

situation, some of my Republican colleagues have started attacking the ABA.

The junior Senator from Texas said:

The ABA's record on judicial nominations has been highly questionable. It has demonstrated over past decades repeatedly partisan interests and ideological interests.

I don't remember my colleague from Texas complaining when his party was touting then-Judge Gorsuch's favorable rating from the ABA. I heard over and over again from my Republican colleagues that he received a favorable rating from the ABA. All of a sudden, they attack it.

Leader McCANNON once likened a "well qualified" rating from the ABA to "getting straight A+'s on your report card." That is what Leader McCANNON said. Now Members of his party are singing a much different tune, as not one but two of President Trump's judicial nominees have received unanimously "not qualified" ratings.

Unfortunately, this is indicative of what has become part of the Republican playbook—a playbook that Donald Trump specializes in, and unfortunately my colleagues are joining right in. If you don't like the message, shoot the messenger. If you don't like what the CBO is saying about healthcare, attack the CBO even if it is your hand-picked Director. If you don't like what the Joint Committee on Taxation is saying about your tax bill, attack the JCT even if it is using the exact type of economic model that you asked it to use. If you don't like what the ABA is saying about judicial candidates, call it partisan even if you praised its judgment only a few months ago.

This is the Republican Party of President Trump, who, instead of mounting a credible defense of his record by using facts and arguments, will resort to shooting the messenger, whether that is Special Counsel Mueller, the CIA, the intelligence community, or the entire FBI. Imagine attacking the entire FBI. I know those agents. They are so dedicated to the country—they are nonpolitical—but when they investigate President Trump because he might be doing something wrong, he just attacks them recklessly.

The same thing has happened with our Republican colleagues. Like President Trump, when Republican lawmakers don't agree with what independent arbiters are saying, they try to discredit them. These attacks may suit their short-term political interests, but it is going to have a devastating effect on our country. A tax bill that explodes the deficit and raises taxes on millions of middle-class Americans may pass, but Republicans refuse to believe the analyses that say it does. Our Federal judiciary may be filled with unqualified candidates—lifetime appointments, mind you—because Republicans refuse to trust the advice of independent legal experts.

More importantly, these attacks in important ways diminish our democ-

racy. We are a country founded on facts. People have different views once they view those facts, but we are founded on facts. That is what the Founding Fathers did at the Constitutional Convention—they debated, but they started from the same fact base. That is what the townhall meetings throughout America have done for two centuries and more. They are beautiful. They debate, they discuss, but people accept a row of given facts. That is what we are supposed to do here in the House and Senate, and for many years we did. Now, led by President Trump, facts don't seem to matter. Anything he doesn't like he calls fake news, even though it is real. He contradicts himself. He says one thing one day and one thing the next, and it doesn't even matter. That is him, and he was elected, but why are our Republican colleagues so willfully going along? Why are they not saying that truth matters? Why do they attack the ABA, which has been nonpartisan and has had a grand tradition for decades? When the ABA approved Judge Gorsuch, they embraced it.

This is not a good thing for democracy. American democracy depends on our ability to work together on a common baseline of facts to find solutions that work in the real world. We can't do that if Republicans are going to discredit or ignore the judgments of agencies like the CBO, JCT, and ABA. We will end up with an even less productive debate here in Congress—something that no one will like and the American people can ill afford.

#### REPUBLICAN TAX BILL

Finally, Madam President, a word on the President's tax plan—the Republican tax plan. For months, Republicans have promised that the \$1.5 trillion tax plan would reduce the deficit through economic growth—never mind the multiple analyses that concluded the exact opposite.

Just today, three new analyses of the Senate Republican tax bill came to the conclusion that the bill would not reduce the deficit but, rather, explode it, including a report by the Trump administration's own Treasury Department.

The Tax Policy Center estimated that the tax plan would result in only \$179 billion of growth, leaving a \$1.4 trillion trail of red ink on the deficit and increasing our debt-to-GDP ratio by over 5 percent.

Another analysis of the Senate Republican plan using the Penn Wharton model found that even with assumptions favorable to economic growth, the Senate tax bill will increase debt by over \$1.5 trillion over the next decade.

Amazingly, the Trump administration's Treasury Department released a one-page report estimating that the bill would pay for itself but only if you factor in rosy assumptions of growth that were included in the President's budget and are widely discredited by economists of all stripes. The Presi-

dent's budget request assumed the passage of entitlement reform and an infrastructure bill, both of which have not been proposed or written, let alone enacted. So even with this audacious use of fake math, the Treasury Department's analysis has to assume that the yet-to-be-proposed bills are passed in order to say that it doesn't add to the deficit.

No amount of fake math can change the fact that the Republican tax bill will be a boon to the wealthiest Americans and largest corporations while increasing taxes for millions of middle-class families and leaving 13 million people without healthcare. As all three reports prove today, it will add over \$1 trillion to the debt and deficit, starving our ability to invest in infrastructure, education, and scientific research, and endangering Social Security, Medicare, and Medicaid.

Republicans still have time to turn back from this ugly, awful bill, which is widely disliked by the American people, and work with Democrats on real, bipartisan tax reform that actually lowers taxes for middle-class families and stimulates economic growth without adding a penny to the deficit.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### AIRLINE FEES

Mr. NELSON. Madam President, we are just about to enter the holiday season. The traffic is already picking up. We could call it the great holiday migration that is going to be underway. Millions of people will be traveling to see their loved ones—their families, their friends—and they will be visiting by airplane. They are going to get a big surprise when they head to the airline ticket counter or try to check in online and face a blizzard of what the airlines call ancillary fees.

For years, many of us on the Commerce Committee have been pushing the Department of Transportation to adopt rules that would require a standardized disclosure statement for common airline fees, such as bag fees, change and cancellation fees, and priority boarding and seating fees. Comparing this to when one applies for a credit card, there is a box on the back of the application that shows the annual fee of the credit card, the interest rate, and any other fees. Consumers have this so they can compare adequate data to adequate data. We like to call it comparing apples to apples. Therefore, the consumer can know what it is they are looking for and choose the credit card they want. So it is a commonsense solution in the airline business that you would want to do for consumers, to make sense of all

those different fees on an airline ticket.

Well, there was some progress on this earlier in the year when the Department of Transportation proposed a rule to require airlines to disclose bag fees to consumers when they purchased a ticket. Last week, however, the White House directed the Department of Transportation—the administration did this for all of those airline holiday travelers. They put a big lump of coal in their Christmas stockings when they abruptly canceled the proposed rule of the Department of Transportation that you were going to know what those fees were upfront when you purchased the ticket, along with another rule that would have required airlines to tell the public how much money the airline is charging for all the other ancillary fees. Those proposed rules were withdrawn. Well, that is just not in the interest of the traveling public. That is not in the interest of consumers, and it should not be any skin off the airlines' back to just show what the fees are upfront so the consumer understands that.

Indeed, a new revenue source for the airlines is to have these additional charges. That is not what this Senator is arguing with, as long as those fees are properly and clearly disclosed.

Let me give you another example. Last year, on the FAA bill we passed into law, it required the Department of Transportation to implement two basic rules to protect airline customers—two very simple rules. The first was, if you have checked a bag and you have paid the airline a certain amount of money to check that bag, what happens if your bag doesn't arrive or if it is delayed beyond a certain number of hours? Shouldn't the airline, at least, refund that fee you paid for that bag to be delivered in a timely fashion? Well, it is a pretty simple concept. If you pay \$50 for a checked bag, you expect it to arrive with you, and if it doesn't, you should get an automatic refund. That is common sense, but the Department of Transportation hasn't done anything on that, and it is in the law. It is in the law we passed last year.

I will give you another example. The second requirement we put in last year's FAA bill is that airlines, when they seat children 13 or under, put them adjacent to a parent or an older sibling traveling with them. So the Department of Transportation, earlier in the year, designed a rule to ensure that parents would not have to fork over money for a preferred seat just to be able to sit next to their child.

The Department of Transportation was supposed to have finalized both of these rules by July of this year, but to date they have done nothing. Consumers traveling during the holidays are going to have the experience, if your bag doesn't show, since the rule hasn't been put in place by the Department of Transportation, even though it is the law that was passed last year—what is going to happen? Passengers

with delayed bags will be losing out on the money they paid to check their bag, even if it doesn't get to them in a timely fashion.

What is going to happen to the parent with the underaged child? They are going to be boarding planes wondering if they will be able to beg someone to give up their seat just to sit next to their child, even though that may be a preferred seat; in other words, a seat that costs more money.

Just about everyone else will be left playing airline fee roulette, not knowing what the new fee is that they are going to have to pay just to get the basic service. It is so common sense, why do we have to fight about this? We are not arguing that the airline doesn't have the right to charge the fee; we just want it disclosed to the person who is purchasing that ticket. It doesn't have to be the way it is now because consumers should have a right to know ahead of time what they are paying, and then they can compare options. When an airline charges a fee for a service, if they failed to deliver that service, passengers ought to get their money back. This is called basic fairness, but that is not what we are seeing out there.

I urge the leadership of the Department of Transportation—Secretary Chao and her staff—to go ahead and implement those two regulations that emanate from the law we passed and to do it quickly. I urge the Department of Transportation to treat airline passengers like they ought to be treated, which is as valued customers during this holiday season, as in every season.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### 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 Leonard Steven Grasz, of Nebraska, to be the United States Circuit Judge for the Eighth Circuit.

Mitch McConnell, Richard Burr, John Cornyn, Michael B. Enzi, Johnny Isakson, Chuck Grassley, Mike Crapo, Ron Johnson, Roger F. Wicker, Marco Rubio, Mike Rounds, Steve Daines, Lindsey Graham, Shelley Moore Capito, Cory Gardner, James E. Risch, Jeff Flake.

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 Leonard Steven Grasz, of Nebraska, to be United States Circuit Judge for the Eighth Circuit, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. McCAIN), and the Senator from Florida (Mr. RUBIO).

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

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. SCHATZ) is necessarily absent.

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

The yeas and nays resulted—yeas 48, nays 47, as follows:

[Rollcall Vote No. 312 Ex.]

#### YEAS—48

|           |           |          |
|-----------|-----------|----------|
| Alexander | Flake     | Paul     |
| Barrasso  | Gardner   | Perdue   |
| Boozman   | Graham    | Portman  |
| Burr      | Grassley  | Risch    |
| Capito    | Hatch     | Roberts  |
| Cassidy   | Heller    | Rounds   |
| Collins   | Hoover    | Sasse    |
| Corker    | Inhofe    | Scott    |
| Cornyn    | Isakson   | Shelby   |
| Cotton    | Johnson   | Strange  |
| Crapo     | Kennedy   | Sullivan |
| Cruz      | Lankford  | Thune    |
| Daines    | Lee       | Tillis   |
| Enzi      | McConnell | Toomey   |
| Ernst     | Moran     | Wicker   |
| Fischer   | Murkowski | Young    |

#### NAYS—47

|              |            |            |
|--------------|------------|------------|
| Baldwin      | Gillibrand | Murray     |
| Bennet       | Harris     | Nelson     |
| Blumenthal   | Hassan     | Peters     |
| Booker       | Heinrich   | Reed       |
| Brown        | Heitkamp   | Sanders    |
| Cantwell     | Hirono     | Schumer    |
| Cardin       | Kaine      | Shaheen    |
| Carper       | King       | Stabenow   |
| Casey        | Klobuchar  | Tester     |
| Coons        | Leahy      | Udall      |
| Cortez Masto | Manchin    | Van Hollen |
| Donnelly     | Markey     | Warner     |
| Duckworth    | McCaskill  | Warren     |
| Durbin       | Menendez   | Whitehouse |
| Feinstein    | Merkley    | Wyden      |
| Franken      | Murphy     |            |

#### NOT VOTING—5

|         |        |        |
|---------|--------|--------|
| Blunt   | McCain | Schatz |
| Cochran | Rubio  |        |

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 47.

The motion is agreed to.

The Senator from North Dakota.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. HOEVEN. Mr. 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.

(At the request of Mr. CORNYN, the following statement was ordered to be printed in the RECORD.)