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Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our shield, look with favor upon our Senators today. Guide them around the obstacles that hinder their progress, uniting them for the common good of this great land.

Lord, free them from anxiety and fear as they put their trust in You. Enable them to go from strength to strength, fulfilling Your purpose for their lives in this generation. Guide them to use their abilities and talents to accomplish Your holy will. As they strive to please You, help them to stand for right and leave the consequences to You.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. SASSE). The majority leader is recognized.

ENERGY REGULATORY POLICY

Mr. MCCONNELL. Mr. President, throughout my career in the Senate, I have worked hard to defend coal communities and the jobs they and so many across the country depend on. These men and women have dedicated their lives to providing an affordable and reliable power source for our homes, businesses, and communities. They deserve our respect and our support.

The same is true of America's middle class, more broadly. Middle-class families had a hard enough time over the past 8 years without Washington making things worse. I think they deserve respect and support, not fewer jobs and unaffordable energy bills.

Unfortunately, the previous administration didn't see things the same way. Instead, the Obama administration launched energy attack after energy attack on Kentucky and America's middle class, threatening critical jobs and making coal more costly to mine and use.

Indeed, a couple years ago, then-President Obama finalized a massive regressive energy regulatory scheme that claimed to be about helping the climate but actually would have done little to truly impact global emissions. What it would have done is punish coal families, ship middle-class jobs overseas, and hurt the economy. It was also likely illegal. So I sent a letter counseling Governors to wait for the courts to rule on the legality of the regulation before submitting a compliance plan. It was not a popular move at the time, but it turns out that it was the right one. I am glad that nearly half of our Nation's Governors agreed with my advice to take a wait-and-see approach before needlessly putting their States in economic jeopardy.

I am proud to report that we will notch an important victory in this struggle later today. I commend President Trump for the decision to sign the energy independence Executive order and send several anti-middle-class regulations back to the drawing board. From the outset, I warned that regulations like these would hurt coal workers and America's middle class. One report predicted that more than 40 States could have seen double-digit electricity rate hikes as a result of the Clean Power Plan energy regulatory plan. We all know that low- and fixed-income families would have suffered the most. And for what? For a regulation that hardly would have moved the needle on climate anyway.

Talking about bad policy, it is important to remember how we got here. President Obama came into office with huge majorities in both Houses of Congress. He could have done virtually anything he wanted, and he certainly tried. He pushed through one left-wing policy after another. He even tried to push through a regressive, anti-middle-class energy regulatory plan—one so extreme that he couldn't even get his own Democrat-controlled Congress to go along with it. Undeterred, he went around Congress and imposed a similarly regressive energy scheme anyway.

It was evident that the Obama administration had overstepped its authority. That is why I sent the letter I mentioned earlier to the Nation's Governors, urging them not to comply with the CPP's demands but instead to take a wait-and-see approach before putting their States in economic jeopardy.

Because of the legal uncertainty of President Obama's plan, 27 States joined the fight in Federal court. In February 2016, the Supreme Court issued an unprecedented nationwide halt on this regulation—a nationwide halt. Despite the Court's order, the damage of President Obama's war on coal has already negatively impacted middle-class families across the country and coal communities in Kentucky. When plants shut down and miners lose their jobs, the entire community feels the pain. With less tax revenue, local governments are unable to pay teachers and first responders. These hardships often lead to a rise in crime and drug abuse that troubles these communities. Moreover, the Obama administration's massive regulatory burdens were imposed during a period when production and supply of natural gas had

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

been high and its costs relatively low—a devastating one-two punch to families already struggling to make it.

To make matters worse, President Obama didn't stop with the CPP. He also sought to impose similar limitations on any new plants in an attempt to prevent them from being built at all. It is an equally concerning regulation and one that would have further devastated coal communities. I am glad President Trump will include it in his Executive order today.

Coal communities face enough challenges without Washington piling on more with these unfortunate attacks. Fortunately, we have a President who will work with us to provide much needed relief.

Today's Executive order is good news for coal communities. It is a victory for middle-class families and another important step away from the overregulation of the Obama years.

We all want clean air and clean water, but that is not what President Obama's energy regulatory policies were actually about. It was an ideological vanity project. It wouldn't have even solved the problem it purported to address.

Now, fortunately, the EPA will have the opportunity to go back to the drawing board and get this right with balanced and serious policies. The EPA should work with stakeholders across the country to develop sensible policies that balance the economic needs of our communities with the realities of our environment. This way we can protect America's middle class, America's miners, and America's natural resources all at once.

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

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

NOMINATION OF NEIL GORSUCH

Mr. SCHUMER. Mr. President, first I will speak on the Supreme Court. Last Thursday, I announced my opposition to Judge Neil Gorsuch and endeavored to explain why, on the merits, I don't believe he deserves to be elevated to a lifetime appointment on the Supreme Court.

I listen to my friend, the distinguished majority leader, each morning. Since the beginning of this Congress, he has chalked up every Democratic request or objection in this body to ''sour grapes,'' to some leftover resentment from the election. It is just not true, but he keeps trying. Now he is trying the same strategy with Judge Gorsuch. He repeatedly cites a quote by a friend of the judge's who, of course, said ''there is no principled reason'' to oppose this nomination, so it must be politics, the majority leader concludes. I respectfully but wholeheartedly disagree with the majority leader on this point.

There are several principled reasons to oppose Judge Gorsuch's nomination.

First, Judge Gorsuch was unable to sufficiently convince me that he would be an independent check on a President who has shown almost no restraint from Executive overreach. He asserted independence but could not point to a single thing in his record to guarantee it.

He refused to publicly condemn what the President did when he went after the three-judge panel on the Ninth Circuit. He had a case before them, and the President said: If they don't decide my way, they will be guilty of terrorism. I have never seen anything like that in all my years of politics. Judge Gorsuch refused to publicly condemn. He said privately to different people that he was disheartened. When President Trump said: He didn't mean me, Judge Gorsuch shrugged his shoulders, going along with what the President said.

Second, he was unable to convince me that he would be a mainstream Justice who could rule free from the biases of politics and ideology. His career, his early writings, and his judicial record suggest not a neutral legal mind but instead someone with a deep-seated conservative ideology. He was championed by the Federalist Society and the Heritage Foundation and has not shown 1 inch of difference between his views and theirs. I would ask my colleagues this question: Are all these groups who are spending dark, secret, undisclosed money to support his nomination doing so because they just want a Justice on the Court who will ''call balls and strikes''? I doubt it. Some here may agree with the Heritage Foundation, but they are not a mainstream organization. They are on the far right. That is their right to be. But their advocacy of Judge Gorsuch suggests he is not a ''balls and strikes'' guy.

Finally, Judge Gorsuch is someone who almost instinctively favors the powerful over the weak and corporations over working Americans. That is what his record shows. Judge Gorsuch repeatedly sided with insurance companies that wanted to deny disability benefits to employees, and in employment discrimination cases, he sided with employers the great majority of the time.

He wrote—in dissent—that trucking company executives were right to fire truckdriver Alphonse Maddin for leaving his trailer in order to save his life. And just last week, we saw another example of how extreme Judge Gorsuch's views are when the Supreme Court unanimously rebuked his interpretation of the Individuals with Disabilities Act. In the opinion of even Justice Thomas, the educational rights Judge Gorsuch would allow to disabled students under the law amount to no education at all.

Judge Gorsuch's opportunity to disabuse us of all of those objections was in the hearing process, but he declined to substantively answer question after question. Absent a real description of his judicial philosophy, all we have to go on is his record—a record that landed Judge Gorsuch on the lists of the conservative Federalist Society and Heritage Foundation. President Trump, of course, selected Judge Gorsuch off those preapproved conservative lists, as he promised he would during his campaign.

To claim, as the majority leader does, that Judge Gorsuch is simply a neutral judge is belied by his history since his college days, his own judicial record, and the manner of his selection.

These are principled reasons to oppose Judge Gorsuch, even if people on the other side disagree with them. We need a Justice who will be an independent check on the President. We need someone who will consider fairly the plight of average citizens, not further tip the scales of justice in favor of already powerful corporations. Judge Gorsuch—his record and his performance in the hearing—did nothing to show me he could be that kind of Justice.

So when Republicans said that if Democrats won't support Judge Gorsuch, we won't support any Republican-nominated judge, that is simply not true. It may be hard for us to support anyone from a list culled by the Federalist Society and the Heritage Foundation, but we have several reasons to be concerned with Judge Gorsuch specifically.

For all the hand-wringing by my friends on the other side of the aisle that they cannot imagine Democrats voting against Judge Gorsuch, I would like to remind them that only three—three—of the current Senators on the Republican side voted for either of President Obama's confirmed nominees, and all of them went along with my friend the majority leader's unprecedented plan to refuse President Obama's third nominee, Judge Garland, even a hearing or a vote for nearly a year.

Which brings us back to the present day, where we Democrats have participated in a fair, transparent, and thorough process of advice and consent. Now that the time to decide whether to provide consent approaches, we take that responsibility seriously. A lifetime appointment on the highest Court of the land is not something to be taken lightly.

To participate in hearings and a thorough process—something we were denied—does not mean you have to be a rubberstamp. After a thorough review of Judge Gorsuch's record, many of my colleagues and I have concluded we cannot consent.

If Judge Gorsuch fails to reach 60 votes, it will not be because Democrats are being obstructionists, it will be because he failed to convince 60 Senators that he belongs on the Supreme Court.

My friend the majority leader made the decision to break 230 years of Senate precedent by holding this seat open for over a year. If the nominee cannot earn the support of 60 Senators, the answer is not to break precedent by fundamentally and permanently changing the rules and traditions of the Senate; the answer is to change the nominee. This idea that if Judge Gorsuch doesn't get 60 votes, the majority leader has to inexorably change the rules of the Senate—that idea is utter bunk.

It is the free choice of my colleagues on the other side of the aisle to pursue a change in rules if that is what they decide. And I would remind the majority leader that he doesn't come to this decision with clean hands. He blocked Merrick Garland for over a year. We wouldn't even be here if Judge Garland had been given fair consideration. That is why we are here today—not because of any Democrat.

BORDER WALL

Mr. SCHUMER. Mr. President, finally, on the wall—a place where there may be more agreement between some of us than on Judge Garland—last night we learned that the Trump administration will be seeking deep cuts to critical domestic programs in order to pay for a border wall. The administration is asking the American taxpayer to cover the cost of a wall—unneeded, ineffective, and absurdly expensive—that Mexico was supposed to pay for. He is cutting programs that are vital to the middle class in order to get that done.

They want to cut the New Starts Transportation Program and TIGER grants. These are the lifeblood of our road and tunnel and bridge building efforts. Build a wall or repair or build a bridge or tunnel or road in your community? What a choice. They want to cut off NIH funding for cancer research to pay for the wall. How many Americans would support that decision? They want to cut programs that create jobs and improve people's lives—all so the President can get his ''big, beautiful wall''—a wall that we don't need and that will be utterly ineffective. Think about that. The President wants to slow down cancer research and make the middle-class taxpayer shoulder the cost of a wall that Mexico was supposed to pay for. He wants to cut funding for roads and bridges to build a wall that Mexico was supposed to pay for.

The proposed cuts the administration sent up last night will not receive the support of very many people, I believe, in this Chamber. These cuts would be bad for the American people. They are not what the American people want, and they are completely against one of the President's core promises in his campaign. I believe they will be vigorously opposed by Members on both sides of the aisle.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF MONTENEGRO

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of Executive Calendar No. 1, the Montenegro treaty, which the clerk will state.

The senior assistant legislative clerk read as follows:

Treaty document No. 114–12, Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro.

Pending:

McConnell amendment No. 193, to change the enactment date.

McConnell amendment No. 194 (to amendment No. 193), of a perfecting nature.

The PRESIDING OFFICER. The majority whip.

THE PRESIDENT'S BUDGET

Mr. CORNYN. Mr. President, I came to the floor to talk about the nomination of Judge Gorsuch to serve as the next Supreme Court Justice, and I happened to walk in while the Democratic leader was speaking. In the brief time I heard him comment this morning, I concluded that basically the Democrats are against everything. They are against everything. He knows as well as anybody that when the President sends over a budget, it is a proposal by the President that Congress routinely changes, arriving at its own budget priorities, working with the White House.

NOMINATION OF NEIL GORSUCH

Mr. President, before I get too distracted by the minority leader's opposition to anything and everything, let me comment a little bit on the Gorsuch nomination.

We will meet next week, on April 3, to vote Judge Gorsuch's nomination out of the Senate Judiciary Committee, at which time his nomination will come to the floor. The world had a chance to see—and certainly all of America—during the 20 hours that Judge Gorsuch testified before the Judiciary Committee that he is a superb nominee. He is a person with a brilliant legal mind. He has an incredible educational resume and extensive experience both in the public sector—working at the Department of Justice—and in private practice and then for the last 10 years, of course, serving as a Federal judge on the Tenth Circuit Court of Appeals out of Denver.

I believe he is one of the most qualified nominees in recent history, to be sure, and you might have to go back into our early history to find somebody on par with Judge Gorsuch in terms of his qualifications for this important office. Unfortunately, in spite of this, we are seeing the minority leader threatening to filibuster this incredibly well-qualified judge. I hope other Democrats will exercise independence and do the right thing.

I was glad to see just yesterday our colleague, the former chairman of the Judiciary Committee, the senior Senator from Vermont, say that he had a different take. He was quoted in a Vermont newspaper—perhaps it is a blog—it is called VTDigger.org. Senator LEAHY, the former chairman of the Judiciary Committee, said: ''I am not inclined to filibuster.''

Just for the benefit of anybody who might be listening, let me distinguish between the use of the filibuster as opposed to voting against the nominee.

It is a fact that there has never been a successful partisan filibuster of a Supreme Court nominee in American history—never.

The only time cloture was denied on a bipartisan basis of a nominee to the Supreme Court was in 1968, when Abe Fortas was nominated by then-President Lyndon Johnson. Mr. Fortas, then serving as an Associate Justice on the Supreme Court of the United States, had a number of problems, one of which was that he was still advising President Johnson while he was a sitting member of the U.S. Supreme Court. He was basically giving political advice from the bench to the President of the United States, with whom he had a long-established relationship.

Then there was a suspicion that Earl Warren, the Chief Justice of the United States, had cut a deal with the President such that he would resign effective upon the qualifying of his successor. So there wasn't any literal vacancy to fill. The President would then nominate Abe Fortas, then an Associate Justice, and he would then nominate Homer Thornberry, then a judge on the Fifth Circuit Court of Appeals, to fill the Fortas Associate Justice slot. There were a couple of embarrassing items to Judge Fortas that caused a bipartisan denial of cloture, or the cutting off of debate, after which his nomination was withdrawn after 4 days of floor debate.

I mention all of this because sometimes people want to lead you down this rabbit trail, claiming that what they are doing is something that is well established in our history and in this precedence of the Senate when that is absolutely not true. There has never been a partisan filibuster of a Supreme Court nominee that has been successful in denying that Justice to the Supreme Court's nomination to be confirmed—never. What Democrats are threatening to do next week when

Judge Gorsuch's nomination comes to the floor is unprecedented. It has never happened before.

I am glad to hear some voices of sanity and wisdom from people like Senator LEAHY, who said he was not inclined to join in that filibuster. I also saw that our colleague from West Virginia, Senator MANCHIN, has said he will not filibuster the nominee. It is totally a separate issue as to whether they vote to confirm the nominee ultimately because, as we all know, in working here in the Senate, in order to get to that up-or-down vote, you have to get past this cloture vote, which requires 60 votes, and it has been traditional that we have not even had those cloture votes with regard to Supreme Court nominations.

As a matter of fact, there have only been four of those in our history. Two of them were with regard to William Rehnquist when nominated as Associate Justice to the Supreme Court and then when he was nominated to be Chief Justice of the Supreme Court. With Samuel Alito, there was cloture obtained. Ultimately, he won an up-or-down vote and got a majority of votes on the Senate floor. Then, of course, there was the Fortas nomination, which I mentioned earlier. In none of those four cases was there a partisan filibuster that denied an up-or-down vote to the nominee. Again, the only one that is a little of an outlier is the Fortas nomination, which was ultimately withdrawn, so the Senate did not have the opportunity to come back and revisit that initial failed cloture vote because of the ethical problems that led Judge Fortas to resign from the Supreme Court and return to private practice.

Let me talk a minute about the excuses our Democratic colleagues have given in opposing Judge Gorsuch.

First, they said they would fight a nominee who was not in the mainstream.

I believe that out of the 2,700 cases Judge Gorsuch has participated in, 97 percent of those have been affirmed on appeal—97 percent. He has only been reversed in maybe one case. I believe there was a discussion about it. There was even an argument as to whether that was an outright reversal. It is very unusual, in my experience, to see a judge who enjoys such a tremendous record of affirmance on appeal and such a very low record of reversal, particularly for an intermediate appellate court like the Tenth Circuit Court of Appeals.

After they realized this ''out of the mainstream'' argument wouldn't work, they then moved the goalpost. Some of my friends on the other side of the aisle have implied they might oppose Judge Gorsuch because of his refusal to answer questions about issues that could come before him on the Court. In doing so, the judge was doing exactly what is required by judicial ethics. In other words, how would you feel if the judge before whom you appeared had previously said ''If I get confirmed, I will never vote in favor of a litigant with this kind of case''? Judges do not do that. Judges are not politicians who run for office on a platform. In fact, judges are supposed to be the anti-politician—ruling on the law and the facts. It is not based on a personal agenda or a political agenda at all, and our colleagues know that.

This is the same rule that was embraced by Ruth Bader Ginsburg—someone whom our friends across the aisle admire on the Court. Elena Kagan did the same thing in refusing to comment or speculate, saying that it would be improper for them to prejudge these cases or to campaign, basically, for a lifetime appointment on the Supreme Court. Judge Gorsuch did the same thing as Justices Ginsburg and Kagan, and he fulfilled his ethical obligations as a sitting judge and preserved the independence of the judiciary by keeping an open mind as to cases that come before him.

When they failed to make the case that Judge Gorsuch was somehow out of the mainstream, when they failed to make the case that he somehow was being nonresponsive in his answering questions by the Judiciary Committee, the goalpost moved yet again. Last week, some suggested that Judge Gorsuch never ruled in favor of the ''little guy.'' This was following a line of arguments peddled by some outside groups who were trying to paint Judge Gorsuch as unsympathetic to the litigants who appeared in his court.

Fortunately, Judge Gorsuch set the record straight. He made clear that his motivation in each and every case is to follow the law wherever it may lead and to reach a decision based on where the law stands, not on his personal opinion or emotions. Again, a good judge does not judge the litigants but, rather, the case at hand.

I should point out, as I did with regard to the more than 2,700 cases Judge Gorsuch has decided, that virtually all of them have been affirmed, meaning that every judge on the panel, including those nominated by Democrats, reached the same conclusion that he did, and they were approved, or affirmed, by the higher court, certainly not reversed.

I think our colleagues are making a tragic mistake by denying this President his nominee for the Supreme Court of the United States. If Judge Gorsuch is not good enough for them, they will never vote to confirm any nominee from this or any other Republican President of the United States. What would happen if that view were to prevail? I think we would see the Supreme Court essentially become nonfunctional and shut down, and litigants who were hoping to get access to a hearing before the Court would have nowhere to turn. It is not acceptable.

Some of our colleagues remind me of the old story about the child who murders his parents and then comes before the court and asks for leniency, saying: I am an orphan. This is a situation of their own making.

I really regretted hearing the Democratic leader talk about a case in which somehow there was the argument that because the judge followed the precedent that then existed but that a future decision in a Supreme Court case changed that precedent—that the judge should have anticipated it and somehow failed to follow the current precedent because the Supreme Court at some later date might change that precedent. It makes absolutely no sense.

So what our colleagues are doing is basically saying that no nominee of President Trump's or any Republican nominee is going to get confirmed to the Supreme Court because it is going to require 60 votes to do so. This would be unprecedented in our Nation's history. I think it will be an abuse of the power we have in the Senate of encouraging debate, which is the cloture vote, by filibustering this outstanding nominee.

I have said it before and I will say it again: Judge Gorsuch is going to have his day on the Senate floor. We are going to have a fulsome debate. We are going to give our Democratic colleagues a chance to do the right thing and to vote at some point to cut off debate and then have an up-or-down vote to confirm the nominee, just as has happened in every single case before, with the possible exception of the Fortas nomination, which I described earlier, which was ultimately withdrawn and the judge resigned because of an ethical scandal.

I hate to see our colleagues taking us down this path, but they are determined to oppose anything and everything these days. We used to say there was a difference between campaigning and governing. Basically, they are so upset with the outcome of the election that they are continuing the political campaign now and making it impossible for us to do our work here in the Senate. It is a crying shame.

I can only hope that cooler heads will prevail and that others in the Democratic caucus will listen to Senator LEAHY and others who say they are not inclined to filibuster. Whether they decide to vote against the nominee is entirely up to them, but denying the majority in the Senate a chance to vote to confirm the nominee is simply unacceptable, and it will not stand.

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.

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

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

Ms. COLLINS. Mr. President, confirming a Supreme Court nominee is one of the Senate's most significant constitutional responsibilities. I come

to the floor today to announce that I shall cast my vote for Judge Neil Gorsuch to be a Justice of the U.S. Supreme Court. In making my decision, I evaluated Judge Gorsuch's qualifications, experience, integrity, and temperament. I questioned him for more than an hour in a meeting in my office, evaluated his record, spoke with people who know him personally, and reviewed the Judiciary Committee's extensive hearing record. While I have not agreed with every decision Judge Gorsuch has made, my conclusion is that he is eminently well qualified to serve on our Nation's highest Court.

Judge Gorsuch has sterling academic and legal credentials. In 2006, the Senate confirmed this outstanding nominee by a voice vote to his current position on the U.S. Court of Appeals. A rollcall vote was neither requested nor required.

Judge Gorsuch's ability as a legal scholar and judge has earned him the respect of members of the bar. The American Bar Association Standing Committee on the Federal Judiciary has unanimously given him its highest possible rating of ''well qualified.'' President Obama's former Acting Solicitor General testified before the Judiciary Committee in support of Judge Gorsuch, praising him as fair, decent, and committed to judicial independence.

I have also received a letter signed by 49 prominent Maine attorneys with diverse political views, urging support for Judge Gorsuch's nomination. They wrote:

> Gorsuch's judicial record demonstrates his remarkable intelligence, his keen ability to discern and resolve the central issues at dispute in a legal proceeding . . . and his dedication to the rule of law rather than personal predilections. His judicial record also confirms that he is committed to upholding the Constitution, enforcing the statutes enacted by Congress, and restraining overreach by the executive branch.

In my view, these are precisely the qualities that a Supreme Court Justice should embody.

I ask unanimous consent that this letter be printed in the RECORD following my remarks.

Our personal discussion allowed me to assess the judge's philosophy and character. I told him that it was important to me that the judiciary remain an independent check on the other two branches of government as envisioned by our Founders. Therefore, I asked him specifically whether anyone in the administration had asked him how he would rule or sought any commitment from him on any issue. He was unequivocal that no one in the administration had asked him for such promises or to prejudge any issue that could come before him. He went on to say that the day a nominee answered how he would rule on a matter before it was heard or promised to overturn a legal precedent, that would be the end of an independent judiciary.

During the Judiciary Committee hearings, when Senator LINDSEY GRAHAM asked him a similar question about whether he was asked to make commitments about particular cases or precedents, he gave the same answer. In fact, Judge Gorsuch notably said that if someone had asked for such a commitment, he would have left the room because it would never be appropriate for a judge to make such a commitment, whether asked to do so by the White House or a U.S. Senator.

Neil Gorsuch is not a judge who brings his personal views on any policy issues into the courtroom. If it can be said that Judge Gorsuch would bring a philosophy to the Supreme Court, it would be his respect for the rule of law and his belief that no one is above the law, including any President or any Senator.

I am convinced that Judge Gorsuch does not rule according to his personal views, but rather follows the facts and the law wherever they lead him, even if he is personally unhappy with the result. To paraphrase his answer to one of my questions about putting aside his personal views, he said that a judge who is happy with all of his rulings is likely not a good judge.

The reverence that Judge Gorsuch holds for the separation of powers, which is at the core of our American democracy, was also evident in our discussion. As he reiterated throughout his confirmation hearing, the duty to write the laws lies with Congress, not with the courts and not with the executive branch. Members of this body should welcome his deep respect for that fundamental principle.

Judge Gorsuch's record demonstrates that he is well within the mainstream of judicial thought. He has joined in more than 2,700 opinions, 97 percent of which were unanimously decided, and he sided with the majority 99 percent of the time.

I asked Judge Gorsuch how he approaches legal precedents. I asked him if it would be sufficient to overturn a long-established precedent if five current Justices believed that a previous decision was wrongly decided. He responded: ''Emphatically no.'' And that, to me, is the right approach. He said a good judge always starts with precedent and presumes that the precedent is correct.

During his Judiciary Committee hearing, Judge Gorsuch described precedent as ''the anchor of the law'' and ''the starting place for a judge.'' He has also coauthored a book on legal precedent with 12 other distinguished judges, for which Justice Stephen Breyer wrote the introduction.

Now, there has been considerable discussion over the course of this nomination process about the proper role of the courts in our constitutional system of government. It is also important for us to consider the roles that the executive and legislative branches play in the nomination process.

Under the Constitution, the President has wide discretion when it comes to nominations to the Supreme Court. The Senate's role is not to ask, Is this the person whom I would have chosen to sit on the bench? Rather, the Senate is charged with evaluating each nominee's qualifications for serving on the Court.

I have heard opponents of this nominee criticize him for a variety of reasons, including his methodology and charges that he is somehow extreme or outside of the mainstream. But I have not heard one Senator suggest that Judge Gorsuch lacks the intellectual ability, academic credentials, integrity, temperament or experience to serve on the U.S. Supreme Court. Yet it is exactly those characteristics that the Senate should be evaluating when exercising its advice and consent duty.

This is especially true when Senators contemplate taking the extreme step of filibustering a Supreme Court nomination. As you well know, unfortunately, it has become Senate practice of late to filibuster almost every question before this body simply as a matter of course. But that would be a serious mistake in this case, and it would further erode the ability of this great institution to function. In 2005, when the Senate was mired in debate over how to proceed on judicial nominations, a bipartisan group of 14 Senators proposed a simple and reasonable standard. That group—of which I am proud to have been a part—declared that for Federal court nominations a Senator should only support a filibuster in the case of extraordinary circumstances.

Since coming to the Senate, I have voted to confirm four Justices to the Supreme Court. Two were nominated by a Democratic President, and two were nominated by a Republican President. Each was confirmed: Chief Justice Roberts by a vote of 78 to 22, Justice Alito by a vote of 58 to 42, Justice Sotomayor by a vote of 68 to 31, and Justice Kagan by a vote of 63 to 37.

Before I became a Senator, this body confirmed Justice Kennedy, 97 to 0; Justice Scalia, 98 to 0; Justice Thomas, 52 to 48; Justice Ginsburg, 96 to 3; and Justice Breyer, 87 to 9.

Note that two of the current members of the Supreme Court were confirmed by fewer than 60 votes, but consistent with the standard that we established in 2005, neither one was filibustered.

Even Robert Bork, whose contentious confirmation hearings are said to have been the turning point in the Senate's treatment of Supreme Court nominations, was rejected by a simple failure to secure a majority of votes—42 yeas to 58 nays—not by a Senate filibuster. In fact, the filibuster has been used successfully only once in modern history to block a Supreme Court nomination. That was an attempt to elevate Justice Abe Fortas to be Chief Justice in 1968, nearly half a century ago. In that case, Justice Fortas ended up withdrawing under an ethical cloud.

The result of the votes on Justice Alito's nomination are also illuminating. In 2006 Senators voted to invoke cloture by a vote of 75 to 25. That is considerably more Senators than those who ultimately voted to confirm him, which was accomplished by a vote of 58 to 42. Here again, Senators proceeded to a ''yes'' or ''no'' vote on the nomination.

Let me be clear. I do believe strongly that it is appropriate for the Senate to use its advice and consent power to examine nominations carefully or even to defeat them. In fact, I have voted against judicial nominees of three Presidents. But playing politics with judicial nominees is profoundly damaging to the Senate's reputation and stature. It politicizes our judicial nomination process and threatens the independence of our courts, which are supposed to be above partisan politics. Perhaps most importantly, it undermines the public's confidence in the judiciary.

Since the Founders protected against the exertion of political influence on sitting Justices, the temptation to do everything in one's power to pick nominees with the right views is understandably very strong. But the more political Supreme Court appointments become, the more likely it is that Americans will question the extent to which the rule of law is being followed. It erodes confidence in the fair and impartial system of justice, and it cultivates a suspicion that judges are imposing their personal ideology.

The Senate has the responsibility to safeguard our Nation against a politicized judiciary. The Senate should resist the temptation to filibuster a Supreme Court nominee who is unquestionably qualified, the temptation to abandon the traditions of comity and cooperation, and the temptation to further erode the separation of powers by insisting on judicial litmus tests. It is time for the Senate to rise above partisanship and to allow each and every Senator to cast an up-or-down vote on this nominee.

This nomination deserves to move forward, as the dozens of distinguished Maine attorneys who wrote to me in support of his nomination said:

In sum, during his tenure on the U.S. Court of Appeals, Judge Gorsuch distinguished himself as a judge who follows the law with no regard for politics or outside influence. We could not ask for more in an associate Justice.

I agree, and I look forward to the confirmation of Judge Neil Gorsuch to be a Justice of the U.S. Supreme Court.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 23, 2017.

Re: Nomination of Judge Neil Gorsuch.

Hon. SUSAN M. COLLINS,
U.S. Senator, Dirksen Senate Office Building, Washington, DC.

Hon. ANGUS S. KING,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATORS COLLINS AND KING: The undersigned Maine attorneys respectfully request that you support the confirmation of Judge Neil M. Gorsuch as Associate Justice of the United States Supreme Court.

Our practices are varied by geography, practice area, size of firm, and type of clients we represent. We also hold a diverse set of political views. Nonetheless, we agree that Judge Gorsuch is exceptionally well qualified to join the Supreme Court.

As members of the Maine legal community, we have an interest in the nomination of Judge Gorsuch. While most of us will never have the opportunity to appear before the United States Supreme Court, each of us has a strong interest in supporting the confirmation of highly qualified jurists who will maintain the Supreme Court's commitment to the rule of law. The precedents established by the Supreme Court affect each of us and the fellow Mainers whom we serve as our clients.

As you have surely found during the nomination process, Judge Gorsuch is eminently qualified to serve as Associate Justice. His qualifications were recently confirmed by the American Bar Association, which rated him as ''well qualified,'' its highest rating. Judge Gorsuch's judicial record demonstrates his remarkable intelligence, his keen ability to discern and resolve the central issues at dispute in a legal proceeding, his notably clear and concise writing style, and his dedication to the rule of law rather than personal predilections. His judicial record also confirms that he is committed to upholding the Constitution, enforcing the statutes enacted by Congress, and restraining overreach by the Executive Branch. He voted with the majority in 98 percent of the cases he heard on the Tenth Circuit, and was frequently joined by judges appointed by Democratic Presidents. Seven of his opinions have been affirmed by the Supreme Court—four unanimously—and none reversed.

In sum, during his tenure on the U.S. Court of Appeals, Judge Gorsuch distinguished himself as a judge who follows the law with no regard for politics or outside influence. We could not ask for more in an Associate Justice and we ask for your strong support of him and vote of confirmation.

Sincerely,

John J. Aromando; Brett D. Baber; Shawn K. Bell; Daniel J. Bernier; Fred W. Bopp III; Timothy J. Bryant; Aaron D. Chadbourne; John W. Chapman; Michael J. Cianchette; Roger A. Clement, Jr.; Randy J. Creswell; Christopher M. Dargie; Avery T. Day; Bryan M. Dench; Thomas R. Doyle; Michael L. Dubois; Joshua D. Dunlap; Charles S. Einsiedler, Jr.

James R. Erwin; Kenneth W. Fredette; Justin E. French; Benjamin P. Gilman; Kenneth F. Gray; P. Andrew Hamilton; Jeffrey W. Jones; Ralph I. Lancaster, Jr.; Ronald P. Lebel; Tyler J. LeClair; Scott T. Lever; William P. Logan; Holly E. Lusk; Chase S. Martin; Sarah E. Newell; Bradford A. Pattershall; Dixon P. Pike; Gloria A. Pinza.

Susan J. Pope; Michael R. Poulin; Norman J. Rattey; Daniel P. Riley; Adam J. Shub; Joshua E. Spooner; Robert H. Stier, Jr.; Patrick N. Strawbridge; Alexander R. Willette; Timothy C. Woodcock; Eric J. Wycoff; Sarah S. Zmistowski; Thad B. Zmistowski.

Ms. COLLINS. I yield the floor.

Seeing no one seeking recognition, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Senator from Missouri.

Mr. BLUNT. Mr. President, I come today to talk about the nomination of Judge Neil Gorsuch to serve on the U.S. Supreme Court. Once again, throughout the hearings last week, Judge Gorsuch proved that he has the knowledge, he has the temperament, and he has the experience to serve on our Nation's highest Court. He laid out a clear judicial philosophy that adheres to what I think most Americans want to see happen today on the Court and what clearly the Framers of the Constitution thought would happen.

In his own words, Judge Gorsuch said: ''I have one client, it's the law.'' That is the way the Founders saw the Supreme Court. They didn't see it as a legislative body. All good judges had to do was to read the law. They didn't have to be happy with the law. They didn't have to approve the law. They didn't have to determine that the law and the Constitution met their exact standard. They just had to determine what the law and the Constitution said. In fact, the first Supreme Court had six judges. There was no thought that it was a legislative body that had to have a tie-breaking judge so you could legislate.

They thought six judges were plenty. By the way, they thought they needed six circuits. Each of those judges rode a circuit. So even when there was an appeal to the Supreme Court, one of the judges had already heard the case at the lower level. That judge heard the case again and then listened to see if that judge heard anything new, something that might change their mind. The other five of them were sitting there with the appeal of one of their colleagues, and nobody saw that as a problem because the Court wasn't about legislating.

The Court was about determining what the law should say. Again, Judge Gorsuch said: ''I have one client, it's the law.'' It is not the little guy. It is not the big guy. It is not the medium-size guy: It is the law. He was asked over and over: Are you going to find for the little guy or the big guy? Well, that is not the judge's job. The judge's job is to read the law so both the little guy and the big guy know when they are in court that this is a country where the rule of law matters. They know, when they enter into a contract, that if you and your lawyer have read the law right, there shouldn't, at the end of the day, be very much gray space about what that contract said.

Throughout his career, Judge Gorsuch has demonstrated his commitment to interpret the Constitution as it is written, applying the rule of law and not legislating from the bench. ''Judges are not politicians in robes.'' I think that may be another Gorsuch comment: ''Judges are not politicians in robes.'' If he didn't say it, his career as a judge shows that he believes it. Unfortunately, some of my colleagues have shown that their deference to the Constitution is not the same when it

comes to the Senate's role to advise and consent.

I am particularly dismayed by the Democratic leader's intention to filibuster Judge Gorsuch's nomination. Republicans have never filibustered a Democratic nominee, yet colleagues across the aisle appear willing to do just that. Such a maneuver would only be an affront to our national norms.

I don't know in the history of the country—I think there was one filibuster led by Democrats against a nomination by a Democrat President when Lyndon Johnson nominated Abe Fortas to move from Associate Justice to the Chief Justice's role. It didn't happen in 1968 because it was a Presidential year and Justices don't get confirmed in the Supreme Court in a Presidential year in vacancies that hadn't even occurred yet. No. 2, it was led by Democrats in a Senate that had an overwhelming Democratic majority. There has never been a partisan filibuster effort involving any Justice on the Supreme Court until right now—until right now—and I am disappointed that that is what the Democratic leader of the Senate says he wants to do.

According to Robert David Johnson, a Brooklyn College history professor, ''The chances of success'' of a partisan filibuster ''are basically zero.'' So my thought would be: Why pursue it?

Kim Strassel recently wrote in the Wall Street Journal: ''Never in U.S. history have we had a successful partisan filibuster of a Supreme Court nominee.''

In the last half century, only three Supreme Court Justices have even faced a filibuster. The most recent, Justice Alito, was ultimately confirmed when 19 Democrats refused to back the filibuster of his nomination. He had the full vote, and he got a majority vote.

One would think that if Senate Democrats are willing to upend Senate tradition to block this nomination, they would have an unassailable reason to block it. They would be saying this judge is not qualified. This judge hasn't served his time. We don't know what he would do as a judge. He has been on the circuit court of appeals for a decade, and when looking at case after case, appeal after appeal, we see his unbelievably fine record as a judge.

In announcing his intention to mount this filibuster, the leader of the Democrats in the Senate said that Judge Gorsuch ''was unable to sufficiently convince me that he'd be an independent check'' on the executive branch. The American Bar Association unanimously gave Judge Gorsuch's nomination their highest rating. They disagree. As they explained, ''based on writings, interviews, and analyses we scrutinized to reach our rating, we discerned that Judge Gorsuch believes strongly in the independence of the judicial branch of government, and we predict that he will be a strong but respectful voice in protecting it.''

This is from the American Bar Association, which many of my colleagues on both sides of the aisle have said over and over again is the ultimate test of qualification for the Court.

When I met with the judge last month, he left no doubt in my mind that he would uphold the judiciary's unique constitutional role in our system of checks and balances.

Let me go back to the other quote here for a minute. What was it that the Senator from New York said? ''Judge Gorsuch was unable to sufficiently convince me that he'd be an independent check'' on the executive branch. I am not even sure I know where in the Constitution that is the job of the judge. The job of the judge is to read the law and look at the Constitution. The job of the Congress is to pass the law. The job of the President is to sign the law. Unless there is some constitutional problem with that law, it is not the judge's job to decide whether the law is right or not, unless there is a constitutional reason to do that.

Last week, I mentioned Judge Gorsuch's qualifications for the bench, but I think they bear repeating as we enter the next few days. As a graduate of Columbia University, a graduate of Harvard Law and Oxford University, his academic credentials are at the highest level. Judge Gorsuch has served his country admirably as a Supreme Court clerk, first for a Democrat on the Court, Byron White, who had been appointed by President Kennedy, and for a Republican appointee, Anthony Kennedy, appointed by President Reagan. He has been the principal Deputy Associate Attorney General of the United States at the Department of Justice, and in 2006, George W. Bush nominated him to serve on the Tenth Circuit Court of Appeals. The Senate unanimously confirmed his position at that time. Every single Democrat—12 of them now serving in the Senate who were in office, supported his nomination in 2006. In the decade that he served on the Tenth Circuit Court, he has shown independence, integrity, and he has shown a mainstream judicial philosophy. He has demonstrated a legal capacity that makes him a worthy successor to Justice Scalia on the Court. There is no precedent for requiring a 60-vote threshold to confirm a Supreme Court Justice, and Judge Gorsuch has given this body no reason to demand one now.

I look forward to supporting his nomination. It will reach the Senate floor, I believe, after the Judiciary Committee deals with it early next week. I hope by the time we leave here a week from Friday that Judge Gorsuch is on his way to join the Supreme Court as an Associate Justice. By the way, if he does that, he will be the first Associate Justice ever to serve on the Court with a Justice for whom he clerked two decades or more ago. When he and Justice Kennedy get a chance to serve together—I look forward to seeing that happen.

ORDER FOR RECESS

Mr. President, I ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. today for the weekly conference meetings.

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

Mr. BLUNT. 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. DURBIN. 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. DURBIN. Mr. President, I rise to speak on the nomination of Judge Neil Gorsuch to serve on the U.S. Supreme Court.

It is important to reflect for a moment on how we have reached this moment. It has been more than a year since the untimely passing of Justice Antonin Scalia in February of 2016. Under article II, section 2 of the U.S. Constitution, President Barack Obama had a duty to make a nomination to fill that vacant seat. He met that obligation by nominating Chief Judge Merrick Garland in March of 2016.

Yet the leader of the Senate Republicans, Majority Leader MCCONNELL, announced that, for the first time in the 230-year history of the Senate, he would refuse the President's nominee, Judge Garland, a hearing and a vote. Senator MCCONNELL further said that he would refuse to even meet with Judge Garland. It was a transparent political decision made by the Republican leader in the hopes that a Republican would be elected President and fill the vacancy. It was part of a broader Republican political strategy to influence, if not capture, the judicial branch of government on every level of the court system.

Not only did the Senate Republicans keep a Supreme Court seat vacant for over a year, they turned the Senate's Executive Calendar into a nomination obituary column for 30 other judicial nominees who had been reported out of the Judiciary Committee with bipartisan support. They were hoping a Republican President would fill all of those seats, and they were prepared to leave them vacant for a year or more to achieve that end.

What kind of nominees were they hoping for? Nominees who had been blessed by special interests, by big business, and by Republican advocacy organizations.

It was last year that then-Candidate Donald Trump released a list of 21 potential Supreme Court candidates who were handpicked by two Republican advocacy groups—the Federalist Society and the Heritage Foundation. I am not speculating on the fact that they were chosen by those two groups, as President Trump publicly thanked the groups for giving him a list of names with which to fill the vacancies on the Supreme Court. It was unprecedented for anyone, including a candidate for President, to outsource the judicial selection process to special interest

groups, but President Trump did it. True to his word to these special interest groups, he nominated one of the names on the list—Judge Neil Gorsuch.

The first telephone call Judge Gorsuch received about his nomination was not from the White House; it was from the Federalist Society, which was one of these Republican advocacy groups. Eventually, Judge Gorsuch made it to the interview stage with President Trump's inner circle. He met with Steve Bannon, Reince Priebus, and President Trump himself. Those men each took the measure of Judge Gorsuch and gave him their approval to serve for a lifetime appointment on the highest Court in the land. President Trump, who had announced numerous litmus tests for judicial nominations, appeared very satisfied with Neil Gorsuch as his nominee.

The President's Chief of Staff, Reince Priebus, even said: ''Neil Gorsuch . . . represents the type of judge that has the vision of Donald Trump.''

There was certainly no political subtlety in that evaluation.

After Judge Gorsuch's nomination was announced, a dark money machine shifted into gear. A national campaign, which cost at least $10 million, was launched to support the Gorsuch nomination. Because it is dark money, there is no disclosure about who is bankrolling this effort, but it is a safe bet that the suppliers of dark money have at least a passing interest in cases before the U.S. Supreme Court.

Despite this unprecedented and unsettling process that led to Judge Gorsuch's nomination, the Democrats on the Senate Judiciary Committee gave Judge Gorsuch a courtesy that Republicans denied to Judge Garland—a hearing and a vote. Why? Because Senate Democrats take the Constitution seriously. We do not turn our backs on the constitutional responsibility of advice and consent, even though that is exactly what our Republican colleagues did when it came to Merrick Garland.

Last week, the Senate Judiciary Committee met for 4 days to consider the Gorsuch nomination. In leading up to the hearing, I made it clear on the Senate floor that I thought that Judge Gorsuch had a burden to bear at that hearing.

On February 2, I said here on the floor that Judge Gorsuch needed to demonstrate that he would be a nominee who would uphold and defend the Constitution for the benefit of everyone, not just for the advantage of a privileged few who happened to engineer his nomination.

I also said that Judge Gorsuch needed to be forthright with the American people about his record and his views. I made it clear that avoiding answers to critical questions was unacceptable.

I said that he needed to demonstrate that he would be an independent check on President Trump and every President and that he was prepared to disappoint the President and the right-wing groups that handpicked him if the Constitution and the law required it.

Judge Gorsuch was given a full and fair hearing. He was given every opportunity to explain his judicial record and his views and to meet the expectations I laid out for him. I came away from this hearing firmly convinced that I must oppose the nomination of Neil Gorsuch.

Here are the reasons:

Judge Gorsuch favors corporations and elites over the rights and voices of Americans, often using selective textualism to advance his agenda. Judge Gorsuch's hearing reinforced my fear that he would lean toward corporations and special interest elites at the expense of American workers and families.

Big business and special interests have found a friend under the Roberts Supreme Court. I noted at the hearing a study by the Constitutional Accountability Center that found that under Chief Justice John Roberts the Supreme Court has ruled for positions that have been advocated by the Chamber of Commerce 69 percent of the time.

I am concerned, based on a review of his record, that Judge Gorsuch is likely to increase the pro-business leanings of the Roberts Court. In a series of decisions—and I have read many of them—involving workers' rights, discrimination claims, consumer rights, and access to the courts, Judge Gorsuch has, time and again, favored corporations. He has often substituted his own judgment for those of the agencies that are tasked with protecting the workers.

No case was more egregious than the TransAm Trucking case, which was brought up repeatedly at the hearing. The facts are pretty well known by now. In January, Alphonse Maddin, a truck driver from Detroit, was stuck on the side of Interstate 88 in my home State of Illinois, and it was 14 degrees below zero outside. The brakes on his trailer were frozen. After waiting for a repair truck for several hours without his having any heat in the cab of his truck, Alphonse Maddin's body was starting to go numb. He called the trucking company one more time. They said: You have two options—stay in that truck or drag that frozen trailer down the interstate highway.

Both of those options were a risk to health and safety and common sense. So, instead, Al Maddin unhitched the broken-down trailer and drove to a gas station to fuel up and get warm and then returned to the disabled trailer. For this, the company fired him, and that firing blackballed him from ever working as a truck driver again.

Al Maddin came by my office and explained what he did. He had heard that there was some Federal agency that might consider what he had considered to be an unfair firing, so he went down to the agency and took out a ballpoint pen and filled out the complaint in longhand without the advice of counsel or any help. He was shocked when he won.

The case went further on appeal. Seven different judges heard Al Maddin's case. Six of them agreed that what had happened to him was unfair and unlawful. The only judge who found for the trucking company was Neil Gorsuch.

Judge Gorsuch's dissent claimed that he was merely looking at the plain text of the law and the dictionary's definition and that was why Al Maddin had been fired. But the Tenth Circuit majority said that Neil Gorsuch was cherry-picking one dictionary's definition to come to his conclusion. Other dictionaries and the law's purpose of protecting health and safety had been ignored by Judge Gorsuch.

Republican nominees like Judge Gorsuch often claim they are using the supposedly neutral philosophies of originalism and textualism to guide their decision making, but Al Maddin's case shows how Judge Gorsuch used a selective choice of text to advance a pro-business agenda at the expense of this American worker.

There are many other cases in Judge Gorsuch's record that demonstrate this trend, leading the Associated Press to say that Gorsuch's workers' rights opinions are ''often sympathetic but coldly pragmatic, and they're usually in the employer's favor.''

Take a look at the Hobby Lobby case. In that case, Judge Gorsuch expanded the idea that a corporation—a business—is a person. Why? He wanted to permit a for-profit corporation to impose its owners' personal religious beliefs on more than 13,000 employees who worked at that corporation and to limit their access to healthcare under insurance policies.

In finding for the corporation, Judge Gorsuch barely acknowledged that this decision burdened these thousands of employees and their personally constitutionally protected religious beliefs and choices.

Judge Gorsuch also has a troubling record when it comes to protecting the rights of Americans with disabilities and those who are victims of discrimination. It was quite a scene when, last week, in the midst of our hearing on Judge Gorsuch, the Supreme Court issued a unanimous ruling that rejected a standard that had been created by Judge Gorsuch. I am sure that has never happened in history. This standard, which Judge Gorsuch had promoted for a case in which he wrote the majority opinion, weakened protections for students with disabilities under the Individuals with Disabilities Education Act.

In 2008, Judge Gorsuch wrote in the Luke P. case that, under the IDEA, schools need only to provide educational benefits to students with disabilities that are merely more than de minimis.

At issue was the legal responsibility of a school district to provide educational opportunities for a child with

disabilities. In this case, Luke was a boy from Colorado who had suffered from severe autism. With the assistance and support of his teachers, Luke had made significant progress in school—in kindergarten and first grade. Then, when his family moved to a new home, he had to change school districts. At his new school, Luke began to lose the skills he had gained. His behavior was worse.

After unsuccessful attempts to address these concerns, Luke's parents decided that they ''could not in good conscience continue to expose their son, Luke, to this environment that was so detrimental to his educational and behavioral development.'' They decided to enroll Luke in a residential school that was dedicated to the education of children with his type of autism spectrum disorder.

A due process hearing officer, a Colorado State administrative law judge, and a Federal district court all found that the school district had failed to provide the education that was guaranteed to Luke under the Federal law of IDEA and that it was, therefore, required to reimburse the cost of the private residential school placement that Luke needed.

His parents were desperate to give Luke a chance in life, but then Judge Gorsuch ruled against them. In so doing, he created a new, lower standard for school districts in the process.

I asked Judge Gorsuch about this. He claimed he was just following the law and precedent, but as I pointed out at the hearing, that was not accurate. A legal analysis showed that Judge Gorsuch was the first judge in that circuit to add the word ''merely'' to the standard.

Luke P.'s father, Jeff, testified at the hearing and said that Judge Gorsuch's ''subtle wordcraft'' had the effect of ''further restricting an already restricted precedent with, unfortunately, my son in the bull's-eye of that decision.''

What did Chief Justice John Roberts of the U.S. Supreme Court say of the Gorsuch standard? Here is what he said: ''When all is said and done, a student offered an educational program providing 'merely more than de minimis' progress [Gorsuch's words] from year to year can hardly be said to have been offered an education at all.''

The Supreme Court sent a strong message when they released this opinion in the midst of Judge Gorsuch's hearing. The Court unanimously said that the Judge Gorsuch standard was inconsistent with the law. On this issue, Judge Gorsuch, the nominee, is somewhere to the right even of Justice Clarence Thomas. This case is not an outlier. In fact, an analysis of his disability decisions shows that Judge Gorsuch has ruled against disabled students in 8 out of 10 IDEA cases.

There was also a consistent pattern of Judge Gorsuch's record on discrimination and retaliation involving employers. Bloomberg BNA analyzed this record and found that he ruled for employers 8 out of 12 times.

For example, he ruled against a sex discrimination claim brought by a UPS saleswoman; a disability discrimination claim that was brought by a college professor; an age discrimination claim that was brought by two maintenance workers; a race discrimination claim that was brought by an African-American grocery store employee who was called a ''monkey'' by his supervisor; a gender and disability discrimination claim that was brought by a female county accountant with multiple sclerosis; and a discrimination claim that was brought by a transgender woman who sought to use the restroom of her gender identity.

The case of Grace Hwang was particularly troubling to me. Ms. Hwang had been a college professor for 15 years. Then she was diagnosed with cancer. She needed a bone marrow transplant, so they gave her 6 months of sick leave. As it was about to expire, they told her to return to the classroom. Just at this same time, a flu epidemic was sweeping across the campus. Ms. Hwang asked to extend her leave and work from home so she wouldn't get infected. She felt especially vulnerable, having just had a bone marrow transplant.

The university denied her request and terminated her employment because she asked to be protected from this flu epidemic. Judge Gorsuch authored an opinion upholding the dismissal of Ms. Hwang's disability discrimination complaint.

Judge Gorsuch would not let a jury consider the reasonableness of her request. Instead, he wrote that six months' leave was ''more than sufficient'' and wrote that the purpose of disability law is ''not to turn employers into safety net providers for those who cannot work.''

Grace Hwang's children said that Judge Gorsuch's opinion ''removed the human element from the equation. It did not bring justice.''

Also, during the hearing, Judge Gorsuch refused to distance himself from the extreme and bigoted views of one of his college professors and his dissertation supervisor, Professor John Finnis, a man whom he has publicly praised.

Overall, Judge Gorsuch's record raised serious concerns about what his confirmation would mean for the vulnerable and the victimized.

We also came to learn that Judge Gorsuch was an aggressive defender of Executive power when he worked at the Justice Department during the Bush administration. In June 2004, after the terrible Abu Ghraib torture scandal, I offered the first legislation to ban cruel and inhuman treatment of detainees. This legislation ultimately became the McCain torture amendment, which, despite a veto threat by President Bush, passed this Senate in 2005 by an overwhelming 90-to-9 vote.

But Judge Gorsuch advocated that the President should issue a statement claiming that the McCain amendment was ''essentially codifying'' torture techniques like waterboarding. This is despite overwhelming evidence from Senator MCCAIN and others in Congress that this amendment was intended to do the exact opposite by outlawing cruel, inhuman, and degrading treatment.

Judge Gorsuch testified that he was simply an attorney working for a client, but Gorsuch's email correspondence revealed that he was viewed as a ''true loyalist'' to the Republican administration. And this is a client that the judge actively lobbied to serve, even though their troubled record on torture was already a matter of public record.

These documents from Gorsuch's tenure at the Department of Justice, which were not available during his earlier confirmation hearing for the Tenth Circuit, provide a revealing look at his beliefs on Executive power. They raise deeply troubling questions about what Judge Gorsuch would do if he is called upon to stand up to this President or any President who claims the power to ignore laws that protect fundamental human rights.

For the majority of questions from Democratic Senators at his hearing, Judge Gorsuch failed to meaningfully respond. He had a standard set of evasions and nonanswers that he used whenever he was asked about fundamental legal principles and landmark cases. It didn't take long before this Senator, and many others, could finish his sentences before he started.

In ducking these critical questions, Judge Gorsuch ended up saying nothing to assuage my concerns about Reince Priebus's pronouncement that Judge Gorsuch ''has the vision of Donald Trump.''

The Supreme Court must serve as an independent check on President Trump, not a rubberstamp. But Judge Gorsuch wouldn't even comment on the original meaning of the Constitution's emoluments clause, apparently for fear of possibly implicating the President who nominated him.

Judge Gorsuch might not be the first nominee to avoid answering questions about his views, but he went further than others. As a result, members of the committee can look only to his judicial record and his work for the Justice Department to decide their vote for this lifetime appointment on the Supreme Court.

His record on the bench and his record at the Justice Department make it clear that Judge Gorsuch is not the right person to serve in the highest Court in the land. We all want judges to follow the law and apply the facts fairly, but it is naive to believe that this is some kind of robotic exercise. Every judge brings some values to the court. In close cases, those values can tip the meaning of the law or even the facts before the court. One key purpose of these hearings is to provide reassurance that the nominee's values are in

the American mainstream. I did not find this assurance in Judge Gorsuch's testimony last week, and I certainly didn't find it in his record. He received a fair hearing, but he did not earn my vote.

Because Republicans control the Senate, we can expect Judge Gorsuch to be reported out of the Judiciary Committee next week and then to receive a vote on the Senate floor. But no one should be surprised that Judge Gorsuch will need to meet the threshold of 60 Senate votes in order to be confirmed.

Majority Leader MCCONNELL has made clear time and again that 60 votes is the standard for matters of controversy in this Senate. I will cite a few of the leader's more memorable quotes.

On December 2, 2007, Senator MCCONNELL said: ''I think we can stipulate once again for the umpteenth time that matters that have any level of controversy about it in the Senate will require 60 votes.''

On October 28, 2009, Senator MCCONNELL said: ''Well, it's fairly routine around the Senate that controversial matters require 60 votes.''

Then again, on July 17, 2007, Senator MCCONNELL said: ''Sixty votes in the Senate? As common as gambling in Casablanca.''

Sixty votes is a threshold that Supreme Court nominees have met for the past quarter century. If a Supreme Court nominee cannot garner 60 votes in the Senate, then the President should put forward a new nominee.

We are at a unique moment in history. The President has already fired an Attorney General and had his unconstitutional Executive actions blocked by many Federal courts. The President, in the first few weeks, has also launched unprecedented attacks on the integrity of the Federal judiciary. And now the Federal Bureau of Investigation has confirmed it is investigating Russian involvement in his election.

A new bombshell is revealed almost every day.

In this context, the Senate cannot simply rubberstamp a lifetime Supreme Court appointment for the President. Neil Gorsuch is the man Donald Trump urgently wants on the Supreme Court. That should give many Americans pause. It certainly gives pause to me.

I cannot support the nomination of Neil Gorsuch. I will vote no when his nomination comes before the Judiciary Committee next week, I will vote no on cloture, and I will oppose his nomination on the Senate floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, the most solemn and serious and consequential act that the United States can undertake at any moment is to make the decision to send Americans into war. From time to time, war may be an unfortunate decision but a necessary decision—a necessary and potentially tragic function of any republic. And it might be necessitated by the need to safeguard the rights and the freedoms of the government's own citizens from foreign states—from those who would harm us. Yet we should enter into those wars and enter into any alliances that could lead to war only after utmost deliberation and strategic consideration, focusing specifically on the well-being of the American citizens—those people whom we are sworn to protect, those people whose safety is at stake whenever we go to war.

That is why, for the past several months, I have asked that the Senate have a rollcall vote on the measure to ratify Montenegro's accession to the North Atlantic Treaty, and that is why I will be casting my vote against expanding NATO later today.

Of course, treaties and alliances with other countries can be beneficial; there is no question about that. But the Founders of this country understood that their seriousness needs also to be considered—that the seriousness of a treaty needs to be taken into account in the same way that you have to consider very carefully the seriousness of going to war, and for the very same reasons. That is why both of these powers—the power to make and ratify treaties and the power to declare and execute war—are given not to one single branch of the Federal Government, but rather they are shared by the legislative and executive branches acting together. In addition to this, treaty ratification requires not just a majority vote, but a two-thirds supermajority vote within the Senate.

The United States should enter into treaties and alliances with foreign nations that will enhance the ability of American citizens to exercise their rights and freedoms and to safeguard those same people. At the heart of the NATO alliance is the article 5 guarantee for collective defense, stating, in essence, that an attack against any one NATO ally will be perceived and responded to as an attack against all. This means that the United States is obligated by treaty to make war because of an attack on an ally, and those allies are obligated to us for the same purpose and to the same extent. This, of course, is a very significant agreement. It is one that we should never take lightly. It is never one that we should just assume into existence any time we have a decision to make.

Simply put, I don't see how the accession of Montenegro—a country with a population smaller than most congressional districts and a military smaller than the police force of the District of Columbia—is beneficial enough that we should share an agreement for collective defense. Montenegro becoming a member of NATO is certainly attractive to European countries because it makes the United States the security guarantor of yet another country in a region prone to instability and ethnic unrest, but that doesn't automatically make it of interest to the American people. It doesn't automatically mean that the benefits outweigh any risks to the American people by bringing this country into NATO.

On the other hand, I believe the risks could outweigh the benefits to the detriment of the American people and result in more of our servicemembers being deployed overseas and at risk. The resolution of ratification on which the Senate is voting states that ''an attack against Montenegro, or its destabilization arising from external subversion, would threaten the security of Europe and jeopardize United States national security interests.''

This makes NATO responsible not only for external security but for combating destabilization in a historically volatile part of the world. Undertaking obligations like this only increases the likelihood of Americans being placed in harm's way, of our brave young service men and women having to go into a potential field of battle.

Further, expanding NATO does not address some of the systemic problems that U.S. administrations from both sides of the aisle have long pressed to their European counterparts: the failure of many NATO countries to meet decades-old defense spending obligations and the increasingly concerning behavior of some NATO members.

For example, several weeks ago it was announced that American military personnel are now being used in northern Syria for the purpose of preventing infighting between one of our NATO allies—Turkey—and our Kurdish allies in the coalition against ISIS. This was followed in short order by a diplomatic crisis between Turkey and the Netherlands—both NATO allies—in which the Turkish President accused the Dutch Government of fascism. European Commission President Jean-Claude Juncker in February rejected calls from the Trump administration, which were similar to pleas from the Obama administration, for European countries to increase their own defense spending in fulfillment of their existing obligations through NATO.

Addressing such issues is much more vital to the future of NATO and American interests in Europe than further rounds of expansion.

Finally, some of my colleagues have argued that we should move forward with Montenegro's accession into NATO because the Russians oppose it, just as the Russians have opposed all previous rounds of expansion. This is not the basis for a sound foreign policy. While the United States should not let another country have a veto over our national security decisions, it would be equally unwise for the United States simply to engage in certain actions just because geopolitical adversaries might oppose them. Such reactionary statecraft contradicts the ideals of prudence and practicality that our Founders hoped would guide our foreign policy.

On a more practical level, it still doesn't mean that we should just be willing to put our Armed Forces in a position where our brave young men and women might have to go into harm's way as a result of the fact that a geopolitical adversary takes the opposite viewpoint.

Further, elected officials should not have their patriotism or loyalty to country questioned because of their understandable concerns about national security, treaty obligations, and war. There are many thoughtful leaders and policy experts who have legitimate concerns—both, about Russia's behavior and about the direction of NATO—and who support meaningful pressure against Russia through economic and diplomatic means, as well as the modernization of our strategic deterrent and missile defense systems.

This vote, of course, is likely to pass and Montenegro will become the newest member of NATO this year. It is my sincere hope that the country will be a constructive force in addressing the operational and mission problems that I have described and that the Trump administration will press for needed reforms. But I also hope that American diplomatic leaders and Congress will work to identify and act on the security interests most relevant to the American people and think more strategically about our alliances and treaty partners in the future.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor today to talk about the importance of the Senate's vote to ratify the accession of Montenegro into the North Atlantic Treaty Organization, or NATO. I am confident we will see an overwhelming, bipartisan majority of our colleagues here in the Senate support Montenegro's effort to join NATO. This is in Montenegro's interest, it is in Europe's interest, and it is in the national security interest of the United States.

NATO is the most successful security alliance in history, and it is essential to the stability, freedom, and prosperity that Europe enjoys and that the United States has enjoyed, and, really, to that stability that has existed since after World War II. NATO has provided the security and stability for the freedoms we enjoy and the prosperity. Montenegro's accession to NATO will help the alliance become more resilient, and it will deter Russian aggression on Europe's eastern flank, which is why the alliance invited Montenegro to become its 29th member last year.

I agree that Montenegro is a small country, but it is geopolitically important. Its membership in NATO will complete the alliance's control of the Adriatic coastline, and that will strengthen NATO's southern border.

Since its independence from Serbia 10 years ago, Montenegro has pursued inclusion in Euro-Atlantic institutions, and it has been a good partner to NATO. For example, Montenegro has contributed ably to the mission in Afghanistan, which is the only time article 5 of NATO has been invoked. It was after the attacks of 9/11 on the United States, and our response was to go into Afghanistan. Montenegro joined us, along with our other NATO allies in this effort. Montenegro also imposed sanctions on Russia for its aggression in Ukraine.

Montenegro's accession to NATO is also critically important for the wider Balkan region, which faces increasing Russian influence and interference. After all, remember that the two major wars of the last century, World Wars I and II, started in the Balkans. We need to do everything we can to maintain stability there. This is one of the things that I believe Montenegro's accession to NATO will help us do. We saw the increasing Russian influence and the increasing effort to destabilize the Balkans last year in Montenegro's fall elections.

Since those elections, Montenegrin authorities have arrested several people in connection with a coup attempt and a plot to assassinate Montenegro's Prime Minister. There is indisputable evidence that ties both violent plots back to Russia, which was trying to eliminate a high-profile supporter of Montenegro's accession to NATO and install, instead, a pro-Kremlin political party there. Montenegrin police are still working with international authorities to locate the suspected Russian masterminds of these efforts.

But when the bipartisan codel from the Senate and House, led by Senators MCCAIN and WHITEHOUSE, went to the Munich Security Conference in February, we had a chance to meet with Montenegro's Prime Minister Djukanovic. He told us in very vivid detail about the efforts to assassinate him and about Russia's efforts to install instead a pro-Russian government. Do we really think that Mr. Putin, who desires nothing more than to weaken the NATO alliance, would work so hard to disrupt Montenegro's inclusion in NATO if he didn't think it would strengthen the alliance?

Approving Montenegro's accession to NATO would signal support for Montenegro's independence and sovereignty and for their continued efforts to move towards the West and away from Russia. It would also demonstrate our solidarity with countries like Montenegro that Vladimir Putin is trying to bully, especially in light of our own recent experience with Russian meddling in our Presidential election. Now is a critically important time to send Russia the message that we will not tolerate this behavior. Last fall, a bipartisan group of diplomats, national security experts, and former administration officials sent a letter to Congress urging quick action on Montenegro's accession.

Earlier this month, Secretary of State Rex Tillerson wrote a letter to Senator MCCONNELL and Senator SCHUMER detailing the reasons Montenegro's accession to NATO is in our interest and urging that we schedule a prompt floor vote on the accession. Virtually all NATO members have already formally blessed Montenegro's inclusion in the alliance. So it is just the United States that hasn't taken this important step forward.

The case for the Senate to support Montenegro's NATO accession is overwhelming. That is why it is so frustrating that it has taken so long. With Senator JOHNSON, I cochaired the Foreign Relations Committee hearing on this subject back in September of last year. In December and again in January, the Foreign Relations Committee approved Montenegro's accession protocol, and efforts were made to secure the necessary agreement for the full Senate to do the same. These efforts have been blocked by just a few Senators, despite the overwhelming bipartisan support for approval.

I am glad that Montenegro's accession is finally getting the vote in the Senate that it deserves. The United States has long stood for freedom and democracy in Europe, and I urge my Senate colleagues to stand strong for freedom and democracy now by voting to approve Montenegro's accession to NATO.

I yield the floor.

The PRESIDING OFFICER (Mr. CRUZ). The Senator from South Dakota.

NOMINATION OF NEIL GORSUCH

Mr. THUNE. Mr. President, last week the Senate Judiciary Committee held hearings on Judge Neil Gorsuch's nomination to the Supreme Court. Everything we heard from this nominee confirmed what has been clear from the beginning: Judge Gorsuch is the kind of judge all of us should want on the Nation's highest Court.

Judge Gorsuch obviously has a distinguished resume. He graduated with honors from Harvard Law School and went on to receive a doctorate in legal philosophy from Oxford University, where he was a Marshall scholar.

He clerked for two Supreme Court Justices—Byron White and Anthony Kennedy—and he worked in both private practice and at the Justice Department before being nominated to the Tenth Circuit Court of Appeals, where he has served with distinction for 10 years.

He is widely regarded as a brilliant and thoughtful jurist and a gifted writer whose opinions are known for their clarity. Most importantly, however, Judge Gorsuch understands the proper role of a judge, and that role is to interpret the law, not make the law; to judge, not legislate; to call balls and strikes, not to rewrite the rules of the game.

It is great to have strong opinions. It is great to have sympathy for causes or organizations. It is great to have plans for fixing society's problems, but none of those things has any business influencing your ruling when you sit on the bench. Your job as a judge is to apply

the law as it is written—and here is the fundamental thing—even when you disagree with it.

''A judge who likes every outcome he reaches is very likely a bad judge,'' Judge Gorsuch said more than once. Why? Because a judge who likes every outcome he reaches is likely making decisions based on something other than the law. That is a problem. Equal justice under the law, equal protection under the law—these principles become meaningless when judges step outside of their role and start changing the meaning of the law to suit their feelings about a case or their personal opinions.

Judge Gorsuch's nomination has attracted support from both sides of the political spectrum. I think the main reason for that is because both liberals and conservatives know they can trust Judge Gorsuch to rule based on the plain text of the law, irrespective of his personal opinions. Here is what Neal Katyal, an Acting Solicitor General for President Obama, had to say about Judge Gorsuch:

I have no doubt that if confirmed, Judge Gorsuch will help to restore confidence in the rule of law. His years on the bench reveal a commitment to judicial independence—a record that should give the American people confidence that he will not compromise principle to favor the President who appointed him.

The Colorado Springs Gazette recently highlighted a letter signed by 96 prominent Colorado lawyers and judges and sent to the senior Senator from Colorado. Here is what those individuals had to say about Judge Gorsuch:

We hold a diverse set of political views as Republicans, Democrats, and Independents. Many of us have been critical of actions taken by President Trump. Nonetheless, we all agree that Judge Gorsuch is exceptionally well qualified to join the Supreme Court. We know Judge Gorsuch to be a person of utmost character. He is fair, decent, and honest, both as a judge and a person. His record shows that he believes strongly in the independence of the judiciary.

A former law partner and friend of Judge Gorsuch—a friend who describes himself as ''a longtime supporter of Democratic candidates and progressive causes''—had this to say about the judge:

Gorsuch's approach to resolving legal problems as a lawyer and a judge embodies a reverence for our country's values and legal system. The facts developed in a case matter to him; the legal rules established by legislatures and through precedent deserve deep respect; and the importance of treating litigants, counsel and colleagues with civility is deeply engrained in him. . . .

I have no doubt that I will disagree with some decisions that Gorsuch might render as a Supreme Court Justice. Yet, my hope is to have Justices on the bench such as Gorsuch . . . who approach cases with fairness and intellectual rigor, and who care about precedent and the limits of their roles as judges.

Again, that is from a self-described ''longtime supporter of Democratic candidates and progressive causes.''

During his years on the bench, Judge Gorsuch has had a number of law clerks. On February 14, every one of Judge Gorsuch's former clerks, except for two currently clerking at the Supreme Court, sent a letter on his nomination to the chairman and ranking member of the Senate Judiciary Committee. Here is what they had to say:

Our political views span the spectrum . . . but we are united in our view that Judge Gorsuch is an extraordinary judge. . . . Throughout his career, Judge Gorsuch has devoted himself to the rule of law. He believes firmly that the role of the judge in our democracy is to apply the laws made by the political branches—that is, to adhere to our Constitution and statutes our elected representatives have enacted, and not to confuse those things with a judge's own policy preferences.

As law clerks who have worked at his side, we know that Judge Gorsuch never resolves a case by the light of his personal view of what the law should be. Nor does he ever bend the law to reach a particular result he desires.

For Judge Gorsuch, a judge's task is not to usurp the legislature's role; it is to find and apply the law as written. That conviction, rooted in his respect for the separation of powers, makes him an exemplary candidate to serve on the nation's highest court.

That is the unanimous opinion of 39 of Judge Gorsuch's former law clerks, whose political views in their own words ''span the spectrum.'' Unfortunately, no amount of testimony in favor of Judge Gorsuch will ever be enough for some Senate Democrats.

The Senate minority leader took to the floor last week to announce a determination to oppose Judge Gorsuch's nomination. He also announced his determination to push for a filibuster of Judge Gorsuch's nomination. The minority leader's reasons? Well, for starters, the minority leader apparently doesn't trust that Judge Gorsuch will use the bench to implement the leader's preferred policies. He disagrees with some of Judge Gorsuch's decisions, and he apparently considers that sufficient grounds to bar Judge Gorsuch from the Supreme Court. The minority leader demonstrated little interest in whether Judge Gorsuch's legal interpretations were correct. For the minority leader, judging is about getting one's preferred outcome, irrespective of what the law actually says.

The minority leader also mentioned another reason for opposing Judge Gorsuch: He doesn't trust the judge to be independent or impartial, even though liberals and conservatives alike have praised Judge Gorsuch's independence and impartiality as two of his defining characteristics.

The minority leader also made the laughable claim that Judge Gorsuch is somehow out of the judicial mainstream. Well, let me quote what the Wall Street Journal said on this subject. In February, the Journal wrote:

Judge Gorsuch has written some 800 opinions since joining the Tenth Circuit Court of Appeals in 2006. Only 1.75 percent (14 opinions) [out of 800] drew dissent from his colleagues. That makes 98 percent of his opinions unanimous even on a circuit where seven of the 12 active judges were appointed by Democratic Presidents and five by Republicans.

Let me repeat that last line: ''That makes 98 percent of his opinions unanimous even on a circuit where seven of the 12 active judges were appointed by Democratic Presidents and five by Republicans.''

Well, I wonder if the minority leader intended to suggest that the entire Tenth Circuit is composed of extremist judges or that all of the judges on the Tenth Circuit lacked impartiality or independence, because, logically speaking, if you are going to suggest that Judge Gorsuch is an extremist, then you would have to argue that his colleagues who agreed with his opinions 98 percent of the time are extremists too.

The truth is, Democrat opposition to Judge Gorsuch has zero to do with whether Judge Gorsuch meets the qualifications of a Supreme Court Justice. It is obvious that the judge has all the qualifications one could want in a Justice. Democrats are opposing Judge Gorsuch because they are mad. They are mad that their party didn't win the Presidential election, they are mad that their party doesn't have control of Congress, and they are mad that they are having to consider a judge nominated by a Republican President. It doesn't matter how qualified Judge Gorsuch is, how impartial he is, how independent he is, some Democrats are just going to oppose him anyway.

This isn't the first time Judge Gorsuch has been before this body. Back in 2006, the Senate considered Judge Gorsuch's nomination to the Tenth Circuit. At that time, the judge's nomination sailed through the Senate. Both of his home State Senators—one a Republican and one a Democrat—supported his nomination, and he was confirmed by unanimous vote. Then-Senator Obama could have objected to the nomination, but he didn't. The current minority leader, who was serving in the Senate at that time, could have objected to the nomination, but he didn't. Senators Biden or Clinton could have objected to the nomination, but they didn't. Why? Presumably because they saw what almost everybody sees today: that Judge Gorsuch is exactly the kind of judge we want on the bench—supremely qualified, thoughtful, fair, and impartial. It is incredibly disappointing that some Democrats are now planning to oppose this eminently qualified Supreme Court nominee simply because they can't deal with losing an election.

The Senate has a 230-year tradition of approving Supreme Court nominees by a simple majority vote. There has never been a successful partisan filibuster of a Supreme Court nominee in 230 years, and the only ones who have ever attempted one are the Democrats. Well, some Democrats may follow the minority leader in opposing Judge Gorsuch. I am hopeful that others will listen to the many voices, liberal and conservative, speaking out in support of his nomination.

There is no good reason to oppose Judge Gorsuch, and there is every reason to support him. It is time to confirm the supremely qualified judge to the Supreme Court.

Mr. President, I yield the floor.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. Expressions of approval will not be permitted by the gallery.

The Senator from Minnesota.

BROADBAND CONSUMER PRIVACY

Mr. FRANKEN. Mr. President, I rise today to talk about the effort by my Republican colleagues to gut critical consumer privacy protections. Last week, the Senate voted 50 to 48 to allow internet service providers such as Comcast, Verizon, and AT&T to freely collect, share, and sell its customers' private information. Later today, the House will vote on the same measure.

Let's be clear what we are talking about here. From web browsing histories to app usage information, broadband providers have easy access to a whole lot of Americans' personal information. Comcast knows exactly what ails you when you visit WebMD's Symptom Checker or that you have recently experienced a major life event when you are browsing maternity clothes on target.com. They would like the ability to use or sell this information to target advertising toward you, and they would really like to use or sell this information without first having to ask your permission.

Now, for me, the interests of consumers in Minnesota, Texas, and across our country have always come before those of big corporations. That is why I have long championed an internet that is open, accessible, and protects Americans' fundamental rights to privacy. For most Americans, I don't think those are controversial ideas.

For example, I suggest that most if not all of us in the Senate believe in the importance of ensuring that Americans have access to affordable high-speed internet. It is one of those great issues on which Members on both sides of the aisle can agree. See, we all know that Americans' cable and broadband bills are too high. The Consumer Federation of America recently reported that the average American household spends about $2,700 a year for phone, TV, and Internet services. That is why it is so disappointing that instead of acting to make broadband more affordable and more accessible for Americans, my Republican colleagues have actually paved the way for multibillion-dollar companies to make even more money off of their consumers by monetizing some of the most intimate details of their lives. Make no mistake about it, this is purely and simply a corporate handout at the expense of Americans' privacy.

When the FCC voted to pass the broadband privacy rules, the broadband industry was quick to oppose and oppose loudly. In recent months, internet service providers have used their vast resources to lobby the FCC and my fellow lawmakers. If House Republicans heed their call, as my colleagues in the Senate have done, companies like Comcast, Verizon, and AT&T will be free to sell their customers' personal information to the highest bidder, and importantly, they will do so without the oversight or regulation of either the Federal Communications Commission or the Federal Trade Commission.

For my part, I have long held that Americans have a fundamental right to privacy. We deserve both transparency and accountability from companies that have the capacity to trade on their private information. Should some people choose to leave their personal information in the hands of those companies, they certainly deserve to know that their information is being safeguarded to the greatest degree possible. I am going to keep fighting on behalf of consumers in Minnesota and across the country to secure these rights because I work for them and not the broadband industry.

Thank you, Mr. President.

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

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

THE NUCLEAR OPTION

Mr. CORKER. Mr. President, we find ourselves at an interesting point. Let me start by saying what a tremendous privilege it is to serve in this body. Every single day that I come to the building from where I live, I express that to myself—what a tremendous privilege it is for all of us to serve in this body, denoted by many as the greatest deliberative body in the world. Certainly, we find ourselves here in a place where we can effect so many things that not only affect our citizens but citizens across the world. What a privilege that is.

The Presiding Officer and I have had numerous conversations in the past. I spent a life in business before coming to the Senate, and I know the Presiding Officer did a lot of unique things as well. At the age of 25, I was fortunate enough to build a business, starting with a small amount of money. It ended up operating all around the country. One of the things we did after every project—I built shopping centers around the country—is that we would get together and analyze the things we had done well and the things we had done not so well in an effort to become better. At the end of each year, we would sit down and look at our company, which was growing very rapidly, and try to analyze those things. Sometimes we would have setbacks, but generally speaking, the company continued to operate on an upward trend.

What I find here is just the opposite. I have been here now a decade, and what we do is just the opposite of that. What we do is we continue a downward trend because the way the two parties operate with each other is when it gets to a point where there is something very critical that has to happen, the other side says, well, if they were in power, this is what they would do, so let's go ahead and do this ourselves. So what we have in the Senate, at least since I have been here in the last decade, is instead of an escalating situation where we continue to operate better and deal with these things in a more balanced way, what we do is we are on this continual downward trend.

One of our younger Members mentioned the other day as we were discussing this—and I thought it was a great point—that what has happened in the Senate is that neither party has had the ability to withstand the pressure that is brought to them by their base in either party.

I have seen that play out right now. What happens is their base puts pressure on, and we end up breaking the traditions of the Senate. We did it legislatively with the cloture vote being the scored vote by outside groups. So that is where we find ourselves.

What is happening in our own caucus—I just realized over the weekend—is that we are now trying to figure out whom to blame. I heard a discussion last Wednesday that was totally divorced from reality as far as how we had gotten where we are today. I realized that we are getting ready to do some things here that will change the Senate dramatically. What is really happening is that both sides are trying to make sure history records that it was the other side that caused this to happen.

We are now starting to see editorials in various publications—some that we Republicans read and some that Democrats read—to try to set the story straight. I about came out of my chair last Wednesday with regard to one of the explanations as to how we got where we are today. My guess is, today at lunch on the other side of the aisle, the same thing will be taking place. Obviously, on our side, it is the other side. On their side, it is our side.

Let me go back to 2013. We had a breakdown taking place. President Obama was bringing forth some nominations, and it was right after he was elected for a second term. We went through the summer of 2013 with some of his nominees not getting cloture votes. I was called, as were a few other Senators, to make what we would call some tough votes. These were nominees whom we did not support. Cloture had again become the vote that people were scoring, but I and JOHN MCCAIN and LAMAR ALEXANDER and a few others were asked to make some votes that, candidly, were not very pleasant to keep us from getting to a place at which Senator Reid would impose the nuclear option.

We made it through the summer, and we went into the fall. We had just confirmed a new circuit court judge for the

DC Circuit, which is just below the Supreme Court relative to importance for lots of reasons. So we had a 4-to-4 balance on this circuit court. Senator Reid brought forth three more nominees, and they were not bad nominees. I think most people thought they were actually pretty decent nominees. But we did not want the balance of the DC Circuit to change; it was at 4-to-4.

We know that a lot of administrative rulings that are relative to the administration take place in the DC court, so we made the argument that there were already enough judges there and that they did not have a very good case. It was the same argument, by the way, that Democrats made back in 2006 when Bush was also trying to make some nominations. We do the same to each other. So we ended up filibustering those three nominees.

What we thought was going to take place was a negotiation on how many judges would actually go when all of a sudden Senator Reid, out of the blue, with some of his Members not realizing what had happened, did the nuclear option. He ruled and called upon the person sitting in the Chair and the Parliamentarian. All of a sudden, we destroyed what had been the case of it taking 60 votes to move beyond to an actual vote on the nominee. I was livid.

Somebody said the other day that that was fine and that we had just gotten to where we had wanted to be. Are you kidding me? We were livid. We were livid that on some circuit court nominees, Senator Reid had pulled the nuclear option.

I will tell you this: There were days—not days, months—where people who had normally worked with people on the other side of the aisle just kind of shut down. It was hard to believe the nuclear option had been invoked.

Last Wednesday, somebody acted like it was no big deal, that it had just gotten us back to where we had always been. The fact is that we have not used filibusters much—years ago. The fact is that we are using them a lot today. Look, this was a big deal.

Now we find ourselves in a situation in which we are getting ready to take the last step, if you will, on nominations. Let's face it: We have a nominee in this judge who is on the floor who is really beyond reproach.

I realize my friends on the other side of the aisle have pressures. I have talked to some of them, and I respect them. I understand that their base is saying that because of what we did last year. Remember, it had been an hour since the great Justice passed away, and we had already declared we were not going to allow another Justice to be confirmed until after the Presidential race. It was a pretty audacious move, let's face it, and obviously it created some hard feelings on the other side of the aisle after the election was determined.

Within their base, many of them are saying they are going to invoke the filibuster here. Our leadership is saying: If that happens, then we ourselves have to invoke the nuclear option on the Supreme Court Justice.

We understand where this is going. I do not know what has been said on the floor other than during the hearings, but let's face it: One side is reacting to their base, to their pressure. They are having ads run against them if they are even considering voting to move beyond the cloture vote to an actual vote on the nominee. On our side, obviously, we are in a situation in which, if that happens, then our leader is going to call the nuclear option.

By the way, everybody says: Oh, we are never going to do it on legislation. Come on. Let me go back to that for a minute.

Back in 2010, the Democrats passed a healthcare bill with 60 votes. Then there was an election, and it took them down below 60 votes. They just needed to fix a little element on the healthcare bill with a reconciliation bill, and the Republicans went crazy over that. How many times have we talked about their passing this healthcare bill with reconciliation? It has been going on for 7 years. Now we are in the driver's seat. We have the majority. We are writing an entire bill through reconciliation because we understand the power of being able to do something with 51 votes. I understand. So what we do is we just keep upping the ante with each other. Are you kidding me?

If we continue on the path we are on right now, the very next time there is a legislative proposal that one side of the aisle feels is so important, they cannot let their base down, the pressure builds, then we are going to invoke the nuclear option on a legislative piece. That is what will happen. Somebody will do it. Somebody will say that if they were in control, they would do it. That is the way trust has gotten around here. So we ought to do it because this is our opportunity to really change history.

Look, I hope that before we move to the place that we all know we are going—I do not think anybody here would deny that pressures have built. Let's face it. If we do not have respect for the institution we serve and for ourselves, no one else will. Who will? These people know what we are getting ready to do to this place. For us to act like if we do it here, there is no way we would ever do it on a legislative piece—let me tell you this: Two years ago, after Senator Reid did what he did—a friend of mine and somebody I worked very closely with, I think most people know it took me a while to get back to normal with him. Two years ago, there would not have been a single Republican in our caucus who would have even considered voting for the nuclear option. As a matter of fact, we had discussions about changing it back. Then the election occurred, and we decided not to do that.

What it looks like to me is that there is a whole host of Republican Senators who are willing to do that today. Everyone knows that on the other side of the aisle—maybe everyone; I don't know. Yet to say that we will never get to the point at which we will not change a legislative piece—give me a break. Somebody is not living in reality, because we each continue to take the other down.

Again, I do not really care how history writes it; I am going to tell you how I am going to write it. Neither side of the aisle has had the maturity or the willingness to stand up to the pressures and cause this institution to operate in the way it should—neither side of the aisle. As for anybody who tries to say that one side of the aisle is worse than the other, come on. It takes two of us to take the institution to the place at which we are getting ready to take it next week. That is my history. I have been here 10 years. I have watched it. Neither side of the aisle has clean hands. We have one side. They have a decision to make. Are they really going to filibuster this judge? Let's face it. If you go back and look at the principles of the Gang of 14 that were put in place back in the 2000s, when both sides came together and said: We are not going to do the nuclear option as long as a judge meets these criteria—this judge meets that criteria. It is clear. By the way, I am not criticizing; I am just observing.

We both have pressures. We know that if a filibuster takes place—and you will know that immediately; of course, it would be after a few filibuster votes just to show that it cannot happen—the leader on this side is going to invoke the nuclear option. You all know that. I do not know if people are saying that it could happen, but of course that is what is going to happen. And then the very next time another big legislative issue comes up, the same thing is going to happen unless we have the ability to sit down and talk about this. I would love to do it out on the floor. Typically, we do not do those kinds of things because things get out of control when we talk about things honestly here on the floor, but I would like for us to do that. I would love for us to have maybe a 4-hour discussion about what we are getting ready to do here in the Senate. To me, that would be a healthy thing.

I think all of these staffers who work up here, whom we respect, know exactly what is getting ready to happen here in the Senate.

I think we owe this to people who are getting ready to run for the Senate or maybe to people who are thinking about running for reelection. We should go ahead and have this discussion so that they will know whether they are running for a 6-year House term—a 6-year House term because we do not have the maturity, because we do not trust each other, because we are on this constantly deescalating deal and our leaders do not talk to each other and fight and all of those kinds of things happen, because we are getting ready to take this institution to a

place that I do not think many of us are going to be proud of. But, again, for the people who are thinking about running for the Senate, let's go ahead and clear it. Let's have a discussion about this legislative issue so that people will know, if they are seeking election to the U.S. Senate, that they are, in essence, going to sign up, possibly, for a 6-year House term.

I am at a place in my Senate life where I have tremendous respect for the people with whom I have served. Every day I come here, I look at the things I have the ability to affect as one Senator. I look at that with such honor, to be able to be in a body that debates these kinds of things and affects people in the way we do. What an honor it is to be here. I am here with no malice.

I am here, though, at a time when I see what is getting ready to happen without a lot of discussion, and I hope that somehow or another, we will have the ability to avoid what I see as something that is very, very detrimental to the Senate and, in the process, very detrimental to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Mr. President, I understand there is a time agreement on the recess before lunch.

I ask unanimous consent that I be allowed to finish and complete my remarks.

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

NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, I wanted to come to the floor again to express my strong support for a very mainstream, well-qualified nominee for the Supreme Court, Judge Neil Gorsuch.

Last week, this country got to watch the Senate Judiciary Committee carry out days of hearings that questioned and probed Judge Gorsuch's legal approach, that questioned his temperament to the bench, his suitability to be on our Nation's High Court. I believe every member of the Senate Judiciary Committee had at least an hour to question Judge Gorsuch, to provide lengthy opening statements, to have an extended period of time to have a back-and-forth with Judge Gorsuch in order to go over his judicial philosophy—his approach—that he would take with him from the Tenth Circuit Court to the Nation's High Court.

A number of interest groups and personal witnesses were talking about whether or not they believe Judge Gorsuch is qualified for the bench, and some were highly favorable and spoke very highly of him, and others opposed his confirmation. That is what is great about this country—to be able to come before our Congress, our government, and to testify for or against somebody who will be in that third important branch of government, the judicial branch. It is incredibly inspiring to watch this process unfold. There were student groups around the country, classes and teachers, who were watching the confirmation hearing as a project, as an educational experience, as a lesson in civics, democracy, and government.

I mentioned, of course, that Judge Gorsuch is a judge on the Tenth Circuit Court today. He is a fourth generation Coloradan. He was confirmed to that position in 2006, 11 years ago, unanimously. He was confirmed to the Tenth Circuit Court 11 years ago unanimously. Based on some of the comments we have heard opposing Judge Gorsuch, it is hard to believe that anybody would have supported him unanimously 11 years ago—based on the things we have heard from the other side of the aisle about him. Judge Gorsuch was confirmed unanimously by 12 current Democratic Senators who did not oppose his confirmation 11 years ago and who serve in this body today.

Twelve Democratic Senators serve in this Chamber today who agreed with his confirmation or didn't oppose his confirmation 11 years ago. In fact, not a single Democrat opposed his nomination—not a single one, and his nomination was unanimous—not Minority Leader SCHUMER, not Senator LEAHY, not Senator FEINSTEIN, not Senator DURBIN, not Senator CANTWELL, not Senator CARPER, not Senator MENENDEZ, not Senator MURRAY, not Senator NELSON, not Senator Reid, not Senator STABENOW, and not Senator WYDEN. Judge Gorsuch's nomination also was not opposed by then-Senator Barack Obama. It was not opposed by then-Senator Joe Biden, and it was not opposed by then-Senator Hillary Clinton.

This level of support for the other party's nomination is almost unheard of in today's political climate. But now, these very same colleagues are vowing to break 230 years of Senate tradition, to dispense with 230 years of precedent, and to join a partisan filibuster of a nominee who has the right judicial temperament and holds mainstream views that are supported by the Constitution.

Throughout the confirmation hearing process, we heard Judge Gorsuch talk about the over 2,000 opinions that he was a part of—2,700 decisions that he was a part of—and I believe he testified before the committee that he joined in the majority in 97 percent of those opinions. That is somebody who sounds to me like the person who could have received the unanimous support of the Senate—who did receive the unanimous support of the Senate, including colleagues who serve with us today.

But, unfortunately, across the aisle, we still haven't heard a reason articulated—a compelling rationale—for why this supremely qualified nominee should be opposed. Sometimes they will reference a letter from a law student at the University of Colorado, or perhaps they will find one case out of the 2,700 cases that tugs at the heartstrings but not at the law and try to hang their hat on that decision as to why they should oppose Judge Gorsuch. To use a baseball analogy, it is a little bit like a batting average. You would think that a professional baseball player that had a 400 batting average was a pretty doggone good baseball player, but that would mean they missed the ball a heck of a lot much of the time. It seems to me the argument they are making with Judge Gorsuch is that unless he had a perfect batting average and never missed a single pitch and had a hit every single time—that is the standard, apparently, that our colleagues are looking for. It is a standard that no one has ever met in this country before.

We are looking for mainstream judges with the right temperament and the right philosophy, and that is what Judge Gorsuch has proven time and again in the Tenth Circuit Court—that temperament that we need on the highest Court.

Our colleagues on the other side of the aisle should abandon their threats of a filibuster and allow an up-or-down vote to occur for Judge Gorsuch. It is what Senate tradition and precedent requires.

Today, though, I thought it important to talk about Judge Gorsuch's exceptionally strong record on religious liberty. Judge Gorsuch is perhaps widely known for his participation in the Tenth Circuit's Hobby Lobby case, a decision which involved the protections afforded by the Religious Freedom and Restoration Act and which was ultimately affirmed by the Supreme Court. In his concurrence, Judge Gorsuch made a number of telling pronouncements regarding religious liberty. Regarding the case, he wrote that the law in question requires the owners of Hobby Lobby to ''violate their religious faith by forcing them to lend an impermissible degree of assistance to conduct their religion teaches to be gravely wrong.''

Let me say that again. In Hobby Lobby, Judge Gorsuch wrote that the law requires the owners of Hobby Lobby to ''violate their religious faith by forcing them to lend an impermissible degree of assistance to conduct their religion teaches to be gravely wrong.''

In determining which religious beliefs are entitled to protection, Judge Gorsuch said it doesn't matter if the beliefs are contestable or even offensive. It only matters if they are sincerely held—if they are sincerely held.

He went on to stress that ''it is not the place of courts of law to question the correctness or the consistency of tenets of religious faith, only to protect the exercise of faith.''

It is these same constitutional principles of religious liberty that Judge Gorsuch has also used to protect religious minorities and prison inmates.

In Yellowbear v. Lampert, Judge Gorsuch ruled that a Native American prisoner was entitled to the use of a prison sweat lodge under Federal law.

Judge Gorsuch went on to stress that while prisoners give up many liberties, the freedom to sincerely express their religion is not one of them. His reasoning was later adopted by the Supreme Court to extend similar religious liberty protections to a Muslim prisoner. Judge Sotomayor even quoted the opinion of Judge Gorsuch in her concurrence in that case.

From his opinions, it is clear that Judge Gorsuch is a mainstream nominee who understands the importance of putting personal beliefs aside and applying the law as written. This is why George Washington University Law School professor Jonathan Turley argued that Judge Gorsuch shouldn't be penalized for his past opinions. As he said, ''the jurisprudence reflect, not surprisingly, a jurist who crafts his decisions very close to the text of a statute and, in my view, that is no vice for a federal judge.''

It is for the reasons I have cited today and for the reasons we have seen over the past week that I am certain Judge Gorsuch will make Colorado proud and that his decisions will have a positive impact on the Supreme Court and this country for generations to come.

I look forward to working with my distinguished colleagues on both sides of the aisle to expeditiously confirm his nomination and to make sure that we uphold the best traditions and the precedent of this Senate.

Mr. President, thank you.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

PROTOCOL TO THE NORTH ATLANTIC TREATY OF 1949 ON THE ACCESSION OF MONTENEGRO—Continued

The PRESIDING OFFICER. The Senator from Arizona.

(The remarks of Mr. FLAKE pertaining to the introduction of S. 745 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FLAKE. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

RUSSIA

Mr. SASSE. Mr. President, I rise to comment briefly on Russian interference in the electoral processes in this country and across the West and governments of many of Russia's own neighbors.

We are in the middle of a civilization warfare crisis of public trust in this country. This isn't about the last 2 months. This isn't just about the last Presidential election. This is fundamentally about the last few decades of declining public trust in a broad range of our institutions: the press, political parties, executive branch agencies, the Congress, and beyond.

Russia is not unaware of our own distrust of each other. Russia is not unaware of our own increasing self-doubt about our shared values. Russia is today very self-consciously working to further erode confidence in our self-government by pulling at the threads of our public and civic life. Moscow's influence campaigns don't start by creating wholly new problems out of thin air, but rather by exploiting fissures that already exist in our civilization. The simplest way for Russia to try to weaken us is by trying to exploit the places where we are already weak, the places where we are already distrustful, and the places where we are failing to pass along a shared understanding of American values to the next generation.

The sad state of modern politics and the explosion of digital media are proving to be ripe targets for many of our own internal doubts and our own discord. We—all of us, Republicans and Democrats, the legislature and the executive branch—are ill-prepared for the challenges that are already on our doorstep, let alone what comes next with the acceleration of these kinds of technologies.

Today in the Wall Street Journal, we in this body were rebuked—rightly rebuked, I think, and rebuked in a bipartisan way by former Congressman MIKE ROGERS. Chairman ROGERS, a Republican, served as the Chairman of the House Intelligence Committee from 2011 through 2015. I am going to read his op-ed rebuke into the RECORD today, but I would humbly ask that all 100 Members of this body calmly and self-critically consider carefully Chairman ROGERS' argument, for his argument is not fundamentally against Republicans alone. It is not against Democrats alone. He is offering double-barreled criticism of all of us in the Congress—criticism of both parties. Why of both parties? Because Russia's influence campaign is a really big deal. Are we Republicans listening? Also, because our response to Russia's influence campaign is not primarily about who you supported last November in the Presidential election.

Listening to the Democrats, it is sometimes hard to understand if that side of the aisle remembers that basic fact about what Russia's influence campaign was up to. Russia's goals in our most recent election were not initially about one candidate versus another candidate. We need to underscore this. There are particulars that those of us who spend time reading classified intelligence know we can't discuss in this unclassified setting. But the big, broad point is simple and needs to be shouted, and that is that Putin's fundamental goals are about undermining NATO. Putin's fundamental goals are about making us doubt our own values: freedom of speech, freedom of religion, freedom of the press, freedom of assembly, the right of protest or redress of grievances.

The Kremlin isn't attempting an influence campaign to make Americans believe that the sky is green or the grass is blue. He is trying to undertake an influence campaign to make us doubt our own First Amendment values. The Kremlin wants us to believe that our society is as corrupt as the thugocracy that Putin and his cronies are trying to advance. That isn't true, but if you listen to us in this body, we regularly do very little to restore the kind of public trust that Putin is actively working to undermine.

So I ask that each Member of this body would humbly and carefully consider Chairman ROGERS' rebuke to the Congress this morning. This is from the Wall Street Journal, Chairman ROGERS; headline: ''America is Ill-Prepared to Counter Russia's Information Warfare.''

When historians look back at the 2016 election, they will likely determine that it represented one of the most successful information operation campaigns ever conducted. A foreign power, through the targeted application of cyber tools to influence America's electoral process, was able to cast doubt on the election's legitimacy, engender doubts about the victor's fitness for office, tarnish the outcome of the vote, and frustrate the new President's agenda.

Historians will also see a feckless Congress—both Democrats and Republicans—that focused on playing partisan ''gotcha'' and fundamentally failed in its duty to gather information, hold officials accountable, and ultimately serve our country's interests.

Whether or not the Trump campaign or its staff were complicit in Moscow's meddling is missing the broader point: Russia's intervention has affected how Americans now view the peaceful transition of power from one president to the next. About this we should not be surprised. Far from it.

Propaganda is perhaps the second- or third-oldest profession. Using information as a tool to affect outcomes is as old as politics. Propaganda was familiar to the ancient Greeks and Romans, the Byzantines, and the Han Dynasty. Each generation applies the technology of the day in trying to influence an adversary's people.

What's new today is the reach of social media, the anonymity of the internet, and the speed in which falsehoods and fabrications can propagate. Twitter averaged 319 million monthly users in the fourth quarter of 2016. Instagram had 600 million accounts at the end of last year. Facebook's monthly active users total 1.86 billion—a quarter of the global population. Yet each of these staggering figures doesn't fully capture the internet's reach.

In February, Russia's minister of defense, Sergey Shoigu, announced a realignment in its cyber and digital assets. ''We have information troops who are much more effective and stronger than the former 'counter-propaganda' section,'' Mr. Shoigu said, according

to the BBC. Russia, more than any other country, recognizes the value of information as a weapon. Moscow deployed it with deadly effect in Estonia, in Georgia and most recently in Ukraine, introducing doubt into the minds of locals, spreading lies about their politicians, and obfuscating Russia's true intentions.

A report last year by RAND Corporation, ''The Russian 'Firehose of Falsehood' Propaganda Model,'' noted that cyber propaganda is practically a career path in Russia now. A former paid troll told Radio Free Europe that teams were on duty around the clock in 12-hour shifts and he was [personally] required to post at least 135 comments of not fewer than 200 characters each.

In effect, Moscow has developed a high-volume, multichannel propaganda machine aimed at advancing its foreign and security policy. Along with the traditional propaganda tools—favoring friendly outlets and sponsoring ideological journals—this represents an incredibly powerful [new] tool.

Now [let's] extrapolate that one step further: Apply botnets, artificial intelligence and other next-generation technology. The result will be automated propaganda, rapid spamming and more. We shouldn't be surprised to see [more] of this in the future.

Imagine [if you will] an American Senator who vocally advocates a new strategic-forces treaty with European allies.

Pausing from the article for a minute—it is interesting to note that is the debate we are actually having in the Senate today. We are talking about expanding NATO to include Montenegro.

Picking back up:

Moscow, feeling threatened, launches a directed information campaign to undermine the senator. His emails are breached and published, disclosing personal details and family disputes, alongside draft policy papers without context. Social media is spammed with seemingly legitimate comments opposing the senator's policy position. The senator's phone lines are flooded with robocalls. Fake news articles are pushed out on Russian-controlled media suggesting that the Senator has probably broken campaign-finance laws.

Can you imagine the disruption to American society? The confusion in the legislative process? The erosion of trust in democracy? Unfortunately, this is the reality the U.S. faces [next], and without a concerted effort it will get [much] worse.

Congress is too focused on the trees to see the frightening forest. Rather than engaging in sharp-edged partisanship, lawmakers should be investigating Russian propaganda operations and information warfare. They should be figuring out how to reduce the influence of foreign trolls, and teaching Americans about Moscow's capabilities. This would go a long way [toward saving] the republic.

That is the end of the op-ed. Again, this was Chairman Mike Rogers, who led the House Intelligence Committee from 2011 to 2015, writing an op-ed in the Wall Street Journal this morning.

Here is what he is really saying. What he is saying is that America has a future in foreign policy and national security and global security that is going to have a lot more propaganda, and a body like this—the Congress generally, but the Senate in particular—has an obligation to help make sure the American people understand Moscow's capabilities and their intentions.

Their intentions are to make us doubt our values. Their intentions are to make us doubt our investment in NATO, the most successful military alliance of last 2,000 years. Their intentions are to exploit the ways that we already distrust each other in ways that should be Republican versus Democratic policy, fighting about particular forms of government intervention and the economy, for instance, but that are subordinate to fundamental American beliefs about who we are as a people and the things that we believe together before we are Republicans and Democrats.

But if you listen to this body right now, would you have much confidence that the American people hear people who come together and believe things that are prepolitical and prepartisan first? Do we have shared American values that we know how to trumpet? Do we have ways to celebrate the things that fundamentally make us Americans well before we are Republicans or Democrats?

I worry that if you watch cable news any given night right now, you would not, as an American citizen, have that as a takeaway. Instead, you would hear Americans saying—American public listeners and viewers to those radio shows and cable shows thinking that the great divide in the world is between Republicans and Democrats. That is actually not true.

By voting record, I am the third most conservative guy around here out of 100, so I care deeply about Republican versus Democratic answers to most of the policy fights we have. But those things are radically subordinate to the things we believe in common about the dignity of people who are created with rights. The government doesn't give us rights. God gives us rights by nature, and we come together as a government to secure those rights. The rights of free speech, press, assembly, and religion are fundamentally American things well before we get to any of our policy bickering.

Yet, if the Americans listen to us in the Congress most days or most weeks or most months, I bet their takeaway is that Republican versus Democrat is the great divide, and we shouldn't trust anybody across that aisle.

Well, guess what. That is exactly what Putin is trying to do. His fundamental objective is to make Americans doubt our own values and to doubt our own civilization so that we fight with each other first, instead of agreeing as Americans first then fighting about a bunch of important policy things—but first agreeing who we are as Americans.

The future that we face is a future where there is going to be a lot more propaganda that tries to exploit our internal divisions to begin with. It makes it all the more critical that a body like this exists to help 320 million Americans with a lot of diversity and a lot of disagreement about really important things. They ought to trust that an institution like this exists to restore some sense of those shared values and exists to restore some of that shared trust. Right now that is not usually what they take away from us in the Congress. So I call on the 100 Members of this Senate to consider carefully Chairman Rogers' rebuke of us this morning in the Wall Street Journal.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HOEVEN). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I am on the floor to speak in favor of the pending business before the Senate—to allow for Montenegro to join NATO as a new member. I have been a proponent of this move for a long time, having spent time in Montenegro and having chaired for a period of time the Europe and Regional Security Cooperation Subcommittee of the Foreign Relations Committee, now serving Senator JOHNSON as his ranking member.

I am convinced that NATO will be stronger if Montenegro joins. I am convinced that our alliance will be stronger if Montenegro joins. It is a small country with a very small military, but it occupies an incredibly important space on the world map. It is the only part of the Adriatic coast that breaks up the current NATO map, and it will provide a strengthening of our alliance in that region.

Montenegro is ready. It has made significant progress on internal reform, especially in the area of the rule of law and security sector reform. The Ministry of Defense has met all of the requirements for NATO membership. It is moving to modernize its military. It is moving to try to operationalize itself in a way that it can interact with both U.S. and European equipment. It is replacing its aircraft that previously had required Russian spare parts so that they are more compatible with European and American air equipment. There is still work that Montenegro needs to do, but now it can continue under the umbrella of the alliance.

I am very happy that we are taking an important step here to signal that NATO's open-door policy is still in practice. I think there was some doubt, frankly, and some concern, after years and years of Montenegro's desire to join amidst the interest from Georgia and prior to the crisis in Ukraine, that some of these transatlantic institutions were closing down. This is a sign that NATO is not only viable but is still open to those countries that want to join, that want to find additional safety and security under our umbrella. I am glad we are going to have a bipartisan vote here in favor of Montenegro's joining NATO.

I want to make a broader point about our future policy in the Balkans. It was

not that long ago that it was a precondition, if you were a Member of Congress, to be an expert on the Balkans. The United States was at war in the Balkans, as were Russia and our European allies. It was the hottest spot on the globe. Thanks to U.S. military might as well as diplomatic might, the Dayton Peace Accords brought peace and relative economic prosperity to a region of the globe that has been, frankly, at the center of almost every major conflict in and around Europe over the greater part of the last 100 years. It is a moment to celebrate this period of political and security stability in the Balkans and to remember that we should not take it for granted. There are still festering ethnic and nationalist tensions that play out every day in the Balkans. We see them in small ways.

When I was there, a drone with a map of greater Albania dropped down into the middle of a football match between the Serbian national team and the Albanian national team, which was a deliberate attempt to inflame the Serbians. It seemed like a small thing, but it resulted in the cancelation of a historic meeting between the Prime Minister of Albania and the Prime Minister of Serbia.

Just recently, we have seen some breakdown in the progress Serbia and Kosovo had been making to try to resolve their differences, resulting ultimately, we hope—we believe—in the recognition of Kosovo's statehood by the Serbian Government, which is a reminder that bringing Montenegro into NATO is important for the alliance's sake, but it is also an important step in continuing to make investments in security in the Balkans.

It is important for a second reason in that there is another player out there that is desperately trying to make the Balkans less stable, and that is Russia. For a very long time, Russia has had legitimate interests in the Balkans. They have relations with the people of the Balkan nations, as well as with those governments, but today they have an interest in trying to destabilize that region, to create a crisis for Europe, to create a crisis for NATO.

As we all know, Russia fills vacuums of power better than almost any other player out there. Whether or not we like it, as Members of the Senate, there is an enormous vacuum in the world right now that is created by the withdrawal of America. Without a robust State Department, without coherent U.S. foreign policy, we are just not players in the world today like we were a year ago. Example A may be the Balkan region.

The Balkans require attention because there are these simmering potential conflicts, and the United States has been a force for good but in ways that most Americans probably do not even know. It required the constant attention from Vice President Biden, Secretary of State Kerry, and Assistant Secretary of State Victoria Nuland to make sure that the Balkans—in particular, the western Balkans—continued their move toward Europe and rejected offers from Russia for a different kind of alignment. Weekly big and small interventions allowed the Balkan nations to feel comfort in a future with Europe and with the United States. That intervention, that attention, has, frankly, just disappeared, and the Russians have filled that vacuum.

There was a coup attempt in Montenegro. You do not see a lot of coup attempts these days in countries in and around Europe, but there was an attempt to storm the Parliament—an attempt that has been connected to Russian nationals. Those Russian nationals, according to Montenegro, have connections directly with the Russian Government. That has not been confirmed yet, but it is incredibly disturbing to know that Russian nationals were behind an attempted military coup inside Montenegro.

We have seen a much tighter joining of the leaders of the Republika Srpska and Russian interests and operatives in a move toward a referendum for independence in the Republika Srpska, which is a component of Bosnia and Herzegovina. It looks suspiciously like the kind of independence referendums that have threatened to take place in parts of Ukraine and Luhansk and Donetsk.

There are reports that the same players who are trying to fund and operationalize independent referendums in Ukraine are also at work inside Serbia—players with connections back to the Kremlin.

There are reports of a massive increase in Russian media presence in the Balkans—more offers from Russian TV stations and radio stations to provide free content to cash-strapped Balkan media outlets.

There are over 100 different nonprofit organizations in Serbia alone, according to one report, that have financial connections back in and through Russia.

Russia is filling this vacuum in the Balkans. It is trying to win friends and trying to create an instability that ultimately would land at the doorstep of NATO, at the doorstep of Europe, and at the doorstep of the United States. They are filling that vacuum because we do not have a presence there today.

Secretary Tillerson has no meaningful experience in the Balkans. He has no Deputy and he has no Assistant Secretary for the Balkans. When you pair that next to a proposal that Secretary Tillerson endorses cutting his budget by 40 percent, you will make America relatively feckless in that region because it is those funds that the administration is seeking to cut that are often our linkages to influence.

In Belgrade, our Ambassador has made enormous progress with a small amount of money for exchange programs. You look at people in powerful positions in Serbia today, and many of them are close to the United States because they have participated in State Department exchange programs. They have spent time here in the United States getting to know our country, maybe getting educated here, and they have gone back to Serbia to be part of the government in order to represent Serbian interests but with a connection to the United States and to the West that is important. Those exchange programs are basically eviscerated by a 40-percent cut. They will not exist any longer. It is a very small program, but it has not only gotten us important results in the Balkans, it has contributed to our ability to argue for stability and to argue for the calming of tensions because it gets doors opened for the United States.

Without anybody being on call for the State Department in the Balkans, without any funding in order to try to promote stability and economic connections between those countries, we cede ground to Russia every single day. Russia sees vacuums, and they fill them, and we have created them. We have created a vacuum globally, but we have created a specific vacuum in the Balkans. It is filled in part by this movement to join Montenegro with NATO.

I do appreciate the fact that Secretary Tillerson, I believe, and Secretary Mattis have both recommended to this body that we take up this matter. I think that was important, and I applaud them for standing against the recommendations of the Russian Government and for the accession of Montenegro into NATO, but it is not enough.

I wanted to come to this floor—and I see my great friend and colleague from Ohio, who is ready to speak—to make the case as to why this is so important and to make the case that as Russia tries to view Montenegro as an opportunity to establish a Kaliningrad on the Mediterranean, we can prevent its happening with this vote and with the vote of our European allies to join Montenegro with NATO, but it is not enough. We have to remember that stability in the Balkans is nothing to be taken for granted. The next global crisis may come from a small act of tension between neighbors that spins out of control, in part because the United States is not paying attention and because Russian intervention in the region, which is bigger and broader now than ever before, has an interest not in stability but actually ultimately in instability.

I thank Leader MCCONNELL for bringing this before the body. This is a chance for us to join together in supporting Montenegro as it joins NATO. Hopefully, there will be more opportunities for us to work together to make sure that this administration, to make sure that our country has a comprehensive policy to continue to build on the NATO peace accords and double down on the work we do to promote long-term stability and prosperity in the Balkan region.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, first I want to thank my colleague for coming to the floor today to speak about Montenegro and the importance of its accession into NATO, as well as for his focus on the Balkans and for his comment that right now the people of the Balkans and, for that matter, the people in Ukraine and other countries in eastern Southern Europe are feeling a lot of pressure. I applaud him for working on a bipartisan basis over the last couple of years to help us push back against some of the disinformation and propaganda that is primarily being promoted by Russia.

In each of these countries—and I know my colleague Senator MURPHY has visited these countries—the first issue I hear about when I go on a trip to Latvia, where I went recently, and certainly Ukraine and even Poland is concern about this sort of unrelenting campaign of disinformation, as we call it; maybe the other term would be ''propaganda.'' We do need to stand up and be counted. The new department of global engagement at the State Department is beginning to do that. I know Senator MURPHY has had some meetings recently—and I have, too—where they are starting to get their feet on the ground and being able to allow people to be able to see the objective truth; in other words, to sort of separate narratives from reality, to be able to ensure that we don't have an undermining of these great democracies—these fledgling democracies, many of them.

So we are talking today, as my colleague from Nebraska did earlier, about the meddling in our own election here and the effect it is having on the level of trust in this country, and this is true not just here but in other democracies. I appreciate Senator MURPHY standing up and being counted on that issue and then today specifically being able to help Montenegro to have the opportunity to develop its own institutions. As I said, it is not perfect, but they have made progress, they have made reforms, and they have followed the directions many of us have given them to enable them to be responsible members of NATO. So I thank Senator MURPHY for being here today and talking about that.

READ ALOUD MONTH

Mr. President, I am actually speaking out today about another issue, which is one that is a little closer to home, and that is about the importance of reading to our kids. It turns out that this month of March has been designated as Read Aloud Month, and this group called Read Aloud is doing fantastic work around the country. They actually started in my hometown of Cincinnati, OH, so I am a little biased about them, but what they are doing is incredibly important. It is about education, it is about the economy, and more importantly, it is about the lives of young people around the country and the ability to achieve their dreams. It is about child literacy.

Here is the information. Elementary schools and libraries are talking about this more and more back home. If you read to your kids when they are young, they will have a much better chance of succeeding in life. According to a study that dates back to 1995—kind of a famous study—by the time a child born into poverty reaches age 3, he or she has heard 30 million fewer words than his or her peers. Let me repeat that. A kid who is born into poverty is going to hear 30 million fewer words by the time he or she is 3 years old. Why does that matter? Why does this word gap, as they call it, matter? Well, it matters because it turns out these verbal skills, like other skills, develop as they are used, and if they are not used, they don't develop. So a lot of kids who already have the challenge of growing up in poverty are also burdened with the disadvantage of not developing these verbal skills. That makes it harder for them to get good grades, harder for them to develop social skills, and harder for them to get a good job and ultimately to be able to live out their dreams.

I know Washington, DC, may be the only place on Earth where 30 million sounds like a small number, but it is a big number. It makes a huge difference. This word gap leads to an achievement gap later in life based on all the studies. Experts tell us that a child's vocabulary is reflective of his or her parents' vocabulary. It makes sense. Kids learn what they see and what they hear.

There is a 2003 study by Elizabeth Martin and Tom Risley studying word gaps which found that by age 3, before even reaching school age, children's ''trends in the amount of talk, vocabulary growth, and style of interaction were well established and clearly suggest widening gaps to come.'' So having poor reading skills makes it harder to make a living, it affects self-esteem, and it makes life more difficult in so many small ways. Think about this: unable to read a manual when you buy something, unable to read a list of ingredients, unable to read a newspaper to understand what is going on, to be online.

Millions of our friends and neighbors are struggling with these consequences every day. According to the Department of Education, about 32 million adults in this country can't read. Think about that. That is a group nearly 3 times the size of the State of Ohio and maybe 25 to 30 times the size of the Presiding Officer's State—32 million. Too many of these adults, of course, started off life with the disadvantage of this word gap, and they never caught up.

That is why this Read Aloud Month is so critical. Parents and other caretakers need to know they can steer their child in a better direction—develop vocabulary skills and end the word gap just by reading aloud to them.

Developing these skills, according to experts, affects the biology of the brain. Dr. Tzipi Horowitz-Kraus of Cincinnati Children's Hospital—a great institution in my hometown and one of the top three children's hospitals in the country, based on U.S. News and World Report. Anyway, he is an expert on this topic, and this is what he said: ''The more you read to your child, the more you help the neurons in the brain to grow and connect.'' So it is physiological.

Dr. Kim Noble, a brain scientist at Columbia University, has found that this word gap actually translates into a brain-sized gap in the areas dealing with language.

Dr. Dana Suskind of the University of Chicago has found that more than 80 percent of a child's brain development occurs by age 3—80 percent—and the effects of the word gap are detected in brain development in babies as young as 9 months old. These aren't children; these are babies. Doctor Suskind says that by reading aloud, every parent has the ability to grow their child's brain.

So certainly before a child can read, before a child can even speak, it is important to be speaking to that child. Think about that. Think about the impact you can have. So get out a book and do some reading to a child, a grandchild, someone who is in the neighborhood, one of your kids. Do it tonight.

Sometimes when I talk about this, people say: Well, ROB, parenting is pretty tough. Everybody is busy. Some people are working two shifts. Both parents are working. Where do you make time for this? Here is my answer to that: Fifteen minutes a day. That is the goal here. Fifteen minutes a day makes a huge difference to be able to close that gap.

Others say: We can't afford it. How do you afford to buy these books if you are going to read all the time? To me, that is pretty simple. Buy a library card. They are free, usually. If not, they are cheap. You don't need a lot of new books, but you do need a library card, and that is very helpful. They helped Jane and me to be able to have books to read to our kids.

Again, I am very proud Ohio has led on this issue. In 2008, this group Read Aloud was started in Cincinnati, OH. It has now become a national movement. It has more than 10,000 grassroots partners—including daycare facilities, schools and libraries, and rotary clubs—in all 50 States.

So what can you do to help? I would say that this issue is not going to be found here in this body. It is not about Washington, DC, doing anything except encouraging people to do what makes sense, which is to spend time with your kid, to ensure that if you have a kid in school, that you know that kid gets the right start in life, to ensure that everybody has the ability to have a successful life.

Senator HARRIS and I introduced a resolution about this recently in the U.S. Senate. It is called the Read Aloud Month resolution. It encourages parents and caregivers to read to their kids for 15 minutes a day. We are asking our colleagues on both sides of the aisle, Republican and Democratic, to sign off on that resolution. That would help raise the visibility of this issue.

Again, I hope everybody listening today takes the opportunity to follow up, to read to a kid, to help ensure they can close that words gap in their lives and therefore have a better chance of getting better grades, getting a better job, and achieving whatever their dream is in life.

Mr. President, 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. JOHNSON. 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. JOHNSON. Mr. President, as chairman of the Subcommittee on Europe and Regional Security Cooperation, I rise today to support Montenegro's accession to the North Atlantic Treaty Organization, also known as NATO.

NATO is a defensive alliance founded in 1949 to provide collective security against the threat posed by the Soviet Union. Although the world had hoped that the threat had subsided with the collapse of the Soviet Union, under the rule of Vladimir Putin, Russia has become an ever-growing menace to its neighbors and to world peace and security. As a result, NATO remains as relevant today as it was in the year of its founding.

As Defense Secretary GEN James Mattis stated in his January confirmation hearing, ''If we did not have NATO today, we would need to create it.''

NATO has evoked article 5 of its charter—which states that an attack against one member shall be considered an attack against all—only once in its history, in response to the 9/11 attacks against America. Since then, our NATO allies have sent their sons and daughters to fight and die alongside our own in the generational war against radical Islamist terrorism.

The accession of Montenegro to NATO is important for a number of reasons. Montenegro has shown that it is committed to NATO and to making the internal reforms required to remain a member in good standing. Because of that commitment, Montenegro's membership in NATO will enhance stability in Europe.

Finally, Russia's alleged support of an attempted coup in Montenegro must not be rewarded by NATO turning its back on a country that exhibits such courage in resisting Russia's persistent aggression.

Just a few days ago, I met with Montenegro's Foreign Minister and the Ambassador to the United States. They expressed their sincere gratitude that the Senate will be voting this week on their accession and that Montenegro would be one step closer to aligning itself with the freedom-loving nations of NATO.

Montenegro is a small country, but it has already demonstrated its commitment to the international community in implementing internal reforms. Montenegro has sent members of its military to Afghanistan in support of the International Security Assistance Force and as a member of the coalition to counter ISIS.

In the years leading up to its formal invitation to join the alliance, Montenegro has partnered with NATO members to make a wide range of changes to strengthen its military, its intelligence operations, and its rule of law. While it currently falls short of the goals stated in the 2014 NATO Wales Summit to spend 2 percent of its GDP on defense, Montenegro has committed to meeting this target by 2024.

Expanding NATO to include nations that desire to join the alliance and commit to meeting membership requirements contributes to a strong and stable Europe. It wasn't all that long ago that the Balkans region was unstable and war-torn, but because Slovenia, Croatia, and Albania have joined NATO, the Balkans is a far more stable region. Montenegro's accession will further enhance the stability of the Balkans and greater Europe.

Finally, I support Montenegro and NATO because it sends a clear message to Moscow that it cannot deter NATO from expanding the alliance and it cannot bully countries to prevent them from joining. Russia has warned Montenegro that it will face consequences if it continues to pursue NATO membership. As Russia continues its destabilizing actions throughout Eastern Europe and the world, it is imperative that we send an unwavering message of strength and resolve by approving Montenegro's accession to NATO.

In an era defined by polarization, Montenegro's accession to NATO has been thoroughly bipartisan. I thank my ranking members on the European subcommittee, Senator MURPHY for the current Congress and Senator SHAHEEN during the 114th Congress, for their strong support on this issue. I also thank Chairman CORKER and Ranking Member CARDIN for their continued efforts to move this legislation forward, Senator MCCAIN for being an outspoken supporter of Montenegro's accession, and Leader MCCONNELL for his willingness to bring the protocol on the accession of Montenegro to the Senate floor.

It is time for the United States to approve Montenegro's accession to NATO. The Senate Foreign Relations Committee has twice unanimously approved this measure, and Secretary of State Tillerson has communicated this administration's full support for Senate passage.

I urge my colleagues to vote in favor of Montenegro's accession and hope President Trump will soon sign the protocol on the accession of Montenegro.

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

The PRESIDING OFFICER (Mr. STRANGE). Without objection, it is so ordered.

NOMINATION OF NEIL GORSUCH

Mr. ALEXANDER. Mr. President, redundancy is often a virtue, so I am about to practice redundancy.

Last week, I made a speech on the floor of the Senate about the upcoming votes in connection with the President's nomination of Neil Gorsuch to be Associate Justice of the Supreme Court of the United States, and I talked about the 230-year history of this body to always have Presidential nominations for judges—for Supreme Court Justices, for Federal district judges, and for circuit judges up to 2003 by a majority vote. Never in the history of this body has the Senate refused to allow a vote, an up-or-down vote on a Supreme Court Justice.

Because I hear that may be what the Democrats are planning to do—even though Mr. Gorsuch may be one of the most remarkably talented nominees in a long, long time—I want to make the address that I made last week again, and I am going to deliver it word for word in hopes that someone may actually hear it.

President Trump's nomination of Judge Neil Gorsuch to be a member of the U.S. Supreme Court will be considered on the floor of the Senate next week. Some have suggested that instead of allowing a majority of Senators to decide whether to approve the Gorsuch nomination, there should first be a so-called cloture vote to determine whether to cut off debate.

Now, you can see what would happen. Cutting off debate requires the approval of 60 Senators. There are 46 Democratic Senators, so if 41 of the 46 Democrat Senators vote not to cut off debate, we would never get to a vote on Judge Gorsuch. We would never get to a vote. In other words, the 41 Democratic Senators would have filibustered to death the Gorsuch nomination to the Supreme Court of the United States, a partisan act that has never happened before in the 230 years of the Senate.

Filibustering to death the Gorsuch nomination or any Presidential nomination, for that matter, flies in the face of 230 years of Senate tradition.

Throughout the Senate's history, approval of even the most controversial Presidential nominations have required only a majority vote. For example, in 1991, President George H.W. Bush nominated Clarence Thomas to be Associate Justice of the U.S. Supreme

Court. The debate was bitter. The vote was narrow. The Senate confirmed Justice Thomas 52 to 48.

Although Senate rules have allowed any one Senator to try to filibuster the nomination to death, to insist on a 60-vote vote, not one did. In fact, Senate rules have always allowed Senators the option to filibuster to death a Presidential nomination, yet it has almost never happened.

According to the former Senate historian, with one possible exception, which I will describe later, the number of Supreme Court Justices in our country's history who have been denied their seats by filibuster is zero. The number of the President's Cabinet members in our country's history who have been denied their seats by a filibuster is zero. The number of Federal district judges in our country's history who have been denied their seats by a filibuster is zero. I know that for a fact because an attempt was made to filibuster one—Judge McConnell from Rhode Island—and I voted against that, as did other Republican Senators, because we thought it was wrong to break the Senate's 230-year tradition of always considering judges by majority vote, and we prevailed.

We could have done it, but we didn't do it. That is the point.

Next week, the Democrats can filibuster Judge Gorsuch to death, but they shouldn't do it. They shouldn't do it.

Until 2003, the number of circuit judges in our country's history who have been denied their seats by filibuster was zero.

Senator Everett Dirksen did not filibuster President Lyndon Johnson's nominees. Senator Robert Byrd did not filibuster President Reagan's nominees. Senator Howard Baker did not filibuster President Carter's nominees. Senator Bob Dole did not filibuster President Clinton's nominees.

During most of the 20th century, when one party controlled the White House and the Senate 70 percent of the time, the minority never filibustered to death a single Presidential nomination.

On the other hand, there have been plenty of filibusters on legislation—so many that in 1917, the Senate adopted the so-called cloture rule as a way to end filibusters. The idea is, after you talk enough, you should bring it to an end, so they had a supermajority for that purpose. The rule was amended in 1949, 1959, 1975, 1979, and 1986—always in response to filibusters on legislation, never on nominations. It was the 1975 change that established the current cloture standard of 60 votes to end debate, except on amendments to the Standing Rules.

Filibustering a Presidential nomination has always been treated differently than filibustering a legislative matter. The filibuster of legislation is perhaps the Senate's most famous characteristic. It has been called ''democracy's finest show, the right to talk your head off.''

As the actor Jimmy Stewart says in the movie ''Mr. Smith Goes to Washington'': ''Wild horses aren't going to drag me off this floor until those people have heard everything I've got to say, even if it takes all winter.'' That was Jimmy Stewart talking about his filibuster.

The late Robert Byrd described the importance of a legislative filibuster in this way in his last speech to the Senate: ''Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and protection of minority rights. Senators have understood this since the Senate first convened.''

In fact, the whole idea of the Senate is not to have a majority rule on legislation. Throughout Senate history, the purpose of the legislative filibuster has been to force consensus on issues, to force there to be a group of Senators on either side who have to respect one another's views so they work together and produce 60 votes on important matters. We did that last December in a piece of legislation that the majority leader called the most important legislation of the Congress, the 21st Century Cures Act. There were enormous differences of opinion about it, but because Senator MURRAY, the ranking Democrat and I, and the Democrats and Republicans in the Senate and in the House, and President Obama and Vice President Biden all wanted a result, we formed a consensus. We resolved our differences, and we agreed on this most important piece of legislation that will help virtually every American family by advancing cures for cancer, Alzheimer's, diabetes, and a variety of diseases.

Nominations have always been treated differently from legislation. For example, under Senate rule XIV, any Senator can bring legislation directly to the Calendar of General Orders, bypassing committees. There is no such power for nominations. There is no rule XIV for nominations. Senate rules allow debate and, therefore, the possibility of filibuster on a motion to proceed to legislation. Debate is not allowed on a motion to proceed to nominations. So there can't be a filibuster on a motion to proceed to a nomination. In summary, while Senate rules have always allowed for extended debate or filibusters, the filibuster was never used to block a nomination until recently.

As I mentioned earlier, it was never used to block a Cabinet nomination, never used to block a Federal district judge, until 2003, never used to block a Federal circuit judge, and never used to block a Supreme Court Justice, with one possible exception. The exception occurred in 1968 when President Lyndon Johnson sought to elevate Associate Justice Abe Fortas to be Chief Justice. There was bipartisan opposition to that idea. When it became clear that the Senate majority would not agree, President Johnson engineered a 45–43 cloture vote so that Fortas could save face and appear to have won something, according to the former Senate Historian. Fortas then asked the President to withdraw the nomination.

Other than that, never has a Supreme Court nominee been filibustered to death in the Senate. Other than the Fortas nomination, the filibuster was never used to block any judicial nomination until 2003 and 2004, when Democrats for the first time decided to use the 60-vote cloture requirement to block 10 of President George W. Bush's nominees. I had just arrived in the Senate. I remember it well. I was really outraged by it because, as for the nominees, it was the right of the President to name them and the right of the Senate to reject them. But throughout history it was always by 51 votes. This unprecedented action by the Senate Democrats produced a threat by Republicans to change the Senate rules to make it clear that only a majority is required to approve a Presidential nomination. There was a negotiation, and eventually five of Bush's nominees were approved, five were blocked, and the rules weren't changed.

Then in 2011 and 2013, Republicans returned the favor. That happens around here—a precedent set by that side then becomes a precedent that this side, then, undertakes. In 2011 and 2013, the Republicans returned the favor by seeking to block five of President Obama's nominees for the circuit court by insisting on a 60-vote cloture on each. Republicans alleged the President was trying to pack the Federal Circuit Court of the District of Columbia with three liberal justices. To overcome Republican objections, the Democrats invoked the so-called nuclear option. They broke the Senate rules to change the rules. The new rule eliminated the possibility of 60-vote cloture motions for all Presidential nominations except for the Supreme Court, which is where we are today.

There have been other examples of minority Senators filibustering nominations to death, all of them during the last three administrations and all involving sub-Cabinet nominations. Then, of course, there have been delays in considering nominations.

My own nomination in 1991 as U.S. Education Secretary was delayed for 51 days—I thought improperly—by a Democratic Senator. President Reagan's nomination of Ed Meese as Attorney General of the United States was delayed 1 year by a Democratic Senate. No one has ever disputed our right in the Senate, regardless of who was in charge, to use our constitutional duty of advice and consent to delay and examine and sometimes to cause nominations to be withdrawn or even to defeat nominees by a majority vote.

But, as we approach the vote next week on Neil Gorsuch on the floor of the Senate, it is useful to remember that the tradition of the Senate has been to treat legislative matters one way and Presidential nominations a different way: to filibuster to death

legislation, yes; to filibuster to death Presidential nominations, no.

Should the Gorsuch nomination come to the floor soon, as I believe it will, overwhelming Senate tradition requires that whether to approve it should be decided by a majority vote and there should be no attempt by the minority to filibuster the nomination, especially of such a qualified man.

I thank the Presiding Officer, and 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. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. COTTON. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, all postcloture time on Executive Calendar No. 1, the Montenegro treaty, be expired; that all pending amendments be withdrawn, the resolution of ratification be reported, and the Senate vote on the resolution of ratification with no intervening action or debate; and that if the resolution of ratification is agreed to, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments (No. 193 and 194) were withdrawn.

The PRESIDING OFFICER. The clerk will report the resolution of ratification.

The senior assistant legislative clerk read as follows:

Resolution of Advice and Consent to Ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, which was opened for signature at Brussels on May 19, 2016, and signed that day on behalf of the United States of America.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification.

Mr. COTTON. 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 assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Georgia (Mr. ISAKSON).

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

The yeas and nays resulted—yeas 97, nays 2, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—97

Alexander	Flake	Nelson
Baldwin	Franken	Perdue
Barrasso	Gardner	Peters
Bennet	Gillibrand	Portman
Blumenthal	Graham	Reed
Blunt	Grassley	Risch
Booker	Harris	Roberts
Boozman	Hassan	Rounds
Brown	Hatch	Rubio
Burr	Heinrich	Sanders
Cantwell	Heitkamp	Sasse
Capito	Heller	Schatz
Cardin	Hirono	Schumer
Carper	Hoeven	Scott
Casey	Inhofe	Shaheen
Cassidy	Johnson	Shelby
Cochran	Kaine	Stabenow
Collins	Kennedy	Strange
Coons	King	Sullivan
Corker	Klobuchar	Tester
Cornyn	Lankford	Thune
Cortez Masto	Leahy	Tillis
Cotton	Manchin	Toomey
Crapo	Markey	Udall
Cruz	McCain	Van Hollen
Daines	McCaskill	Warner
Donnelly	McConnell	Warren
Duckworth	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Moran	Wyden
Ernst	Murkowski	Young
Feinstein	Murphy	
Fischer	Murray	

NAYS—2

Lee	Paul

NOT VOTING—1

Isakson

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 2.

Two-thirds of the Senators voting, a quorum being present, having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification agreed to is as follows:

Resolved, (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO DECLARATIONS, AN UNDERSTANDING, AND CONDITIONS.

The Senate advises and consents to the ratification of the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, which was opened for signature at Brussels on May 19, 2016, and signed that day on behalf of the United States of America (the ''Protocol'') (Treaty Doc. 114–12), subject to the declarations of section 2 and the conditions of section 3.

SEC. 2. DECLARATIONS.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) REAFFIRMATION THAT UNITED STATES MEMBERSHIP IN NATO REMAINS A VITAL NATIONAL SECURITY INTEREST OF THE UNITED STATES.—The Senate declares that—

(A) for more than 60 years the North Atlantic Treaty Organization (NATO) has served as the preeminent organization to defend the countries in the North Atlantic area against all external threats;

(B) through common action, the established democracies of North America and Europe that were joined in NATO persevered and prevailed in the task of ensuring the survival of democratic government in Europe and North America throughout the Cold War;

(C) NATO enhances the security of the United States by embedding European states in a process of cooperative security planning and by ensuring an ongoing and direct leadership role for the United States in European security affairs;

(D) the responsibility and financial burden of defending the democracies of Europe and North America can be more equitably shared through an alliance in which specific obligations and force goals are met by its members;

(E) the security and prosperity of the United States is enhanced by NATO's collective defense against aggression that may threaten the security of NATO members; and

(F) United States membership in NATO remains a vital national security interest of the United States.

(2) STRATEGIC RATIONALE FOR NATO ENLARGEMENT.—The Senate finds that—

(A) the United States and its NATO allies face continued threats to their stability and territorial integrity;

(B) an attack against Montenegro, or its destabilization arising from external subversion, would threaten the stability of Europe and jeopardize United States national security interests;

(C) Montenegro, having established a democratic government and having demonstrated a willingness to meet the requirements of membership, including those necessary to contribute to the defense of all NATO members, is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area; and

(D) extending NATO membership to Montenegro will strengthen NATO, enhance stability in Southeast Europe, and advance the interests of the United States and its NATO allies.

(3) SUPPORT FOR NATO'S OPEN DOOR POLICY.—The policy of the United States is to support NATO's Open Door Policy that allows any European country to express its desire to join NATO and demonstrate its ability to meet the obligations of NATO membership.

(4) FUTURE CONSIDERATION OF CANDIDATES FOR MEMBERSHIP IN NATO.—

(A) SENATE FINDING.—The Senate finds that the United States will not support the accession to the North Atlantic Treaty of, or the invitation to begin accession talks with, any European state (other than Montenegro), unless—

(i) the President consults with the Senate consistent with Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties); and

(ii) the prospective NATO member can fulfill all of the obligations and responsibilities of membership, and the inclusion of such state in NATO would serve the overall political and strategic interests of NATO and the United States.

(B) REQUIREMENT FOR CONSENSUS AND RATIFICATION.—The Senate declares that no action or agreement other than a consensus decision by the full membership of NATO, approved by the national procedures of each NATO member, including, in the case of the United States, the requirements of Article II, section 2, clause 2 of the Constitution of the United States (relating to the advice and consent of the Senate to the making of treaties), will constitute a commitment to collective defense and consultations pursuant to Articles 4 and 5 of the North Atlantic Treaty.

(5) INFLUENCE OF NON-NATO MEMBERS ON NATO DECISIONS.—The Senate declares that any country that is not a member of NATO shall have no impact on decisions related to NATO enlargement.

(6) SUPPORT FOR 2014 WALES SUMMIT DEFENSE SPENDING BENCHMARK.—The Senate declares that all NATO members should continue to move towards the guideline outlined in the 2014 Wales Summit Declaration to spend a minimum of 2 percent of their Gross Domestic Product (GDP) on defense and 20 percent

of their defense budgets on major equipment, including research and development, by 2024.

(7) SUPPORT FOR MONTENEGRO'S DEMOCRATIC REFORM PROCESS.—Montenegro has made difficult reforms and taken steps to address corruption. The United States and other NATO member states should not consider this important process complete and should continue to urge additional reforms.

SEC. 3. CONDITIONS.

The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) PRESIDENTIAL CERTIFICATION.—Prior to the deposit of the instrument of ratification, the President shall certify to the Senate as follows:

(A) The inclusion of Montenegro in NATO will not have the effect of increasing the overall percentage share of the United States in the common budgets of NATO.

(B) The inclusion of Montenegro in NATO does not detract from the ability of the United States to meet or to fund its military requirements outside the North Atlantic area.

(2) ANNUAL REPORT ON NATO MEMBER DEFENSE SPENDING.—Not later than December 1 of each year during the 8-year period following the date of entry into force of the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro, the President shall submit to the appropriate congressional committees a report, which shall be submitted in an unclassified form, but may be accompanied by a classified annex, and which shall contain the following information:

(A) The amount each NATO member spent on its national defense in each of the previous 5 years.

(B) The percentage of GDP for each of the previous 5 years that each NATO member spent on its national defense.

(C) The percentage of national defense spending for each of the previous 5 years that each NATO member spent on major equipment, including research and development.

(D) Details on the actions a NATO member has taken in the most recent year reported to move closer towards the NATO guideline outlined in the 2014 Wales Summit Declaration to spend a minimum of 2 percent of its GDP on national defense and 20 percent of its national defense budget on major equipment, including research and development, if a NATO member is below either guideline for the most recent year reported.

SEC. 4. DEFINITIONS.

In this resolution:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) NATO MEMBERS.—The term ''NATO members'' means all countries that are parties to the North Atlantic Treaty.

(3) NON-NATO MEMBERS.—The term ''non-NATO members'' means all countries that are not parties to the North Atlantic Treaty.

(4) NORTH ATLANTIC AREA.—The term ''North Atlantic area'' means the area covered by Article 6 of the North Atlantic Treaty, as applied by the North Atlantic Council.

(5) NORTH ATLANTIC TREATY.—The term ''North Atlantic Treaty'' means the North Atlantic Treaty, signed at Washington April 4, 1949 (63 Stat. 2241; TIAS 1964), as amended.

(6) UNITED STATES INSTRUMENT OF RATIFICATION.—The term ''United States instrument of ratification'' means the instrument of ratification of the United States of the Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro.

The PRESIDING OFFICER. The Senator from North Carolina.

LEGISLATIVE SESSION

Mr. BURR. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. BURR. Mr. President, I ask unanimous consent that the Senate be in 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.

Mr. BURR. Mr. President, 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.

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

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

NOMINATION OF NEIL GORSUCH

Ms. HIRONO. Mr. President, during last week's hearing on Donald Trump's nominee to the Supreme Court, Neil Gorsuch, I raised serious concerns about what is at stake for the future of our country. It is a mistake to think that the confirmation process for a lifetime appointment to our Nation's highest Court is only about the nominee. It isn't.

The real focus and the real heart of this decision lies in the struggles that working families, women, people of color, the differently abled, the LGBTQ community, immigrants, students, seniors, and our Native people face every single day. These are the everyday Americans who will be impacted by the decisions Justice Gorsuch would make. These are the people who would have been hurt by Donald Trump and the Congressional Republicans in their failed attempt to repeal the Affordable Care Act.

Donald Trump and the Republicans in Congress fought for a plan that would callously throw Americans by the tens of millions out in the cold without health insurance and would make the lives and health of millions more precarious. It was only through the voices of Americans who were loud and steadfast in confronting TrumpCare that TrumpCare failed. These are the people for whom the need for justice is often most urgent. An understanding of these people, their lives, and how they would be impacted by the Court is what I found to be missing from Judge Gorsuch's view of the law. It is these same voices I am listening to now.

Judge Gorsuch should have been more open with the Judiciary Committee about how he would approach the difficult and important cases that come before the Supreme Court. But time and again, Judge Gorsuch avoided answering questions, telling us his judicial philosophy and his view of the law were irrelevant to our consideration of his nomination.

The well-funded campaign to put Judge Gorsuch on the Supreme Court fueled by millions of dollars of money from unnamed donors has attempted to create a narrative about Judge Gorsuch and the stakes of this nomination. This is a narrative woven with Ivy League credentials and endorsements but not revealing at all about Judge Gorsuch's judicial philosophy—the heart he would bring to his view of the law.

During the hearing, many of my Republican colleagues echoed the view that credentials are enough and that our real questions about Judge Gorsuch's record and philosophy are somehow irrelevant or even inappropriate. Certainly, Judge Gorsuch did his part, telling us time and again in his words, his views, his writings, and his clearly expressed personal views that these writings had no relevance to what he would do as a judge. I disagree.

In my view, there is a great deal of difference between how Judge Gorsuch, as Justice Gorsuch, would approach the kinds of tough cases that reach the Supreme Court and how, say, a Justice Merrick Garland would approach these cases.

We know that Justice Scalia and Justice Ginsburg, both legendary jurists and close friends, would reach dramatically different results in cases that matter deeply in the lives of millions—cases like Shelby County, like Lilly Ledbetter, like Hobby Lobby, like Roe v. Wade. Justice Scalia and Justice Ginsburg differ in how they view important cases that came before them. That is why a Justice's judicial philosophy is important in our considerations.

Donald Trump knew this, too, when he set forth his clear litmus test for his Supreme Court pick. To paraphrase the President, he wanted a Justice who would adhere to a broad view of the Second Amendment, who believes corporations are entitled to ''religious freedom'' at the expense of the rights of their employees, and who would overturn Roe v. Wade, to quote the President, ''automatically.''

In Judge Gorsuch, Donald Trump selected a nominee who passed his litmus test. When we asked Judge Gorsuch about his opinions in specific cases like that involving the terrible choice facing Alfonse Maddin between freezing to death or being fired, the judge told us we should look instead at his whole record. When I examined his whole record, I saw too little regard for the real-world impact of his decisions and a refusal to look beyond the words to the meaning and intent of the law,

even when his decisions lacked commonsense.

When we asked about decisions where Judge Gorsuch seemed to adopt strained interpretations that narrow laws meant to protect worker safety, he said simply that he was a judge and he didn't take sides. Yet too many times, his narrow interpretations led to decisions that were on the side of big corporations and against the side of the little guy. When asked to respond, he said that if we didn't like the result, if we didn't like his decisions, it was because a statute was too limited or unclear, and that Members of Congress should do better.

We asked Judge Gorsuch about his decision in Hobby Lobby, which found an expansive new right to religious liberty for a corporation that employed thousands of people. He did not explain how he assessed the terrible impact this decision had for thousands of working women at the company who would now be denied access to contraceptive coverage.

When I met with Judge Gorsuch, he told me he had a heart. After 4 days of hearings, I still don't know what is in his heart. I would have liked Judge Gorsuch to have been more open so we could have had a real conversation about what the law is and who the courts protect. What we got instead were platitudes about the work of the courts that came straight from a Norman Rockwell painting.

I did agree with the judge that article III courts are there to protect minority rights. Article III of the Constitution protects the independence of the Supreme Court and the lower Federal courts and gives enormous authority to judges and Justices to determine how to apply the law to the cases before them to protect minority rights.

It is critical that before we decide to grant Judge Gorsuch a lifetime appointment to the Nation's highest Court, the Senate is able to gain an understanding of his approach to the law. At our judiciary committee hearing, I asked Jeff Perkins, the father of a young boy with autism, about the impact of Judge Gorsuch's decision on his son's education progress at and outside of his new school. The case involved the protections of the Individuals with Disabilities Education Act, or IDEA, which Judge Gorsuch's decision narrowed to point that these comments under the law were deemed virtually meaningless.

The new school that Luke Perkins attended made little effort to ensure that the skills he developed in school were translating at home. As a result, Luke severely regressed. Experts in autism, psychology, and occupational therapy testified on Luke's behalf that the school was seriously neglecting his needs. An impartial hearing officer, an administrative law judge, and Federal district court all agreed Luke's regression showed that the school was not providing him with a ''free appropriate public education'' as required by the IDEA.

Judge Gorsuch disagreed and decided the school had ''merely more than de minimis'' responsibility to do better for Luke. Jeff Perkins, Luke's father, said that he knew Judge Gorsuch's decision would negatively impact thousands of families with special needs children like Luke. It broke his heart.

Judge Gorsuch's extraordinarily narrow interpretation of the IDEA was rejected unanimously by the U.S. Supreme Court last week. In his opinion for the unanimous Court, Chief Justice Roberts concluded that the minimal standard determined by Judge Gorsuch was clearly at odds with the purpose of the law for children who are not progressing along with their peers. Justice Roberts wrote:

> The goals may differ, but every child should have the chance to meet challenging objectives. . . . When all is said and done, a student offered an educational program providing ''merely more than de minimis'' progress from year to year can hardly be said to have been offered an education at all.

When asked by my colleague, Senator DURBIN of Illinois, why the judge wanted to ''lower the bar so low'' in his decision, Judge Gorsuch, referring to Luke's case, responded:

> If anyone is suggesting that I like a result where an autistic child happens to lose, that's a heartbreaking accusation to me. Heartbreaking. But the fact of the matter is what is bound by certain precedent.

Heartbreaking or not, Judge Gorsuch still found against the autistic child. Thankfully, the Supreme Court disagreed with Judge Gorsuch's wrong decision. It was wrong because remedial legislation such as IDEA should be broadly interpreted in favor of the group being protected. And it was wrong because the courts are not innocent bystanders. Their decisions have real-world impacts for thousands or even millions of people beyond the parties in a particular case before the Court.

This is especially true of the Supreme Court, which issues decisions that don't just reach those cases in front of them—the frozen trucker, women who work at Hobby Lobby faced with lack of critical healthcare. They also reach millions of others impacted by interpretations of the law made by the Court in those decisions. The Supreme Court does not just interpret our laws. The Supreme Court is an affirmation of our country's values. The Supreme Court shapes our society.

When we began the hearings on Judge Gorsuch's nomination, I said the Supreme Court vacancy isn't just another position we must fill in our Federal judiciary. A Supreme Court vacancy is a solemn obligation we must fulfill for the future of our country and for our future generations. The central question for me, in looking at Judge Gorsuch and his record and listening carefully through 3 days of hearings, is whether he would be a Justice for all or Justice for some. Regrettably, I do not believe Judge Gorsuch would be a Justice for all of us.

I will oppose his nomination, and I urge my colleagues to do the same. This vacancy is simply too important for the future of America and our values to do otherwise.

I yield back.

The PRESIDING OFFICER. The Senator from New Mexico.

RUSSIA AND TRUMP CAMPAIGN INVESTIGATION

Mr. HEINRICH. Mr. President, I come to the floor today, not as a member of any one committee or political party but as a gravely concerned American.

On a seemingly daily—or even hourly—basis, there is a new revelation about the Trump campaign's possible ties to or even coordination with Russia's interference in our Presidential election last year. With these constant reports coming out, it can be difficult to see through all the smoke in the air.

However, what is clear is that we must get to the bottom of what exactly happened. I know that the White House and some in Congress are furiously working to sweep this under the rug, but only the truth will serve as a public means to move past this crisis for our democracy.

That is why I come to the Senate floor today, to address this issue before my colleagues and to help the American people sort through the details of what we know to be the undisputed facts. We know without a doubt, based on the assessment of credible intelligence, that the Russian Government hacked into Presidential campaign infrastructure and sought not only to damage Hillary Clinton but to try to help elect Donald Trump.

Russian intelligence operatives hacked into the email servers of both of our two major political parties. They chose to selectively leak information that damaged one Presidential candidate and favored the other. This is not a partisan political assessment. This is the plain truth as proven by credible intelligence gathered by the CIA, the FBI, the NSA, and the military's Cyber Command. In addition, 17 U.S. intelligence agencies issued a statement expressing their unanimous assessment that Moscow had penetrated State election voting centers.

During an open hearing in the Senate Intelligence Committee in January of this year, FBI Director James Comey said: ''There were intrusions and attempted intrusions at the state level voter registration databases.'' Director Comey said that there was no evidence of activity on election day related to this voter registration data. However, this clearly demonstrates that this data may be vulnerable to future cyber attacks and manipulations by foreign hackers.

What happened in this last year's election is already disturbing enough. In testimony during the same Senate Intelligence Committee hearing, then-Director of National Intelligence James Clapper said:

We have high confidence that President Putin ordered an influence campaign in 2016 aimed at the U.S. Presidential election. The goals of this campaign were to undermine public faith in the U.S. Democratic process, denigrate Secretary [Hillary] Clinton and harm her electability and potential presidency.

He continued: ''Putin and the Russian government also developed a clear preference for President-elect Trump.''

That shocking revelation at the very least begged for deeper investigation and accountability to protect our democratic institutions from foreign interference moving forward. After all, Russia did not do this to help the Republican Party. Russia did this to help Russia.

I don't want foreign powers putting their thumb on the scales for Democrats or Republicans in our elections. Our democracy hinges on our ability to protect the voices of Americans to choose our own leaders. Nothing could be more fundamental in democracy.

You can see similar ongoing Russian efforts to work seeking to influence and undermine democratic elections in France, Germany, and throughout the West, in addition to the former Soviet states, which is why we have to take this seriously and to see through the latest news cycle, political commentary, or tweet and remain focused on following the facts, wherever they may lead us.

Unfortunately, the facts suggest that we not only need to hold the Russians accountable but that we also have reason to look into possible ties between key members of the Trump campaign and their connections to the Russian actors who we know meddled in our election.

The obvious question Americans are demanding an answer to is this: Did the Trump campaign cooperate—or even coordinate—with the Russians in their effort to help Donald Trump? It is a logical question that has striking implications not only for the Trump administration but also for our democracy as a whole.

The President and his senior advisers—both on the campaign and now in the administration—have vehemently denied any Russian connections whatsoever. Back in November, Hope Hicks, a Trump campaign spokesman said: ''There was no communication between the campaign and any foreign entity during the campaign.''

A month ago, President Trump responded to a question in a press conference about whether anyone in his campaign had been in contact with Russia, saying:

Nobody that I know of . . . Russia is a ruse. I have nothing to do with Russia.

I truly wish that that was what the facts had shown, but at nearly every turn, there is evidence—and, when forced, admission—that there were, in fact, communications and contact with the Russians that are not only unprecedented but truly hard to believe and to understand.

Contrary to denials, we know that senior leaders and surrogates in then-Candidate Donald Trump's campaign had contact with the Russian Government and actors behind the Russian cyber attacks and leaks.

One campaign adviser, Carter Page, traveled to Moscow in July of 2016 on a trip approved by the Trump campaign. During the trip, Page delivered a lecture that slammed U.S. policy toward Russia. Three days later, at the Republican National Convention, Trump campaign aides stepped in to oppose the inclusion of language in the RNC platform that called on the U.S. Government to send weapons to our ally Ukraine in response to Russian military aggression and the illegal invasion by Russia of Ukrainian Crimea.

Despite Trump campaign denials of involvement at the time, former campaign aides have since come forward to say that, yes, they were involved in defeating that language in the platform.

While this was going on, again, despite denials to the contrary, we know that senior Trump advisers met with Russian Ambassador to the United States Sergey Kislyak on the sidelines of the Republican Convention.

We know that then-Senator Sessions, a senior campaign surrogate, also met with Kislyak in his personal Senate office later in September.

Again, this communication was uncovered despite Attorney General Sessions denying it had ever taken place.

During his Senate confirmation hearing in January, then-Senator Sessions said in response to a pointed question about how he would respond as Attorney General to any evidence that anyone affiliated with the Trump campaign communicated with the Russian Government in the course of the campaign:

I'm not aware of any of those activities. I have been called a surrogate at a time or two in that campaign, and I didn't have—did not have communications with the Russians.

Then the day after the Republican National Convention, WikiLeaks posted nearly 20,000 emails hacked and stolen by Russian intelligence from the DNC server.

After this, Donald Trump, during a press conference in late July, called on Russia to hack Hillary Clinton's private email, saying:

I will tell you this—Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing. I think you will probably be rewarded mightily by our press.

Although Trump later claimed to be joking, we now have reason to believe that one of his friends and advisers, Roger Stone, was in contact with the Russian hackers behind the cyber attacks. Stone boasted in a speech in August 2016 that he had communicated with WikiLeaks' founder Julian Assange and that more damaging documents would be forthcoming in what he called an ''October surprise.''

Stone also admitted to communicating via Twitter with the Russian hacker behind the breaches who went by the moniker ''Guccifer 2.0.'' Stone tweeted out predictions that Hillary Clinton senior campaign aide John Podesta's personal emails would soon be published, saying: ''Trust me, it will soon be Podesta's time in the barrel.'' Stone also tweeted: ''I have total confidence that WikiLeaks and my hero Julian Assange will educate the American people soon.''

Soon after this, WikiLeaks released its first batch of John Podesta's stolen emails and continued releasing more on a daily basis up until election day.

In the face of these facts, the Trump administration's story has evolved from rejecting Russian influence on the election entirely to denying any connection or communication with Russian actors, to asserting that this contact was, in fact, innocent or routine and that Americans should simply trust that there was nothing more going on. But to ask the public to trust you when you have falsely denied that the communication occurred in the first place is absurd on its face and, in fact, it is a plausible reason to suspect possible coordination.

After the election, we now know that President-Elect Trump's appointed National Security Advisor, Michael Flynn, and Trump's senior aide and son-in-law, Jared Kushner, had a secret meeting with Russian Ambassador Kislyak and that Flynn later conducted phone calls with Kislyak that included discussion of rolling back sanctions for Russia.

Flynn has since resigned as National Security Advisor after having lied about the content of his conversations with Kislyak.

Attorney General Jeff Sessions has recused himself from the investigation into the Trump campaign's possible ties to Russia due to his undisclosed meetings with the same Russian Ambassador.

Last week, FBI Director James Comey confirmed to the public that the FBI is currently conducting a counterintelligence investigation into possible coordination between President Trump's campaign and the Kremlin.

I will repeat that because I fear that the public is becoming desensitized to the gravity of what we are learning about. The President's campaign officials are under investigation by the FBI for possible links with the Russian Government, including whether they coordinated with one another to impact our Presidential election.

We also saw reports last week that before his time on the Trump campaign, former Trump campaign manager Paul Manafort created and then sold the Russians what appears to effectively be a playbook on how to undermine Western democracy and to further the interests of the Russian Government, including here in the United States.

Manafort's reported recommendations to use political campaign tactics, establish front groups, and manipulate the press cycle are strikingly similar

to the actual tactics that we know the Russians employed to undermine the 2016 Presidential election.

The Trump administration's repeated attempts to now distance itself from its former campaign chairman, a man who played a central role in the Trump campaign, is indicative of its desperate attempts to cover up the facts.

The facts are there if we just look.

The Trump campaign denied having worked to scrub the RNC platform to be friendlier to Russia but then later had to admit to having done so.

Michael Flynn denied conversations with the Russian Ambassador and then had to resign when that turned out to be a lie.

Attorney General Sessions denied having conversations with the Russians but later recused himself from the investigation after having to admit that he secretly met on several occasions with the Russian Ambassador.

The Trump campaign and Trump's advisers denied any communications with the Russians, but it turns out they personally met with the Russian Ambassador at the RNC, communicated with Russian hackers, and appear to have had advanced notice about impending DNC and Clinton leaks.

All of this culminates with the news that the Trump campaign chairman sold the Russians a playbook on how to conduct a strikingly similar influence operation to undermine democracy and promote the Putin agenda throughout the West.

This is all a complicated web of connections that we need to piece together. As a member of the Senate Intelligence Committee, I am committed to finding the answers that the American people deserve and to working together with all of my colleagues on both sides of the aisle to put our Nation first and to make sure that we get to the bottom of this.

We need to do everything possible to get to the objective truth. That includes subpoenaing President Trump's tax returns and financial statements so that we can follow the money and determine who holds the debt behind the President's complex international business empire. That includes calling President Trump's associates, such as Paul Manafort, Carter Page, Roger Stone, Jared Kushner, Jeff Sessions, and Michael Flynn to testify before the Senate Intelligence Committee.

But with the incredible amount of information and intelligence that we need to look through, I believe we also should be open to an independent, nonpartisan commission designed solely to investigate what happened.

During the investigation of Watergate and the ensuing scandal, Congress conducted a thorough select oversight investigation at the same time that an independent special prosecutor was pursuing a case to uncover the truth. All of those avenues proved to be essential to discovering the crimes and coverup that were committed.

If we do not take this seriously, our fundamental democratic institutions are at risk. History will judge severely those of us in this body tasked with finding the whole truth and determining conclusively whether or not associates of the Trump campaign coordinated or cooperated with this effort to undermine our American democracy.

We cannot allow political pressure or unsubstantiated distractions to get in the way of simply following the facts.

I don't think it is hyperbolic to state that the fate of our democracy depends on our ability to thoroughly and carefully get to the truth here. Until we are able to find out the full extent of Russia's operations and ensure that we set up protections against similar actions going forward, our democratic institutions will remain vulnerable.

I want my constituents in New Mexico and all of the American people to know that I remain committed to seeing this important mission through and following the facts, wherever they may lead.

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

The PRESIDING OFFICER (Mr. RUBIO). Without objection, it is so ordered.

TRIBUTE TO DAVID WOLK

Mr. LEAHY. Mr. President, today I wish to honor the enduring legacy of a champion of education and equity in my home State of Vermont, David Wolk.

For the last 16 years, Mr. David Wolk has served admirably as the president of Castleton University. David's retirement at the close of 2017 will leave a legacy of nearly 17 years of academic excellence, visionary leadership, and unmatched commitment to community. As the longest serving president in its history, David has led Castleton through an extraordinary transformation. David leaves Castleton as a vibrant, economic engine of the Green Mountain State and a trailblazer in inclusivity, entrepreneurship, and service learning.

Castleton students have often found a unique kinship with David, noting his frequency in the student dining halls and at student club events. As an avid fan of Castleton Spartan Athletics, David is proud of the accomplishments of the school's student-athletes. The university more than doubled its varsity sport offerings during David's tenure, enabling Vermont students to play Division III sports. The largest community investment was the development of the Spartan Arena, which is used by both the school and the community as an all-purpose community center and athletic space.

As a Rutland native, David has always felt a special connection to his hometown. As president, his focus on integrating Castleton and the surrounding community has built a lasting alliance that promises regional prosperity for years to come. Most recently, Castleton has partnered with the Rutland Economic Development Corporation to open the Castleton Downtown Office, a publicly accessible space for students and community members alike. A nexus of the downtown, this space now hosts the Center for Entrepreneurial Programs, Center for Schools, Center for Community Engagement, and the Castleton Polling Institute. David's passion for the arts has also inspired a coupling of the Castleton Downtown Art Gallery and the historic Paramount Theatre.

As the needs of our students, families, and communities continue to evolve, David's legacy is his success in elevating education as a key solution to addressing our most pressing public challenges. As he transitions to his next venture, I wish David and his wife, Lyn, great success and hope they will find joy in visiting family and friends found throughout the world.

Mr. President, I ask unanimous consent that a statement issued by Castleton University be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Castleton University]

PRESIDENT WOLK ANNOUNCES 16TH YEAR WILL BE HIS FINAL AT CASTLETON

LONGEST SERVING PRESIDENT IN UNIVERSITY HISTORY TO STEP DOWN IN DECEMBER

Castleton University President Dave Wolk announced at a campus assembly Wednesday that he will step down in December after serving for 16 years as president. Wolk came to the presidency in December of 2001 after intertwined careers in education and government, and 2017 marks his 43rd year in public service. Wolk is the longest serving president in Castleton history by more than four years.

''I have been blessed, more than I deserve, to have had so many leadership opportunities over the last 43 years, and I am especially grateful for the last 16 at Castleton. Moving on at the end of 2017 will indeed be emotionally challenging because I absolutely love our students and staff, I am lucky to be part of this exceptional community, and I bleed green, full of Spartan Pride. I will be a Spartan always and forever.''

Beginning in 2018, Wolk will begin a new startup venture, Wolk Leadership Solutions, with his wife, Lyn. The Wolks will work with CEOs and Boards of Directors in business, government, industry, schools, hospitals, universities and an array of nonprofits to find solutions to leadership challenges. The new entrepreneurial venture will specialize in coaching leaders to achieve greater success, while offering mediation and conflict resolution services.

''Our goal will be to help leaders to be more successful. We will help boards and leaders to find solutions to their challenges, and to do so in a way that will be effective and enduring over time through coaching and guiding change. I am also hoping to do some teaching and writing, including involvement in a Vermont leadership institute. Helping people to be better at what they do has always been a passion.''

At his inauguration in the fall of 2002, Wolk addressed a standing room only crowd

and promised that together the Castleton community would take action, and make history. He promised that together they would attract high quality students, invest in their education and in their experiences, improve their campus, and support each other for the benefit of Vermont.

During Wolk's tenure the university invested nearly $100 million in infrastructure improvements, expanded academic offerings at both the undergraduate and graduate levels, and expanded co-curricular activities, which has transformed what was once considered a ''suitcase campus'' into a model for vibrancy and engagement across the state and region.

''Castleton has never been in better shape, thanks to President Wolk's visionary and passionate leadership,'' said VSC Chancellor Jeb Spaulding. ''People who visit the campus for the first time in a while are amazed at the transformation that has taken place during his tenure. It will be impossible to replace Dave and we will miss him greatly, but he will leave Castleton with a very strong foundation for success into the future.''

Since 2001 Castleton has increased its enrollment by more than 75 percent, more than doubled its athletic offerings, built or renovated every building on campus, and expanded into nearby Rutland to offer students better connections with area businesses, schools, hospitals, and non-profits in an effort to enhance the Castleton student experience. Recently, the university has taken over operations of the Rutland Economic Development Corporation, a partnership unlike any other in the country, which has deepened the university's commitment to being an economic and intellectual driver in the community while creating strong outcomes for its students.

In 2009 Wolk ushered in the Castleton Student Initiative, a $25.7 million project which reinvigorated student life and learning and changed the face of campus. The largest investment in the history of Castleton, and the Vermont State Colleges, it included improvements and additions to nearly every aspect of student life including athletics, the campus center, and the arts. The crown jewel of the project, Spartan Stadium, is one of the finest multi-use facilities in New England and has been central to the growth of Castleton's athletic programs, as well as providing a venue to grow Castleton's reach throughout the state and beyond.

Currently nearing the midpoint of the university's second ten-year plan, the Castleton Plan, Wolk has most recently overseen additions in graduate education, enrollment increases, a greater presence in Rutland, and a focus on increasing international recruitment. All of these changes culminated in what proved to be one of the most historic days in the institution's storied 230 year history when on July 23, 2015 the VSC Board of Trustees unanimously voted to modernize the name to ''Castleton University.'' At the time, Wolk said the name was both aspirational and inspirational, as the community set forth to achieve the goals of the Castleton Plan.

''Dave's leadership, not just at Castleton but also among the VSC Council of Presidents and Board of Trustees, will be greatly missed,'' said VSC Board Chair Martha O'Connor. ''He leads with his heart, cares deeply about the state and its students, and has positioned Castleton well for far reaching success now and in the future which will benefit our state for years to come. The board, and I personally, cannot thank him enough for his private candor, public support, and meaningful friendship.''

Wolk was born and grew up in Rutland. He graduated from Rutland High School and then Middlebury College with a degree in political science. He earned a master's degree in educational administration and planning at UVM and a certificate of advanced graduate study at Harvard University. During his professional career he has served as a school principal, superintendent, Vermont's Commissioner of Education, Vermont State Senator, and on more than 40 boards and commissions, chairing several of them. He plans to continue his life of public service in a variety of ways going forward.

RECOGNIZING JASPER HILL FARM

Mr. LEAHY. Mr. President, as in so many rural States, small businesses make up the backbone of Vermont's economy and communities. Countless Vermont businesses develop and manufacture a wide array of products, ranging from our thriving craft beer industry to Vermont-made peanut butter, candles, chocolates, and cheeses. I would like to take this opportunity to recognize one of Vermont's outstanding small businesses, Jasper Hill Farm. A small, rural creamery in the Northeast Kingdom, Jasper Hill Farm exemplifies our State's essential balance of innovation and tradition. Andy and Mateo Kehler have worked for more than 15 years to make the best cheese possible, all while remaining true to their Vermont roots.

Now an award-winning artisan cheese business, Jasper Hill Farm began two decades ago when the brothers Kehler pooled their resources to buy a small farm in rural Greensboro, VT. They decided to try a new model of small-scale, value-added dairy farming that would transform raw milk into a more valuable product before leaving the farm. To do so, Mateo and Andy built a creamery with space to age cheese next door to the barn. After 5 years of hard work, the brothers finally had their first marketable cheese.

What started as a few racks of cheese with a couple of direct customers quickly expanded, as did the farm's notoriety. Within 3 years, Jasper Hill Farm took home ''Best of Show'' at the American Cheese Society Conference. Despite their hard-earned success, Andy and Mateo continued with their vision of increasing access to value-added production for all interested farmers. They took new measures to create opportunities for community success, opening their space to other cheesemakers. Now, the creamery is home not only to numerous cheese caves, but to a modern laboratory where scientists work to create cheese starter cultures. Years of research have enabled the creation of better cheese, and Jasper Hill Farm has become a magnet for other artisan cheesemakers along the way.

Andy and Mateo have created an outstanding business that is rooted in the Vermont values of hard work and perseverance, while emphasizing the importance of community. Their efforts to reinvigorate the State's dairy industry have contributed to our State's identity and culture, as well as our agricultural traditions. I am proud to feature the work of Jasper Hill Farm at our annual Taste of Vermont event, and I look forward to seeing what their future brings.

Mr. President, I ask unanimous consent that a New York Times article about Jasper Hill Farm be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 6, 2017]

SMALL CHEESE MAKERS INVEST IN A STINKY SCIENCE

(By Larissa Zimberoff)

GREENSBORO, VT—There's no sign announcing that you've arrived at Jasper Hill Farm, a creamery in the Northeast Kingdom, as Vermonters call that end of their state, but you can't miss it. The main barn is painted midnight blue with a giant cheese moon and cows floating happily in space. Blasted into the hillside is a concrete bunker with seven cheese caves radiating from a central core.

There's one other surprising detail: a modern two-room laboratory filled with microbiology equipment and staffed with scientists.

Why does a small, rural creamery invest in technology for what has long been a low-tech product? Because it doesn't have 500 years to learn what its European counterparts already know: the biological intricacies of how to make the best cheese in a particular place. And because the same diversity of microbial cultures is not available in North America.

''Building a lab might seem extravagant or of questionable value, but what we get as a business over two, three, four generations—it's a no-brainer,'' said Mateo Kehler, who owns the farm with his brother, Andy.

The making of cheese depends on the contribution of myriad microbial actors. Both yeast and bacteria are components of the starter cultures that help turn milk into solids, and those solids into cheeses with distinctive aromas, flavors and textures that are hard to resist. The interplay of these species, while understood in a basic sense, is now receiving renewed scientific scrutiny and appreciation in the United States.

Unlike their peers in Europe, who benefit from centuries of tradition and from government support for research, American farmstead cheese makers have typically gone it alone. Starter cultures are a particularly vexing ingredient. The only three domestic suppliers, including DuPont and Cargill, are multinational corporations better known for chemicals, which has limited the number of available cultures and caused discomfort in a field that strives for individuality.

But now several small cheese producers are working with scientists to develop their own starters and use microbiology to create better cheeses.

Murray's Cheese is working with Rockefeller University to learn more about the microflora in its cheese caves in Long Island City, Queens. Uplands Cheese Company is working with the Center for Dairy Research at the University of Wisconsin to create a new soft cheese, its first in seven years.

But perhaps none have taken on cheese science as rigorously as Jasper Hill. Its laboratory, opened in 2013, has become a hub for other cheese makers seeking help and insight.

When the Kehler brothers began making cheese in 2003, their aim was to invigorate the local dairy industry, which was, and still is, struggling. They started on their path to applied science in 2010, when Rachel Dutton,

a Harvard scientist, decided to use cheese as a model to research how small microbial communities interact; she focused on the composition of cheese rinds.

Her first contact in the cheese business was Mateo Kehler, who taught her to make cheese and then helped her reach out to more than 100 other producers for samples. The response was overwhelming. ''I don't think she realized how excited the artisan cheese industry was going to be,'' Mr. Kehler said.

In 2014, Dr. Dutton published her findings in the journal Cell. Working with Benjamin Wolfe, a postdoctoral researcher, she reported that the environment (cows, cheese caves, pastures) and methods (washing, salting, managing acidity) were as important to the development of cheese rinds, if not more so, than the ingredients.

This was a revelation. With this new scientific proof in hand, the Kehlers stopped adding starter cultures to Winnimere, one of their most popular raw-milk cheeses. ''What we were adding wasn't growing, and when we stopped adding that, the cheese ripened more gracefully and deliciously,'' Mateo Kehler said.

Their pasteurized cheeses, though, still needed starters because pasteurization kills bacteria both good and bad for cheese. So they began making starter cultures from bacteria in their own milk supply.

Besides ending their reliance on big business, this has allowed the brothers to create a cheese that can come only from a singular place: Greensboro, Vt.

An on-site laboratory has its perks. In addition to having staff members who deeply understand microbiology, Jasper Hill Farm has become a magnet for researchers near and far. Now working there are an engineering intern from Brittany, France; a local microbiologist; and Panos C. Lekkas, a food microbiologist who has investigated the best ways to feed, tend and milk a cow for cheese production.

Dr. Lekkas, who was hired in November to work full time at Jasper Hill, collaborates with Dr. Dutton, now at the University of California, San Diego, and with Dr. Wolfe, who leads a microbiology laboratory at Tufts University.

In addition to helping improve food safety procedures at the 85-person Jasper Hill Farm, Dr. Lekkas is overseeing the development of a new cheese—a French Camembert style that for now the team is calling Wild Moses.

Dr. Lekkas was told that it takes eight months to bring a new cheese to market. ''Mateo wants me to do it in three,'' he said. With science comes speed.

In order to make a soft pasteurized cheese that does not rely on corporate additives, the scientists sampled 300 promising strains of yeast and bacteria, all pulled from milk from Jasper Hill's own 250 cows.

What makes a homegrown starter promising? Sometimes it's the color of the microbes in a petri dish, but smell, too, can be telling. The group sniffed the samples and noted any pleasing aromas: Play-Doh, Concord grapes, tomato juice, clams, Kraft American Singles. Dr. Wolfe's lab ran a full genomic sequencing on the 15 top contenders, which will provide a blueprint for understanding how these strains are related to, or differ from, other cultures in the cheese world.

Making funky cheese is tricky, even for scientists. ''There are subtle variations in flavor and aroma that you perceive in cheese,'' Dr. Wolfe said. ''We want to understand what drives that variation.'' With Dr. Wolfe's genomic data, the team can track the microbes through the entire cheese-making process.

In November, the first batch of cheese was produced using five strains from the original 15 parent cultures—two yeast-based and three bacterial. New batches are being made every two weeks using different combinations, and every 10 days, each will be tasted to see whether it is on target for the ''deliciousness factor,'' Jasper Hill's zero-to–10 grading system.

Seven or above is pretty good. Eight is out of this world. Tens are likely to be bestowed only outside the farm: Jasper Hill's Harbison cheese recently took Super Gold at the World Cheese Awards in Spain.

''I will be happy with a seven,'' Dr. Lekkas said.

MONTENEGRO'S ACCESSION INTO NATO

Mr. KING. Mr. President, today I wish to recognize the Senate's historic vote to ratify Treaty 114–12, Protocol to the North Atlantic Treaty of 1949 on the Accession of Montenegro. This represents an important step forward in Montenegro's bid to join the North Atlantic Treaty Organization, NATO.

Maine has strong ties to Montenegro through the National Guard's State Partnership Program, which pairs State National Guards with partner nations around the world. Both parties forge an enduring relationship over the years through training exercises, military-to-military engagement, and security cooperation activities. These relationships are critical to our national security; they improve the capacity of friendly militaries, enhance our interoperability as allies, and allow us to promote our values in emerging nations. Furthermore, they provide members of the Guard with unique opportunities that make them more skilled military professionals and more experienced citizens.

The Maine National Guard partnered with Montenegro in December 2006, just 6 months after Montenegro declared its independence. In the decade since, the Maine National Guard has advised and assisted Montenegro as the young nation has transformed its military, transitioning to an all-volunteer force and contributing troops to the coalition fighting in Afghanistan. This relationship has expanded beyond the military dimension: the Maine Marine Patrol has trained with the Montenegrin marine police, and Mainers have worked with numerous Montenegrin governmental agencies to improve their disaster preparedness and response. Through numerous joint exercises each year in both Maine and Montenegro, Mainers have developed close, lasting relationships with their Montenegrin counterparts.

Montenegro joined the State Partnership Program expressly as a means of achieving their desired accession to NATO. The Senate's ratification of Montenegro's membership bid reflects the hard work and enormous growth that Montenegro has achieved in the last 10 years. Mainers should be proud of the support and training that they have offered during this time. Maine stands beside Montenegro as it takes a major step toward NATO membership, pleased to continue our partnership in the future.

WOMEN'S HISTORY MONTH

Mr. CARDIN. Mr. President, today I wish to join the American people in celebrating Women's History Month. I would like to begin that celebration by paying homage to several women whose ingenuity and inventions have shaped modern society, but who, like innumerable women throughout history, have not received the credit or recognition they are due.

Katherine Blodgett is a good place to start. In 1935, she invented the first transparent glass that eliminated distortion and glare. Before her, glass contained small bubbles and inclusions that was suitable for windows, but little else. Her method of producing and cutting glass revolutionized the material and is the reason we have camera lenses, microscopes, and eyeglasses today. Without her pioneering work, our ability to see and our ability to look into the universe would be degraded.

In 1942, the actress Hedy Lamarr and a partner were granted a U.S. patent for a secret communication system that involved manipulating radio frequencies to form an unbreakable code to prevent classified messages from being intercepted. The significance of her invention was not fully realized until the 1960s, when it was used by naval ships during the Cuban Missile Crisis. We were able to navigate that perilous nuclear threat successfully in part because of her self-taught inventiveness and skill. Lamarr's coded communications system has been used by numerous military agencies since.

Just 2 years later, in 1944, Grace Hopper made her own kind of history, becoming what many consider to be one of the world's first computer scientists. She invented the compiler that translated written language into computer code and coined the terms ''bug'' and ''debugging.'' Fifteen years later, she led the team that developed COBOL, one of the very first programming languages.

More recently, in 1965, Stephanie Kwolek invented Kevlar. We know Kevlar best as the material used to manufacture bulletproof vests, protecting our police officers and first responders in their greatest moments of crisis, but Kevlar is widely considered to be one of the strongest, most durable materials ever invented and has become a critical component in the manufacturing of airplanes, boats, cars, and bridge cables.

I pause to honor these great inventors and scientists because their names should be familiar, but they aren't. As long as toxic, gender-role stereotypes persist, these women serve as important examples that such stereotypes are hollow and wrong. Women have been serving on the frontlines of war, science, and invention since long before men ''allowed'' them.

These women and others are part of our untold history. You will rarely hear them discussed in American classrooms, and you will seldom find their stories printed in textbooks. Most people wouldn't even recognize their names; yet our lives and fortunes have been shaped by them. Every day, men go to work protected by Kevlar vests, live their daily lives with the benefit of eyeglasses, or boot up their laptop computer using the devices and tools women gave them. That is both the majesty and tragedy of women's history: it is inextricable and powerful and entirely undervalued.

This Women's History Month should not pass without each and every one of us at the very least taking the time to acknowledge and appreciate the women of history who helped to invent modern society, who fought alongside men in every war, who gave us more complete rights and equality, who endured the habitual and everyday scorn of sexism—and who did so generation after generation without accolade or recognition.

Perhaps the best way to honor the past is to secure the future. The denizens of women's history didn't endure systemic misogyny or work so hard to change our world so that we would peer backward and applaud. They did so with the hope we would look forward and make progress.

We still have a long way to go, but we have made progress. Thanks to the Affordable Care Act, being a woman is no longer considered a ''preexisting condition'' that warrants higher premiums and deductibles. Also thanks to the Affordable Care Act, preventative services for women—like mammograms, cervical cancer screenings, and prenatal care—are covered by insurance companies. Today more than 48 million American women take advantage of that.

Thanks to the Lilly Ledbetter Fair Pay Act, women have extended protection in cases of wage discrimination. The Lilly Ledbetter Act finally recognized that, when pay discrimination occurs, it is not a single event, but a chronic and repeated offense that inflicts ongoing damage with each and every substandard paycheck. This simple and commonsense recognition has allowed women to seek justice against the kind of economic disenfranchisement that has plagued generations.

Progress, however, does not have its own autopilot button. We must be its stewards and its champions. We must be its agents. We must protect it actively, each and every day, or else we will be complicit in its loss.

I am talking about women's reproductive rights. A woman's right to make her own decisions is under threat today. Her body is her body. It is not ours, and it certainly is not the government's. Roe v. Wade decided that in 1973, yet 44 years later, the Federal Government is run by a party that uses every tool at its disposal to chip away at reproductive rights. Whether it is State policies to limit the types of buildings abortions can be performed in or the threat to defund Planned Parenthood, women's rights are under attack.

Let's be clear that Federal funding for abortion services is already banned under the Hyde Amendment. Today's witch hunt against Planned Parenthood is not substantive in nature; it is a thinly-veiled attempt to prolong a culture war with the hope of assuaging far-right voters. Women's reproductive rights deserve more than to be treated as a political punchline. Reproductive rights were hard-won by centuries of activism and pain, and we—all Members of this Chamber—must vow this month and every month to honor that with our votes and with our voices. We must vow not to let women's reproductive rights be diminished on our watch.

It is 2017, and still, women are expected to be everything simultaneously, all while they are refused the tools and the freedom to balance such difficult demands. It is 2017, and still, families—mothers most of all—are too often forced to choose between parenthood and economic security, between recovering from childbirth and their career. No woman, no matter what her line of work or Zip Code may be, should be forced to make such an impossible decision. It is our job to pass legislation to ensure no woman has to.

Even with the Lilly Ledbetter legislation, women today are paid, on average, just 77 cents for every dollar men receive for performing the same work. That gap is even worse for women of color: African-American women only earn 64 cents to the dollar, while Latina women earn only 55 cents. That is a problem begging to be solved by Congress. That is a problem for all of us. Women are powerful economic engines in this country, and if we continue to stand idly by while their work is underpaid and undervalued, we will all suffer. We will all have to explain to our daughters and granddaughters why we didn't fight harder for them.

Critically, there is also the issue of violence against women. It is a moral outrage that women experience about 4.8 million intimate partner related physical and sexual assaults every single year. When women stand up and tell us the stories behind this number, we must sit down and listen. We must stop speaking over them with advice on how to protect themselves or avoid certain social situations. They shouldn't have to. It is insulting to presume they require lectures on personal safety, but that men don't require lectures on consent. This problem demands a cultural shift, and we must be its purveyors.

There is the issue of college affordability. A related issue is access to and participation in science, technology, engineering, and mathematics, STEM, programs and—of equal importance—encouragement to join them. Women need to be better represented in positions of power.

These and other issues are what is at stake. These and other issues are why we recognize Women's History Month: to remind ourselves and each other that women helped build this Nation and this world. We need to remind ourselves that women are therefore entitled to equal representation in it and equal access to its opportunities. We need to remind ourselves that women deserve equal respect and equal protection under the law and that women's rights are human rights. We all prosper when we fight to protect them.

Toward these ends, I have led the charge in Congress to ratify the Equal Rights Amendment. Many Americans would be shocked to learn that the Constitution still lacks a provision ensuring gender equality. That is wrong, but it is fixable. I have introduced S.J. Res. 5, legislation to remove the deadline for States to ratify the Equal Rights Amendment, which would pave the way for its formal adoption. Nevada recently passed the Equal Rights Amendment, leaving us just two States shy of success.

The Equal Rights Amendment is only slightly longer than two tweets, but its ratification would finally give women full and equal protection under the Constitution. It reads as follows:

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

It is that simple, and it is both necessary and past time to adopt it.

When Congress passed the ERA in 1972, it provided that the measure had to be ratified by three-fourths of the States, 38 States, within 7 years. The original deadline was later extended to 10 years by a joint resolution enacted by Congress. Ultimately, 35 States ratified the ERA by the time the revised deadline expired, leaving advocates a little short.

Article V of the Constitution contains no time limits for ratification of constitutional amendments. In fact, in 1992, the 27th Amendment to the Constitution prohibiting immediate congressional pay raises was ratified after 203 years. The Senate could pass my legislation removing the 10-year deadline right now. I strongly encourage the majority leader to bring S.J. Res. 5 up for a vote as soon as possible. American women deserve to know that their most fundamental rights are explicitly protected by our nation's most venerated document.

I have often said that how a nation treats its women is a good barometer of that nation's potential for success as a whole. I hold the United States of America to that standard. Every day, I weigh the successes and failures we have had along the path toward fair treatment and gender equality, and I assess ways Congress can facilitate more successes. Every day, I reevaluate how best to fight for the Equal Rights Amendment, how best to protect reproductive rights, how best to fight for

paid family leave and affordable higher education and greater representation in this very Chamber.

I invite every Senator to do the same, both because those are the right battles and because fighting them protects gender equality progress that has been so hard-won by the women of this Nation. We must not allow those victories to be reversed. We must keep progressing.

This Women's History Month, I am reminded of what the poet G.D. Anderson once said: ''Feminism is not about making women strong. Women are already strong. It's about changing the way the world perceives that strength.'' Let us remember it is precisely that strength that has propelled our world forward. It is precisely that strength that serves as the foundation of so many of this country's successes, and it is precisely that strength we must remember and meet with our own, when women's rights are under siege.

50TH ANNIVERSARY OF THE 25TH AMENDMENT AND TRIBUTE TO BIRCH BAYH

Mr. DONNELLY. Mr. President, today I wish to honor the 50th anniversary of the ratification of the 25th Amendment and recognize one of my predecessors from Indiana in the U.S. Senate, Birch Bayh. Birch Bayh represented Indiana for three terms in the Senate, from 1963 to 1981. Senator Bayh was an accomplished lawyer, legislator, and the only non-Founding Father to draft two amendments to the U.S. Constitution that were enacted.

February 2017 marked the 50th anniversary of the ratification of the 25th Amendment to the Constitution. The 25th Amendment created an orderly transition of power in the case of death or disability of the President and a method of selecting a Vice President when a vacancy occurs in that office. Before its passage, our Nation experienced several occasions when the President was unable to perform his powers and duties, with no constitutional provision for temporary transfer of these powers to the Vice President. The amendment was first relied upon following the resignations of Vice President Spiro Agnew and President Richard Nixon. It also provided the basis for President Ronald Reagan to temporarily pass his duties to Vice President George H. Bush when President Reagan underwent surgery.

While we all hope not to have to use the 25th Amendment, having an established process that continues to guide administrations faced with unexpected events is essential for any functional democracy. Senator Bayh played a key leadership role in the Senate by drafting this constitutional amendment and ensuring all necessary steps were taken for its ratification in 1967.

Senator Bayh also drafted the 26th Amendment, which changed the voting age from 21 to 18. Its impetus was the passage of amendments to the Voting Rights Act in 1970 that set 18 as the minimum voting age for both Federal and State elections. When the Supreme Court ruled in Oregon v. Mitchell that the law applied only to Federal, not State elections, Congress adopted the 26th Amendment. Just over 3 months later, on July 1, 1971, three-fourths of the States had ratified the amendment, making it the quickest amendment ever to be adopted.

In addition to these two constitutional amendments, Senator Bayh wrote the landmark title IX to the Higher Education Act, which mandates equal opportunities for women students and faculty. Senator Bayh was also an architect of the Juvenile Justice Act of 1974, which requires the separation of juvenile offenders from adult prison populations, and he played a vital role in the drafting and passage of the landmark 1964 Civil Rights Act and the 1965 Voting Rights Act.

Since leaving the Senate in 1980, Senator Bayh has committed himself to leadership in civic policy. He has served as chairman of the University of Virginia's Miller Center Commission on Presidential Disability and the 25th Amendment and as a member of the center's Commission on Federal Judicial Selection. He is also founding chairman of the National Institute Against Prejudice and Violence, a nonprofit, first-of-its-kind organization dedicated to studying prejudice and hate crimes in America.

Senator Bayh, as you and your wife, Kitty, enjoy your retirement, the contributions you have made to our country endure. The indelible mark you have made on the orderly transition of power and preservation of justice is still celebrated with pride today as we commemorate the 50th anniversary of the 25th Amendment. Recently, the American Bar Association honored you with a Presidential citation for exhibiting the highest standards of public service as a lawyer and for extraordinary leadership on issues of law and justice, including the 25th Amendment. You are richly deserving of these accolades, as well as the gratitude of this Senate and the American people, for your lifetime of service.

TRIBUTE TO GENERAL HERBERT ''HAWK'' CARLISLE

Mr. McCAIN. Mr. President, I wish to offer my congratulations to Gen. Herbert ''Hawk'' Carlisle on the occasion of his retirement from the U.S. Air Force this month.

Over four decades of distinguished service, from the Air Force Academy to the Pentagon to leadership in two four-star commands, General Carlisle has been instrumental in advancing the capabilities of our Air Force and improving the lives of its most precious asset—its airmen.

As commander of Pacific Air Forces, General Carlisle was responsible for Air Force activities spanning more than half the globe, leading 45,000 airmen across the Pacific from Hawaii and Alaska to Japan and Korea. He provided critical strategic leadership as the United States worked to strengthen its commitment to peace and prosperity in the Asia-Pacific Region at time of increasing challenge.

Under General Carlisle's leadership, the airmen of Air Combat Command pressed the fight against America's adversaries, delivering devastating effects against violent extremism in Afghanistan, Iraq, and Syria. General Carlisle's determination and hard work were essential to bringing the Air Force's F–35A Joint Strike Fighter to initial operational capability—no small achievement for a long-delayed and troubled program, yet one that is so critical for sustaining America's military dominance into the future.

I had the pleasure of getting to know General Carlisle when he served as director of the Air Force's Legislative Liaison Office. It was then that I came to appreciate his honesty and candor. Those of us tasked with the oversight of the Department of Defense and our Armed Forces rely upon the candor of our senior military leaders. In my interactions with General Carlisle in various positions through the years, whether in private meetings or in public testimony, I could always count on General Carlisle to provide his best military advice on critical defense matters affecting the Air Force and our Nation. I hope his successors will follow in that same spirit of transparency and collaboration. I also hope that my colleagues and I will continue to benefit from General Carlisle's wise counsel.

Once again, I want to express my sincere thanks to General Carlisle for his distinguished service to our country and congratulate him on a well-earned retirement. I wish General Carlisle and his family all the best as he embarks on the next chapter of his life.

MESSAGE FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 654. An act to direct the Administrator of the Federal Emergency Management Agency to carry out a plan for the purchase and installation of an earthquake early warning system for the Cascadia Subduction Zone, and for other purposes.

H.R. 1117. An act to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster.

H.R. 1214. An act to require the Administrator of the Federal Emergency Management Agency to conduct a program to use simplified procedures to issue public assistance for certain projects under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 654. An act to direct the Administrator of the Federal Emergency Management Agency to carry out a plan for the purchase and installation of an earthquake early warning system for the Cascadia Subduction Zone, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1117. An act to require the Administrator of the Federal Emergency Management Agency to submit a report regarding certain plans regarding assistance to applicants and grantees during the response to an emergency or disaster; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1214. An act to require the Administrator of the Federal Emergency Management Agency to conduct a program to use simplified procedures to issue public assistance for certain projects under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs:

Special Report entitled ''Activities of the Committee on Homeland Security and Governmental Affairs During the 114th Congress.'' (Rept. No. 115–12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mrs. FEINSTEIN):

S. 739. A bill to amend the Controlled Substances Act to provide enhanced penalties for marketing candy-flavored controlled substances to minors; to the Committee on the Judiciary.

By Mr. LEE:

S. 740. A bill to prohibit mandatory or compulsory checkoff programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEE (for himself and Mr. BOOKER):

S. 741. A bill to prohibit certain practices relating to certain commodity promotion programs, to require greater transparency by those programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOOKER (for himself, Mr. MARKEY, Mr. WYDEN, Mr. KING, Mr. BLUMENTHAL, and Mrs. MCCASKILL):

S. 742. A bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself and Ms. COLLINS):

S. 743. A bill to strengthen the United States Interagency Council on Homelessness; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DONNELLY (for himself and Mr. ROUNDS):

S. 744. A bill to amend the Fair Credit Reporting Act to delay the inclusion in consumer credit reports and to establish requirements for debt collectors with respect to medical debt information of veterans due to inappropriate or delayed billing payments or reimbursements from the Department of Veterans Affairs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 745. A bill to reauthorize the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 746. A bill to amend the Solid Waste Disposal Act to authorize States to restrict interstate waste imports and impose a higher fee on out-of-State waste; to the Committee on Environment and Public Works.

By Mr. UDALL:

S. 747. A bill to reauthorize the special diabetes programs for Indians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. BOOKER, Mrs. GILLIBRAND, Ms. HARRIS, and Mr. WYDEN):

S. 748. A bill to protect United States citizens and residents from unlawful profiling, arrest, and detention, and for other purposes; to the Committee on the Judiciary.

By Mr. ENZI:

S. 749. A bill to amend the Higher Education Act of 1965 to require the disclosure of the annual percentage rates applicable to Federal student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MERKLEY (for himself, Mr. SANDERS, Ms. WARREN, Mr. SCHATZ, Mr. LEAHY, Mr. MENENDEZ, and Mrs. GILLIBRAND):

S. 750. A bill to prohibit drilling in the outer Continental Shelf, to prohibit coal leases on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. PORTMAN, Mr. KING, and Mr. KAINE):

S. 751. A bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MARKEY (for himself, Mr. SANDERS, and Mr. WHITEHOUSE):

S. 752. A bill to amend the Internal Revenue Code of 1986 to clarify that products derived from tar sands are crude oil for purposes of the Federal excise tax on petroleum, and for other purposes; to the Committee on Finance.

By Mr. MARKEY:

S. 753. A bill to ensure that oil transported through the Keystone XL pipeline into the United States is used to reduce United States dependence on Middle Eastern oil; to the Committee on Energy and Natural Resources.

By Mr. KAINE (for himself, Mr. WICKER, and Mrs. MURRAY):

S. 754. A bill to support meeting our Nation's growing cybersecurity workforce needs by expanding the cybersecurity education pipeline; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SHELBY (for himself and Ms. KLOBUCHAR):

S. Res. 101. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. MANCHIN, the name of the Senator from Illinois (Ms. DUCKWORTH) was added as a cosponsor of S. 175, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 261

At the request of Mr. BLUNT, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 261, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A.

S. 355

At the request of Mrs. SHAHEEN, the names of the Senator from Hawaii (Ms. HIRONO) and the Senator from Maine (Mr. KING) were added as cosponsors of S. 355, a bill to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability.

S. 365

At the request of Mr. ROUNDS, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 365, a bill to amend the Consumer Financial Protection Act of 2010 to remove the funding cap relating to the transfer of funds from the Board of Governors of the Federal Reserve System to the Bureau of Consumer Financial Protection, and for other purposes.

S. 366

At the request of Mr. ROUNDS, the names of the Senator from Iowa (Mrs. ERNST), the Senator from Georgia (Mr. PERDUE), the Senator from Colorado (Mr. GARDNER) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 366, a bill to require the Federal financial institutions regulatory agencies to take risk profiles and business models of institutions into account when taking regulatory actions, and for other purposes.

S. 382

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 382, a bill to require the Secretary of Health and Human Services to develop a voluntary registry to collect data on cancer incidence among firefighters.

S. 405

At the request of Mr. COONS, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 and the Higher Education Act of 1965 to provide an exclusion from income for student loan forgiveness for students who have died or become disabled.

S. 407

At the request of Mr. CRAPO, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 407, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit.

S. 425

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 425, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

S. 474

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 474, a bill to condition assistance to the West Bank and Gaza on steps by the Palestinian Authority to end violence and terrorism against Israeli citizens.

S. 482

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 482, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 493

At the request of Mr. RUBIO, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 493, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

S. 497

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maryland (Mr. CARDIN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 497, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of certain lymphedema compression treatment items as items of durable medical equipment.

S. 504

At the request of Ms. HIRONO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 504, a bill to permanently authorize the Asia-Pacific Economic Cooperation Business Travel Card Program.

S. 519

At the request of Mrs. GILLIBRAND, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 519, a bill to amend the Safe Water Drinking Act to require the Administrator of the Environmental Protection Agency to establish maximum contaminant levels for certain contaminants, and for other purposes.

S. 540

At the request of Mr. THUNE, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 540, a bill to limit the authority of States to tax certain income of employees for employment duties performed in other States.

S. 544

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 544, a bill to amend Veterans Access, Choice, and Accountability Act of 2014 to modify the termination date for the Veterans Choice Program, and for other purposes.

S. 573

At the request of Mr. PETERS, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of S. 573, a bill to establish the National Criminal Justice Commission.

S. 623

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 623, a bill to enhance the transparency and accelerate the impact of assistance provided under the Foreign Assistance Act of 1961 to promote quality basic education in developing countries, to better enable such countries to achieve universal access to quality basic education and improved learning outcomes, to eliminate duplication and waste, and for other purposes.

S. 636

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 636, a bill to allow Americans to earn paid sick time so that they can address their own health needs and the health needs of their families.

S. 640

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of S. 640, a bill to prioritize funding for an expanded and sustained national investment in biomedical research.

S. 652

At the request of Mr. PORTMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 652, a bill to amend the Public Health Service Act to reauthorize a program for early detection, diagnosis, and treatment regarding deaf and hard-of-hearing newborns, infants, and young children.

S. 681

At the request of Mr. TESTER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to improve the benefits and services provided by the Department of Veterans Affairs to women veterans, and for other purposes.

S. 700

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 700, a bill to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to severely wounded, ill, or injured members of the Armed Forces, veterans, and their spouses or partners, and for other purposes.

S. 720

At the request of Mr. PORTMAN, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Indiana (Mr. YOUNG), the Senator from Arkansas (Mr. BOOZMAN), and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 720, a bill to amend the Export Administration Act of 1979 to include in the prohibitions on boycotts against allies of the United States boycotts fostered by international governmental organizations against Israel and to direct the Export-Import Bank of the United States to oppose boycotts against Israel, and for other purposes.

At the request of Mr. CARDIN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 720, supra.

S. 722

At the request of Mr. CORKER, the names of the Senator from Florida (Mr. NELSON), the Senator from Oregon (Mr. WYDEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. MORAN), the Senator from Mississippi (Mr. WICKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from New Jersey (Mr. BOOKER), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from West Virginia (Mrs. CAPITO), and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 722, a bill to impose sanctions with respect to Iran in relation to Iran's ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes.

S. 733

At the request of Ms. MURKOWSKI, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 733, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 734

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 734, a bill to extend a project of the Federal Energy Regulatory Commission involving the Cannonsville Dam.

S.J. RES. 19

At the request of Mr. PERDUE, the name of the Senator from Texas (Mr.

CRUZ) was added as a cosponsor of S.J. Res. 19, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Consumer Financial Protection relating to prepaid accounts under the Electronic Fund Transfer Act and the Truth in Lending Act.

S. RES. 11

At the request of Mr. SCOTT, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 11, a resolution encouraging the development of best business practices to fully utilize the potential of the United States.

S. RES. 49

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 49, a resolution declaring that achieving the primary goal of the National Plan to Address Alzheimer's Disease of the Department of Health and Human Services to prevent and effectively treat Alzheimer's disease by 2025 is an urgent national priority.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAINE (for himself, Mr. WICKER, and Mrs. MURRAY):

S. 754. A bill to support meeting our Nation's growing cybersecurity workforce needs by expanding the cybersecurity education pipeline; to the Committee on Commerce, Science, and Transportation.

Mr. KAINE. Mr. President, a skilled workforce is essential to addressing the growing cybersecurity challenges in the United States. In both the public and private sectors, a shortage of skilled cyber security professionals has hindered the Nation's cyber preparedness. According to a 2017 Global Information Security Workforce Study, 1.8 million more cyber security professionals will be needed worldwide by 2022.

Data breaches at the Office of Personnel Management in 2015 highlighted the need for robust cyber security protections at the Federal level, which include a strong and skilled workforce. Since 2001, the Federal Government has operated a cyber security education program known as CyberCorps: Scholarship for Service. Thanks to great leadership by Chairman JOHN THUNE and the U.S. Senate Committee on Commerce, Science, and Transportation, Congress codified the CyberCorps Program as part of the Cybersecurity Enhancement Act of 2014. Serving roughly 70 institutions, the National Science Foundation, NSF, grants award to institutions as part of the CyberCorps Program. Institutions utilize grants to build capacity for cyber security programs and provide scholarships to students. Scholarship recipients must fulfill a service requirement in a federal, state or local government cyber security job upon graduation.

In recent years, more community colleges have provided opportunities for students to gain much needed cyber security skills. An October 2015 study by the National Academy for Public Administration reviewed the CyberCorps Program and formulated major recommendations to improve it. One of the Academy's recommendations was to include qualified 2-year programs in the program regardless of their association with a 4-year institution. Currently, NSF only provides scholarship awards to students in 2-year programs who will transfer into a 4-year program.

Today, I am pleased to introduce with my colleague Senator ROGER WICKER, the Cybersecurity Scholarship Opportunities Act of 2017. This legislation will improve the federal cyber security workforce pipeline by directing the CyberCorps Program to provide 5 percent of scholarships to career changers and military veterans at qualified 2-year programs with no transfer requirement. The bill would also codify CyberCorps' K–12 education program and align the skills required for scholarship eligibility with the National Initiative for Cybersecurity Education Framework.

In addition, the bill would enhance cyber security protection for critical infrastructure by allowing CyberCorps graduates, on a case-by-case basis, to meet their service requirements in critical infrastructure missions at government-affiliated entities like the Tennessee Valley Authority. Just today, a report by the Massachusetts Institute of Technology found that digital threats to U.S. critical infrastructure demand attention and that the Nation does not produce enough graduates with the skills to protect critical infrastructure. It recommended that the President take steps to increase the supply of skilled professionals. By allowing CyberCorps graduates to fulfill service obligations in critical infrastructure missions, this legislation represents an important step in the right direction.

The Cybersecurity Scholarship Opportunities Act is a commonsense, bipartisan bill that would help students succeed and strengthen our national security. There are cyber security jobs in Virginia and across the country that are going unfilled, and it is clear we must make it easier for students to access the programs that prepare them for these roles.

By Mr. REED (for himself and Ms. COLLINS):

S. 743. A bill to strengthen the United States Interagency Council on Homelessness; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, along with Senator COLLINS, I am introducing legislation that would eliminate the sunset date for U.S. Interagency Council on Homelessness—the Council—so that this independent agency can build upon its success in helping to prevent and end homelessness nationally.

The Council was established under the Reagan administration as part of the landmark McKinney-Vento Homeless Assistance Act of 1987. Since that time, it has worked across the Federal Government and private sector to coordinate homeless assistance nationally. In 2009, the Homeless Emergency Assistance and Rapid Transition to Housing, or HEARTH Act, which I authored and introduced along with Senator COLLINS and others, expanded the Council's role to work with public, nonprofit, and private stakeholders to develop a national strategic plan to end homelessness. On June 22, 2010, the Council unveiled this plan, called Opening Doors, which has guided its work to develop and expand on effective strategies across the country to prevent and end homelessness.

Since Opening Doors was unveiled, the U.S. Department of Housing and Urban Development, HUD, reports that overall homelessness has decreased by 14 percent, chronic homelessness by 27 percent, and family homelessness by 23 percent. In addition, we have seen veterans' homelessness drop by 47 percent. This progress is not only a result of the more than $500 million Federal investment in housing and supportive services through programs like HUD–VASH but is also because of the direction the Council provides to the Departments of Veterans Affairs and HUD, as well as public housing agencies administering assistance at the local level. Specifically, the Council helped various partners align their resources, efforts, goals, and measures of success for serving homeless veterans. Under this approach, the Commonwealth of Virginia, Connecticut, Delaware, the city of New Orleans, and DeKalb County in Georgia, to name a few, have all declared an end to veterans' homelessness.

Yet more work remains. And here, too, the Council is an important part of developing solutions. For instance, nearly 36,000 unaccompanied youth under the age of 25 experienced homelessness in 2016. While some communities have started to develop responses to youth homelessness, it is a complex problem that requires a tailored approach taking into account the local variables of foster care, primary to postsecondary education, housing, and healthcare systems. Finding new ways to deliver and fund assistance to this diverse population is essential, and that is why Senator COLLINS and I held a hearing in our subcommittee on this matter and worked together to include over $40 million in targeted resources to address youth homelessness in both the fiscal year 2016 and 2017 Transportation, Housing and Urban Development, THUD, appropriations bills. As part of this new funding, the Council will be executing a broader collaborative effort with foster care networks, the juvenile justice community, and education partners to create and find

success in coordinated, cost-effective solutions that meet community needs. The Council's expertise in implementing complex Federal programs at the local level will continue to be critical to the success of this initiative.

For all of this good work the Council has done and continues to do, it is vital that we keep its doors open. The Council, as the only agency at the federal level charged specifically with addressing homelessness, has helped communities not only reduce homelessness, but it has also helped to save money. We know that people experiencing homelessness are more likely to access expensive health care services and spend more time in incarceration—which are extremely costly to taxpayers, states, and local governments. According to the National Alliance to End Homelessness, ''Based on 22 different studies from across the country, providing permanent supportive housing to chronically homeless people creates net savings of $4,800 per person per year, through reduced spending on jails, hospitals, shelters, and other emergency services.''

The Council has helped to build upon these estimated savings by identifying and tailoring cost-effective solutions that reduce the level of health care services, as well as recidivism, for individuals experiencing chronic homelessness. In fiscal year 2016 alone, the Council's modest $3.5 million budget catalyzed more than $5 billion in combined Federal resources that aim to address homelessness. It develops national strategies that inform the work and improve the cost-effectiveness of programs administered by 19 Federal agencies, and as a result, communities and Sates are able to leverage housing, health, education, and labor funding more strategically and effectively.

In our current budgetary environment we need a wise and creative arm to help our communities identify and maximize resources and opportunities where possible, to ensure we are actually addressing homelessness, and not contributing to it. The Council is proof that the government can work and save money in the process, and our bipartisan legislation ensures that the Council's doors remain open until there truly is an end to homelessness nationwide.

I thank the National Alliance to End Homelessness, the Rhode Island Coalition for the Homeless, HousingWorksRI, the Council of Large Public Housing Authorities, A Way Home America, Community Solutions, the National Low Income Housing Coalition, the National Coalition for Homeless Veterans, the National Law Center on Homelessness and Poverty, Funders Together to End Homelessness, the True Colors Fund, the National Housing Trust, the National Health Care for the Homeless Council, LISC, the National Alliance on Mental Illness, National Association of Housing and Redevelopment Officials, the Public Housing Authorities Directors Association, National Network for Youth, LeadingAge, Heartland Alliance, National Housing Conference, the National AIDS Housing Coalition, Covenant House International, the Coalition for Juvenile Justice, the Forum for Youth Investment, the Housing Assistance Council, Volunteers of America, the Coalition on Human Needs, the Corporation for Supportive Housing, the Technical Assistance Collaborative, and the National Coalition for the Homeless for their support. I urge our colleagues to join Senator COLLINS and me in supporting this legislation.

By Mr. FLAKE (for himself and Mr. MCCAIN):

S. 745. A bill to reauthorize the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

Mr. FLAKE. Mr. President, border security is one of the Federal Government's most important responsibilities, and the Federal Government has no better partners than local law enforcement agencies from border communities like those in my home State of Arizona. These officers and deputies serve on the front lines. They provide critical assistance to the missions of Federal agencies.

Unfortunately, these efforts are expensive and the locals end up picking up most of the tab. For example, local law enforcement agencies hold those facing immigration violations at county-operated jails, and they provide medical care for the undocumented inmates while they are in custody. In providing these services, Arizona's counties have incurred more than $310 million in costs associated with criminal undocumented immigrants since 2009. That is $310 million since 2009.

Despite these enormous costs, the Federal Government has left many local jurisdictions to shoulder the burdens of illegal immigration on their own. This is particularly frustrating when so many of our local law enforcement agencies are already struggling to carry out basic duties on overstretched budgets.

I hope we can all look forward to a time when we have the appropriate resources for securing the border, the means for those seeking to fill the needs of our economy to enter the country legally, a remedy for those who are here already illegally, and also a way for employers to ensure that those whom they hire are legally present.

These critical steps toward solving our immigration problems will require Congress to act. However, in the meantime, we can't continue to allow the Federal Government to pass off immigration responsibilities onto cash-strapped local agencies.

That is why I wish today to introduce a bill to reauthorize and reform the State Criminal Alien Assistance Program, better known as SCAAP. This bill is cosponsored by my friend and colleague, JOHN MCCAIN, and is supported by the Arizona Sheriffs Association.

SCAAP is a Federal program that reimburses State, local, and Tribal law enforcement for the costs associated with incarcerating and caring for criminal undocumented immigrants while in custody.

To ensure that local law enforcement receives sufficient reimbursement under SCAAP, my bill would make some commonsense reforms under the program. The bill would amend the Immigration and Nationality Act to reauthorize SCAAP through fiscal year 2021. Reauthorizing this program will provide local law enforcement agencies in Arizona and across the country with the certainty that any costs incurred from incarcerating criminal immigrants will be covered by Federal reimbursements.

Our State, local, and Tribal law enforcement agencies are committed to partnering with the Federal Government on immigration enforcement. But that partnership can't succeed unless the Federal Government provides the necessary reimbursements for those services.

As Cochise County Sheriff Mark Dannels said:

Arizona's counties continue to struggle under the fiscal strain of anemic growth in rural areas and cost-shifts from the State of Arizona. Housing criminal aliens without federal assistance diverts needed resources away from our communities' public safety priorities.

Mr. President, I ask unanimous consent that this letter from the Arizona Sheriffs Association in support of my bill to reauthorize SCAAP be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

ARIZONA SHERIFFS ASSOCIATION,
March 15, 2017.

Re State Criminal Alien Assistance Program (SCAAP) Reauthorization.

Hon. JEFF FLAKE,
U.S. Senator, Russell Senate Office Building, Washington, DC.

DEAR SENATOR FLAKE: On behalf of a majority of the Arizona Sheriffs Association, I would like to express support for Congress's proposed reauthorization of the State Criminal Alien Assistance Program (SCAAP).

County sheriffs maintain the shared responsibility of enforcing Arizona's criminal laws. We also serve as the keeper of Arizona's county jails, including paying for the cost of medical care for inmates. While the federal government continues to address the problem of illegal immigration, Arizona's jails incarcerate undocumented immigrants who have committed state and local violations, incurring significant costs in custody and care of these inmates, including medical costs. SCAAP provides critical dollars to Arizona's counties that help pay for the cost of housing and caring for these inmates while they are in our custody.

Arizona's counties continue to struggle under the fiscal strain of anemic growth in rural areas and cost-shifts from the State of Arizona. Housing criminal aliens without federal assistance diverts needed resources away from our communities' public safety priorities. We understand that federal dollars cannot fully supplant state costs for these

inmates. However, any financial assistance the federal government can appropriate to help pay for the costs of caring for these inmates will allow Arizona's sheriffs to concentrate on other important priorities, such as drug interdiction and search and rescue.

Since 2009, Arizona's counties have absorbed more than $310 million in costs. A SCAAP reauthorization that includes reimbursement for medical costs would provide vital financial resources to Arizona's sheriffs, allowing us to better serve the public safety needs of our counties.

That's why on behalf of Arizona's county sheriffs, I write to express support for the reauthorization of the State Criminal Alien Assistance Program (SCAAP). We encourage Congress to pass the measure and for President Trump to sign it if it reaches his desk.

Sincerely,

MARK DANNELS,
Cochise County Sheriff,
President, Arizona Sheriffs Association.

Mr. FLAKE. Mr. President, the SCAAP program is the foundation of the immigration partnership between local law enforcement and the Federal Government for keeping our communities safe. I urge all of my colleagues to support this legislation to reauthorize and reform the SCAAP program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 101—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. SHELBY (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 101

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Shelby, Mr. Roberts, Mr. Wicker, Ms. Klobuchar, and Mr. Udall.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Shelby, Mr. Roberts, Mr. Blunt, Ms. Klobuchar, and Mr. Leahy.

AUTHORITY FOR COMMITTEES TO MEET

Mr. GARDENER. Mr. President, I have 9 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, March 28, 2017, at 2:30 p.m.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, March 28, 2017, at 9:30 a.m. to conduct a hearing entitled ''Fostering Economic Growth: The Role of Financial Companies.''

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Senate Committee on Energy and Natural Resources is authorized to meet during the session of the Senate in order to hold a hearing on Tuesday, March 28, 2017, beginning at 10 a.m. in Room 366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs is authorized to meet during the session of the Senate on Tuesday, March 28, 2017, at 10:30 a.m., to hold a hearing entitled ''The View From Congress: U.S. Policy on Iran.''

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on March 28, 2017, at 10 a.m., in Room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Protecting Youth Athletes from Sexual Abuse.''

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Senate Committee on Energy and Natural Resources' Subcommittee on Energy is authorized to meet during the session of the Senate in order to hold a hearing on Tuesday, March 28, 2017, at 2:15 p.m., in Room 366 of the Dirksen Senate Office Building in Washington, DC.

SUBCOMMITTEE ON FISHERIES, WATER AND WILDLIFE

The Subcommittee on Fisheries, Water and Wildlife of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Tuesday, March 28, 2017, at 2:15 p.m., in Room 406 of the Dirksen Senate Office Building.

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, March 28, 2017, from 2:15 p.m., in Room SH–219 of the Senate Hart Office Building.

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the 115th Congress of the U.S. Senate on Tuesday, March 28, 2017, from 2:15 p.m., in Room SH–219 of the Senate Hart Office Building to approve the Biennial Report.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Secretary of the Senate, pursuant to Public Law 101–509, the reappointment of the following individual to serve as a member of the Advisory Committee on the Records of Congress: Sheryl B. Vogt of Georgia.

The majority leader.

NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 95 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 95) designating March 22, 2017, as ''National Rehabilitation Counselors Appreciation Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 95) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 23, 2017, under ''Submitted Resolutions.'')

PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 101, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 101) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 101) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, MARCH 29, 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, March 29; further, that following the prayer and pledge, the morning hour be

deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator WHITEHOUSE and Senator WARREN.

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak for up to 20 minutes in morning business.

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

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, I am here to give my weekly ''Time to Wake up'' speech. It is occurring on a day when the President has signed an Executive order that purports to be an effort to undo a good deal of work the American Government has done to address climate change. I have to say that it is a little bit hard to take this Executive order very seriously when the President is in trouble, which seems to be an everyday experience for him right now. The White House staff seems to entertain him and distract him by putting on these amateur theatricals in which they can give him a nice big folder that he can make a big signature on with a flourish and feel like he is doing something significant, when, in fact, these entertainments create little effect and mostly just confusion.

The administrative agencies that he is purporting to direct to stop taking action on climate change have a couple of differences from this particular Oval Office. One is that they are obliged to follow the law and will be held to the law. The second is that under the Administrative Procedures Act, they have to follow real facts. They don't get to make up ''alternative facts'' in the fever swamp of the Breitbart imagination—at least not for long, because their record can be reviewed by courts. Finally, they can't make decisions that are, to use the standard of administrative law, ''arbitrary and capricious.'' This is an Oval Office that lives by ''arbitrary and capricious,'' but administrative agencies don't get to follow it there without having their rulings thrown out by courts.

So ultimately this is going to come down to lawyers and to courts, and lawyers and courts are actually pretty good places for addressing climate change seriously because it is very hard for the lies that are at the heart of climate denial to withstand cross-examination and to stand up to the obligation of witnesses to actually testify truthfully and under oath in court proceedings or even in administrative proceedings.

The inconsistencies of people's statements and behavior can be brought out through cross-examination, which has been described as ''the greatest engine for the discovery of truth ever invented.''

Discovery means that litigants get access to documents on the other side, and it also means that the court has a chance to look into conflicts of interest.

Administrator Pruitt, thanks to the backing of the fossil fuel industry, which is well on its way in trying to turn America into a banana republic through its interests, actually got through the Senate without ever having to disclose who funded his dark money operation. That alone is a kind of preposterous statement, but it is true, because the Senate majority wouldn't insist that those questions be answered because they were so all-fired eager to shove this fossil fuel tool into the Administrator's seat at EPA. Those questions never got answered.

Once there is a case brought against him in which he has to decide whether to recuse himself and that decision gets reviewed by a court, guess what. A court gets to have those questions answered. So there is going to be a lot more that gets discovered as this all goes forward.

The President, with the Executive order today, has made himself ridiculous, which is no great achievement given his recent record. He has made his administration ridiculous, which is unfortunate but not unexpected given the climate-denying crowd who has been given positions of responsibility in this administration. Unfortunately, he has also made the United States of America ridiculous, at least until the checks and balances of government set aright the forces unleashed by this ridiculous Executive order. So let's go on to something that is a little bit more fact-based and serious.

I take climate trips to various places. I went to Ohio back in 2015, and there I met two remarkable and very cool people: Ellen Mosley Thompson and her husband, Lonnie Thompson. They have been married for 45 years, and that is also how long, more or less, they have been research partners. They do particularly amazing research. They are glaciologists. They study glaciers. They run the Byrd—as in Commander Byrd—Polar and Climate Research Center at Ohio State. They have spent years and years, decade after decade, studying the world's glaciers and leading expeditions to the far corners of the world to incredible places—to the North Pole, the South Pole, the Greenland ice cap, the high mountains of Peru, and glaciers in faraway China.

They gave me this on my visit. This is a little piece of a plant. You can look closely at it, and you can see the little sticks and leaves that are in it. This plant has an interesting history. It grew about 6,600 years ago, and when it grew and lived, woolly mammoths roamed the Earth. Woolly mammoths might have been eating neighboring plants. The human race was just entering the Bronze Age, and it began to snow. It snowed on this little plant. Snow piled on snow year after year, and this plant was buried under a glacier, preserved by the pressure and the cold. And there it stayed, so that now I can hold it up on the floor of the Senate 6,600-and-some years later.

Climate change is what brought me this plant because as temperatures steadily rise, glaciers the world over are melting. The glacier that buried this little plant 6,000 years ago receded so fast that here it is now—6,000 years in a glacier and now here in my hand in the Senate.

It is not just plants that are emerging from this great melting. We are actually seeing remains of our own long-dead ancestors emerge from melting glaciers. This is all becoming so common that a new field of study has been created—glacial archeology.

For my 162nd ''Time to Wake up'' speech, I will share the story of the warming Arctic and our world's disappearing glaciers.

The Thompsons, when they leave Ohio State and travel, drill down into the ice, and they take deep core samples out of the glacier, long tubes of ice from the glacier. For Ellen and Lonnie, that means long trips and some challenging logistics, making sure that packed-down ice and snow containing hundreds of thousands of years of accumulated snow and ice doesn't melt along the way back to their lab at Ohio State because in those hundreds of thousands of years of accumulated snow and ice are hundreds of thousands of years of data.

I remember going to visit them. They store the core samples from these glaciers around the world in a huge walk-in freezer. It is like a library with metal shelving, except instead of having books on the shelves, it has these tubes, and they are marked as to where they were drilled out. You can pull the tubes off the shelf and take them to a viewer, and they have a light underneath it, and you can look at the light coming through it. You can see bubbles in the glass that captured the atmosphere from thousands of years ago, and you can draw the air out of those ancient bubbles and learn what the atmosphere was like back then.

There was a line through the core that they showed me, and I asked them: What is this line in the core? They said: Well, that was a really bad sandstorm. It is actually written about in ancient Egyptian hieroglyphs, and we can connect the timing of those ancient Egyptian hieroglyphs talking about this terrific sandstorm and going back through time, the date. And we know that this dark line in the core reflects that big storm that ancient

Egyptians wrote about thousands of years ago.

There are other researchers doing similar things. France and Italy have researchers creating a separate ice core repository, and they have dubbed their project ''Protecting Ice Memory.'' Their bunker for these cores is going to be 33 feet under Antarctica's surface, where they hope to be able to keep the cores cold for posterity because given the rate of climate change, these carefully preserved, packed-away, and frozen ice core samples are probably going to be the last record we have of all the information that was left in and lost in melting glaciers.

This photo depicts Grinnell Glacier in Montana in what is now called Glacier National Park. This was a picture that was taken in 1940. You can see the glacier here pushing up into the mountain. In this photo, you can now see the glacier as it is here. If it is not clear, all of this is not glacier; it is lake, it is water.

The U.S. Geological Survey described what was going on as Grinnell Glacier lost 90 percent of its ice in this last century. Here is what the U.S. Geological Survey said:

> Glacier recession is underway, and many glaciers have already disappeared. The retreat of these small alpine glaciers reflects changes in recent climate as glaciers respond to altered temperature and precipitation. It has been estimated that there were approximately 150 glaciers present in 1850, and most glaciers were still present in 1910 when the park was established. In 2010, we consider there to be only 25 glaciers larger than 25 acres remaining in Glacier National Park.

There were 150 glaciers 100 years ago and 25 now. I wonder what they will call Glacier Park when all the glaciers are gone.

This was—is or was, depending on what you look at—Lillian Glacier up in the State of Washington in Olympic National Park. On the top, we see the healthy glacier in 1905. In 2010, it is virtually all gone. There are just little bits of snow in exposed mountain.

Glacier loss is not just happening in our parks in the United States; it is happening all over the world. A man named Christian Aslund has been documenting this recently, and National Geographic has printed his work. What he did was go to the archives of the Norwegian Polar Institute, and he found pictures of glaciers in Svalbard, Norway, back from the 1920s—old black and white pictures. Then he went back to the exact same spot from which the old picture was taken, and he took a picture. Most of these are from 2003, so some time has gone by since he took the picture, and the situation has actually gotten worse.

You will see here that these two mountaintops that are sticking above this glacier are these two mountaintops right there, but, of course, the glacier is no longer there. You just see a bit of snow back there behind the shore.

Here you see this vast wall of ice and the glacier pushing back up into these mountains behind it.

Here the wall of ice is essentially gone. You see this whole mountain front that has opened up, and the glacier is now simply back up in the valley behind it.

You can see the glacier here from the 1920s filling up this valley and the streams coming off the base of it down there.

Here you see the glaciers completely gone. The rock is exposed, and there is a lake at the bottom, and you have to actually look over the top of the mountain to this faraway peak to even see any snow in the photograph.

It is the same story elsewhere in the Arctic. The Greenland ice sheet is the world's second largest glacier landmass.

A study last year from the journal Science Advances found that we might have underestimated the current rate of mass loss of the Greenland ice sheet by about 20 billion tons per year.

As ''Science'' magazine recently highlighted, the accelerating surface melt of ice and snow off the Greenland ice sheet, since 2011, has doubled—Greenland's contribution to global sea level rise. It is a phenomenon that the Presiding Officer sees and hears about in his home State of Florida all the time. All told, the melting Greenland ice sheet holds the equivalent of more than 23 feet of sea level rise in its ice. That would be a lot in Miami. That would be a lot in Providence. That would change the map of the United States of America.

Why are these glaciers changing and shrinking? Obviously because the Earth is warming and ice melts. Over the last 150 years, industrial activities of modern civilization have caused the burning of fossil fuels like coal and oil. Their emissions have increased the concentration of greenhouse gases in the atmosphere, and we have known since Abraham Lincoln was President that that traps heat in the atmosphere, warming the planet.

What we are learning more and more is how much the warming of the planet accelerates at the Poles. The distribution of the warming is not even across the Earth. Things are warming much faster at the Poles. The Norwegian Polar Institute found that the rate of warming in the Arctic is about twice as high as the global average. For one thing, when snow and ice melt, they can expose darker surfaces underneath, whether it is water or Earth or rock, and a darker surface will absorb more solar energy than reflective snow and ice, and that warms the region even faster. So climate change has this compounding effect in the high latitudes.

Temperatures in the Arctic were the highest in recorded history for the period between December 2016 and February 2017. The World Meteorological Organization noted that ''at least three times so far this winter, the Arctic has witnessed the polar equivalent of a heat wave.'' What this means in layman's terms is that when the ice in the Arctic should have been freezing in the deep midwinter, it was actually melting. More warming and more melting mean more sea level rise.

Last year, researchers published in ''Nature'' an updated estimate of global sea level rise as this phenomenon accelerates. The prediction is not pretty. This new study doubles the previous estimate, putting global sea level rise over 6 feet by the end of this century.

This led to the January NOAA report that I discussed last week which updated global sea level rise region-specific assessments for our U.S. coastline. The report raised the previous upper range or extreme scenario for average global sea level rise in the year 2100 by 20 inches, to a total of 8.2 feet.

NOAA and its partners' findings were particularly harsh for the western Gulf of Mexico—the back side of Florida, if you will—and the northeast Atlantic coast; that is, Virginia through Maine, including my home State of Rhode Island. Coastal managers, like Rhode Island's Coastal Resources Management Council, or CRMC, are taking these new estimates very seriously and incorporating the ''high'' scenario into their planning, with the local high scenario now projected for Rhode Island by our CRMC at between 9 and 12 vertical feet of sea level rise. And, of course, when you go up 9 feet or 12 feet, you go back many hundreds of feet in many places. And all of this, whether it is happening in Florida or whether it is happening in Rhode Island or whether it is happening in other coastal States, it all starts with warming seas and melting glaciers.

When National Geographic caught up with Aslund a few weeks ago, he said something striking: ''What's happening in the Arctic is spreading around the whole globe.'' These pictures he had taken 14 years ago now—back in 2003—were just the beginning.

Kiribati, an island nation, has to face the real consequences of climate change and sea level rise. It is preparing to become a modern-day Atlantis—lost forever to the waves. Aslund describes a meeting with Kiribati's President: ''He knows climate change is just a fact . . . they're buying upland in Fiji so they can evacuate in the future.''

I will end with one final quote from Mr. Aslund. When asked about the devastating effects of climate change that he had seen firsthand, he responded: ''It is the biggest challenge we face and we must act now before it is too late.''

Do one man's photographs stand any chance against the massive deception apparatus orchestrated by the fossil fuel industry, when they can call in a President of the United States for as ridiculous and preposterous an Executive order as he signed today? It is hard to know.

I hope this body will rise to its best traditions and meet the needs of its constituents, whether they are coastal constituents threatened by sea level rise or farm constituents threatened by

changes in weather or forest constituents who are seeing the pine beetle destroy western forests by the millions of acres. I hope we wake up before it becomes too late.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:12 p.m., adjourned until Wednesday, March 29, 2017, at 10 a.m.