

At the end of the day, my critique is more about this body. An Executive will overreach. An Executive will act, but that does not excuse inaction in this body.

I do worry about a progressive loosening of the rules from the Bush administration to the Obama administration to the Trump administration, which eventually has turned the 2001 AUMF into a golden ticket that allows for action against nonstate terrorist groups anywhere in the world on a Presidential say-so.

We shouldn't take our institutions and, frankly, the fairly radical rebalancing of powers in the Constitution for granted. When Madison and the other drafters put the declaration of war authority in the hands of Congress, they knew they were doing something pretty radical. They knew the world of the day—1787, 230 years ago last month—was a world of Kings, Emperors, Monarchs, Sultans, and Popes. War was primarily for the Executive, but they decided they wanted to do something different. Ten years after the Constitution was done, Thomas Jefferson, as President, was grappling with a nonstate terrorist group in Northern Africa—the Barbary Coast pirates—and what could be done about them? He wrote a letter to James Madison and asked what was behind the war-making powers in the Constitution's article I. Madison described it very well. He said: Our constitution supposes what the history of all governments demonstrates, that it is the Executive most interested in war and, thus, most prone to war. For this reason, we, with studied care, granted the question of war in the legislature.

They were trying to change human history. They were trying to say that we shouldn't be at war unless there was a legislative, collective judgment—not 116 years ago by 25 percent of the people who were there then, but a legislative, collective judgment expressed in an authorization that we should be in war. We are lacking that now.

It is not hard to imagine a future President, whether it is President Trump in the remainder of his term or Presidents in the future, using the expanding war authorities to increasingly justify initiating war without the permission of Congress.

We asked President Trump for the legal authority justifying the Syrian missile strike on Syria that he made in March, and they have not yet provided an answer about their legal authority. What Congress has done is basically told Presidents: You can do whatever you want. That has a way of creeping and growing, and I think it already has. I think the American people deserve better, but, especially, our troops deserve better.

I have said it before; I will say it again. I can't think of anything more publicly immoral—public, civic immorality—than ordering troops to risk their lives and be killed, as the four were in Niger, while Congress is unwilling

to cast a vote because this would be a politically difficult vote: I would rather not vote; I would rather make the President do it and blame the President if it works out badly. A political calculation has caused Congress to abdicate a responsibility while others are shouldering the burdens of responsibility—and even losing their lives in the process.

Finally, Senator Jacob Javits wrote a book in 1973 entitled "Who Makes War" after Congress passed the War Powers Resolution during the Vietnam war. He offered a very prescient commentary. I will close here:

Many advocates of presidential prerogative in the field of war and foreign policy seem to be arguing that the President's powers as Commander in Chief are what the President alone defines them to be. The implication that the Presidency is beyond the range of congressional authority to check in the exercise of the war powers raises a serious constitutional danger. If we accept such a view we accept a situation in which the American people are dependent solely on the benign intent and good judgment of the incumbent President. We may not always be fortunate enough to see a person with such qualities in the White House.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRUZ). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. I ask unanimous consent that I be able to speak until such time as my remarks are concluded.

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

TAX REFORM

Mr. THUNE. Mr. President, the House and the Senate are moving forward on a final draft of our tax reform bill, and I am excited about the progress we are making. We have one goal in mind with tax reform. It is to provide real relief to ordinary Americans—to the parents who are questioning whether they can afford the car they need to fit their growing family, to the single mom who is wondering how she is going to pay the bills this month, and to the middle-age couple worrying about a secure retirement. Everything in our tax reform framework is centered on providing relief to these Americans.

To start with, we are going to provide them with a substantial amount of direct relief by lowering their tax rates and doubling the standard deduction so that they are keeping more of their paycheck every month.

We are also going to significantly expand the child tax credit.

And we are going to simplify and streamline the Tax Code so that it is easier for Americans to figure out what benefits they qualify for and so they don't have to spend a lot of time and money filing their taxes.

All of these reforms mean more money in Americans' pockets. But we are not stopping there. We are also going to focus on reforming the business side of the Tax Code so that we can give Americans access to the kind of jobs, wages, and opportunities that will set them up for a secure future.

In order for individual Americans to thrive economically, we need American businesses to thrive. Thriving businesses create jobs. They provide opportunities. They increase wages and invest in their workers, and they invest in new equipment, facilities, and product lines to innovate and expand their businesses.

Right now, though, our Tax Code is not helping businesses thrive. Instead, it is strangling both large and small businesses with high tax rates.

Our Nation has the highest corporate tax rate in the industrialized world—at least 10 percentage points higher than the majority of our international competitors. That is a problem for American workers because high tax rates leave businesses with less money to invest in their workers, to increase wages, or to create new jobs. This situation is compounded when you are an American business with international competitors that are paying a lot less in taxes than you are.

It is no surprise that U.S. businesses struggling to stay competitive in the global economy don't have a lot of resources to devote to creating new jobs and increasing wages. A study from the White House Council of Economic Advisers estimates that reducing the corporate tax rate from 35 percent down to 20 percent would increase average household income by \$4,000 annually.

A second study shows a similar pay increase. Boston University professor and public finance expert Larry Kotlikoff found that lowering the corporate tax rate to 20 percent would increase household income by \$3,500 per year on average. That is a significant pay raise for hard-working Americans.

In addition to lowering the corporate tax rate, there is another important thing we can do to increase the availability of jobs here at home; that is, reforming our outdated, worldwide tax system. Under our worldwide tax system, American companies pay U.S. taxes on the profit they make here at home, as well as on part of the profit they make abroad, once they bring that money home to the United States.

The problem with this is that most other major world economies have shifted from a worldwide tax system to what is called a territorial tax system. In a territorial tax system, you pay taxes on the money you earn where you make it and only there. You aren't taxed again when you bring money back to your home country.

Most American companies' foreign competitors have been operating under a territorial tax system for years. So they are paying a lot less in taxes on the money they make abroad than American companies are, and that

leaves American companies at a disadvantage.

These foreign companies can underbid American companies for new business simply because they don't have to add as much in taxes into the price of their products or services. When foreign companies beat out American companies for new business, it is not just American companies that suffer. It is American workers. It is the American workers employed by these companies who live and work in literally every State in the Union, and it is the American workers who work for the small and medium-sized companies that form the supply chain here in the United States.

For every American company that operates in countries around the world, there are countless companies here at home that supply the raw material for the products that are sold abroad—businesses that handle the packaging and shipping of those product and enterprises that supply support services like accounting, legal, and payroll services.

America's global companies rely on a web of supporting businesses that spans the country, and when these global companies struggle, so do these supporting businesses and their workers.

By transitioning from a worldwide tax system to a territorial tax system, we will not be just boosting wages, jobs, and opportunities for American workers employed by these global companies, but we will also be increasing wages, jobs, and opportunities for workers at the countless small and medium-sized businesses throughout our country that make up the supply chain for America's global companies.

Finally, our tax plan will tackle the other key part of improving the playing field for American workers; that is, lowering the tax rates on small businesses.

Small businesses are incredibly important for new job creation, but like big companies, right now small businesses are being strangled by high tax rates. That can make it difficult for small businesses to even survive, much less thrive and expand their operations. Lowering small business tax rates and making it easier for small businesses to recover their invested capital more quickly will free up the money that small business owners need to expand their businesses to add workers or to give employees a raise.

Together, these aspects of tax reform are essential to reversing the lackluster economy of the last 8 years. Americans deserve better, and tax reform can be the key to putting this country back on the path to solid, sustainable economic growth.

Mr. President, before I close today, I wish to switch gears for a minute and talk about judicial nominations. We have had the chance to confirm some excellent nominees so far this year, many of whom Democrats have ultimately supported. But despite this

fact, Democrats have insisted on delaying the process of almost every single nomination to a district or circuit court. That is pretty much the definition of partisanship—when you obstruct nominees based not on any disagreement you have with them but simply because you don't like the person who is doing the nominating.

Democrats' delays are ultimately pretty pointless. We are not going to stop confirming nominees just because Democrats are dragging out the process, but these delays are a disservice to the American people. There are a lot of important issues that the Senate needs to be debating, from spending bills to tax reform, and the time that we waste on pointless partisan exercises is time taken from those important issues.

While Democrats' partisanship is frustrating, there is a much more serious issue that has come up during these judicial confirmations; that is, the anti-religious sentiment displayed by some of my colleagues on the other side of the aisle during the hearing on judicial nominee Amy Barrett's nomination, which we will be voting on this week.

Ms. Barrett's qualifications are well known. The American Bar Association, which rates judicial nominees, has given her its highest rating of "well qualified."

As my colleague the minority leader has said, the American Bar Association's evaluation is the "gold standard by which judicial candidates are judged."

Despite her judicial qualifications, it became clear in the hearing on her nomination that some of my colleagues think she should be disqualified because she is a practicing Catholic. That is right. Apparently, practicing your religion is now grounds for declaring you unfit to be a judge.

Here is what the Constitution has to say about that. This is from article VI: "No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

Let me repeat that: "No religious Test shall ever be required as a Qualification to any Office or public Trust under the United States."

In other words, in the United States, you can't be disqualified from serving as a judge because you are a believing Catholic or a believing member of any faith. The only qualification the Constitution imposes is a commitment to uphold the Constitution.

Yet the second-ranking Democrat in the Senate apparently thought it was appropriate to ask Ms. Barrett if she was a practicing member of her religion, with the implication that if she was, it might jeopardize her fitness for being a judge.

Democrats' questioning is not going to stop Ms. Barrett's nomination, but it is simply disturbing, nonetheless. It is a scary thing when leaders of a major political party imply that there is no role for religious people in public life.

I don't need to tell anybody that that is contrary to everything our Founders stood for. The right to be able to practice religion freely—yes, in public, too—was so fundamental to the Founders' understanding of liberty that they made it the very first freedom mentioned in the Bill of Rights.

People of faith have made incalculable contributions to our country, and faith has driven some of the greatest movements in American history, from the abolitionist movement to the civil rights movement.

I hope the Democratic Party doesn't move further down the path of excluding religious people from public life. If they ever succeed in excluding people of faith from government, they will have destroyed one of the freedoms on which our country rests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I ask unanimous consent for an appropriate amount of time to finish my remarks.

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

TRIBUTE TO CHRIS APASSINGOK

Mr. SULLIVAN. Mr. President, one of the privileges of being in the Senate is actually being able to preside, as the Presiding Officer is doing right now—to sit at the Chair and listen and watch my colleagues talk about issues that matter to them, and a lot of times issues that matter to their States. In this amazing country of ours we have so many great States, great stories, and great traditions. When I am presiding, some relate to Texas, where the current Presiding Officer is from, celebrating our unique traditions, while still appreciating that at our best we share values as Americans together—opportunity, liberty, justice, and fairness. It really is one of the things that makes the Senate a great body and what makes us strong as a nation.

One of the things I like to do is to come to the Senate floor and talk about some of the traditions in my State—some of the things that I think make Alaska the greatest State in the Nation. I know some of my colleagues will not fully agree with that, but we all get to brag about our State. When I do that, I like to talk about an individual whom we recognize as the Alaskan of the Week. Often, it is somebody who is doing something in a remote part of Alaska whom not a lot of people know about. It is very important to share that with my colleagues in the Senate and other colleagues watching on TV.

Today, I would like to recognize a young Alaskan from Gambell, AK, named Chris Apassingok, a young whaler who is helping to keep the tradition that we have in Alaska—Native whaling—alive and well. He is our Alaskan of the Week.

This year, Chris was a keynote speaker at the Elders and Youth Conference, which is a precursor to the