our families and for people around the world to enjoy, and, frankly, to bring us together as family and friends.

As the National Park System begins its second century this year, we have seen record visitation, with 331 million visits in 2016, but record visitation also brings additional strain to our national parks and strain to our infrastructure.

I am hopeful that with the adoption of this resolution, we can all be reminded of the importance of continued investment in our national parks to ensure their legacy truly endures for our children, grandchildren, and for generations to come.

Mr. President, as in legislative session, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 117, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 117) designating the week of April 15, 2017, through April 23, 2017, as ''National Park Week.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. DAINES. Mr. President, I 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. 117) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE CALENDAR—Continued

Ms. STABENOW. Mr. President, I rise this evening to talk about an issue that will affect families all across Michigan, which is the nomination of Judge Gorsuch to the Supreme Court. He has a long record of siding with special interests and institutions instead of hard-working Americans, and this is of great concern to me. That matters.

I am concerned with his rulings that fail to protect children and students with disabilities in schools, and I am worried that he will limit access to critical healthcare for women and that he is not a mainstream candidate. I can't support a nominee whom I believe is disconnected from the challenges faced by families in Michigan and across America every day.

There is one important example which relates directly to someone from Michigan that Judge Gorsuch has ruled on. People from Michigan have been hurt by Judge Gorsuch's narrow judicial philosophy.

In 2009, a Michigan truckdriver named Alphonse Maddin was trying to complete a shipment driving all night, and his brakes froze in subzero temperatures—which we have. The heater in his cab broke as well. He called his company to report the issue and waited for help to arrive.

While he was waiting for hours in the freezing subzero temperatures, he realized he was having trouble breathing and his body was going numb. He called his company to report that he needed to get somewhere warm, but they told him he needed to either wait for the repair person, or drag his trailer even though the brakes were frozen. Worried he might freeze to death, he finally unhitched the trailer from his truck. Mr. Maddin drove off to seek help, returning in just 15 minutes with assistance. He did what any of us faced with a life-threatening situation would do.

A week later, Mr. Maddin was fired from his job, even though he was transparent in his actions and completed his delivery. He completed his delivery, despite the issues caused by his frozen brakes and the broken heater.

Two different entities within the Department of Labor ruled that what the trucking company did was illegal, and that Mr. Maddin was protected under Federal law because his life was in danger. Thankfully, a majority of the Tenth Circuit judges agreed. Judge Gorsuch, however, disagreed, arguing the law did not protect workers who drove away to avoid freezing to death.

According to Judge Gorsuch's interpretation, Mr. Maddin would have had to choose between his job and his life. What is deeply concerning to me is that when he was asked at his nomination hearing what he would have done, he said he really hadn't thought about it. Judges should think about what is happening to people in situations as they are ruling in a fair and impartial way. This does not look like the ruling of a mainstream nominee.

His rulings don't only affect Michigan workers. I am very concerned about Judge Gorsuch's rulings on legal protections for individuals with disabilities. We passed the Individuals with Disabilities Education Act to make sure that children with disabilities got the education they deserved, and that the education would be free and available to all children.

Luke, a young boy from Colorado with autism, was not able to receive the education he needed from his public school. His parents were able to enroll him in a private residential program specializing in children with autism that was more suitable for his needs so he could get what he needed for his development.

His parents applied to the school district for reimbursement, as was appropriate, but the school district refused. His parents went to court, and an administrative judge and a district judge both ruled that the school did not provide Luke with the necessary education to meet the needs that IDEA required. However, Judge Gorsuch ruled in favor of the school district, saying that all the school district had to do was provide an education that was more than just the bare minimum—just the bare minimum. He set a very low bar for Luke and for students like Luke, like my nephew Barry.

Just to show how disconnected Judge Gorsuch is from the lives of everyday Americans, look at the Supreme Court ruling which occurred at the same time as Judge Gorsuch's confirmation hearings. In a different case on the very same issue, the Supreme Court challenged and rejected the standard and interpretation that Judge Gorsuch believed should be provided for children and students with disabilities. They unanimously rejected the standard that he approved. This is not the view of a mainstream nominee. This is not the view of a mainstream nominee.

I am also deeply concerned about Judge Gorsuch's opinions and how they could affect women's access to healthcare. In the Tenth Circuit's Hobby Lobby decision, Judge Gorsuch endorsed the idea that corporations can deny their employees access to essential healthcare services, including birth control. His concurring opinion suggested that he supported the notion that for-profit corporations have the right to deny women insurance coverage or any form of contraception an employer disagrees with. This is both alarming and unacceptable. It once again shows how disconnected Judge Gorsuch is from what women in Michigan and around the country experience.

Judge Gorsuch did not recognize the impact of denying coverage to women employees and their families, and putting those decisions in the hands of their employers. Women in Michigan should not have to pay higher costs for healthcare than men, and they should not be denied essential healthcare services. These dangerous interpretations will continue to take us down a path of permitting and protecting discrimination by corporations and institutions over the rights of workers and consumers. Again, that is not a mainstream nominee.

When it comes to supporting women—not just in healthcare, but in the workplace—Judge Gorsuch has had some extremely troubling rulings. In 2003, a woman named Betty Pinkerton experienced several instances of disgusting sexual harassment from a male supervisor at the Colorado Department of Transportation. Every time she made it clear his comments were not acceptable in any way, they continued over the course of months.

She went to her office's civil rights staff and submitted a written complaint, and he was removed as her supervisor. She was fired about a week

later. She sued. But Judge Gorsuch upheld a ruling that claimed she waited too long—she waited too long to report harassment—and believed that Pinkerton's firing was performance based—How often do we hear that in these situations?—despite not being able to produce any real evidence that this was the case. He ruled that she couldn't go to trial and present her case in front of a jury.

So when it comes to protecting women in the workplace, we know that Judge Gorsuch has come up short. This is not a mainstream position and not acceptable, in my judgment, for any Supreme Court nominee, and not acceptable for what I want to see happen for the people in Michigan.

I wish to end my speech on the importance of consensus because that is what we should do here. That is how we get things done.

For decades, we have confirmed our Supreme Court nominees with consultation and consensus. We have said—and I think it is the right thing—that we should have to have more than just a simple majority to confirm judges to the highest Court in the land for a lifetime appointment. So it makes sense that we come together to do that. In fact, seven of the eight current U.S. Supreme Courts Justices on the bench today received 60 votes or more somewhere in their process—both President Bush's and President Obama's nominees, as well, those now on the Court.

President Clinton, President Bush, and President Obama talked to Senators from both parties about their picks to get input as to whom would likely be supported and not supported. This did not happen with Judge Gorsuch. President Trump had a list chosen by very narrow special interests and did not ask opinions of key people on our side of the aisle as to what would make sense to get the consensus to get 60 votes.

I do not believe Judge Gorsuch will be fair and impartial, giving a fair shot to the workers and families in Michigan as well as around the country. My test is very much about what is best for the people I represent in Michigan. Who will be fair and impartial and give them a fair shot?

Because I do not believe he can do that, I cannot support his nomination. He is not the right choice for this vacancy. We can come together. I urge my colleagues to go back to the drawing board and bring in a consensus mainstream nominee.

In the past, we have basically had a practical rule of saying if the nominee cannot get 60 votes, we change the nominee. We don't change the rules. It is extremely concerning that this would not be the approach at this time.

I urge that we come together, get a mainstream nominee, and be able to work together to get this done.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise this evening to speak about the nomination of Judge Gorsuch to be an Associate Justice of the U.S. Supreme Court.

Every Member of the United States Senate has an obligation to review this nomination thoroughly and to make a determination. I believe the advice and consent duty of a Senator—certainly in my case, when I make decisions about any judge for confirmation, but especially for the Supreme Court—has to be a decision grounded in a review of a number of considerations. I think they are generally the same no matter who the nominee is, but sometimes they can vary. I think in this case there are probably additional considerations that I weighed.

Of course, we want to look at the nominee's character and their integrity, certainly their judicial temperament. Someone can be very capable as a judge and very learned in the law, but they may not have the temperament or the integrity.

I don't think there is any question that there is nothing in the record that indicates that Judge Gorsuch doesn't have the experience or the character and integrity to do this job, and to do it with the kind of temperament we have the right to expect from any judge.

I also believe at the same time, though, that you have to do a review of the cases decided by the nominee—in this case, a judge on the Tenth Circuit Court of Appeals, a very similar kind of job to that which the Supreme Court Justice does. You are reviewing cases on appellate court. In Judge Gorsuch's case, it is the Tenth Circuit—not the Supreme Court, but still appellate court decisions.

Part of that inquiry I believe is a review of an assessment, really, of this individual's judicial philosophy. That is where I will spend most of my time tonight. I will also talk about the rule change that might be upon us.

While reading Judge Gorsuch's opinions, I developed very serious concerns about his rigid judicial philosophy. Judge Gorsuch's opinions indicated, in my judgment, an extremely conservative judicial approach. This leads him to come down disproportionately on the side of powerful interests, against workers in many cases, and consumers in other cases—a cause for particular concern at a time when the Supreme Court itself, under Chief Justice Roberts, has become an ever more reliable ally to big corporations.

A major study published by the Minnesota Law Review in 2013, found that the four conservative Justices currently sitting on the Court are among the six most business friendly Supreme Court Justices since 1946. A review by the Constitutional Accountability Center shows the consequences of the Court's corporate tilt, finding that the national Chamber of Commerce has had a success rate of 69 percent in cases before the Roberts Court, a significant increase over previous courts. These are cases of serious importance to everyday Americans—cases involving rules for consumer contracts, challenges to regulations, ensuring fair play in labor standards, and attempts by consumers to hold companies accountable for product safety and much more.

Another concern I have about his nomination is that at some point in the campaign of last year, the Republican nominee was given a list of names from which he should choose, were he to be elected President. I would hope that there would be a list of names that any President would consider beyond what we are told in published reports was just 21 names, developed by organizations on the far right. And that fact alone causes me great concern—that the President is permitted, according to this arrangement, this understanding, only to consider a list of 21 names that those organizations developed.

The record of this judge indicates also that he would only exacerbate the problem that I pointed to with regard to the corporate tilt of the current Roberts Court. In my judgment, by doing so, it would further stack the deck against ordinary workers and families. It starts with his basic judicial philosophy. He employs the narrowest possible reading of Federal law and shows extreme skepticism—even hostility—toward executive agencies or what some might call administrative agencies, agencies that carry out the law in areas like labor or consumer protections and the like.

Many have expressed concerns about his opinion in the Hobby Lobby case, where Judge Gorsuch endorsed the idea that owners of for-profit corporations can assert corporate religious liberty rights, opening the door potentially to widespread discrimination against LGBT Americans and other Americans as well. But a variety of other cases are equally illustrative of Judge Gorsuch's troubling approach to the law.

I will give you just a few examples. One case involved the tragic death of a trench hand who was electrocuted while working as part of an excavation crew. The court reviewed a ruling by the Department of Labor, punishing the mining company for failing to provide proper safety training to the worker. Judge Gorsuch mocked the Department of Labor's ruling as nothing more than a ''Delphic declaration'' devoid of necessary proof, and he concluded that the agency was wrong to penalize the company following the worker's death. Fortunately, a majority of the Tenth Circuit disagreed and affirmed the Department of Labor's ruling.

Another case involved a truckdriver who was stranded on the side of the road at night in subzero temperatures, with the brakes on his trailer frozen and the heater in his cab broken. He called dispatch for help multiple times, but after hours of waiting in the freezing cold, this truckdriver was having

trouble breathing, and his torso and his feet were numb. Worried about his safety, he unhitched his trailer, drove the truck away, and then later the company fired him for abandoning the trailer.

Three different authorities within the Department of Labor ruled against the company. Judge Gorsuch disagreed, parsing a Federal statute to argue that the driver was not protected in his decision to drive away, despite the risk of freezing to death if he stayed put. Again, fortunately, the majority of the Tenth Circuit Court disagreed, describing the judge's labored interpretation of the statute as ''curious,'' and ruling in favor of the truckdriver.

I have a basic disagreement with Judge Gorsuch's rulings regarding the legal protections for individuals with disabilities, especially students with disabilities. In one case, he ruled against parents who believed their autistic child was not receiving an adequate education at his public school. A hearing officer, an administrative law judge, and a U.S. district court all found in favor of the family, ruling that they were entitled to reimbursement for tuition at a residential program tailored for children with autism.

Judge Gorsuch reversed the rulings and, instead, articulated an extremely narrow interpretation of Federal law—this particular Federal law that protects students with disabilities, the IDEA law, the Individuals with Disabilities Education Act.

In 2004, Congress amended the IDEA, in part, based upon findings that its implications have been ''impeded by low expectations.'' Nevertheless, Judge Gorsuch ruled that because the student in this case made some progress in public school, even though he could not generalize his learning to settings outside of school—which is the goal of the Individuals with Disabilities Education Act—the family, the judge believed, was not entitled to tuition reimbursement. That decision happened a number years ago.

It just so happens that the U.S. Supreme Court, the current Court with only 8 members, voted 8 to 0 against the basic position that Judge Gorsuch had in that education case—a different case but the same question about what is the duty owed by a school district to a child with a disability. That ruling happened to be announced during the week that Judge Gorsuch was in front of the Judiciary Committee—in fact, on one of the very days he was in front of the committee. A unanimous Court disagreed with his approach to those kinds of cases involving children with disabilities in a public school.

These cases and others are illustrative of a broader trend in the judge's jurisprudence, whether it is a case involving an employee seeking redress for work place discrimination, hospital staff fighting for back pay after an unlawful reduction in the work hours, or a victim of improper conduct by a medical device company looking for justice. Judge Gorsuch's approach produces rulings disconnected from the lived experience of those they impact.

Therefore, after review of many of his cases, after consideration of his judicial philosophy, and after a review, as well, of the current state of this Court—especially the corporate tilt of this current Roberts Court—I have concluded that I could not support Judge Gorsuch's nomination to the Supreme Court.

I wanted to add some comments before concluding tonight about what this vote may mean to the Senate and the rules of the Senate. It is my belief—others, of course, disagree—but it is my belief that if you seek to become an Associate Justice on the most powerful Court in the world, you ought to be able to garner the support of at least 60 members of the U.S. Senate. If your nomination to the Court is the subject of such consensus, you ought to be able to get 60 votes in the U.S. Senate. If both your nomination and your judicial philosophy is seen as such a mainstream nomination, you ought to be able to get 60 votes. Despite that, it is a point in time when we are having a debate about how we arrived at this question of a potential change in the rules. I believe that the reason we got here is because of substantial and unyielding obstruction by Republicans in the U.S. Senate over a number of years.

Just consider this: From the founding of our Nation, through President Obama's first term when Senate Republicans were in the minority, cloture—the motion to cut off debate and proceed to a final vote—has been filed in a total of just 147 nominations. Just 147 times in the total history of the U.S. Senate, the minority forced the majority to file cloture. Of all the Presidents before President Obama combined, cloture needed to be filed only on 68 of these nominations, but in President Obama's first term before Republicans took the majority of the Senate, Republicans refused to consent to votes and forced the Democratic leader to file cloture on 79 nominations—over 50 percent of all the cloture motions ever filed on nominations in the history of the U.S. Senate. So half of those cloture petitions were filed just in the last couple of years. That doesn't even include what I think was an outrageous obstruction that continued once Republicans took the majority, culminating, of course, in their refusal to consider Judge Merrick Garland's nomination. So Judge Garland, of the District of Columbia Circuit, the chief judge who had great support, I think, on both sides of the aisle—Judge Garland had maybe a few meetings, no vote, and not even a hearing before the Judiciary Committee.

According to the Congressional Research Service, President Obama is the only one of the five most recent Presidents whose first term was marked by nominations that languished for over half a year on average. Also in his first term, he was the only President of the previous five under whom the district court vacancies increased, unaccompanied by the creation of new judgeships to meet the demand. In fact, President Obama's district court nominees, during his first term, waited an average of 60 days longer for confirmation than those of President George W. Bush.

I think the evidence is overwhelming. Senate Republicans' obstruction of judicial nominations reached historic levels under President Obama. So we are here at this point, and we have to make a decision. My vote will be to insist on 60 votes; therefore, I will be voting no on cloture and also voting no on the nomination of Judge Gorsuch.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I come to the floor to join my colleagues in speaking on the nomination of Judge Neil Gorsuch to serve as an Associate Justice on the Supreme Court. As you know, Senators have a solemn obligation to advise and consent on a President's nominee for the Supreme Court, and I take that obligation very seriously.

My goal during the hearing as a member of the committee was to understand the judge's view on the law, his judicial record, and his philosophy. We needed to know what kind of Justice he would be and what that would mean for Americans.

Although many cases decided by the lower courts are less complicated, even though some of them are complicated, many of them are more straightforward than the ones that come before the Supreme Court. The cases that go before the Supreme Court are the hardest cases. They involve the most complicated legal gray areas.

I have heard my colleagues many times talk about some of the unanimous decisions that the judge was involved in. I know that. But when I look at the kinds of cases that come before the Supreme Court, those are different kinds of cases. As I looked over the judge's record, I tried to focus on situations where he faced hard cases like those he might decide as a Supreme Court Justice. In my mind, the question was this: What would Judge Gorsuch do if he were appointed to the Supreme Court? What kind of philosophy would he have?

In difficult cases, one judicial approach is to try to find consensus by ruling on the narrowest possible grounds. Judge Merrick Garland, who was nominated last year, was known and praised for that approach by Senators on both sides of the aisle.

Congress actually provides a helpful analogy. When Democrats and Republicans pass legislation, we try to find common ground. We often have different views, but we do find areas of consensus. Sometimes that ground is narrow, but we can find agreement and then come together.

In reviewing the judge's record, I saw that he often took a different approach, one where he often tried to go a step further than the consensus opinion, sometimes really further than the consensus opinion by suggesting a provocative change in the law or by making a broader ideological leap, which I felt was not consistent with the precedent and was not consistent with the kind of philosophy of a judge that, regardless of their political beliefs—I did not expect to agree with everything he said or how he answered the questions, but what I saw was a strikingly different philosophy.

Many of the judge's opinions presented opportunities for narrow judicial consensus, but the judge decided more than the case in front of him. That is what concerns me if he were to be confirmed to the Supreme Court, where he would have to decide the toughest cases and hardest legal questions facing our country.

So after thorough examination and consideration of his answers and the record, I have decided not to vote in favor of the judge's nomination. His judicial approach and his record on critical cases, including the rights of children with disabilities, campaign finance, and preserving health and safety protections, have led me to conclude that I cannot support his nomination to the Supreme Court.

Let me make this clear. Again, I did not expect to agree with every opinion he wrote or everything he said. I certainly did appreciate the introductions of the Presiding Officer, as well as Senator BENNET, and the support he had from Colorado. That meant something to me. But then when I looked at the record, what I saw time and time again was a judge who clearly demonstrated the contrast between a narrow consensus-based approach and a more far-reaching one.

One area where the judge has gone further to issue broad rulings that would have profound consequences on people's lives is in the case he decided on children with disabilities. During the hearing, because this case had been decided by the Supreme Court right before I got to ask questions, I asked a lot of questions about this case on the IDEA, also known as the Individuals With Disabilities Education Act.

The IDEA was passed to ensure that students with the disabilities are supported in school. In my State, 124,000 children rely on this critical protection. I occupy the Senate seat once held by Minnesota's own Hubert Humphrey—someone who, of course, was never at a loss for words. In fact, this very desk that I am standing behind was the desk Hubert Humphrey signed and used. He delivered a speech 40 years ago, and one line of that speech is just as appropriate today as it was back then.

He said: ''The moral test of government is how that government treats those who are in the dawn of life: the children; those who are in the twilight of life: the elderly; and those who are in the shadows of life: the needy, the sick, and the disabled.''

The Supreme Court has honored that principle. On the day of the judge's hearing, the Supreme Court, in an 8-to-0 unanimous decision, ruled against the narrow interpretation of the IDEA embraced by Judge Gorsuch—an interpretation that limited the educational opportunities of children with disabilities. I could not agree with the 8-to-0 decision more.

All children, particularly those with disabilities, deserve the tools they need to succeed in life, and every Justice on the Supreme Court has a duty to protect these kids. So when the Supreme Court ruled that morning and overturned the standard that the judge had embraced in this Tenth Circuit case, I asked him about his ''merely more than de minimus'' standard that he wrote into that opinion back in 2006.

In explaining his ruling, the judge said that he was bound by precedent to use the narrow standard that he used in that case. He cited a 1996 case from the Tenth Circuit—his circuit—that he said he was bound to follow. Now, he was not on the court back in 1996, but when he did the case in 2006, he used that 1996 case. So I looked at that case.

During the hearing and at the Judiciary Committee business meeting earlier this week, my Republican colleagues repeated those words. They said that the judge was bound by precedent to use his narrow, ''merely more than de minimus'' standard that had, in fact, been rejected by the Supreme Court just this past month. So I looked to see if, in fact, that was true. Was he truly bound by precedent? That is pretty important to me. There have been a number of decisions where he has gone much further than he needed to, where he, in my mind, has abandoned precedent.

I thought, well, here we have a case that is fresh, right before us, and he has said that he was simply following the precedent, that he had no choice at all. Here is what I found: While the 1996 case made a number of findings and concluded that the school district satisfied the requirement in the IDEA statute of providing an appropriate education, the case never actually turned on the standard that the judge said he was bound by, that the judge said was precedent. Here is why: The 1996 case only mentioned the de minimus standard once. It was a passing reference. Even in that mention, the de minimus language is from a different circuit; it was from the Third Circuit.

In that 1996 case that he claimed he was bound by and that my Republican colleagues keep mentioning that he was bound by, there is no discussion about whether the benefits provided to the high school student satisfied that standard. The case simply did not turn on the de minimus language. I know this seems in the weeds, but the court in 1996 never relied on the de minimus standard to reach the result that it did.

Was that enough? No. In the one passing mention in the 1996 case, which was not binding, the language actually says ''more than de minimus,'' but the judge went out of his way to add the word ''merely'' to that standard, which had never even been in the case that was not binding on him to begin with. So he changed it and said ''merely more than de minimus,'' that that is all the kind of education a kid with disabilities in that school district in Colorado would have to get. This is like if you say more than empty—the gas tank is more than empty, which means it could be a lot more than empty. Adding ''merely'' puts it closer to empty. You just say it is merely more than empty. The addition of a single word made it more difficult for children with disabilities to get help at school.

That is why it is hard for me to understand why the judge said that the ''merely more than de minimus'' standard was binding on him when he wrote that opinion in 2006. It was not. He added the word ''merely,'' and then he used a standard that did not even decide that 1996 case; that was from a different circuit.

When interpreting the IDEA, the judge once again went a step further instead of deciding the case on a narrow ground. That matters because decisions like this have a dramatic impact on the lives of children and families, which is exactly what Justice Roberts noted when he wrote the opinion 8-to-0 rejecting the standard that Judge Gorsuch had used.

I have heard from families in my State, and so many of them tell me how IDEA has made a real difference for them.

My mom taught second grade in the Minnesota Public Schools until she was 70 years old. I know from her how much she worked with those kids with disabilities and how much she cared about them.

Here is an example I just learned about from my State. A mom from Watertown, MN, told me about her son, who was born with Down syndrome. She is so thankful for IDEA because its protections ensures that he can have everyday life experiences. IDEA allows her son to be fully integrated with the rest of the students in his school. As a result, he has made many friends and built a strong social network. When she asks her son whether he likes school, he always says, in a resounding voice: Yes. Those are the stakes of this legal debate.

Second, I wanted to focus on campaign finance. In my view, one of the most troubling court decisions in recent years is Citizens United. Since Citizens United, dark money has been spent in extraordinary sums, adding up to an estimated $800 million in just the past 6 years. This continues to have an outsized influence on our politics, distorting our representative democracy and hurting, in my mind, campaigns on both sides of the aisle.

How does this apply to the judge? It applies to the judge because of an opinion he wrote that is very relevant to this area of the law. That case, which is called Riddle v. Hickenlooper, is a narrow case about how campaign finance laws apply to certain kinds of contributions in Colorado, about if they are a major party or not major party.

The judge again decided that a narrow consensus decision was not enough. It was part of that decision, but then he went out of his way to write a separate concurring opinion to suggest that the court should, in fact, apply strict scrutiny to laws restricting campaign contributions. If the Supreme Court adopted the approach in the judge's opinion, it would compromise the few remaining campaign finance protections that are still on the books, and it would make it even more difficult for Congress to pass future reforms.

The notion that Congress has little or no role in setting reasonable campaign finance is in direct contradiction with where the American people are. In recent polls, over three-quarters of Americans have said that we need sweeping new laws to reduce the influence of money in politics. While polls may not be a judge's problem and should not be a judge's problem, democracy is. When unlimited, undisclosed money floods our campaigns, it drowns out the people's voices, and it undermines our elections and shakes the public's trust in the process.

My colleagues and I repeatedly asked the judge about his views on campaign finance laws and public disclosure requirements. He declined to tell us what the proper legal standard would be for evaluating campaign finance laws. He also would not give us a real sense of his views on public disclosure of campaign contributions, although a majority of current Justices support this.

During our exchange on campaign finance, I was reminded of Justice Scalia's support for greater public disclosure and his comments on that topic. Justice Scalia said:

> Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed. For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns anonymously and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave.

The most striking example of a judge choosing not to decide a case narrowly based on the facts was the one last year in which he wrote the opinion and then wrote a concurrence to his own opinion. As I noted at the Judiciary hearing, it is better to write a concurrence to your own opinion than write a dissent to our own opinion. But still he felt compelled to write a concurrence to what was an opinion that he wrote. Mostly, judges are happy when they get their peers to agree to a decision, but in this case, he went a step further.

In Gutierrez—the name of the case—the judge went beyond the facts to suggest overturning the long-established precedent of Chevron.

Chevron is a 33-year-old Supreme Court case that ensures that the most complex regulatory decisions are made by the experts who are best equipped to handle them, not by judges or lawyers without any relevant technical knowledge.

Justice Scalia again embraced the Chevron doctrine, and it has been used in more than 13,500 decisions. Chevron ensures that Federal health, safety, and education rules stay on the books. These rules protect everyone, from the hard-earned pension of an hourly Minnesota grocery store worker, to the clean water in our Great Lakes, to the difference between life and death for Minnesota iron ore workers.

The judge's approach would have titanic, real-world implications on the daily lives of Americans. When the judge wrote an opinion that suggested it might be time to ''face the behemoth,'' he suggested a change in the law that would jeopardize countless rules, compromise important protections, and create widespread uncertainty in our laws.

I asked the judge about the uncertainty that would result from overturning Chevron. I asked what he would replace it with. I didn't get a direct response. The judge even said that he ''didn't know what all the consequences would be'' and that he ''wasn't thinking about being a Supreme Court justice'' when he was writing the decision.

So what does all of this mean? It means that the judge has repeatedly gone beyond the facts of the case, issuing separate concurrences with far-reaching effects or, as in the disability decision, writing opinions with profound consequences.

When I read these opinions, I am reminded of Justice Byron White, who I know Judge Gorsuch clerked for and greatly admired. Justice White has been described by many as a Justice who was focused on deciding only the case in front of him. Here is a quote: ''Time and again, Justice White avoided broad, theoretical bases for a decision, when a narrow, fact-specific rationale would suffice.''

There is a reason we have judges to apply the law to the facts of a case. It is because answers aren't always as clear as we would like them to be, and sometimes there is more than one reasonable interpretation of the law. The cases that get to the Supreme Court are not the ones where everyone agreed at the lower court level. They are the really hard cases.

It is that discretion in making those decisions that makes it so critical that Justices interpret the law evenly, without fear or favor and with the humility to recognize the gravity of the office, to respect the role of the judiciary, and to understand the impact of their decisions on people's lives.

As I look back at the judge's record and his answers in the hearing, I am again reminded that it wasn't a law professor or a Federal jurist who was helped by a court's reliance on Chevron in interpreting a Labor Department rule. It was an hourly Minnesota grocery store worker who got to keep his hard-earned pension after the Eighth Circuit Court relied on Chevron.

When the Supreme Court stripped away the rules in the Citizens United case that opened the door to unlimited super PAC spending, it was not the campaign financiers or the ad men who get paid to write these ads who were hurt. It was the grandma in Lanesboro, MN, who actually thought it mattered when she sent her Senator a $10 campaign contribution.

When Chief Justice Roberts wrote the unanimous opinion just this past month, rejecting the ''merely more than de minimis'' standard that Judge Gorsuch had used to limit the help kids with disabilities can get at school, the Justice said: ''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.'' That is what the Supreme Court said about how the standard that Judge Gorsuch wrote in his opinion in the Tenth Circuit affected students with disabilities.

In the end, I believe we need Justices who understand that the law is more than a set of dusty books in the basement stacks of a law library. It is the bedrock of our society. Above all, we need Justices who understand and will uphold the motto on the Supreme Court building, to ensure all Americans achieve ''Equal Justice Under Law.''

That is why I won't be supporting the judge's nomination to be an Associate Justice of the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. SCHATZ. Mr. President, what is the purpose of the Senate? The authors of the Constitution laid the foundation of the Senate without really knowing what it would look like once it was standing. They knew it would rival and restrain the House of Representatives. After all, the Senate has a higher age requirement, Members serve 6-year terms, and they have to represent not just a district but an entire State. But it was clear from the beginning of the formation of the Senate that it would take time before the purpose of this body was truly realized.

For several decades in our Nation's history, it was the House of Representatives—not the Senate—that hosted the great debates and introduced major legislation. It wasn't until the Nation began to splinter in the shadow of slavery that the Senate came into its own. While the rules of the Senate gave us its basic structure, it was the Members of the Senate—the people who made up this body—who had to stand up and lead. We remember them today as lions

of the Senate: Daniel Webster, John Calhoun, and Henry Clay. This body owes its status to them and their leadership because they began to define the Senate in a way that no one had before.

Over time, this place became one that valued bipartisanship, deliberation, and compromise. It has become a Chamber that balances the right to debate with demands for action.

In some of the toughest moments in our history, the Members of the Senate have used this body to lead, particularly when the President has faltered.

Take President Nixon. The Watergate scandal had weakened the Presidency in ways that do-nothing Presidents never had. But the Senate, led by a Member of the President's own party, didn't stand by and watch the void, unmoved. They filled the vacuum for the good of the country.

It is this kind of history that has shaped the Senate into what it is today, a body that examines, considers, and protects.

Senator Byrd, the longest serving Senator in U.S. history once said: ''The Senate is a source of wisdom and judgment—both on the actions of the lower house and on the executive.''

That is what the Senate is for. That is our purpose. We achieve that purpose through customs and traditions; through members who serve 6-year terms and represent whole States; through rules that force bipartisanship, deliberation, and compromise.

Now the majority leader has placed one of those rules on the chopping block because they can't get to 60. He can't find the 60 votes needed to end debate on the President's nomination to the Supreme Court.

We shouldn't be surprised to find ourselves here because, after all, back in February, President Trump told the majority leader to change the rules if he had to. Now, as this administration closes in on its first 100 days without passing a single piece of major legislation, the Senate majority leader is ready to fulfill the President's request and change the rule, instead of changing the nominee.

The question I have for this body is this: Should we change the rules in order to give the President a win before spring break? Should we be weakening the Senate at a time when the executive branch is so weak? Isn't it our obligation to assert ourselves into this void, instead of receding from responsibility?

I can think of no instance in the history of any great legislative body in which a legislature decides to diminish its own power. This is beyond strange in the world's greatest deliberative body, in the world's most powerful legislative Chamber. For what good reason would we give up our own prerogatives?

This administration has been ineffective. Now the Senate majority leader is suggesting that the Senate respond to this executive weakness by weakening ourselves. This is wrong. The purpose of the Senate is achieved through bipartisanship, deliberation, and compromise. The 60-vote threshold for Supreme Court nominees preserves these ideals. Changing this rule will make it harder to get there.

Look at the House of Representatives. Look at the way the House Intelligence Committee has dissolved so quickly into partisanship, unable to do its job.

Look at the country. Look at the campaign last year. We are a country divided. Polarization is at an all-time high. Now is not the time to crush a cornerstone of the Senate's foundation.

I don't think this is inevitable. This is not unstoppable. This is up to all of us. It is up to the Members of the Senate to decide if we are going to damage the world's greatest deliberative body at a time when the country needs us the most.

The Senate has always been defined by its Members. The rules, the customs, and the traditions—they help. But at the end of the day, it is the Members of the Senate—like Calhoun, Webster, Clay, Kennedy, Inouye, HATCH, MCCAIN—who make the Senate relevant and necessary.

We are going to find out who we are, as Senators. I would ask that at a minimum, the Senate take its time on this decision. Don't rush. That is not who we are. That is not how we get to the best decisions. This is about the future of the Senate and the future of the Court. The nuclear option will mean nominees for the Supreme Court won't have to even meet with the minority party to be confirmed. It will mean that the Senate's habit of being slow—sometimes maddeningly slow—will go away. That tradition that allows the center to hold—not just in this Chamber but across the country—will be undermined.

So to my Republican colleagues, please take a few weeks before you decide to change the Senate forever. Take your time here. This is probably one of the most serious decisions that you are ever going to make as a Senator because it is about the Senate itself. This is worth talking about. This is worth deliberating over. It is worth thinking over.

Go home and talk to your constituents. If you want to do this, you have the votes. You can do this three Mondays from now, anytime you want. But for goodness sake, there is no harm in thinking about it. All we need are three members of the Republican Party to go to the majority leader—either publicly or privately—and say: Give us some time to find another way to do this. Otherwise, you will make the Supreme Court, this place, and this country more extreme and more divided. You will answer this difficult moment in history by weakening one of the last bastions of bipartisanship, and I believe you will regret it.

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

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

REMEMBERING DAN FAUSKE

Mr. SULLIVAN. Mr. President, for months, I have been coming down to the floor every week to recognize someone in my State who has made a difference to our communities in Alaska, someone who has devoted time and energy to making my State a better place to live. I call these individuals our Alaskan of the Week.

As I have said repeatedly to all of my colleagues and to those watching on TV, I am a little biased here, but I believe my State is the most beautiful in the country and, I would argue, in the world. I urge everybody in this room, everybody watching on TV, to come to see for yourself. Take a trip to Alaska. It will be the trip of a lifetime. I guarantee you.

It is the people who truly make my State unique, people who are helping each other, strong-willed, warmhearted, tenacious people who have worked tirelessly for years for all of those who live in Alaska.

This week I would like to honor Dan Fauske, one of the strongest willed, warmest hearted people I have ever known. All he has done for us has made Alaska a better place for literally thousands of people throughout our State.

Dan came to Alaska in 1974 after serving in the Army, as so many Alaskans do. Like so many Alaskans, he arrived with a glint of steel in his eye and a mission to help build our State. Alaska is full of natural wonders, but our manmade wonders are also marvels, and Dan wanted to be part of building more of those marvels for our State and for our country.

He first arrived in the North Slope Borough—the top of the world—to help the community build up their infrastructure and strengthen the Alaskan Native villages in the area. It was a time of enormous change for all of Alaska, particularly the North Slope. Oil from the North Slope Prudhoe Bay, the largest oilfield in North America, had recently begun to flow down the Trans-Alaska System for 800 miles. The largest land claims act in U.S. history, the Alaskan Native Claims Settlement Act, had recently passed, and the governments in rural Alaska were being formed and reformed to take advantage of these opportunities.

After Dan went back to school to receive a master's degree in business administration from Gonzaga, he made his way back to Alaska again to serve as chief financial officer and chief administrative officer for Alaska's North Slope Borough, where he launched an ambitious and ultimately successful capital plan to provide basic necessities that so many Americans take for granted, like running water and sewer,

those kinds of services, to the villages throughout the North Slope Borough, again, on the top of the world.

According to Bill Tracey, Sr., from Point Lay, which is one of the villages there, who was a coworker at the time, ''Dan's excellent work ethic and skills earned him the respect of the North Slope leaders. . . . His accomplishments were remarkable.''

With his beautiful and spirited wife Elaine always by his side, Dan then moved his family to Anchorage to head up the Alaska Housing Finance Corporation. For 18 years, he managed HFC's nearly $5 billion in assets. It is not an overstatement to say that he revolutionized that agency, doing remarkable things, including and most importantly helping thousands of Alaskans—thousands of our constituents, our fellow Alaskans—pursue their dream of buying an affordable home. There is nothing more important than that.

The Alaska Legislature just passed a bill to name the Alaska Housing Finance Corporation the Daniel R. Fauske Building, and the dedication ceremony will take place in Anchorage on Saturday.

As his bio indicates, there is no doubt that for decades Dan Fauske served Alaska with his hands, his heart, and with his head. But a bio on paper can only tell you so much about a person; to really appreciate him, you would have to have been with him and watched the energy and can-do spirit radiate from Dan Fauske. You had to watch him talk to people with respect and humor and understanding and a very keen intelligence. He had a big laugh—a very big laugh—and he told great stories. He also had that rare ability to genuinely connect with everybody he met, it didn't matter who. He was able to speak the language of a businessman, a builder, a veteran, a public servant. He spoke the language of a father, a husband, a friend, and a true Alaskan. In doing so, he gained the respect of everybody, and I mean everybody, in my State—politicians, State workers, military members, people from all across Alaska, people from all across the political spectrum. If you wanted something done and if you wanted it done right in Alaska, you asked Dan Fauske to help you do it. People trusted him. I trusted him.

Most importantly, Dan was a great father to three great boys, D.J., Scott, and Brad, and two daughters, Marcy and Kathy, and he was a great husband to his incredible, vivacious, and very strong wife Elaine.

Mr. President, Dan Fauske passed away this afternoon with his family and friends by his side. Our prayers and the prayers of so many Alaskans go out to all of them during this very difficult time. For anyone watching, I humbly ask that you say a prayer too.

For all he has done for all of us, all his memory will continue to do for all of us, Dan Fauske is our Alaskan of the Week. He was also my very good friend. My wife Julie and I will miss him greatly.

I yield the floor.

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

LEGISLATIVE SESSION

Mr. GARDNER. Mr. President, I ask unanimous consent to proceed to legislative session.

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

MORNING BUSINESS

CONGRESS WEEK

Mr. MCCONNELL. Mr. President, I wish to recognize that, 228 years ago this week, Congress achieved its first quorum. The House of Representatives attained its quorum on April 1, 1789, and the Senate reached that goal on April 6, 1789. The Association of Centers for the Study of Congress celebrates this anniversary by observing Congress Week, an annual weeklong event that highlights the resources available for the study of Congress and features commemorative events at member institutions across the country.

The Association of Centers for the Study of Congress is composed of more than 40 universities and historical societies, including the McConnell Center at the University of Louisville, that work to preserve the historical collections of Members of Congress and encourage their use for educational purposes. The organization's goal is to promote public understanding of the legislative process by focusing on the history of the Senate and the House representatives and Congress's role in our constitutional system of government.

Congress Week is designed to spark a closer examination of the first branch of government, to encourage schools to develop programs to highlight the work of Congress, and to stimulate more scholarly research into Congress and its history.

Emphasizing the historical importance of Members' records, H. Con. Res. 307 was passed unanimously in 2008. This resolution recommends that Members' records be properly maintained, that each Member take all necessary measures to manage and preserve them, that they arrange for the deposit or donation of their records with a research institution that is properly equipped to care for them, and that they make them available for educational purposes at an appropriate time. Members of Congress are responsible for preserving their own records of public service.

Members' collections are essential for public understanding of the vital role that Congress plays in our democracy. As primary source materials, they contain the most authentic record of cause and effect of what happened and why. Their study leads to greater understanding of the issues we have faced and how they were resolved.

As Senate majority leader, I encourage my colleagues to follow the advice of H. Con. Res. 307, to preserve the records of your service, both paper and digital, so that the full history of the Senate may be appreciated and understood. Last year, when we observed Congress Week 2016, our President pro tempore, Senator HATCH, stated ''Serving as a member of the world's greatest deliberative body is no small honor; it is a tremendous privilege that none of us should take for granted. The American people have placed their confidence in our ability to effect meaningful change for the good of the country. May we honor this sacred trust by keeping detailed archives of the work we do here.''

I join my esteemed colleague in that sentiment and also ask my colleagues to preserve their archival legacy.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mr. GRASSLEY. Mr. President, millions of Americans and thousands of Iowans annually fall victim to senseless acts of crime. In their honor and in honor of the thousands of advocates, first responders, crisis hotline volunteers, and others who work tirelessly on their behalf, I introduced a resolution to commemorate National Crime Victims' Rights Week.

I thank Senators LEAHY, CRAPO, and FEINSTEIN for joining me as cosponsors of this important resolution. In 2017, National Crime Victims' Rights Week takes place from April 2 through April 8. We have commemorated the week every April since 1981.

Here in Washington, DC, and across the Nation, activities are being organized to highlight and promote this year's theme: ''Strength. Resilience. Justice.'' The theme for 2017 recognizes the strength of individual victims. It highlights the resilience of survivors as well as the victim assistance organizations who support survivors in their efforts to heal. And it reflects the importance of securing justice for crime victims.

During this week, we also highlight the contributions of the crisis hotline volunteers and staff, victims' rights attorneys, advocates, sexual assault nurse examiners, police officers, and other emergency responders who provide critical assistance to survivors of crime in communities across the United States. On Friday, several of these individuals will receive awards during a ceremony hosted by the Office for Victims of Crime at the U.S. Department of Justice. I extend my gratitude to those award recipients for their work to assist victims of crime.

Many of us in this Chamber have championed landmark legislation to enhance the rights of crime victims. For example, I was an original cosponsor of the 1984 Victims of Crime Act,