

NAYS—44

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

Udall	Warner	Whitehouse
Van Hollen	Warren	Wyden

NOT VOTING—2

Coons Sessions

The PRESIDING OFFICER. The Journal stands approved to date. The majority leader.

MOTION TO PROCEED TO EXECUTIVE SESSION

Mr. MCCONNELL. Mr. President, I move that the Senate proceed to executive session to consider Calendar No. 11, Elisabeth DeVos to be Secretary of Education.

The PRESIDING OFFICER. The question is on agreeing to the motion. Mr. MCCONNELL. 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 senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Coons

The motion was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Elisabeth Prince DeVos, of Michigan, to be Secretary of Education.

Mitch McConnell, David Perdue, Johnny Isakson, Tom Cotton, Mike Crapo, James E. Risch, Pat Roberts, Roy Blunt, John Boozman, Lamar Alexander, John Barrasso, Orrin G. Hatch, Jeff Flake, John Cornyn, Shelley Moore Capito, John Thune, Richard Burr.

The PRESIDING OFFICER. The Senator from Missouri.

NOMINATION OF NEIL GORSUCH

Mr. BLUNT. Mr. President, I am proud to have a chance to speak in support of your fellow Coloradan, Neil Gorsuch, President Trump's nominee to be an Associate Justice of the Supreme Court.

Clearly, we all understand this is an important decision and an important institution. The Supreme Court is the only Court specified in the Constitution and often the final arbiter of how the Constitution and the law is to be applied. In the history of the Court, in the history of the country, only 112 individuals have had the honor to serve on the Supreme Court. As we debate the qualifications and qualities of the person who has been nominated, and I hope to see confirmed as the 113th person to serve as an Associate Justice or a Justice on the Court, it is really vital we understand that we have a nominee who has a deep understanding and appreciation of the role of the Court and the role the Court plays in our democracy.

Judge Gorsuch embodies these principles through a lifetime of service, and he has really prepared himself in many unique ways for this moment. He graduated from Columbia University, where he was elected to Phi Beta Kappa and earned his law degree from Harvard Law School. After law school, Judge Gorsuch served as a Supreme Court clerk to two different Justices, Justice Byron White and Justice Anthony Kennedy. It has been pointed out that if Judge Gorsuch is confirmed to serve on the Court, he will be the first person ever to serve with someone for whom he clerked, and hopefully he and Justice Kennedy will have an opportunity to serve together.

After clerking on the Court, he went on to a successful career in private law

NOT VOTING—3

Coons	Sessions	Tillis
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The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

THE JOURNAL

Mr. MCCONNELL. Mr. President, I move that the reading of the Journal be waived.

The PRESIDING OFFICER. The question is, Shall the Journal stand approved to date?

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. COONS) is necessarily absent.

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

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—54

Alexander	Fischer	Moran
Barrasso	Flake	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Burr	Grassley	Portman
Capito	Hatch	Risch
Cassidy	Heitkamp	Roberts
Cochran	Heller	Rounds
Collins	Hoeven	Rubio
Corker	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Johnson	Shelby
Crapo	Kennedy	Sullivan
Cruz	King	Thune
Daines	Lankford	Tillis
Durbin	Lee	Toomey
Enzi	McCain	Wicker
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Cortez Masto	Manchin	Shaheen
Donnelly	Markey	Stabenow
Duckworth	McCaskill	Tester
Feinstein	Menendez	

practice, spending 10 years litigating a broad range of complex trials and appeals.

In 2004, just in case his Harvard law degree wasn't enough, as a Marshall scholar, he received a doctorate in philosophy from Oxford University.

At every point in his preparation, it has been understood he was at the top of that preparatory activity. He has served his country in the Justice Department, working as the Principal Deputy Associate Attorney General. In 2006, 10 years ago, President George W. Bush nominated him to serve on the Tenth Circuit Court of Appeals. At the time of his nomination, the American Bar Association gave him a unanimous "well qualified" rating, the highest rating. The Senate then confirmed his nomination unanimously by a voice vote.

Today I believe the Senate has 11 Democrats serving with us who were part of that unanimous process. In his decade on the Tenth U.S. Circuit Court of Appeals bench, Judge Gorsuch has demonstrated a steadfast commitment to upholding the rule of law and interpreting the Constitution as its authors intended.

I am confident he will continue to adhere to the Constitution, apply the rule of law, and not legislate from the bench. I think he understands, as Justice Scalia did, that the job of a Justice of the Supreme Court is not to decide what the law should be or what the Constitution, in their opinion, should say but decide what the law is and what the Constitution does say.

His keen intellect and devotion to law are very well understood and appreciated throughout the legal profession. He has the integrity, the professional qualifications, and the judicial temperament to serve on the Nation's highest Court.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from earlier this week.

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

[From the Denver Post, Jan. 26, 2017]

TRUMP WOULD DO WELL TO CONSIDER NEIL GORSUCH FOR SUPREME COURT  
(By the Editorial Board)

Then-U.S. Sen. Ken Salazar, right, introduces Neil Gorsuch at his nomination hearing to the U.S. Court of Appeals for the 10th Circuit on June 21, 2006. Gorsuch is being considered as a possibly replacement for the late U.S. Supreme Court justice Antonin Scalia.

President Donald Trump is on the verge of making his most enduring appointment to date and we are encouraged by one of the names on his list to replace former Supreme Court Justice Antonin Scalia.

Neil Gorsuch is a federal judge in Denver with Western roots and a reputation for being a brilliant legal mind and talented writer. Those who have followed Gorsuch's career say that from his bench in the U.S. 10th Circuit Court of Appeals he has applied the law fairly and consistently, even issuing provocative challenges to the Supreme Court to consider his rulings.

Liberals who dreamed of a less-conservative Merrick Garland on the court will un-

doubtedly gasp at a suggestion that Gorsuch would be a good addition to a court that has been shorthanded for more than a year.

Gorsuch is most widely known for ruling in the Hobby Lobby contraception case before it reached the Supreme Court in 2014. His controversial decision was upheld in a 5-4 vote. Gorsuch wrote in the case that those with "sincerely held religious beliefs" should not be forced to participate in something "their religion teaches them to be gravely wrong."

We disagreed with that ruling, saying the Supreme Court wrongly applied constitutional protections of religious freedom to a corporation that remained owned by a small group of like-minded individuals.

We argued that even closely held corporations—primarily functioning as money-making entities and not religious institutions—shouldn't be able to opt out of the Affordable Care Act mandate that insurance cover contraception by citing First Amendment protections intended for individuals and churches.

But in considering Gorsuch's body of work and reputation—and yes, we like his ties to Colorado as well—we hope Trump gives him the nod.

We are not afraid of a judge who strictly interprets the Constitution based solely on the language and intent of our nation's founders, as long as he is willing to be consistent even when those rulings conflict with his own beliefs.

As Denver Attorney Jason Dunn, who considers himself a longtime fan of Gorsuch, explains, his views stem "from a belief in a separation of powers and in a judicial modesty that it is not in the role of the courts to make law. Justice Scalia would put it: If you like every one of your rulings, you're probably doing it wrong."

A justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go far to restore faith in the highest court of the land. That faith has wavered under the manufactured and false rhetoric from critics that the high court has become a corrupt body stacked with liberals. And while Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency rather than political leanings.

Gorsuch, at 49, will have years to whittle away at that damaging lack of trust. A July 2016 Gallup Poll found that 52 percent of Americans disapproved of the way the Supreme Court handled its job. The finding is striking, considering the same poll in 2000 found only 29 percent of Americans disapproved.

We could do far worse than a thoughtful graduate from Columbia, Harvard and Oxford universities, who clerked for two Supreme Court justices and calls Denver home.

Mr. BLUNT. I wish to share a little of that editorial where the Denver Post says:

We are not afraid of a judge who strictly interprets the Constitution based solely on the language and intent of our nation's founders, as long as he is willing to be consistent even when those rulings conflict with his own beliefs.

As Denver Attorney Jason Dunn, who considers himself a longtime fan of Gorsuch, explains, his views stem "from a belief in a separation of powers and in a judicial modesty that it is not in the role of the courts to make law. Justice Scalia would put it: If you like every one of your rulings, you're probably doing it wrong."

That is similar to what you and I heard Judge Gorsuch say last night;

that a good judge doesn't rule based on what a judge likes to have happen but what the law and the Constitution insists does happen.

Going back and continuing just one more paragraph from that Denver Post editorial:

A Justice who does his best to interpret the Constitution or statute and apply the law of the land without prejudice could go far to restore the faith in the highest court of the land. That faith has wavered under the manufactured and false rhetoric from critics that the high court has become a corrupt body stacked with liberals. And while Democrats will surely be tempted to criticize the nomination of anyone Trump appoints, they'd be wise to take the high road and look at qualifications and legal consistency rather than political leanings.

That is in the middle of that editorial that is now in the RECORD.

The Supreme Court is one of the most important legacies this President is likely to leave. I think he made a very well-considered and right choice in selecting Judge Gorsuch to begin shaping the long-term view of the Court. I look forward to hearing more from the judge as this confirmation process moves forward and to seeing him confirmed as an Associate Justice of the Supreme Court.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, we began public hearings on the Supreme Court nominees in 1916. Since we began those, the Senate has never denied a hearing or a vote to a pending Supreme Court nominee—never, since 1916 until last year.

Last year Senate Republicans waged an unprecedented blockade against the nomination of Chief Judge Merrick Garland, a fine judge with impeccable credentials and with strong support from both Republicans and Democrats, a man who should be on the Supreme Court today. This is the first time since 1916 that had ever been done. Instead, bowing to the extreme right of their party, Republicans who knew him and who even had said publicly before how much they respected him and how he should be on the Supreme Court refused even to meet with him, let alone accord him the respect of a confirmation hearing—even though the Constitution says that we shall advise and consent and even though each one of us has raised our hand in a solemn oath saying we will uphold the Constitution.

So this is exactly what happened. The Republicans held hostage a vacancy on the Supreme Court for a year so that their candidate for President could choose a nominee. The blockade of the Merrick Garland nomination was shameful, but I think it is also corrosive for our system of government. Candidate Donald Trump, who verbally attacked a sitting Federal judge in what Speaker RYAN called "a textbook example of a racist comment," encouraged Senate Republicans to "delay, delay, delay." Candidate Trump then went further. He said he would

outsource the vetting of potential nominees to far-right organizations, many of them lobbying organizations, that want to stack the judiciary with ideological conservatives who are outside the mainstream. He promised a nominee who would overturn 40 years of jurisprudence established in *Roe v. Wade*. With the selection of Judge Gorsuch, it appears as though he is trying to make good on that promise.

When we confirmed Judge Gorsuch for the Tenth Circuit Court of Appeals—and I was a Member of the Senate at the time—I knew he was conservative, but I did not do anything to block him because I hoped he would not impose his personal beliefs from the bench. In fact, at his confirmation hearing in 2006, Judge Gorsuch stated that “precedent is to be respected and honored.” He said it is “unacceptable” for a judge to try to impose “his own personal views, his politics, [or] his personal preferences.” Yet, just last year, he tried to do that. He called for important precedent to be overturned because it did not align with his personal philosophy.

From my initial review of his record, that I have just begun, I question whether Judge Gorsuch meets the high standard set by Merrick Garland, whose decisions everybody would agree were squarely within the mainstream. And with the ideological litmus test that President Trump has applied in making this selection, the American people are justified to wonder whether Judge Gorsuch can truly be an independent Justice. So I intend to ask him about these and other important issues in the coming months.

Republicans rolled the dice last year. They subjected the Supreme Court and the American people to a purely political gamble. They ignored the Constitution and did something that had never been done before in this country.

I know President Trump likes to boast that he won the election in a massive landslide. Well, of course he didn't. Secretary Clinton received more than 2.8 million more votes from the American people than President Trump. But more importantly, due to Senate Republicans' political gambit, the U.S. Supreme Court clearly lost in this election. This is really no way to treat a coequal branch of government, and it is certainly not the way to protect the independence of our Federal judiciary—something that is the bedrock of our Constitution.

The President's electoral college victory—which was far narrower than either of President Obama's victories—is hardly a mandate for any Supreme Court nominee who would turn back the clock on the rights of women, LGBT Americans, or minorities; or a nominee who would use theories last seen in the 1930s to undermine all we have accomplished in the last 80 years. If he follows these right-wing lobbying groups who helped vet him for the President, if he follows what they want, then critical programs, like So-

cial Security and Medicare and Medicaid, key statutes, including the Civil Rights Act, the Voting Rights Act, and the Clean Air Act, could well be at risk.

So after nearly a year of obstruction—unconstitutional, unprecedented obstruction—I really don't want to hear Republicans say we now must rush to confirm Judge Gorsuch. I know the President thinks they should, but I also wonder how seriously even he takes this. His announcement yesterday was like he was announcing the winner of a game show: I brought in these two people, and now here is the winner. We are talking about the U.S. Supreme Court; treat it with the respect it deserves.

For all of the Republican talk of Democrats setting the standard with the confirmations of Justice Sotomayor and Kagan, they ignored the standard they set in the shameful treatment of Chief Judge Garland. In fact, I remember when—and I was chairman at the time—when we set the schedule for the hearings and the vote on Justice Sonia Sotomayor, and I remember the Republican leader rushing to the floor and saying: Oh, this is terrible. You are rushing it. You are moving it so fast.

I pointed out that we were setting the schedule to the day—to the day—the same as we set for Chief Justice John Roberts. So I asked the obvious question: Are you telling me the schedule was OK for him but not OK for her? We followed the schedule.

We need time to look at all of these nominees.

I would note, as one who has tried cases in Federal courts, as a lawyer, and as one who has chaired the Judiciary Committee, I would say the courts are a vital check on any administration, especially one that, like this one, has found itself on the losing side of an argument in Federal court in only its first week—they lost on something that a first-year law student could have told them they were going to lose. But with great political fanfare, the President issued an order. Fortunately, the order was seen for what it was: No Muslims need show up in our country.

Judge Gorsuch, to be confirmed, has to show that he is willing to uphold the Constitution even against President Trump, even against the lobbying groups the President had vetting him.

His record includes a decade on the Federal bench. The Judiciary Committee must now carefully review his decisions. We have to conduct a thorough and unsparing examination of his nomination. That is what I will do, just as I have done for every nominee—everybody currently on the Supreme Court and many before them. Whether nominated by a Republican or a Democrat, I did a thorough and unsparing examination of their nomination. The Senate deserves nothing less. More importantly, the American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

TRAVEL BAN

Mr. KAINÉ. Mr. President, I rise to speak on a special day. Today is my wife's birthday. Today is National Freedom Day, when we recognize President Lincoln's signing the 13th Amendment banning slavery. This is the reason we celebrate Black History Month in February.

Today, February 1, begins American Heart Month, acknowledging the great heart of the American people, as well as the need for health care.

But today, February 1, is also the first day of World Interfaith Harmony Week. In 2010, King Abdallah II of Jordan spoke before the U.N. General Assembly, and he asked the U.N. to declare a week every year to promote understanding and tolerance between the world's religions. In his speech before the U.N., this is what King Abdallah said:

It is also essential to resist forces of division that spread misunderstanding and mistrust, especially among peoples of different religions. The fact is, humanity everywhere is bound together, not only by mutual interests, but by shared commandments to love God and neighbor, to love the good and neighbor. What we are proposing is a special week, during which the world's people, in their own places of worship, could express the teachings of their own faith about tolerance, respect for others and peace.

The resolution was adopted unanimously at the U.N. General Assembly, and all nations, religions, and peoples were asked to observe it.

By happy coincidence, as the Presiding Officer knows, King Abdallah is in Washington right now. He visited with Senators here at the Capitol yesterday and today. Earlier today I met with him, and I told him I would speak in his honor in the hopes that his words might inspire us at a challenging time.

The word of last Friday's Executive orders regarding immigration and refugees—orders which implemented the President's campaign rhetoric to implement a Muslim ban—shocked the country this weekend. I traveled to Roanoke and Blacksburg, VA—communities in the southwestern portion of my Commonwealth. I was there to meet with local health care providers and students pursuing health care careers. I had planned the trip to go talk about the Affordable Care Act, but at my first event, two families came to me with a concern. Working together with Roanoke Catholic charities, they had helped settle a Syrian refugee family in Blacksburg 1 year ago. The Syrian family was a mom and dad and four kids. These sponsors told me how well the family was doing and how welcoming this community was in bringing this family to Virginia and taking them in.

The employer of the Syrian father runs a construction company, and he hired him to do construction work. He told me, kind of chuckling about it: Senator, not all my workers agree with me on politics, but no one better say a

bad word about their Syrian coworker around them.

He went on to describe how the employees at his construction firm had done a number of things, including collecting funds to help the children have soccer shoes there, in Southwest Virginia. But they didn't tell me this story because it is a happy story about resettlement of a family, although that is a point of the story.

Here is why they came to see me. The community was poised to welcome a second family from Syria—a mother, father, and five minor children—to meet them at the Roanoke airport tomorrow and help them find a home in the United States. This refugee family they were supposed to meet tomorrow fled Syria 4 years ago. They had been living in a refugee camp in Jordan, undergoing 4 years of vetting in the hopes they could come to America. Now, their sponsors pressed papers into my hand and said: What will happen to this family? Are they now shut out of the dream they have worked so hard to achieve? Are we now shut out from our desire to offer them the Christian hospitality of our community?

We have been working to get answers to these questions, but as of today, we know nothing about this family's fate.

There are so many questions I struggle to answer in the aftermath of these orders. The orders single out people based on their Muslim faith by targeting primarily Muslim nations and allowing exceptions to be made for Christians and other religious minorities. Why?

The orders single out seven countries—countries where citizens have been exposed to genocide and other crimes against humanity—while leaving countries that have actually exported terrorists to the United States untouched. Why?

The order was applied to legal permanent residents of the United States until clarified and also to brave people who had helped American soldiers on the battlefield, thereby earning a special immigrant visa status. Why?

We can have security procedures that are based on the danger of an individual rather than a stereotype about where they were born or how they worship.

I am called to reflect on these events by King Abdallah's words suggesting that the world should recognize this week as World Interfaith Harmony Week. He told us today that the order is being viewed with deep anxiety in his country, which is one of our strongest allies in the Arab world—indeed, in the entire world. I am called to reflect on these events by my own citizens in Roanoke and Blacksburg, working with a church group, who just want to serve others in a way commanded by their faith and by all faiths.

At the Presiding Officer's desk, there is a book of the rules of the Senate and there is also a Bible. In a week where all are called to reflect upon their own religious traditions of tolerance and

peace, there is wisdom in that Book for our Nation.

Exodus 22:21: "You shall not wrong or oppress an alien, for you were aliens in the land of Egypt."

Leviticus 19:34: "The alien who resides with you shall be to you as a citizen among you; you shall love the alien as yourself for you were aliens in the land of Egypt."

Deuteronomy 1:16: "Give the members of your community a fair hearing and judge rightly between one person and another whether citizen or resident alien."

Deuteronomy 10:18-19: "For the Lord your God loves the strangers, providing them with food and clothing. You shall also love the stranger for you were strangers in the land of Egypt."

Deuteronomy 24:17: "You shall not deprive a resident alien or an orphan of justice."

Deuteronomy 26:5: "A wandering Aramaean was my ancestor, he went down into Egypt and lived there as an alien."

Matthew 2:13-23: Jesus began his life as a refugee in Egypt.

Matthew 25:34: "I was hungry and you fed me. I was thirsty and you gave me drink. I was a stranger and you invited me into your home."

The traditions of this nation, other nations, religions, and peoples point us in the same direction. Pope Francis reminded us of these very words when he spoke to us in the fall of 2015 and told us—as individual leaders and as a nation—that the yardstick we use to measure and evaluate others is the yardstick that will be applied to us.

On this opening day of World Interfaith Harmony Week, I pray that we commit to peaceful understanding and appreciation of people from diverse faith backgrounds. I pray that the unjust immigration orders that target suffering people based on where they were born or how they worship will be rescinded. I pray that Congress and the administration will work together to set up appropriate security procedures that do not discriminate on the grounds of religion or national origin, and I pray that we will be true to our best principles and not sacrifice them for the sake of politics.

I yield the floor.

The PRESIDING OFFICER (Mr. LEE).  
The Senator from Colorado.

#### NOMINATION OF NEIL GORSUCH

Mr. GARDNER. Mr. President, as I stated repeatedly before the Presidential election of this past year, we stood, and continue to stand, at a very pivotal time in our Nation's history.

After 8 years of using the judicial and regulatory systems to push through its legislative agenda, the balance of power had shifted from what our Founders intended. Our Founders intended the Congress to make the laws and write the laws, the executive branch to implement the laws, and the judiciary to be guardians of the Constitution, not to make the laws.

That is why we said that the next President of the United States, wheth-

er they be Democrat or Republican, would have the opportunity to fill the vacancy on the Supreme Court, following the Biden rule—the edict that there wouldn't be a confirmation hearing for a Supreme Court nominee until after that year's Presidential election—to allow the American people to make their decision, giving the American people a say in the direction of this country for years to come. In return, they have given us this nominee.

It is with great pride that I rise today to talk about the nominee today—a fellow Coloradan, Judge Neil Gorsuch, President Trump's nominee to the Supreme Court. Judge Gorsuch comes to the Court with that unique western perspective that the Presiding Officer and I share. Our States of Utah and Colorado obviously like to see that western perspective shared at the Tenth Circuit Court, where it is housed in the West, but at every level of our courts and to the Supreme Court—adding to Justice Kennedy's background and to others who share that same perspective and history in the Supreme Court.

Born in Denver, Judge Gorsuch is a fourth-generation Coloradan, coming from a long line of individuals who have dedicated their life to service not only to the State of Colorado but to the Nation. His mother, Ann Gorsuch, served in the Colorado House of Representatives and, during the Reagan administration, she was the first female Administrator of the Environmental Protection Agency. His grandfather, John Gorsuch, founded one of Denver's largest law firms, Gorsuch Kirgis, where both he and Neil's father, Dave, practiced throughout the firm's successful 60-year-old history. His stepfather, Robert Buford, was a former speaker of the Colorado House of Representatives who went on to become the head of the Bureau of Land Management.

Judge Gorsuch is also one of our country's brightest legal minds, with a sterling reputation, and significant experience as a Federal judge and a private litigator. He has impeccable academic credentials and is a widely respected legal scholar. He received his bachelor's degree from Columbia University, graduated from Harvard Law School, and was a Marshall scholar at Oxford University, where he obtained a doctorate in legal philosophy.

Of course, I cannot forget the summer he spent at the University of Colorado as well. Judge Gorsuch clerked for two Supreme Court justices—Byron White, a Colorado native as well. In fact, in his comments last night after the announcement of his nomination, Judge Gorsuch mentioned that he worked for the only Coloradan to serve on the Supreme Court and also the only leading rusher in the NFL to ever serve on the Supreme Court.

He also clerked for Justice Anthony Kennedy, as well as for Judge David Sentelle on the U.S. Court of Appeals for the DC Circuit. Following his clerkships, Judge Gorsuch went into private

practice, eventually rising to the rank of partner in the elite litigation law firm of Kellogg Huber, leaving practice in 2005 to serve as a high-ranking official in the Bush administration Justice Department. A year later, President George W. Bush nominated Gorsuch to serve on the Tenth Circuit Court of Appeals, a position for which he was confirmed by a unanimous vote. I think it is very telling that not only was he confirmed by a unanimous vote, but roughly 11 or 12 members of the Democratic conference were there to vote for Judge Gorsuch. There are people serving today who voted for Judge Gorsuch. I believe SCOTUSblog recently reported that when Judge Gorsuch was nominated to the Tenth Circuit Court, then, Neil Gorsuch's confirmation hearing was sparsely attended. I believe it mentioned that only a few people attended. I think Senator LINDSEY GRAHAM, our colleague from South Carolina, was one of the Senators to attend his confirmation hearing. I believe Senator LEAHY, our colleague from Vermont, submitted questions for the record. But as SCOTUSblog cited, very few people attended his confirmation hearing because of the high caliber and high quality of the nomination. He was introduced by my predecessor from Colorado, Ken Salazar, and was praised from Senator Salazar's perspective for being impartial, fair, and the having the kind of temperament that we need in the circuit court.

Judge Gorsuch is an ardent faithful defender of the Constitution and has the appropriate temperament, as then-Senator Salazar noted, to serve on the Nation's highest Court. Of course, he was then talking about the Tenth Circuit Court. Judge Gorsuch recognizes that the judiciary isn't the place for social or constitutional experimentation, and efforts to engage in such experimentation delegitimizes the Court. He has said:

This overweening addiction to the courtroom as the place to debate social policy is bad for the country and bad for the judiciary. . . . As a society, we lose the benefit of the give-and-take of the political process and the flexibility of social experimentation that only the elected branches can provide.

Here we see his understanding that certain debates are to take place where debate is held by those elected directly by the people—in the Congress.

Judge Gorsuch believes in the separation of powers as established by our Founding Fathers in the Constitution. As he rightly stated, "a firm and independent judiciary is critical to a well-functioning democracy," understanding the value of three branches of government, the value of an independent judiciary, understanding that there are certain things dedicated exclusively to the judiciary, to the legislative branch, and to the executive.

Judge Gorsuch is not an ideologue. He is a mainstream jurist who follows the law as written and doesn't try to supplant it with his personal policy

preferences. He said: "Personal politics or policy preferences have no useful role in judging; regular and healthy doses of self-skepticism and humility about one's own abilities and conclusions always do."

Judge Gorsuch understands the advantage of democratic institutions and the special authority and legitimacy that come from the consent of the government. He said: "Judges must allow the elected branches of government to flourish and citizens, through their elected representatives, to make laws appropriate to the facts and circumstances of the day."

Judge Gorsuch appreciates the rule of law and respects the considered judgment of those who came before him. He said:

Precedent is to be respected and honored. It is not something to be diminished or demeaned.

This morning, I had the opportunity to meet with Judge Gorsuch—of course, knowing him from Colorado and the town of Boulder, where he lives today, and also where I received my law degree. We spent a lot of time talking about our favorite passions in Colorado, whether it is fly-fishing, whether it is paddle-boarding. Of course, he spends a lot of time out on the Boulder Reservoir, enjoying recreation—just like every other person in Boulder does and every other person in Colorado does—as somebody who understands the great outdoors. We talked about the rule of law. We talked about the separation of powers, his concern over originalism and textualism, and following in the footsteps of other great Justices on the Supreme Court.

We talked about something he said last night when his name was put forward for nomination by President Trump. We talked about a statement he made to this effect: If a judge likes every opinion that they have written, every decision that they have reached, they are probably a bad judge. I think this goes to his insistence that, as a judge, you must put your personal beliefs, your personal policies aside to rule as the rule of law requires and to rule as the Constitution and the statutes require.

We discussed in our meeting decisions he made of which he didn't like the outcome but believed that the rule of law required a certain outcome—whether it was a felon who possessed a handgun or whether the Federal Government had misspoken to the accused and he believed that the government had done the accused wrong.

While Judge Gorsuch personally believed that perhaps he would have liked to have found a guilty decision or agreed with a guilty decision, he couldn't do it because of the standards that were applied in the case—the grammatical gravity that had to be ignored in order to reach the conclusion the lower court had reached.

His ability to put personal opinions aside, I think, is what makes him an ideal candidate for the U.S. Supreme

Court. Over the coming days and months, we are going to have many opportunities to talk about the qualities of Judge Gorsuch, but we have already heard many people complain that perhaps they didn't pay enough attention to Judge Gorsuch 10 years ago. They talked about their concern, this new-found concern that was not available—that apparently wasn't there 10 years ago when this Senate unanimously supported Judge Gorsuch.

I have even heard complaints that they didn't like the way that his nomination was announced—a complaint about how the President announced the nomination. Those are the kinds of concerns we are hearing about Judge Gorsuch today because they didn't like the way he was announced.

We are going to have a lot of opportunity to talk about his temperament, those things he believes are important as a judge, those things he believes are important to make decisions. I look forward to having a conversation about what I believe is a brilliant legal mind—someone of a brilliant legal mind, someone with a sterling reputation, someone who has been known as a feeder judge of clerks to the highest Court in the land, someone who rules on the law and not on his personal beliefs, someone who believes in the Constitution and not in the role of legislator from the bench.

I am grateful I had this opportunity to support a Coloradan, a man of the West, to Nation's highest Court, and I look forward to working to place Judge Gorsuch as Associate Justice to the U.S. Supreme Court.

Mr. President, I yield back my time. The PRESIDING OFFICER. The Senator from Massachusetts.

Ms. WARREN. Mr. President, we are in the second week of the Trump Presidency, and it is pretty clear that something is happening in our country. All across the Nation, Americans in quiet towns and boisterous cities are taking to the streets to fight for American values. They are protesting in the streets and calling their Representatives. They are getting involved in local organizations, and they are organizing around the causes they support.

We know that American values are threatened when the President issues an order banning immigrants from the country based on their religion. We know that American values are threatened when politicians try to break apart a health care system that has extended medical benefits to millions of Americans, and we know that American values are threatened when a President tries to stack his government with billionaires and insiders who have a history of grinding working people into the dirt.

Yesterday something happened that is a threat to our American values. President Trump nominated Judge Neil Gorsuch to serve on the Supreme Court. For years now, I have repeated this warning: America's promise of equal justice under the law is in danger. Over the last three decades, as the

rich have grown richer and middle-class families have struggled, the scales of justice have also tilted, tilted in favor of the wealthy and the powerful.

This is not an accident. It is part of a deliberate strategy to turn our courts into one more rigged game for folks at the top, and its effects have been devastating. Recent court decisions have protected giant businesses from accountability, made it harder for people who have been injured or cheated to get a hearing, gutted longstanding laws protecting consumers who have been swindled, and unleashed a flood of secret money into our politics that is rapidly tilting the entire government in favor of the wealthy.

Billionaires and corporate giants have launched a full-scale attack on fair-minded, mainstream judges. It has happened at every level of our judiciary, but the best example was the unprecedented blockade of Judge Merrick Garland's nomination to the Supreme Court. Judge Garland was an obvious consensus nominee and a straight shooter who followed the law. Why block him? The problem was that Judge Garland's career didn't reflect a sufficient willingness to bend the law to suit the needs of the rich and powerful. And for that sin, far-right groups, financed by Big Business interests, spent millions of dollars attacking him, to torpedo his nomination and keep that seat open.

They did something else that is even more damaging: Far-right groups also drew up a list of "acceptable" Supreme Court nominees, people who demonstrated they were sympathetic to the rich and the powerful. Judge Neil Gorsuch made the cut, and his nomination is their reward.

Judge Gorsuch is intelligent and accomplished. He is polite, respectful, and articulate. Make no mistake, his professional record, which I have reviewed in detail, clearly and consistently favors the interests of big corporations over workers, big corporations over consumers, and big corporations over pretty much anybody else.

Let's not mince words. The nomination of Judge Gorsuch is a huge gift to the giant corporations and wealthy individuals who have stolen a Supreme Court seat in order to make sure that the justice system works for them. What I am saying shouldn't be controversial. They haven't made a secret of what they were doing. This is exactly why Judge Gorsuch has been on their list for 4 months. He is the payoff for their multimillion-dollar investment.

Throughout his professional career, Judge Gorsuch has shown a truly remarkable insensitivity to the struggles of working Americans and an eagerness to side with businesses that break the rules over workers who are seeking justice.

Even before he became a judge, Judge Gorsuch famously argued in favor of limiting the ability of investors and

shareholders to bring lawsuits when companies commit fraud, whining about how annoying it is for billionaire corporations to have to face their investors when they cheat them.

As a judge for more than a decade, he has twisted himself into a pretzel to make sure that the rules favor giant companies over workers and individual Americans. Let me just count some of the ways. He has sided with employers who deny wages, employers who improperly fire workers, employers who retaliate against whistleblowers for misconduct. He has sided with employers who denied retirement benefits to their workers. He has sided with big insurance companies against disabled workers who were denied benefits. He has ruled against workers in all kinds of discrimination cases. He has even argued that the rights of corporations outweigh the rights of the people working for them, for example, allowing businesses to assert religious beliefs so they can limit their employees' access to health care.

Listen to that one again. He thinks that a company can assert a religious belief and decide whether female employees get access to birth control. Let's be clear. That means a lot of employees will be living at the whim of their employers.

Judge Gorsuch has written dismissively about lawsuits to vindicate the rights of vulnerable people. Equal marriage? Assisted suicide? Keep those issues out of his courtroom. He is willing to open the doors wide when big corporations show up in his court to challenge health and safety rules they don't like or regulations to prevent them from polluting our air and water, poisoning our food, undermining our public safety, or just plain cheating people. When that happens, Judge Gorsuch is ready to go, to override the rules with his own views. On that score, he is even more extreme than Justice Scalia.

This is exactly the type of Supreme Court Justice that giant corporations want, but they have never been quite so brazen about it. Spending millions to slime a consensus straight shooter nominee like Merrick Garland and steal a Supreme Court seat, then drawing up a public list of "acceptable" alternatives and handing it over to a billionaire President so he can do his buddies a favor. That is bold. That is bold, and that is not how America is supposed to work.

Our courts are supposed to be neutral arbiters, dispensing justice based on the facts and the law, not people chosen to advance the interests of those at the top.

Let's be clear. This fundamental principle might be more important today than it has ever been in modern history. Every day our new President finds more ways to demonstrate his hostility for an independent judiciary, for a civil society, and for the rule of law. That is precisely the reason that our Constitution gives us a neutral,

independent judiciary. We don't need Justices who have been handpicked for their willingness to kowtow to those with money, power, and influence. We need Justices who will stand up to those with money, power, and influence.

Judge Gorsuch may occasionally write in vague terms about the importance of the independent courts. Today, right now, that simply is not good enough. Now, more than ever, the United States needs a Supreme Court that puts the law first every single time. That means Justices with a proven record of standing up for the rights of all Americans—civil rights, women's rights, LGBTQ rights, and all the protections guaranteed by our laws.

We cannot stand down when American values and constitutional principles are attacked. We cannot stand down when the President of the United States hands our highest Court over to the highest bidder, and that is why I will oppose Judge Gorsuch's nomination.

Mr. President, I yield.

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. HATCH. 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. HATCH. Mr. President, I rise today in support of the nomination of Judge Neil M. Gorsuch to serve as the next Associate Justice of the Supreme Court of the United States. Judge Gorsuch has been nominated to fill the seat left vacant by the late Justice Antonin Scalia.

Justice Scalia was a dear friend of mine, and his death was a great loss to me and to our country, not just to me personally but for the whole Nation. Justice Scalia joined the Supreme Court after years of unbridled activism by the Court, during which time Justices imposed their own left-wing views—completely unmoored from the law as written—on the American people.

In response, he led a much needed revolution based on the enduring principle that the role of a judge is to say what the law is, not what a judge wishes it were. As the intellectual architect of the effort to restore the judiciary to its proper role under the Constitution, Justice Scalia was a singularly influential jurist.

To say that he leaves big shoes to fill is an understatement. Any worthy successor to his legacy will not only be committed to continuing his life's work but also capable of delivering the sort of intellectual firepower and leadership that Justice Scalia provided for decades.

Of all the potential candidates for this position, this vacancy, Neil Gorsuch stands out as the jurist best positioned to fill this role. His resume

can only be described as stellar: Columbia University, a Marshall Scholarship to study at Oxford, Harvard Law School, clerkships for Judge Sentelle on the DC Circuit and for Justices White and Kennedy on the Supreme Court, a distinguished career in private practice and at the Department of Justice, and more than a decade of service on the U.S. Court of Appeals for the Tenth Circuit.

Even among his many talented colleagues on the Federal bench, his opinions consistently stand out for their clarity, thoughtfulness, and airtight reasoning. In the words of one of his colleagues appointed by President Carter, Judge Gorsuch “writes opinions in a unique style that has more verve and vitality than any other judge I study on a regular basis.” He continued: “Judge Gorsuch listens well and decides justly. His dissents are instructive rather than vitriolic. In sum, I think he is an excellent judicial craftsman.”

This view of Judge Gorsuch’s capabilities is broadly shared across a wide swath of legal observers. Consider some other descriptions of his qualifications from outlets that could hardly be considered conservative. The New York Times reported on his “credentials and erudition.” The Los Angeles Times called him a “highly regarded . . . jurist,” and ABC News described how “in legal circles, he’s considered a gifted writer.”

I think there can be no doubt that Judge Gorsuch has the credentials to make him a capable and effective member of the U.S. Supreme Court. Nevertheless, I have long held that a nominee’s resume alone—no matter how sterling—should not be considered sufficient evidence to merit confirmation to the Supreme Court. Rather, we should also consider a nominee’s judicial philosophy. In this analysis, Judge Gorsuch has developed a record that should command ironclad confidence in his understanding of the proper role of a judge under the Constitution.

Judge Gorsuch’s opinions and writings show a clear fidelity to a judge’s proper role. While his body of work is replete with examples of this fidelity, I want to point to one example in particular, a lecture he delivered last year in the wake of Justice Scalia’s death that is one of the most thoughtful and persuasive cases for the proper role of a judge that I have ever read. In it, he affirmed his allegiance to the traditional account of the judicial role championed by Justice Scalia, which he described as such:

The great project of Justice Scalia’s career was to remind us of the differences between judges and legislators. To remind us that legislators may appeal to their own moral convictions and to claims about social utility to reshape the law as they think it should be in the future. But that judges should do none of these things in a democratic society. That judges should instead strive (if humanly and so imperfectly) to apply the law as it is, focusing backward, not forward, and looking to text, structure, and

history to decide what a reasonable reader at the time of the events in question would have understood the law to be—not to decide cases based on their own moral convictions or the policy consequences they believe might serve society best.

As Justice Scalia put it, “If you are going to be a good and faithful judge, you have to resign yourself to the fact that you’re not always going to like the conclusions you reach. If you like them all the time, you are probably doing something wrong.”

This is exactly the kind of judicial philosophy we need our judges to espouse, and Neil Gorsuch is exactly the man to embody it on the Supreme Court. If there is one line in that lecture to which I could draw attention, it is the quotation of Justice Scalia’s formulation of the very basic notion that a good judge will oftentimes reach outcomes that he does not personally agree with as a matter of policy. Such a notion should be uncontroversial.

Indeed, many of Justice Scalia’s brightest opinions came in cases in which I suspect he would have voted differently as a legislator than as a judge. Yet such a concept might seem wholly foreign to a casual observer of media coverage of the Supreme Court, in which cases are invariably viewed through a political lens. Decisions and Justices are regularly described as liberal or conservative, with little attention paid to rationale and methodology, the matters properly at the core of a judge’s work. This phenomenon reflects a regrettable dynamic observed by Justice Scalia himself. As the late Justice observed, when judges substitute their personal policy preferences for the fixed and discernible meaning of the law, the selection of judges—in particular, the selection of Supreme Court Justices—becomes what he called a mini-plebiscite on the meaning of the Constitution and laws of this country. Put another way, if judges are empowered to rewrite the laws as they please, the judicial appointment process becomes a matter of selecting life-tenured legislators practically immune from any accountability whatsoever.

If we value such a system of judicial review, a system deeply at odds with the Constitution’s concept of the judiciary, then one can easily see why judicial selection becomes a matter of producing particular policy outcomes. Thus, it is easy to see why many on the left who believe in such a system demand litmus tests on hot-button policy issues. To them, a judge is not fit to serve unless they rule in a way that produces a particular policy. Simply put, this is a terrible way to approach judicial selection. It undermines the Constitution and all of the crucial principles that it enshrines from the rule of law to the notion that our government’s legitimacy depends on the consent of the government.

A good judge is not one that we can depend on to produce particular policy outcomes. A good judge is one we can

depend on to produce the outcomes commanded by the law and the Constitution. Neil Gorsuch has firmly established himself as that kind of a judge. In Neil Gorsuch’s America, the laws that bind us are made by the people’s elected representatives, not unelected, unaccountable judges. In Neil Gorsuch’s America, the powers and limits of each branch of government are decided by the Constitution, no matter whether their enforcement produces a liberal or conservative outcome. In Neil Gorsuch’s America, the basic freedoms of the American people enumerated in the Bill of Rights are carefully protected, whether they are in fashion lately with the left, the right, both or neither. In Neil Gorsuch’s America, the views that matter are yours and mine, not those of a handful of lawyers in black robes in Washington.

For these reasons, I applaud the President for his absolutely stellar choice. Judge Gorsuch will do us proud as our next Supreme Court Justice. I will do everything in my power to ensure his confirmation. I will have more to say on this in the future, but I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Hawaii.

Ms. HIRONO. Mr. President, it hasn’t even been 2 weeks, and President Trump has already demonstrated that he has little tolerance for independent thinking and dissent. He has his own version of reality, which is why his administration resorts to alternative facts.

When the media accurately reported how small the crowd was at his inauguration, he presented us with alternative facts. When the media pointed out he lost the popular vote by the largest margin of any President, he boldly proclaimed, without any evidence, that 3 to 5 million people voted illegally. Many consider this whopper as a cynical way to encourage more States to pass voter suppression laws justified by the bogus claim of widespread voter fraud.

Just 2 days ago, the President again showed the American people how intolerant he is of principled dissent when he fired acting Attorney General Sally Yates after she refused to enforce or defend his totally unjustifiable, kneejerk, and probably unconstitutional Executive order on Muslim immigration.

By firing Sally Yates, the President demonstrated once again that he values loyalty to himself above service to the American people and adherence to the Constitution. This is particularly disturbing as we begin to consider the President’s nomination of Judge Neil Gorsuch to sit on the Supreme Court.

I am only beginning to scrutinize Judge Gorsuch’s record, but I am very concerned that he will be a rubberstamp for President Trump’s radical agenda. You don’t have to take my word for it. You only have to listen to what the President has been saying

over the past 2 years. In June 2015, then-Candidate Trump told CNN's Jake Tapper that he would apply a pro-life litmus test for his nominees to the Supreme Court. He did it again at a press conference last March, during the third Presidential debate, and shortly after his election.

This isn't the only litmus test President Trump promised to apply. In February 2016, President Trump committed to appointing a Justice who would allow businesses and individuals to deny women access to health care on the basis of so-called religious freedom. In February 2016, President Trump told Joe Scarborough he would make upholding the Heller decision on guns another litmus test for his Supreme Court nominee. Like tens of millions of Americans, I am deeply concerned that President Trump applied each of these tests before he nominated Judge Gorsuch to the Supreme Court.

In the weeks and months ahead, I will carefully and extensively scrutinize Judge Gorsuch's record. I will question him on his judicial philosophy and how he interprets the Constitution. I will insist he clarify his position on a woman's constitutionally protected right to choose, on voting rights, and the appropriate balance between corporate interests and individual rights. I will do my job as a United States Senator. The American people deserve nothing less from each of us.

I yield the floor.

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

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

STREAM BUFFER RULE

Mr. MCCONNELL. Mr. President, for the last 8 years, the Obama administration has pushed through a number of harmful regulations that circumvent Congress, slow growth, shift power away from State and local governments toward Washington, and kill a lot of jobs. Even on the way out the door, the former administration's regulatory onslaught continued as they pushed through more midnight regulations. These nearly 40 major regulations, which were pushed through by the Obama administration since election day, would cost Americans a projected \$157 billion, according to one report.

Fortunately, with a new President, we now have the opportunity to give the American people relief and our economy a boost. One of the most important tools we have is the Congressional Review Act, which allows Congress to provide relief from heavy-handed regulations that hold our country back.

The House just took an important step by sending us two pieces of legisla-

tion that will reassert congressional authority and make a real impact for the American people.

One of those resolutions will address a regulation that puts U.S. companies at a competitive disadvantage to private and foreign companies. Passing this resolution will allow the SEC to go back to the drawing board so that we can promote transparency, which is something we all want, but to do so without giving giant foreign conglomerates a leg up over American workers. We will take it up soon.

The other resolution, which we will take up first, will address an eleventh-hour parting salvo in the Obama administration's war on coal families that could threaten one-third of America's coal-mining jobs. It is identical to the legislation I introduced this week and is a continuation of my efforts to push back against the former administration's attack on coal communities.

Appalachian coal miners, like those in my home State of Kentucky, need relief right now. That is why groups like the Kentucky Coal Association, the United Mine Workers Association, and 14 State attorneys general, among others, have all joined together in a call to overturn this regulation.

The Senate should approve this resolution without delay and send it to the President's desk. The sooner we do, the sooner we can begin undoing the job-killing policies associated with the stream buffer rule. This is not a partisan issue; this is about bringing relief to those who need it and protecting jobs across our country. I hope our friends across the aisle will support our Nation's coal miners and join me in advancing this resolution.

After we address these regulations, both the House and the Senate will continue working to advance several other CRA resolutions that can bring the American people relief.

MOTION TO PROCEED TO LEGISLATIVE SESSION

Mr. MCCONNELL. Mr. President, I now move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. MCCONNELL. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

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

The result was announced—yeas 55, nays 42, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—55

Alexander	Flake	Murkowski
Barrasso	Gardner	Paul
Blunt	Graham	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Cochran	Hoeben	Rubio
Collins	Inhofe	Sasse
Corker	Isakson	Scott
Cornyn	Johnson	Shelby
Cotton	Kennedy	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McCaskill	Young
Ernst	McConnell	
Fischer	Moran	

NAYS—42

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

NOT VOTING—3

Coons Durbin Sessions

The motion was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The majority leader.

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.J. Res. 38.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.J. Res. 38, a joint resolution disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Delaware (Mr. COONS) and the Senator from Illinois (Mr. DURBIN) are necessarily absent.

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—56

Alexander	Blunt	Burr
Barrasso	Boozman	Capito