

hugely partisan, political statement on a pending investigation he is doing, Mr. Durham has signaled to the world he is not capable of producing a report that anyone can take seriously.

Unfortunately, Mr. Durham, like too many others, has aligned himself with Attorney General Barr and consigned himself to the world of alternative truth facts, many of them on the fringe. Whatever reputation Durham had for fairness is now in tatters.

Now, Mr. President, there is a possibility that the Senate will be served with the Articles of Impeachment for the President from the House. We may soon, in all likelihood, confront the demands of hosting a trial for the Chief Executive and serving as judges and jurors in determining the fate of that trial. With such a weighty constitutional responsibility on the horizon, I implore my colleagues to stop dipping their toes in the murky waters of conspiracy. Hew to the facts. Don't prejudge the outcome. Remember our oaths to the Constitution, our responsibility to do impartial justice in the Senate trial. That is our responsibility. History will judge whether we live up to it or not.

#### BORDER SECURITY

Mr. President, now, on the recent decision about the wall by the Federal court in Texas. Yesterday, the Federal court in Texas issued a nationwide injunction, blocking the Trump administration from using military construction funding to build his wall. The decision confirms what many Democrats and a few Republicans in the past have said. The President's emergency declaration, which allowed the administration to steal the profits from military families to pay for a wall President Trump promised Mexico would pay for, is an outrageous legal power grab.

The injunction is a win for the rule of law. It should serve as a warning to Republicans in Congress and the Trump administration that the power of the purse, given exclusively to Congress by the constitution, cannot be usurped. At his rally last night, President Trump said, The courts are siding with me on the wall. He had not read the decision. He has already built so much of the wall. Well, thank you, Mr. Trump. You have just buttressed a portion of the wall that President Obama built—nothing new.

As we look ahead to concluding negotiations on appropriations before the end of the year, my Republican colleagues should remember that a Federal court ruled the Trump administration was beyond its legal right when it took funding from other sources to build a wall.

#### NOMINATION OF LAWRENCE VANDYKE

Mr. President, the VanDyke nomination, today, the Senate will vote on the confirmation of Lawrence VanDyke to serve on the Ninth Circuit Court of Appeals. After seeing so many radical and unfit judicial appointments over the past few years, I am almost surprised

President Trump is still able to find nominees like Mr. VanDyke who is unqualified, even in comparison to some of the worst nominees we have seen under this administration.

VanDyke has a history of bigoted writing about LGBTQ Americans, radical views on even the most common-sense gun safety legislation, and a proven hostility to reproductive rights. On top of his radical views, Mr. VanDyke has received stunningly negative reviews on his qualifications and temperament. The American Bar Association doesn't do this much, but it rated him "Not Qualified." In over 60 interviews with Mr. VanDyke's colleagues, he was described as "arrogant, lazy, an ideologue, and lacking in knowledge of the day-to-day practice, including procedural rules."

It went on to say, "The nominee lacks humility, has an 'entitlement' temperament, does not have an open mind, and does not always have a commitment to being candid and truthful."

This is whom we are voting on today, my Republican friends. What is going on? Because someone is hard right and radical, we excuse all of their personality defects found by the ABA? And, amazingly, this is someone not even for a district court but the circuit court. This is getting to the point of utter absurdity.

For obvious reasons, both home State Senators objected to VanDyke's nomination. In the past, the Senate would respect those objections. It would be a check on someone so unqualified on getting to the bench, but Leader MCCONNELL and Senate Republicans are in such a rush to fill the bench with these hard-right nominees that they have blown through Senate traditions and most standards of reason and good judgment.

Please reject this nominee. He is so unqualified. He is a low human being—at least according to all of this—and he will have a lifetime appointment on the circuit bench? That would indicate the decline of America, one more indication, unfortunately, propagated by this administration.

#### TAX REFORM

Mr. President, finally, in a week or so, it will be 2 years since Republicans jammed through a massive tax cut for corporations and the megawealthy on a party-line vote.

Two years later, it is worth looking back on the promises Republicans made when selling this to the American people. At the time, the President said the bill would be "a middle-class miracle." The administration promised Americans would get a \$4,000 raise. Congressional Republicans said giving a corporate tax cut would boost jobs and investment.

Two years later, it is clear the tax bill has failed to live up to any of those sunny predictions. Middle-class wages still aren't growing fast enough to keep up with the cost of living. Businesses aren't investing in newfound profits in jobs or wages. In fact, since the passage

of the Trump-Republican tax bill, while capital expenditures by businesses remain low—that is investing in jobs and equipment and things that employ people and give them better wages—corporate stock buybacks, which, by and large, benefit wealthy shareholders, explodes, setting annual records. Last year alone, over \$1 trillion was spent on stock buybacks, while millions of middle-class Americans didn't see enough improvement in their quality of life.

As many Democrats, including myself, predicted 2 years after its passage, the Republican tax bill has overwhelmingly benefited shareholders and corporate executives, not workers and their families. America will remember that as we head into an election year.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### BIPARTISAN AMERICAN MINERS ACT OF 2019

Mr. MANCHIN. Mr. President, I rise today, and I want to make it very clear—it is going to be very short and succinct—that time is running out on our coal miners. We need to fix this now—not in 2020 but now. I will explain why.

We have over 13,000 coal miners who will lose their healthcare and 82,000 coal miners who will lose their pensions next year if we do not do something now. That is why I am standing here before you. That is why I am putting a hold on all legislative business coming through the Senate until we get assurances.

This is not who I am. Anybody who knows me, knows I don't do this, but I am so committed to the people who built this country and to a commitment we had in a 1946 agreement with the Federal Government that they would be able to have a pension and retirement for the very difficult and very dangerous hard work that they do. They weren't asking taxpayers or anyone else to bail them out. It was coming from the sale of the product, the coal that they mine for the energy for this country.

Only my bill, which is the Bipartisan American Miners Act, has bipartisan support on both sides in the Senate and over in the House. I know if Congress passed it, President Trump would sign it. I know that.

Can you imagine being one of the coal miners trying to enjoy your holidays this year knowing that you might wake up January 1 with no healthcare coverage and a reduction in your pension?

Let me explain to you the pensions. The average pension of a coal miner—most of these are widows now because the miners might have passed away—is \$600 or less, so we are not talking about thousands of dollars. We are not talking about that whatsoever. This is all the means of sustaining a quality of life or helping them through a quality of life.

These coal miners and their families deserve the peace of mind of knowing

that the healthcare they have earned and the pensions they have paid—these are things they have paid into and earned. They didn't take home this money. It stayed right there in their investments. We can give them that peace of mind today, and no legislative business will pass without coal miners first.

I reluctantly say that we might be here through Christmas or we might be here through New Year's, but I will do and make whatever sacrifice I can for the people who made the sacrifice for us, and that is the coal miners who provide the energy for us to be the greatest Nation on Earth, for us basically to be the superpower of the world and the leader of the free world. It is because of the energy they have produced. If we can't honor that, then what do we honor, whom do we honor, and what is our purpose for being here?

I ask each one of my colleagues to please talk to all of our leaders. Let's come together sensibly. Let's make sure this is in the package we put together, and we will continue business and be able to go home and enjoy the holidays the same as they should be able to enjoy the holidays. Our going home and their not being able to enjoy it is not who we are; it is not the American dream; and it is not who we are as Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

HONORING STEPHEN CARR

Mr. BOOZMAN. Mr. President, I rise today to honor the life of Fayetteville, AR, Police Officer Stephen Carr, who made the ultimate sacrifice in the line of duty on Saturday, December 7.

Officer Carr was sitting in his patrol car in the parking lot behind the police station when he was shot and killed. The 27-year-old had been a member of the Fayetteville Police Department for 2½ years and was assigned as a patrol officer in the Dickson Street entertainment area.

In that short time with the police department, he demonstrated his professionalism and duty to upholding the rule of law. The Fayetteville police chief described Carr as an exemplary officer who was an all-American boy. The chief said at a press conference over the weekend: "If I had 131 Stephen Carr's, I wouldn't be more ecstatic."

Carr grew up in a law enforcement family. He witnessed the dedication, service, and commitment to protecting the community by people he loved. His friends described him as a strong and kind person, whose lifelong dream was to serve as a police officer.

He loved spending time outdoors hunting and fishing. A graduate from The Woodlands High School in The Woodlands, TX, Carr played football and earned recognition as an all-district offensive lineman. He went on to play football at Southwest Baptist University in Bolivar, MO, and his former coach described him as a young man who made a big impact on campus.

We rely on law enforcement officers to keep us safe. Each day they put on their uniform, knowing the risks that come with public duty to serve and to protect. Officer Carr's death is a reminder of the dangers these first responders face daily and how quickly a situation can go from ordinary to deadly, which is why those willing to take on this role deserve both our gratitude and our respect.

The outpouring of support from the Fayetteville community has been a tremendous strength to the police department as they mourn the loss of a brother in blue. I pray they will find comfort from this encouragement during this very, very difficult time.

My thoughts and prayers go out to Officer Carr's family and friends. I also stand with all Arkansans in expressing our gratitude for Officer Carr's service and commitment to honoring the sacrifice that he and others have made to protect us. We will forever remember him as a true American hero.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TAX REFORM

Mr. WYDEN. Mr. President, over the next 45 minutes or so, finance Democrats will come to the floor, and we will be discussing the second anniversary of the Trump tax bill. As the ranking Democrat, I am going to begin it. I know my colleagues will be joining me.

The Trump tax law is now 2 years old, and for millions of middle-class Americans, it is not a very happy anniversary. My own view is that the economic legacy of the Trump administration will be that they spent \$1.5 trillion to widen the economic gap in America. If I were to sum up what the law—the Trump tax law—was all about, it was about making wealthy people wealthier and the middle class being an afterthought. I am going to walk through some of the reasons I reached that judgment, and then my colleagues will be getting into some of these issues as well.

Donald Trump and Republicans in the Congress promised—promised—they would write a bill that was focused on helping workers and the middle class. The President told me personally that he thought he and people like him should not get a tax break. He said that to me personally, but that simply wasn't the case.

We were told that the Trump tax legislation would pay for itself. That was wrong by a couple of trillion dollars. We were told that it would kick off a towering wave of job-creating investments in so many hard-hit American communities. That has not been the case. We were told that workers would get, on average, a \$4,000 raise. That was wrong once more. It was wrong on all counts with respect to the promises made to the American people.

What, in fact, did happen is rates were slashed for folks at the top and multinational corporations. The cor-

porations then turned around and shoveled that money back to the shareholders who, by and large, are wealthy themselves, and you saw a historic boom in stock buybacks.

Now the sugar high has worn off, and I have been going home for town meetings open to all. I am going to be in a county this weekend that President Trump won. I will be listening to people. I won't give any speeches. I will be just listening to people. What I hear at these meetings in counties in Oregon that Donald Trump won is that folks see very little evidence that their lives have changed or that somehow this tax bill ended up trickling down to them. My sense is, it is amazing that a bill can cost so much and can borrow so much and fail the middle class so thoroughly.

There are two issues that are important to focus on going forward, and we are going to talk about those. There is a lot of talk about how congressional Republicans and the Trump administration are talking about another—another—scam tax proposal, basically going to the same playbook that made the middle class an afterthought 2 years ago. I think it is important that people understand that all the evidence indicates this second bill isn't going to focus on the middle class either.

According to the reports in the press that have been discussing this new Republican proposal—which is, in effect, an admission that the first proposal failed the middle class while helping the most fortunate—what we hear about this new proposal is that Republicans are considering what would amount to yet another massive hand-out for folks at the top of the economic pyramid.

One Trump adviser is reportedly discussing a proposal that would effectively wipe out the taxation of capital gains, and we all know that a fraction—a tiny fraction—of the American people get most of those capital gains, and they happen to be the most fortunate.

The U.S. Tax Code is already a tale of two systems. We have one for cops and teachers. Their taxes are taken out of every single paycheck. We have another one for high flyers who can make most of their money, for example, off investments. To a great extent, because of the laws that allow them to defer paying their taxes, those high flyers can pay what they want when they want to. I don't know of any cops or teachers in North Dakota or Oregon who have that. Their taxes are taken out of every paycheck once or twice a month. Their system is mandatory.

If you are a high flyer and you make most of your money off investments, your taxes aren't mandatory, and if you use the doctrine of tax deferral, you can just defer and defer and defer. And after you pass, you can hand everything off to your kids, Johnny and Mary, and they get the stepped-up basis, and then they get to do the same thing.