

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 Pro-

ocol 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,