a family member or you are loaning a gun to a friend who wants to take it to go hunting, you don't have to conduct a background check under those circumstances, but if it is a traditional arm's-length sale, then you have to go through a process, which normally takes 10 minutes in order to prove you are not a criminal. Again, this proposal is supported by 90 percent of Americans. It is time we recognize that it is directly connected to this epidemic of gun violence that plagues the country.

Let me close by making another argument to you. I know a lot of my Republican friends talk a lot on this floor and on the cable news shows about the threat of terrorism to this country. When the terrorists decided to use planes as their weapon of choice to attack our country, we changed the way our law protects us from attacks by airplanes. We made sure we screened individuals before they got on these planes to make sure they don't have weapons or bomb-making material that could ultimately threaten the rest of us. We now all take off our shoes every time we get on an airplane because we recognized that we needed to change our laws to understand that these planes were being used to attack American citizens.

These terrorist groups have recognized that it is now pretty hard to get somebody with a weapon or an explosive device on a plane so they are now directing would-be attackers to a different forum. An issue of Rumiya, which is Isis's propaganda magazine, encouraged recruits in the United States to take advantage of our loose gun laws. It specifically told people to go to gun shows where you will not have to present identification or submit to background checks in order to buy

military-style weapons that you can use to kill dozens of Americans. ISIS and al-Qaida are telling their potential recruits in the United States to go to gun shows so they don't have to submit themselves to a background check and so there is no paper trail of the gun they are buying in order to kill Americans.

Why wouldn't we adjust our laws to recognize that the new weapon of choice of terrorists is not an airplane, but it is today a tactical weapon bought outside of the background check system. I have a million more reasons why we should do what 90 percent of the American people want, and someday maybe we will get there.

So 33,000 people a year, 2,800 a month, 93 a day—that is a rate of gun violence that is not twice that of other industrialized nations. It is not 5 times, it is not 10 times, it is 20 times higher than the rate of gun violence in other industrialized countries in this world. It is not because we have more people who are mentally ill, and it is not because we spend less money on law enforcement. It is, by and large, because we have a set of gun laws that allow for illegal guns, dangerous weapons to flow into the hands of very dangerous people.

I hope my Republican colleagues will take a look at the new background checks legislation I have introduced with many of my colleagues, and we can finally get to a place that 90 percent of our constituents want us to be.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Ms. WARREN. Mr. President, just last week, the Republican-controlled Congress rammed through a budget with the sole purpose of allowing Republicans to enact a tax plan that would take money from working Americans and put it into the pockets of giant corporations and wealthy individuals. The following week they killed an important rule that would have made it easier for Americans to hold big banks and corporations accountable when they lie, cheat, and steal from working families.

There have been countless stories of the Trump administration in disarray—juicy rumors of distrust and division between and among congressional Republicans and the White House, reports of Republicans' inability to advance key parts of their agenda, but that is only half the story. The other terrifying half is this. Since day one of this administration, President Trump and congressional Republicans have been working hard to make government work better and better for the rich and the powerful. While they have fumbled on their legislative agenda, they have been quietly working to help powerful interests capture our courts.

That shouldn't come as a surprise. For decades, those powerful interests have poured eye-popping amounts of cash into electing politicians who will promote their interests in Washington.

They have hand-picked politicians who will enact laws that will make it easier for corporations to abuse their workers or cheat their customers or make an extra buck and make it harder for agencies to hold them accountable for wrongdoing. They have executed a well-funded campaign to rig the rules of the game so the powerful always come out on top and the people come out on the bottom, and they know the courts are the place where they can shape the law for decades to come.

Most Americans already know that while we have one set of laws on the books, we really have two different judicial systems. One justice system is for the rich and the powerful. In that system, government officials fret about being too tough on white-collar crime so wealthy individuals or giant corporations that break the law walk away with a small fine and a pinkie promise not to do it again, and when those executives break that promise, they get 2nd, 3rd, and 23rd chances. Every time they get caught, the cycle repeats. The corporation pays the fine, says some magic words, and everyone goes right back to breaking the law.

The second justice system is for everyone else. In that system, tough on crime is the name of the game. People are locked up long before they go to trial because they don't have the money for bail. Individuals who commit minor, nonviolent offenses are slapped with long prison sentences, and even after they serve those sentences and are released, they are branded with a scarlet letter that creates barriers to employment, to housing, and to opportunity. That second justice system even traps families, children, and elderly parents whose families are blown apart and whose communities are destroyed.

That second justice system has earned America the dubious title of holding the world's highest incarceration rate. Despite having less than 5 percent of the world's population, the United States holds more than 20 percent of the world's incarcerated population. Russia, China, and North Korea don't even come close—not only in raw numbers but in the percentage of their population behind bars. America's legal system is great at locking people up but terrible at doing what it is supposed to do, dispensing equal justice under law.

Those words—"Equal Justice Under Law"—are etched into the front of the Supreme Court. If we truly believe those words, we need to start making some changes, and in recent years, we have seen some progress. Some State and local governments have made real efforts to reduce crime and lower incarceration rates. Massachusetts is one of the States leading the way with elected officials in both parties debating transformative changes to the judicial system aimed at replacing this tough-on-crime policy with smart-on-crime policies. The call for reform also extends to corporate crime. Public outrage at corporate greed has created

pressure to hold the rich and the powerful a little more accountable, but President Trump is committed to reversing that trend. He is working hand in hand with this Republican Congress to ensure that the rich get to play by their own set of rules while everyone else gets crushed under the awesome power of law enforcement.

This week will be a big step forward for the two-part justice system as this Senate prepares to hand lifetime appointments to four judges whose careers make it clear that they have no interest at all in fixing our broken justice system.

Let's take a look at their records.

NOMINATION OF ALLISON EID

Colorado Supreme Court Justice Allison Eid, who was nominated to serve on the Tenth Circuit Court of Appeals, has used her power as a State Supreme Court Justice to shield corporations from accountability. She has voted to make it harder for individuals to bring class action lawsuits against huge corporations that break the law. Sound familiar? Ms. Eid would fit right in with the Senate Republicans, who just voted to make it easier for big banks and financial institutions to cheat people and walk away scot-free.

Ms. Eid also voted to deny workers' compensation to an employee who was injured at work and knocked unconscious because—get this—he couldn't remember the details of what happened. So Ms. Eid said that meant that there was going to be no liability there.

This kind of blocking and tackling for powerful companies that hurt consumers and workers should be embarrassing. With this President and this White House, though, it buys a lifetime appointment to the Federal bench in order to shield corporations from the law on an even bigger stage.

NOMINATION OF JOAN LARSEN

Ms. Eid is not the only nominee up for consideration who would leave working Americans out in the cold. Michigan Supreme Court Justice Joan Larsen, who has been nominated to serve on the Sixth Circuit Court of Appeals, voted again and again to block injured plaintiffs from having their cases heard. Giant companies and millionaires liked her so much that they spent over half a million dollars to get her elected to the Michigan Supreme Court. And why wouldn't they? Now she is going to be elevated to a lifetime appointment on the Federal bench, and that is a pretty good return on their investment.

Yes, these judicial nominees have bent over backward to help the wealthy and the well-connected escape accountability, but that is only half of the story. Trump nominees have a very different view of what justice means for individuals who lack the money or the resources to pay high-powered legal teams or to pay political campaigns to influence judge decisions and judge selection.

NOMINATION OF STEPHANOS BIBAS

This week, the Senate will also vote on the nomination of Stephanos Bibas to sit on the Third Circuit Court of Appeals. Mr. Bibas worked as a Federal prosecutor in Manhattan. You would think that there would be plenty of work for a Federal prosecutor with oversight of Wall Street and all of the other corporate executives in New York City. You would think that, but you would be wrong. Mr. Bibas's most famous case involved prosecuting a 51-year-old woman who was accused of stealing \$7 from the cash register at her cafeteria job. That is right. While going to work every day in the shadow of Wall Street, Mr. Bibas decided that it was the best use of his time and Federal Government resources to pursue a \$7 case. He eventually lost the case but not before the woman lost her job.

Then there is Amy Coney Barrett, President Trump's nominee for the Seventh Circuit Court of Appeals. She has also taken a throw-the-book-at-them approach to crime—at least to not-white-collar crime. She believes that the Miranda doctrine, which protects criminal defendants from coercive police tactics, is not required by the Constitution, and she has criticized efforts to reverse the damage that has been done by the sentencing disparity between powder and crack cocaine—a disparity that has been rightly criticized by Republicans, Democrats, religious leaders, and civic leaders across this country as rooted in our long history of racial disparities in law enforcement.

We have two justice systems in America—one for the rich and powerful and one for everyone else. Part of the way we fix that problem is by making sure that we put judges on the Federal bench who are fair, impartial, and committed to dispensing equal justice under the law. Fair and impartial judges are supposed to stand up for justice when prosecutors try to ruin someone's life over allegedly grabbing seven bucks from the cash register. They are supposed to stand up for justice when consumers and workers seek a day in court against giant companies that have injured them. But the judges before the Senate this week do not stand up for justice; instead, they stand up for the powerful against the people who desperately need someone who will be fair even to those who do not have money. These nominees are right at home in Washington's rigged system. They are judges who will continue to apply one set of rules to the rich and powerful and an entirely different set of rules to everyone else.

It is no wonder that Americans are so angry with Washington. They have had it up to their eyeballs with bought-and-paid-for politicians who spend more time catering to their wealthy benefactors than promoting the interests of constituents who are back home. They are tired of giant corporations getting a slap on the wrist for massive wrongdoing while people from their home-

towns linger in prison for minor crimes. They know the legal system is deeply unjust and badly broken.

It is up to us—to every Member of this Chamber—to fix that broken system. Rejecting judicial nominees who will make it worse is a really good first step. It is not just the right thing to do, it is what the American people sent us here to do.

I yield the floor.

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. LANKFORD. 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. LANKFORD. Mr. President, I have the opportunity to speak to this body today about Amy Barrett. Her nomination is currently pending to be a circuit court judge. There is a pretty high standard for those individuals because they handle some incredibly difficult constitutional cases. What is good about this is that Amy Barrett meets the high standard for those qualifications.

Professor Barrett received her B.A. in English literature magna cum laude from Rhodes College and her J.D. summa cum laude from Notre Dame University Law School, where she served as executive editor of the Notre Dame Law Review.

She currently serves as a research professor of law at Notre Dame University Law School. Professor Barrett teaches and researches in the areas of Federal courts, constitutional law, and statutory interpretation, publishing scholarship in leading legal journals, such as the Columbia, Virginia, and Texas Law Reviews. Those aren't easy areas to be able to publish in or an easy professorship to be able to land.

Before joining Notre Dame, Professor Barrett clerked for Justice Scalia of the Supreme Court of the United States and for Judge Silberman of the U.S. Court of Appeals for the DC Circuit. Following her clerkships, she was an associate, where she litigated constitutional, criminal, and commercial cases both in trial and appellate courts. Professor Barrett also served as a visiting associate professor at George Washington University Law School.

She seems to be eminently qualified. Then what seems to be the issue? Interestingly enough, she faced a very odd set of questions during her confirmation process—questions not about her legal scholarship, not about her qualifications, but, oddly enough, about her Catholic faith. It wasn't about her temperament. It wasn't about her fairness. It wasn't about scholarship. It was whether her Catholic faith would get in the way of her being a good judge. Quite frankly, it wasn't about whether she had chosen a faith; it was the problem that she actually seemed to live her faith that became a big challenge during the questioning time period.